

State of California
Cooperative Agreement
USER INSTRUCTIONS
 Supplement #10

Important Note: Supplement #10 replaces and supersedes the previous User Instructions version (Supplement #9 dated 4/15/2016)

	ISSUE AND EFFECTIVE DATE: 5/18/2016
CONTRACT NUMBER(S) & CONTRACTOR(S):	7-12-70-19 – SHI International Corp 7-12-70-20 – Insight Public Sector, Inc. 7-12-70-21 – En Pointe Technology Sales, Inc.
CONTRACT TERM:	04/18/2013 through 10/01/2016
CONTRACTOR(S):	Listed above
DESCRIPTION:	Software, Software Maintenance and Technical Support (NASPO ValuePoint)
CONTRACT CATEGORY	IT Goods
MAXIMUM ORDER LIMIT:	\$250,000
FOR OPTIONAL USE BY:	State and Local Governmental Agencies
CONTRACT INFORMATION WEBPAGES:	https://caleprocure.ca.gov/pages/LPASearch/lpa-search.aspx http://www.dgs.ca.gov/pd/Programs/Leveraged/NASPO/softwarevar.aspx
STATE CONTRACT ADMINISTRATOR:	Steve Lower (916) 375-4539; steve.lower@dgs.ca.gov
Signature	ORIGINAL SIGNATURE ON FILE Date
Steven Kobayashi Supervisor, Multiple Awards Program Section, Masters Unit 2	

Please carefully review the User Instructions in its entirety. After reviewing the User Instructions, if you need further assistance or have questions, please contact the State Contract Administrator and reference the “Description” and/or a MPA number listed above.

SUMMARY OF CHANGES		
Supplement No.	Description/Articles	Supplement Date
10	<ul style="list-style-type: none"> Extends the expiration date to October 1, 2016 	5/18/2016

TABLE OF CONTENTS

I. OVERVIEW OF MPA

- A. Scope
- B. Optional
- C. California Contract Term
- D. Department of General Services Contract / State Contract Administrator

II. CONTRACT USAGE/RULES

- A. Contracts - Available, Excluded and Restricted Products and Services
- B. Contractor Contact Information
- C. Contractor Pricing
- D. Administrative Fees
- E. State of California Agencies
- F. Local Governmental Agencies
- G. American Recovery and Reinvestment Act (ARRA) – Supplemental Terms and Conditions
- H. Problem Resolution / Contractor Performance

III. ORDERING PROCEDURES

- A. Purchasing Goods and Services

IV. ATTACHMENT A - Contractor Contact Information and Pricing

I. OVERVIEW OF MPA

A. Scope

Public Contract Code (PCC) sections 10298 and 10299 authorize the Department of General Services (DGS) to establish leveraged procurements that include the use of, and participation in, cooperative agreements.

The Software VAR Participating Addendum (PA) covers the purchase and warranty of Software, Software Maintenance and Technical Support for State Agencies and will include all California political subdivisions/local governments. Each political subdivision/local government should make its own determination whether the WSCA program is consistent with their procurement policies and regulations.

DGS, Procurement Division (PD), executed three (3) Participating Addendums based off the State of Arizona's WSCA Master Price Agreement (MPA) Number's ADSPO11-00000358 (1-2-3)

Note: throughout this document, "MPA" may be used interchangeably with "agreement" or "contract."

B. Optional

The MPA is a procurement option. It is not mandatory that State and local governmental agencies use this specific MPA.

C. California Contract Term

The current term for this MPA is from the date of the State's signature of approval through October 1, 2016.

Order placement and execution shall be on or before the expiration of this MPA. However, delivery of products or completion of services may be after the MPA expiration date.

D. Department of General Services Contact / State Contract Administrator

Steve Lower
Department of General Services (DGS)
Procurement Division (PD)
Multiple Awards Program Section (MAPS)
707 Third Street, 2nd Floor
West Sacramento, CA 95605
Email: steve.lower@dgs.ca.gov
Phone: (916) 375-4539

II. CONTRACT USAGE/RULES

A. Contracts - Available, Excluded and Restricted Products and Services

This contract is limited to the purchase and warranty of software, software maintenance, and technical support that is **NOT** currently available under the Software Licensing Program (SLP). Prior to purchasing under this Participating Addendum, state agencies must check the DGS PD SLP website at:

<http://www.dgs.ca.gov/pd/Programs/Leveraged/SLP/SLPPublishers.aspx> or contact the SLP contract administrator (Steve lower) at: steve.lower@dgs.ca.gov or SLP@dgs.ca.gov.

