



# Contract Award Notification

<b>Title:</b>	<b>Group 76000 - Microsoft Reseller Agreement</b>
<b>Award Number:</b>	<a href="#"><u>22722</u></a>
<b>Contract Period:</b>	<b>July 1, 2013 through June 30, 2016 with the option for two 1-year extensions</b>
<b>Bid Opening Date:</b>	<b>June 18, 2013</b>
<b>Date of Issue:</b>	<b>July 1, 2013 (Revised November 18, 2015)</b>
<b>Contractor Information:</b>	<b>Begins on Page 2 of this Award</b>

## Address Inquiries To:

State Agencies & Vendors		Political Subdivisions & Others	
Name :	Ann Fisher Contract Management Specialist	<b>Procurement Services Customer Services</b>	
Phone :	518-486-1430	Phone :	518-474-6717
E-mail :	Ann.fisher@ogs.ny.gov	Fax :	518-474-2437
		E-mail :	customer.services@ogs.ny.gov

**Procurement Services values your input.  
Complete and return "Contract Performance Report" at end of document.**

## Description

This award establishes the Microsoft Reseller agreement between Dell Marketing LP and the State of New York. This contract will allow Authorized Users to place purchase orders for Microsoft Product in accordance with the terms and conditions set forth in the various documents that make up the business agreement between Microsoft and the State of New York for Microsoft Product including Enterprise Agreement, Select (state and local), Select (academic), Campus and School Agreement and a limited selection of Online Service offerings, collectively known as the Microsoft Business Agreement (MBA). Authorized Users are strongly advised to read the Microsoft Reseller contract to determine their rights and responsibilities prior to ordering product from this agreement. See the Frequently Asked Questions (FAQ) section for a complete description of the program and benefits.

PR # 22722

<u>CONTRACT #</u>	<u>CONTRACTOR &amp; ADDRESS</u>	<u>TELEPHONE #</u>	<u>FED.ID. # / NYS VENDOR #</u>
PS66134	Dell Marketing, LP One Dell Way Round Rock, TX 78682	800-248-2727	742616805 1000041162

Cash Discount, If Shown, Should be Given Special Attention.  
**INVOICES MUST BE SENT DIRECTLY TO THE ORDERING AGENCY FOR PAYMENT.**  
 (See "Contract Payments" and "Electronic Payments" in this document.)

AGENCIES SHOULD NOTIFY THE NEW YORK STATE PROCUREMENT PROMPTLY IF THE CONTRACTOR FAILS TO MEET DELIVERY OR OTHER TERMS OF THIS CONTRACT. PRODUCTS OR SERVICES WHICH DO NOT COMPLY WITH THE SPECIFICATIONS OR ARE OTHERWISE UNSATISFACTORY TO THE AGENCY SHOULD ALSO BE REPORTED TO THE PROCUREMENT SERVICES.

**SMALL, MINORITY AND WOMEN-OWNED BUSINESSES:**

The letters SB listed under the Contract Number indicate the contractor is a NYS small business. Additionally, the letters MBE and WBE indicate the contractor is a Minority-owned Business Enterprise and/or Woman-owned Business Enterprise.

**RECYCLED, REMANUFACTURED AND ENERGY EFFICIENT PRODUCTS:**

The Procurement Services supports and encourages the purchase of recycled, remanufactured, energy efficient and "energy star" products. If one of the following codes appears as a suffix in the Award Number or is noted under the individual Contract Number(s) in this Contract Award Notification, please look at the individual awarded items for more information on products meeting the suffix description.

RS,RP,RA	Recycled
RM	Remanufactured
SW	Solid Waste Impact
EE	Energy Efficient
E*	EPA Energy Star
ES	Environmentally Sensitive

**NOTE TO AUTHORIZED USERS:**

When placing purchase orders under the contract(s), the authorized user should be familiar with and follow the terms and conditions governing its use which usually appears at the end of this document. The authorized user is accountable and responsible for compliance with the requirements of public procurement processes. The authorized user must periodically sample the results of its procurements to determine its compliance. In sampling its procurements, an authorized user should test for reasonableness of results to ensure that such results can withstand public scrutiny.

