



Bid Solicitation Update #5

Subject: Final Version of the CMBA

DATE: July 6, 2018

RFP: 23116 BID OPENING DATE | TIME: July 12, 2018 | 11:00 AM ET

GROUP | TITLE: Group 76000 – Microsoft Reseller (Statewide)

OGS DESIGNATED CONTACTS:

Jordan Flores, Katherine Dias, Allison White, Dewan Bristo, Sean Hume, Karen Fowler | OGS.sm.PS_SW_ITF@ogs.ny.gov

TO PROSPECTIVE BIDDERS:

The State of New York and Microsoft have completed negotiations on a Custom Microsoft Business Agreement (CMBA) which establishes the overall licensing framework and the applicable terms and conditions for Authorized User use and acquisition of Microsoft Product, which is limited to software and Online Services, under the Contract resulting from RFP 23116.

All documents comprising the final version of the CMBA have been posted as Appendix D to RFP 23116. A summary of the revisions to the individual CMBA attachments can be found in the chart included below. The summary of revisions is provided as a convenience for Bidders. A version of the Custom Microsoft Business Agreement document showing tracked changes between the final version and the version published on May 25, 2018 has also been made available on the Bid Document Files page, which is located in the OGS Online Bid Calendar.

DOCUMENT	DESCRIPTION OF REVISIONS
Base Agreement	<ul style="list-style-type: none"> See tracked changes document
Appendix A	<ul style="list-style-type: none"> No changes
Appendix B	<ul style="list-style-type: none"> No changes
Appendix C	
- SLG Enterprise Agreement	<ul style="list-style-type: none"> Added "Custom Program Agreement Terms and Conditions" to document title. Added new paragraph 15, "Microsoft Online Services Criminal Justice Information Services (CJIS) Language for Covered Services."
- SLG Enterprise Enrollment	<ul style="list-style-type: none"> Changed document title from "Enterprise Enrollment" to "Custom Enterprise Enrollment" and changed reference to "Framework ID" to "Proposal/Framework ID." Added new paragraph 7, "Microsoft Online Services Criminal Justice Information Services (CJIS) Language for Covered Services."
- SLG Enterprise Subscription Enrollment	<ul style="list-style-type: none"> Changed document title from "Enterprise Subscription Enrollment" to "Custom Enterprise Subscription Enrollment" and changed reference to "Framework ID" to "Proposal/Framework ID." Added new paragraph 7, "Microsoft Online Services Criminal Justice Information Services (CJIS) Language for Covered Services."

DOCUMENT	DESCRIPTION OF REVISIONS
- SLG Enterprise Server and Cloud Enrollment	<ul style="list-style-type: none"> • Changed document title from “Server and Cloud Enrollment” to “Custom Server and Cloud Enrollment” and changed reference to Framework ID” to “Proposal/Framework ID.” • Added new paragraph 8, “Microsoft Online Services Criminal Justice Information Services (CJIS) Language for Covered Services.”
- Campus and School Agreement	<ul style="list-style-type: none"> • Added “Custom Program Agreement Terms and Conditions” to document title. • Changed reference to “Appendix F” to “Appendix E” in definition of “Institution.”
- Enrollment for Education Solutions	<ul style="list-style-type: none"> • Changed document title from “Enrollment for Education Solutions” to “Custom Enrollment for Education Solutions.” • Edited definition of “Institution.”
- BOCES Consortia Agreement	<ul style="list-style-type: none"> • No changes
- BOCES Participant Agreement	<ul style="list-style-type: none"> • No changes
- BOCES Participant Setup Form	<ul style="list-style-type: none"> • No changes
- SLG Select Plus Agreement	<ul style="list-style-type: none"> • Added “Custom Program Agreement Terms and Conditions” to document title.
- Academic Select Plus Agreement	<ul style="list-style-type: none"> • Added “Custom Program Agreement Terms and Conditions” to document title. • Changed reference to “Appendix F” to “Appendix E” in the “Please Note” paragraph, paragraph 1 and the definition of “Institution.”
- Select Plus Affiliate Registration Form	<ul style="list-style-type: none"> • Changed document title from “Select Plus Affiliate Registration Form” to “Custom Select Plus Affiliate Registration Form.” • Changed reference to “Appendix F” to “Appendix E” in the first unnumbered paragraph.
Appendix D - CJIS Enrollment Amendment	<ul style="list-style-type: none"> • The CJIS Enrollment Amendment language has been removed as a separate Appendix and moved into the SLG Enterprise Agreement included as part of Appendix C. • Former “Appendix E – Contractor Administration” has been renumbered “Appendix D – Contractor Administration.”
Appendix E - Contract Administration	<ul style="list-style-type: none"> • Former “Appendix E – Contractor Administration” has been renumbered “Appendix D – Contractor Administration.” This appendix is otherwise unchanged.
Appendix F - Qualified Educational User Definition	<ul style="list-style-type: none"> • Former “Appendix F - Qualified Educational User” Definition has been renumbered “Appendix E - Qualified Educational User.” This appendix is otherwise unchanged.