CONSULTING, APPLICATION CONFIGURATION, TRAINING AND INSTALLATION SERVICES
ARE NOT AVAILABLE UNDER THIS CONTRACT.

Note: Cloud Computing for Software as a Service (SaaS) is allowed under this contract.

B. Contractor Contact Information

See **Attachment A**

C. Contractor Pricing

Pricing is shown as a cost plus methodology.

See **Attachment A**

D. Administrative Fees

Ordering Agencies will not be charged the DGS Administrative fee nor will they be invoiced by contractor for the use of this contract.

E. State of California Agencies

1) Adherence to Applicable Laws

Ordering State agencies must adhere to all applicable State laws, regulations, policies, best practices, and purchase authority requirements (e.g. California Codes, Code of Regulations, State Administrative Manual, Management Memos, and State Contracting Manual Volumes 1, 2 and 3).

2) Purchase Authority

Prior to placing orders against this MPA, State agencies must have been granted purchasing authority by the DGS/PD for the use of this statewide MPA. The State agency's current purchasing authority number must be entered in the appropriate location on each purchase document. State agencies that have not been granted purchasing authority by DGS/PD for the use of the State's statewide MPAs may access the Purchasing Authority Application at <http://www.pd.dgs.ca.gov/deleg/pamanual.htm> or may contact DGS/PD's Purchasing Authority Management Section by email at pams@dgs.ca.gov.

3) Order Limits/Dollar Thresholds

Contracts may not exceed \$250,000. The total contract value shall be based on the cumulative value after including any amendments (i.e., a \$200,000 contract plus a \$100,000 amendment shall be considered a \$300,000 contract). Pursuant to PCC Section 10329, willfully splitting a single purchasing transaction into a series of transactions for the purpose of evading the bidding requirements or to circumvent dollar thresholds is prohibited.

Local governments set their own order limits, and are not bound by the order limits of this contract.

4) Agency Billing Code

State agencies must have a DGS agency billing code prior to placing orders against this MPA. Ordering agencies may contact their Purchasing Authority contact or their agency's fiscal office to obtain this information.

5) California Terms and Conditions

Contractors have signed and agreed to the following California provisions:

- a) Information Technology (IT) General Provisions – GSPD401IT, effective 06/08/10. The ten (10) page document can be viewed at:
<http://www.documents.dgs.ca.gov/pd/modellang/GPIT060810.pdf>
- b) Information Technology (IT) Purchase Special Provisions, effective 02/08/07. The two (2) page document can be viewed at:
<http://www.documents.dgs.ca.gov/pd/modellang/maintenancespecial12103.pdf>
- c) Information Technology (IT) Software License Special Provisions, effective 1/21/2003. The five (3) page document can be viewed at:
<http://www.documents.dgs.ca.gov/pd/modellang/softwarepecial012103.pdf>

6) Mission Critical Certification

This is to inform State Users of this MPA that work will not be initiated or reviewed and no contracts will be approved by the DGS until the Ordering State Agency completes and submits the Mission Critical certification form available at
www.documents.dgs.ca.gov/pd/delegations/pac021810.pdf

7) Federal Debarment

The Federal Department of Labor requires that State agencies, which are expending Federal funds of \$25,000 or more, have in the contract file a certification by the supplier that they have not been debarred or suspended from doing business with the Federal Government. Each contractor must provide this documentation upon request.

F. Local Government Agencies

1) Authorization to Receive Goods and Services

Local government use of this MPA is optional. Local government agencies are defined as any city, county, city and county, district, or other local governmental body or corporation, including the California State Universities (CSU) and University of California (UC) systems, K-12 schools and community colleges empowered to expend public funds. While the State of California makes this MPA available to local

government agencies, each local agency should make its own determination of whether using this MPA is consistent with its procurement policies and regulations.

