



# Contract Award Notification

<b>Title</b>	: <b>Group 76000 – Microsoft Reseller (Statewide)</b> Classification Code(s): 43
<b>Award Number</b>	: <b><u>23116</u></b> (Replaces Award 23047)
<b>Contract Period</b>	: <b>August 1, 2018 through July 31, 2023</b>
<b>Bid Opening Date</b>	: <b>July 12, 2018</b>
<b>Date of Issue</b>	: <b>August 1, 2018 (revised August 20, 2021)</b>
<b>Specification Reference</b>	: <b>As Incorporated In The Contract</b>
<b>Contractor Information</b>	: <b>Appears on Page 2 of this Award</b>

### Address Inquiries To:

State Agencies & Vendors	Political Subdivisions & Others
<b>Name</b> : Katherine Dias <b>Title</b> : Contract Management Specialist <b>Phone</b> : 518-473-8537 <b>E-mail</b> : OGS.sm.PS.Microsoft@ogs.ny.gov	<b>Procurement Services</b> <b>Customer Services</b>  <b>Phone</b> : 518-474-6717 <b>E-mail</b> : <a href="mailto:customer.services@ogs.ny.gov">customer.services@ogs.ny.gov</a>

**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 Program Agreement, Select Plus License Program Agreement (State and Local Government), Academic Select Plus License Program Agreement and Campus and School Agreement Program Agreement, collectively known as the Custom Microsoft Business Agreement (CMBA). 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.

This Award has 0% MBE, 0% WBE and 0% SDVOB goal requirements.

PR # 23116

**NOTE: See individual contract items to determine actual awardees.**

<u>CONTRACT #</u>	<u>CONTRACTOR &amp; ADDRESS</u>	<u>TELEPHONE #</u>	<u>FED.IDENT.# / NYS VENDOR#</u>
PS68202	Dell Marketing, L.P. One Dell Way Round Rock, Texas 78682	512-728-5619 Toll-Free: 800-999-3355	74-2616805/ 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 NEW YORK STATE PROCUREMENT SERVICES 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 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:**

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).

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**PRICE:**

Dell Marketing LP is offering Microsoft Products at a cost minus (-) percentage of 1.63% under the following Program Agreements under the CMBA: Enterprise Agreement Program Agreement, Select Plus License Program Agreement and Academic Select Plus License Program Agreement.

Dell Marketing LP is offering Microsoft Products at a cost minus (-) percentage of 3.94% under the Campus and School Agreement Program Agreement.

Price is net and all deliveries shall be deemed to be freight on board (F.O.B.) destination tailgate delivery at the dock of the Authorized User. Net prices shall include all shipping, handling, insurance, associated delivery charges, and all other costs. No additional charges may be billed to an Authorized User including, but not limited to, processing or other fees for NYS Procurement Card purchases.

**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 Services prior to effectuation.

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

Does Contractor accept the New York State Procurement Card?	Yes
Minimum acceptable card amount:	N/A
Maximum acceptable card amount:	N/A
Additional discount for purchases made with the NYS Procurement Card (%):	N/A
Prompt payment discount for payment within 15 days of delivery and/or receipt of voucher (%):	N/A
Prompt payment discount for payment within 30 days of delivery and/or receipt of voucher	N/A

**NOTE TO CONTRACTOR:**

This Contract Award Notification is not an order.

**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 OGS to provide interested parties, as defined in the OGS Dispute Resolution Procedures, with an opportunity to administratively resolve disputes, complaints or inquiries related to Solicitations, contract awards and contract administration. OGS encourages interested parties to seek resolution of disputes through consultation with OGS staff. All such matters shall be accorded impartial and timely consideration. Interested parties may also file formal written disputes. A copy of the OGS Dispute Resolution Procedures may be obtained by contacting the designated contact for the Solicitation, the Contract manager, or at the OGS website. OGS reserves the right to change the procedures set forth in the Dispute Resolution Procedures without seeking a Contract amendment.

**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.

**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.

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## 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 centralized 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 to:**

NEW YORK STATE OGS  
 PROCUREMENT SERVICES  
 Customer Services, 38th Floor  
 Corning Tower - Empire State Plaza  
 Albany, New York 12242  
 Customer.services@ogs.ny.gov

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