All Solicitation documents can be found at the following link:

<https://www.ogs.ny.gov/purchase/biddocument/23116Bid.asp>



Bid Solicitation Update #4

Subject: Update of Submission of Bid and Bid Opening Date, Final Version of the CMBA, Access to MLS, Updated Request for Proposals

DATE: July 3, 2018

RFP: 23116 BID OPENING DATE | TIME: July 12, 2018 | 11:00 AM ET

GROUP | TITLE: Group 76000 – Microsoft Reseller (Statewide)

OGS DESIGNATED CONTACTS:

Jordan Flores, Katherine Dias, Allison White, Dewan Bristo, Sean Hume, Karen Fowler | OGS.sm.PS_SW_ITF@ogs.ny.gov

TO PROSPECTIVE BIDDERS:

As noted in Section 1.1, Overview, of the RFP document, the Custom Microsoft Business Agreement (CMBA) attached to the RFP as Appendix D, Custom Microsoft Business Agreement, is a draft which has not yet been executed by Microsoft and OGS and remains subject to change.

In anticipation of the impending finalization of the CMBA by Microsoft and OGS, the Submission of Bid and Bid Opening Date for RFP 23116 has been changed to Thursday, July 12 at 11:00 AM ET to allow OGS to substitute the final version of the CMBA for the draft version of the CMBA. The Request for Proposals document has been updated to reflect the change to the Submissions for Bid and Bid Opening Date in Section 1.5, Key Events and Dates.

Bidders will be provided with the final version of the CMBA via a Bid Solicitation Update and the final version of the CMBA will be posted on the OGS Procurement Services Bid Calendar page. An update will also be distributed via the Contract Reporter ad for this solicitation.

Because the Bid Opening Date is being extended to accommodate the final version of the CMBA, OGS has also granted permission to Microsoft to make a Microsoft Licensing Statement (MLS) available to all LSP/AERs, and further gives all LSP/AERs permission to access such information.

Bids must be received at or before 11:00 AM Eastern Time on July 12, 2018. Bidders are strongly encouraged to arrange for delivery of bids to OGS prior to the date and time of the revised Bid Opening Date.

In the event that a Bidder has already submitted a Bid in response to RFP 23116 to OGS Procurement Services, please review the following options and return this Bid Solicitation Update #4 to OGS via email to OGS.sm.PS_SW_ITF@ogs.ny.gov checking the appropriate checkbox(es) to advise on Bidder's intent regarding their submitted Bid:

Bid shall remain as submitted. No changes to the Bid are required.

Bidder will submit a Bid Amendment to amend the submitted Bid by the revised Bid Opening Date of July 12, 2018, 11 AM ET.

Bidders are reminded of the requirements related to Bid Amendments, included in Section 3.3.1(5) of the RFP document, which provides that *"any amended pages submitted by a Bidder to be incorporated into the Bid shall show the date of the revision and indicate the portion of each page being changed."*

Bid Amendments must follow the requirements for Bid Submission as described in RFP Section 3.3, Bid Requirements.