2) Adherence to Contract Provisions

Local government agencies shall have the same rights and privileges as the State under the terms of this MPA. Any local government agencies desiring to participate shall be required to adhere to the same responsibilities as do State agencies and have no authority to amend, modify or change any condition of the MPA.

G. American Recovery and Reinvestment Act (ARRA) – Supplemental Terms and Conditions

Ordering agencies executing purchases using ARRA funding must attach the ARRA Supplemental Terms and Conditions. Agencies are reminded that these terms and conditions supplement, but do not replace standard State terms and conditions associated with this MPA. The ARRA Supplemental is found at <http://www.documents.dgs.ca.gov/pd/poliproc/ARRATand%20C081009final.pdf>

H. Problem Resolution/Contractor Performance

Ordering agencies and/or contractors shall inform the State Contract Administrator of any technical or contractual difficulties encountered during contract performance in a timely manner. This includes and is not limited to informal disputes, supplier performance, outstanding deliveries, etc. For information relative to post award (IT) disputes, see SCM3 section 7.4.0 at <http://www.dgs.ca.gov/pd/Resources/publications/SCM3.aspx>

For contractor performance issues, ordering agencies must submit a completed *Supplier Performance Report* found at www.documents.dgs.ca.gov/pd/engineering/spr.doc at or a Contract/Contractor Evaluation form (STD 4 - if services) found at <http://www.dgs.ca.gov/osp/Forms/Search.aspx> via email to the State Contract Administrator. The ordering agency should include all relevant information and documentation (i.e., purchase documents).

III. ORDERING PROCEDURES

A. Purchasing Goods and Services

Ordering Agencies electing to use this MPA for the purchase of Software, Software Maintenance, Software as a Service (Saas), and Technical Support, must select a Contractor using the Best Value Request for Offer (RFO) process prior to issuing a PURCHASING AUTHORITY PURCHASE ORDER (STD. 65) or local government agency equivalent procurement form or contract document:

Ordering Agency will develop an RFO and Statement of Work utilizing the template located at: <http://www.documents.dgs.ca.gov/pd/poliproc/RFO12192011.pdf>

Important note regarding SaaS purchases: When ordering SaaS, Agencies should review all information included on the DGS/PD Cloud Computing webpage <http://www.dgs.ca.gov/pd/Home/CloudComputing.aspx>. The Cloud Computing Contract Checklist located under the Tools and Information Resources should be considered when preparing the Statement of Work.

- If less than 3 offers are received, State agencies must document their contract file with the reasons why the other suppliers solicited did not respond with an offer.
- Assess the offers received using best value methodology, with cost as one of the criteria.
- Issue a Purchase Order to the selected contractor.
- For WSCA transactions under \$5,000 only one offer is required if the State agency can establish and document that the price is fair and reasonable.

ATTACHMENT A

CONTRACTOR CONTACT INFORMATION

Contractor	Contact Person	Address	Contact Information
SHI International Corp PA 7-12-70-19	Alison Turner	290 Davidson Avenue Somerset, NJ 08873	Primary Contact: (425) 974-5997 Email: alison_turner@shi.com
Insight Public Sector, Inc. PA 7-12-70-20	Chris Robertson	6820 S. Harl Avenue Tempe, AZ 85283	Phone: 800-467-4448 x6775 Email: Chris.Robertson@Insight.com Fax: (480) 760-8532
En Pointe Technology Sales, Inc. PA 7-12-70-21	Imran Yunus	18701 South Figueroa Street Gardena, CA 90248	Phone: (310) 337-5908 Email: iyunus@enpointe.com Fax: (310) 258-2310

CONTRACTOR PRICING

Please go to the following Cal eProcurement websites to access Contractor's pricing:

Contractor	Cal eProcure Location:
SHI International Corp PA 7-12-70-19	https://caleprocure.ca.gov/pages/LPASearch/lpa-search.aspx
Insight Public Sector, Inc. PA 7-12-70-20	https://caleprocure.ca.gov/pages/LPASearch/lpa-search.aspx
En Pointe Technology Sales, Inc. PA 7-12-70-21	https://caleprocure.ca.gov/pages/LPASearch/lpa-search.aspx