The authorized user, when purchasing from OGS contracts, should hold the contractor accountable for contract compliance and meeting the contract terms, conditions, specifications, and other requirements. Also, in recognition of market fluctuations over time, authorized users are encouraged to seek improved pricing whenever possible.

Authorized users have the responsibility to document purchases, particularly when using OGS multiple award contracts for the same or similar product(s)/service(s), which should include:

- a statement of need and associated requirements,
- a summary of the contract alternatives considered for the purchase,
- the reason(s) supporting the resulting purchase (e.g., show the basis for the selection among multiple contracts at the time of purchase was the most practical and economical alternative and was in the best interests of the State).

**PRICE:**

Dell Marketing LP is offering the Microsoft Products and Online Services at a cost minus (-) percentage of -4.07%

- Dell Marketing LP is offering the Microsoft (Fulfillment) Volume Licensing Disks and Documentation at a cost minus (-) percentage of -4.07%.

Price is net, F.O.B. Destination any point in the State of New York including delivery inside storeroom door. Net prices shall include shipping, handling, insurance and associated delivery charges.

**REQUEST FOR CHANGE:**

Any request by the agency or contractor regarding changes in any part of the contract must be made in writing to the Office of General Services, New York State Procurement prior to effectuation.

**CONTRACT PAYMENTS:**

Payments cannot be processed by State facilities until the contract products have been delivered in satisfactory condition or services have been satisfactorily performed. Payment will be based on any invoice used in the supplier's normal course of business. However, such invoice must contain sufficient data including but not limited to contract number, description of product or service, quantity, unit and price per unit as well as federal identification number.

State facilities are required to forward properly completed vouchers to the Office of the State Comptroller for audit and payment. All facilities are urged to process every completed voucher expeditiously giving particular attention to those involving cash discounts for prompt payment.

If the contract terms indicate political subdivisions and others authorized by law are allowed to participate, those entities are required to make payments directly to the contractor. Prior to processing such payment, the contractor may be required to complete the ordering non-State agency's own voucher form.

See "Contract Billings" in Appendix B, OGS General Specifications.

**USE OF PROCUREMENT CARD AND PROMT PAYMENT DISCOUNTS:**

Does Reseller accept the New York State Procurement Card?	Yes
Minimum acceptable card amount:	No Min
Maximum acceptable card amount:	Per agency P-card Limits
Additional discount for purchases made with the NYS Procurement Card (%):	0%
Prompt payment discount for payment within 15 days of delivery and/or receipt of voucher (%):	0%
Prompt payment discount for payment within 30 days of delivery and/or receipt of voucher	0%

**NOTE TO CONTRACTOR:**

This Contract Award Notification is not an order.

**ELECTRONIC PAYMENTS:**

The Office of the State Comptroller (OSC) offers an "electronic payment" option in lieu of issuing checks. To obtain an electronic payment authorization form visit the OSC website at [www.osc.state.ny.us](http://www.osc.state.ny.us) or contact them by e-mail at [epunit@osc.state.ny.us](mailto:epunit@osc.state.ny.us) or by phone at 518-486-1255.

**OVERLAPPING CONTRACT ITEMS:**

Products/services available in this contract may also be available from other New York State contracts. Contract users will be advised to select the most cost effective procurement alternative that meets their program requirements and maintain a procurement record documenting the basis for the selection.

**NEW YORK STATE VENDOR RESPONSIBILITY QUESTIONNAIRE FOR-PROFIT BUSINESS ENTITY:**

Contractor is encouraged to maintain up-to-date Questionnaire during the life of the contract and is also required to ensure this Questionnaire reflects any substantive issues that may have occurred from the time the Contract was initially awarded.

**DISPUTE RESOLUTION POLICY:**

It is the policy of the Office of General Services' Procurement Services to provide vendors with an opportunity to administratively resolve disputes, complaints or inquiries related to NYSPRO bid solicitations or contract awards. NYSPRO encourages vendors to seek resolution of disputes through consultation with NYSPRO staff. All such matters will be accorded impartial and timely consideration. Interested parties may also file formal written disputes. A copy of NYSPRO's Dispute Resolution Procedures for Vendors may be obtained by contacting the person shown on the front of this document or through the OGS website ([www.ogs.ny.gov](http://www.ogs.ny.gov)).