- Bidder intends to submit a new Bid by the revised Bid Opening Date of July 12, 2018, 11 AM ET, and:
- Bidder requests that the unopened, submitted Bid be mailed back via the United States Postal Service to an address to be specified via email to OGS.sm.PS_SW_ITF@ogs.ny.gov.
 - Bidder requests that the unopened, submitted Bid be returned and shall provide UPS or FedEx return information to OGS Procurement Services via email to OGS.sm.PS_SW_ITF@ogs.ny.gov.
 - Bidder does not want the submitted Bid to be returned.

All Solicitation documents can be found at the following link:

<https://www.ogs.ny.gov/purchase/biddocument/23116Bid.asp>



Bid Solicitation Update #3

Subject: Revised Attachment 5, Reminder - In-Scope Products

DATE: June 28, 2018

RFP: 23116 **BID OPENING DATE | TIME:** July 3, 2018 | 11:00 AM ET

GROUP | TITLE: Group 76000 – Microsoft Reseller (Statewide)

OGS DESIGNATED CONTACTS:

Jordan Flores, Katherine Dias, Allison White, Dewan Bristo, Sean Hume, Karen Fowler | OGS.sm.PS_SW_ITF@ogs.ny.gov

TO PROSPECTIVE BIDDERS:

Revised Attachment 5

In response to Vendor feedback, the number of formatted rows on each of the following tabs of Attachment 5, Cost Proposal Forms have been expanded to accommodate the Contract SKU information provided by Microsoft: Enterprise Agreement Program Agreement, Select Plus License Program Agreement (SLG), Academic Select Plus Agreement and Campus and School Agreement. Each tab now has 25,000 formatted rows.

Reminder: In-Scope Products

Vendors should refer to RFP Section 1.2, In-Scope, which details the Products currently authorized for acquisition under the Contract resulting from this RFP:

1.2 IN-SCOPE

Products authorized by OGS for acquisition under this Contract are Microsoft Software and certain Online Services.

1.2.1 Software.

All Products classified by Microsoft as Software are authorized for acquisition under the resulting Contract, except as specifically excluded by OGS. OGS reserves the right in its sole discretion to add or remove Products from the scope of the Contract at any time during the term of the Contract, upon notice to the Contractor. Training services offered free of charge in relation to Software Products are allowed.

1.2.2 Online Services.

Online Services authorized for acquisition under the resulting Contract are Office 365, Azure, Intune and Dynamic CRM. The only Online Service authorized for acquisition under the resulting Contract for use with Criminal Justice Information Services (“CJIS”) data is Office 365. All other Online Services are not authorized for acquisition. OGS reserves the right in its sole discretion to add or remove Products from the scope of the Contract at any time during the term of the Contract, upon notice to the Contractor.



Bid Solicitation Update #2

Subject: Bid Submission Requirement – Price List Reminder

DATE: June 22, 2018

IFB/RFP: 23116

BID OPENING DATE | TIME: July 3rd, 2018

11:00 AM

GROUP | TITLE: Group 76000 – Microsoft Reseller (Statewide)

OGS DESIGNATED CONTACTS:

Jordan Flores, Katherine Dias, Allison White, Dewan Bristo, Sean Hume, Karen Fowler |

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TO PROSPECTIVE BIDDERS:

The Office of General Services (OGS) would like to emphasize the Bid Submission requirement of submitting a completed Price List for each of the four (4) Program Agreements, using Attachment 5, Cost Proposal Forms. **Per RFP Section 3.8.3.2, Program Agreement Price Lists, Bidders must obtain the June 2018 Microsoft commercial and governmental price lists from Microsoft, in order to complete Attachment 5, Cost Proposal Forms.**

3.8.3.2 Program Agreement Price Lists

Bidders shall complete as part of the Cost Proposal, all four (4) Program Agreement sections listed in the OGS price list using the Attachment 5, Cost Proposal Forms tabs. Bidder shall obtain from Microsoft the Microsoft commercial price list and the Microsoft governmental price list. Bidder may use the June 2018 price files for the purposes of this Bid. Bidder shall complete all required fields of the Attachment 5, Cost Proposal Forms price list tabs, using the Product information included in the Microsoft price lists. The Net NYS Price for each Contract SKU shall be calculated by applying the applicable Program Agreement Cost-Plus Percentage or Cost-Minus Percentage to the Net Reseller Cost set by Microsoft.

