

State of New York Executive Department
Office Of General Services
New York State Procurement
Corning Tower Building - 38th Floor
Empire State Plaza
Albany, New York 12242
<http://www.ogs.ny.gov>

CONTRACT AWARD NOTIFICATION

Title :	:	Group 79016 - Open Data Services
		Classification Code(s): 81 & 83
Award Number	:	NEG-22710
Contract Period	:	August 1, 2013 through July 31, 2016 with the option for two 1-year extensions
Bid Opening Date	:	July 16, 2013
Date of Issue	:	August 1, 2013
Specification Reference	:	As Incorporated In The Contract
Contractor Information	:	Appears on Page 2 of this Award

Address Inquiries To:

State Agencies & Vendors	Political Subdivisions & Others
Name : James Patrick Title : Contract Administrator Phone : 518- 408-1026 Fax : 518- 486-6867 E-mail : james.patrick@ogs.ny.gov	New York State Procurement Customer Services Phone : 518-474-6717 Fax : 518-474-2437 E-mail : customer.services@ogs.ny.gov

New York State Procurement (NYSPRO) values your input!
Please complete and return the "Contract Performance Report" at the end of this document.

Description

This contract is a Single Source Statewide contract with Socrata, Inc. to provide Open Data Services. Open Data Services consist of subscription software services that are hosted on a web portal. The term "Open Data" refers to data that is free from restrictions and can be released to the public in an open, machine-readable format that can be retrieved, downloaded, indexed, and searched by commonly used web search applications. Open Data is a way for Authorized Contract Users to share important data with the public, thereby advancing accessibility, accountability and transparency.

(continued)

<u>CONTRACT #</u>	<u>CONTRACTOR & ADDRESS</u>	<u>TELEPHONE #</u>	<u>FED.IDENT.# / NYS VENDOR#</u>
PS66167	Socrata, Inc. 83 King St. Suite 107 Seattle, WA 98104	800-248-2727	208512903 1100057358

Contractor Contact:

Dan Wassel, VP Finance and Administration
Socrata, Inc.
83 S. King St. Suite 107
Seattle, WA 98104
Email: accounting@socrata.com

Support Services Toll Free Number:

866-570-9583

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 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 NEW YORK STATE PROCUREMENT.

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:

New York State Procurement 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:

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.

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).

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.

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 or contact them by e-mail at 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.

NYSPro's DISPUTE RESOLUTION POLICY:

It is the policy of the Office of General Services' New York State Procurement (NYSPro) 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).

HOW TO USE THIS CONTRACT

A. Authorized User Responsibilities:

1. It is the responsibility of each Authorized User to evaluate the Contract offerings and determine which Subscription Service(s) and Launch Package(s) complies with the Authorized User's statutory and regulatory requirements prior to acquisition. This includes, but is not limited to, the following:
 - a. Security;
 - b. Accessibility; and
 - c. Data protection and privacy laws.

Contractor shall provide available information to the Authorized User in order to facilitate such determination.

2. Subscription Service(s). It is recommended that Authorized User in order to identify the appropriate Subscription Service(s) plan provide a detailed description of the Authorized User's current and anticipated Subscription Service(s) needs, and request Contractor to identify which Subscription Service(s) plan, or combination thereof, best meets the Authorized User's needs.
3. Launch Packages. It is recommended that Authorized User obtain the following information from Contractor when inquiring about offerings under the Contract and include the following information, as applicable, in the Purchase Order:
 - a. In order to identify the appropriate Launch Package provide a detailed description of the Authorized User's current and anticipated needs for Subscription Service(s), including, but not limited to, whether the Authorized User intends to include pages other than the Homepage in the launch of the OpenData Portal Plan.
 - b. The number of professional service hours associated with each element of a Launch Package and the number of professional service hours remaining for implementation/operation of the Launch Package for the Authorized User, including, but not limited to, the following:
 1. Kickoff Call;
 2. Weekly Meetings;
 3. Training; and
 4. if Contractor staff will be on-site, and, if so, an estimate of any travel expenses.
 - c. The number of individuals and titles, as set forth in Part 1, Plan Limits, of Appendix D, Plan Limits and Service Level Agreements, that will be performing any professional services for each element of the Launch Package, including, but not limited to, the following as applicable:
 1. Kickoff Call and Weekly Meetings
 2. Training
 3. Standing up any pages beyond the Homepage
 4. if Contractor staff will be on-site, and, if so, an estimate of any travel expenses.

5. Itemized cost for exceeding any element in a Launch Package, and the cost for any associated professional services, number of people and titles, associated with the element.
 6. Request an identification of the named support resources that will comprise the Dedicated Support Team in the OpenData Launch Package Ultimate Plan.
 7. Launch Package offerings are limited to the Homepage. Any services and/or deliverables required beyond the Homepage may be subject to additional fees and needs to be defined in the scope of work.
4. An Authorized User is required to obtain all necessary approvals prior to making any purchase under the Contract.
 5. Upon Authorized User acceptance of Products and/or Services itemized on the purchase order, Contractor(s) will invoice Authorized User for any portion of products and services accepted, and accordingly, Authorized User will arrange for payment. Contractor shall provide itemized invoicing for all products and Services.

Note: Contractor must disclose any forms, or other order information, that Contractor will attach to orders or require completion of when Authorized User makes a purchase. Documents which contain additional terms and conditions must receive written, pre-approval by OGS for use under the Contract. Additional terms and conditions that were not pre-approved in writing by OGS are void. Additional terms and conditions which conflict with the Contract shall be removed at the discretion of the State.

6. An Authorized User will issue a Purchase Order(s) directly to the Contractor specifying and shipping/delivery requirements and referencing statements of work (as applicable) for services.

B. Contractor Responsibilities:

Provide a written quote based on the Authorized User's statement of need for Subscription Service(s) and Launch Package(s) that includes, but is not limited to, the following:

1. A total for all non-recurring and recurring charges.
2. All information requested by an Authorized User in Paragraph A of this Section shall be separately itemized for each Subscription Service and Launch Package requested by the Authorized User

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 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 (NYSPro)
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 Procurement (NYSPro)
 Customer Services, 38th Floor
 Corning 2nd Tower - Empire State Plaza
 Albany, New York 12242
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