**HOW TO USE THIS CONTRACT**

**NOTE TO ALL CONTRACT USERS: THIS NOTE PERTAINS TO THE CONTRACT FOR MICROSOFT PRODUCT INCLUDING THE MICROSOFT MBA (NYS AGREEMENT PS66034) PROGRAMS THROUGH DELL MARKETING LP.**

**MICROSOFT RESELLER AGREEMENT PURCHASING PROCESS:**

An Authorized User acquires Microsoft Product under this award by executing the appropriate contract documents and making payment directly with Dell Marketing LP.

**NOTE TO ALL CONTRACT USERS:**

It is strongly advised that all contract users familiarize themselves with all terms and conditions before issuing a purchase order under this award. Contract Users must read and agree to be bound by all the terms and conditions stated therein, and the following notice must appear on the face of each purchase order under this award:

"This purchase order is placed under New York State Comptroller's contract number PS66134 the terms and conditions of which apply to the order and to all software licensed thereunder. The buyer has read and agrees to be bound by all terms and conditions stated therein."

New York State Agencies may purchase from this contract utilizing a standard New York State Purchase Order. Non-State Agencies should utilize whatever purchase document they currently use.

**DELIVERY**

Delivery is expressed in the number of calendar days required to make delivery after receipt of a purchase order. Delivery shall be made in accordance with instructions on purchase orders from the State Agencies, local governments, and others authorized by law to participate in contracts.

**GUARANTEED DELIVERY**

30 Days A/R/O

**PUBLIC OFFICERS LAW**

All contractors agreed to comply with the requirements of the New York State Public Officers Law, all other appropriate provisions of New York State Law and all resultant codes, rules and regulations from State laws establishing the standards for business and professional activities of State employees and governing the conduct of employees of firms, association and corporations in business with the State.

**PROCUREMENT PROCEDURES**

The following guidelines will assist State Agencies in procuring large purchases resulting from the use of this contract. State Agencies should carefully consider all alternatives to determine which provides the best products and cost.

Agencies are required to have a procurement record for purchases for software above \$50,000. This record should detail the procurement procedure used and why the product purchased

has been determined to be the most cost-effective for current and future needs, and will be subject to a post audit by OSC.

In accordance with the Guidelines for use of the technology contracts, it is recommended that the agency aggregate its requirements and make as few purchases a year as possible. Each purchase of product should be acquired in accordance with the agency's established policy.

No approval by the Office of General Services is required.

Although not under OGS purchasing authority, political subdivisions should exercise similar judgment when making large purchases from OGS NYSPRO contracts.

These procedures may be modified in the future as needed to reflect changes in procurement law.

**State of New York  
Office of General Services  
NEW YORK STATE PROCUREMENT SERVICES  
Contract Performance Report**

Please take a moment to let us know how this contract award has measured up to your expectations. If reporting on more than one contractor or product, please make copies as needed. This office will use the information to improve our contract award, where appropriate. **Comments should include those of the product's end user.**

**Contract No.:** \_\_\_\_\_ **Contractor.** \_\_\_\_\_

**Describe Product\* Provided (Include Item No., if available):** \_\_\_\_\_

**\*Note:** "Product" is defined as a deliverable under any Bid or Contract, which may include commodities (including printing), services and/or technology. The term "Product" includes Licensed Software.

	Excellent	Good	Acceptable	Unacceptable
• Product meets your needs				
• Product meets contract specifications				
• Pricing				

**CONTRACTOR**

	Excellent	Good	Acceptable	Unacceptable
• Timeliness of delivery				
• Completeness of order (fill rate)				
• Responsiveness to inquiries				
• Employee courtesy				
• Problem resolution				

Comments: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ (over)

Agency: \_\_\_\_\_ Prepared by: \_\_\_\_\_

Address: \_\_\_\_\_ Title: \_\_\_\_\_

\_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_ Phone: \_\_\_\_\_

\_\_\_\_\_ E-mail: \_\_\_\_\_

**Please detach or photocopy this form & return by FAX to 518/474-2437 or mail to:**

NEW YORK STATE OGS  
PROCUREMENT SERVICES  
Customer Services, 38th Floor  
Corning Tower - Empire State Plaza  
Albany, New York 12242  
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