Bidder must include all of the following tabs of Attachment 5, Cost Proposal Forms, completing all required information, with their submission packet to meet the requirements of this section:

- Category Discount
- Enterprise Agreement Program Agreement
- Select Plus License Program Agreement (SLG)
- Academic Select Plus Agreement
- Campus and School Agreement

The successful Bidder's Cost Proposal shall be used to create the resulting Contract NYS Price List. OGS reserves the right to modify or exclude any of the Products listed on the Bid submission price list from the final NYS Price List.

Please also see the responses to Inquiries #35 and 36 below for more information about obtaining the price lists from Microsoft to use when completing Attachment 5, Cost Proposal Forms:

#	Solicitation Document Name	Document Section (Name or Number)	Page Number	Comment / Question / Bid Deviation	Response
35.	General	3.8.3.2	21	Where do I obtain the Microsoft governmental price list?	This can be received by emailing Ed Feuerstein at edf@microsoft.com
36.	General	3.8.3.2	21	I only have the June price files for Microsoft. Will that be acceptable by OGS for this pricing exercise?	Yes, Bidder may use the June 2018 price files the purposes of this Bid. Please see revised RFP Section 3.8.3.2 Program Agreement Price Lists.

All Solicitation Documents may be reviewed and downloaded from the OGS Bid Calendar at the following URL: <http://www.ogs.ny.gov/purchase/biddocument/23116bid.asp>



Bid Solicitation Update #1

Subject: Responses to Bidder Inquiries, Revised RFP, Revised Attachments 2 and 5, New Attachment 7

DATE: June 15, 2018

RFP: 23116 **BID OPENING DATE | TIME:** July 3, 2018 | 11:00 AM ET

GROUP | TITLE: Group 76000 – Microsoft Reseller (Statewide)

OGS DESIGNATED CONTACTS:

Jordan Flores, Katherine Dias, Allison White, Dewan Bristo, Sean Hume, Karen Fowler |
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TO PROSPECTIVE BIDDERS:

The Office of General Services (OGS) has given careful consideration to the inquiries received in regard to the Microsoft Reseller Request for Proposals #23116 during the inquiry period that ended June 6, 2018.

Answers to the inquiries can be obtained at the Procurement Services Bid Calendar <http://nyspro.ogs.ny.gov/content/finding-bid-opportunities>.

In addition to publishing responses to the inquiries, OGS has made revisions to the Solicitation documents, which are being released along with the responses to the inquiries. A summary of the revisions is set forth below. The summary of revisions is provided as a convenience. Should there be a discrepancy among this Bid Solicitation Update memorandum and the final version documents, all final versions take precedence over this memorandum. Bids submitted will be evaluated based on the revised Solicitation documents.

REVISIONS TO REQUEST FOR PROPOSALS (REVISED JUNE 15, 2018)

1. The top of Page 1 has been revised to reflect the Request for Proposal (RFP) revision date.
2. The Table of Contents, Attachments list (page 7) has been revised to add Attachment 7 - Summary of Contract Usage - PS67650
3. Section 1.5 Key Events/Dates, has been revised to update the "Anticipated Posting of Responses to Inquiries" to "June 15, 2018"
4. Section 3.3.4, Submission Checklist, Cost Proposal Chart has been revised to add # 23 and #24 and a final line to the chart. The updated chart is follows:

#	Document	RFP Document/Location of Requirement	Hard Copy	Unlocked Electronic Copy (Excel)	Electronic Copy (.pdf File)
1.	Category Discount tab	Attachment 5, Cost Proposal Forms	X	X	
2.	Program Agreement price list tabs (4)	Attachment 5, Cost Proposal Forms		X	
3.	Bidder's GSA Price List*	Attachment 2, Administrative Proposal Forms, tab 2b			X
4.	Bidder's VA Price List*	Attachment 2, Administrative Proposal Forms, tab 2b			X

* a GSA and/or VA price list is only required if Bidder holds a GSA and/or a VA contract and Bidder will offer New York State pricing equal to or better than Bidder's GSA and/or VA pricing.

5. Section 3.8.3.1, Cost-Plus Percentage or Cost-Minus Percentage, has been revised to add "for each Contract SKU" to the second sentence of the first paragraph.
6. Section 3.8.3.2, Program Agreement Price Lists, paragraph 1 has been revised. Please see the following revised text, with additions identified in red, underlined text and deletions indicated in red, crossed out text:

Bidders shall complete as part of the Cost Proposal, all four (4) Program Agreement sections listed in the OGS price list using the Attachment 5, Cost Proposal Forms tabs. Bidder shall obtain from Microsoft the Microsoft commercial price list and the Microsoft governmental price list. Bidder may use the June 2018 price files for the purposes of this Bid, that will be effective July 1, 2018. Bidder shall complete all required fields of the Attachment 5, Cost Proposal Forms price list tabs, using the Product information included in the Microsoft price lists. The Net NYS Price for each Contract SKU shall be calculated by applying the applicable Program Agreement Cost-Plus Percentage or Cost-Minus Percentage to the Net Reseller Cost set by Microsoft.

7. Section 6.12, Tax Law §5-A, paragraphs 3 and 4 have been revised to update the links provided for tax documents therein.
8. Section 6.20, Warranty, has been revised. Please see the following revised text, with additions identified in red, underlined text and deletions indicated in red, crossed out text:

If awarded the Contract, Bidder agrees to warrant that all services performed under the resulting Contract shall be provided in a professional manner in accordance with industry standards. The Authorized User must notify Contractor of any Services-such warranty deficiencies within ninety (90) calendar days from performance of the ~~S~~service that gave rise to the warranty claim.

The Contractor shall ~~honor~~ pass through all product warranties, performance guarantees or other warranties set forth in the CMBA.

OGS acknowledges that the Product warranties provided to OGS from Microsoft in the CMBA are the applicable warranties for all orders placed with Contractor hereunder. OGS acknowledges that its remedies for breach of Product warranties are provided through the CMBA.

9. Section 7.11.5, NYS Price List, has been revised to add "for each Contract SKU" to the second sentence of the second paragraph.

REVISIONS TO ATTACHMENT 2

1. Tab 2d - NYS Required Certifications (Revised June 15, 2018) has been updated to add the Executive Order No. 177 Certification. Bidders are to certify that it does not have institutional policies or practices that fail to address the harassment and discrimination of individuals on the basis of their age, race, creed, color, national origin, sex, sexual orientation, gender identity, disability, marital status, military status, or other protected status under the New York State Human Rights Law.
2. Tab 2i - Submittal Checklist (Revised June 15, 2018) has been updated to add questions 20 and 21 under the Cost Proposal Requirements. The added questions are included below:

20	If Bidder offers New York State pricing equal to or better than your company's GSA pricing, Bidder has included the GSA schedule in the RFP response. (<i>Select "N/A" if not applicable</i>)	
21	If Bidder offers New York State pricing equal to or better than your company's VA pricing, Bidder has included the VA schedule in the RFP response. (<i>Select "N/A" if not applicable</i>)	

REVISIONS TO ATTACHMENT 5

On the spreadsheet tab titled "Instructions", the first paragraph under the header "Instructions" has been revised. Please see the following revised text, with additions identified in red, underlined text and deletions indicated in red, crossed out text:

Bidders shall complete as part of the Cost Proposal, all four (4) Program Agreement sections listed in this OGS price list using the Program Agreement tabs. Bidder shall obtain from Microsoft, the Microsoft commercial price list and the Microsoft governmental price list ~~that will be effective July 1, 2018~~. Bidder may use the June 2018 price files for the purposes of this Bid. Bidder shall complete all required fields of the Program Agreement price list tabs, using the Product information included in the Microsoft price lists. The Net NYS Price for each Contract SKU shall be calculated by applying the applicable Program Agreement Cost-Plus Percentage or Cost-Minus Percentage to the new Net Reseller Cost set by Microsoft.

ADDITION OF ATTACHMENT 7

A new attachment, Attachment 7 - Summary of Contract Usage - PS67650, has been added for informational purposes.

The updated Attachments listed above, as well as all other Solicitation Documents may be reviewed and downloaded from the OGS Bid Calendar at the following URL:

<http://www.ogs.ny.gov/purchase/biddocument/23116bid.asp>