



**Office of
General Services**

Information Technology Contract – Manufacturer Based Networking Session

For Manufacturers and M/WBE/SDVOBs

June 13, 2017

Agenda

- Welcome & Introductions
- Purpose and Goals
- Overview of Appendix B Modifications
- Changes of note to the Solicitation
- Conclusion

Welcome & Introductions

Introductions

Procurement Services



Sean Carroll, Chief Procurement Officer



Karen Fowler, Director, Information Technology and Telecom



Mark Kleinhenz, Assistant Director, Information Technology and Telecom

Housekeeping

- Procurement Lobbying Law restricted period in effect; State Finance Law §§139-j and 139-k
- There are certain restrictions on communications between OGS and Bidders during the current “Restricted Period”
- All communication must be directed to the designated contacts identified in the Periodic Recruitment document, via the following email address: PS_SW_ITF@ogs.ny.gov
- There will be no questions during or following the presentation

Housekeeping (cont.)

- This PowerPoint is to help direct vendors to major changes in the Umbrella Manufacturer Periodic Recruitment.
- Although some of the material has been summarized in this PowerPoint, the official language appears in the solicitation as referenced.
- Please do not respond to the solicitation based solely on this PowerPoint and review the sections reference on your own.
- Although we can't take questions today, we value your input. The schedule on the last slide identifies a second round of questions, and we encourage you to ask your questions through the formal process. All communication must be directed to the designated contacts identified in the Periodic Recruitment document, via the following email address:
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Goal and Purpose

Purpose

OGS Procurement Services, in collaboration with the OGS Office of Minority and Women-Owned Business Enterprises and the OGS Division of Service-Disabled Veteran-Owned Business Development, is here today so:

- NYS Certified M/WBEs and SDVOBs can meet and discuss opportunities to partner with existing and prospective Manufacturer-Based IT Umbrella (Umbrella) contract holders and,
- OGS Procurement Services present information on the differences between the original Umbrella solicitation and the current periodic recruitment.

Goals

- NYS Certified M/WBEs and SDVOBs will have an opportunity to create partnerships that will facilitate opportunities in State Contracting.
- Existing and prospective Umbrella contract holders can develop partnerships that will help them meet contract goals.
- Attendees gain a better understanding of the recently released Manufacturer-Based Umbrella IT periodic recruitment.

Overview of Appendix B Modifications

Appendix B Modifications

- Allows existing purchase orders under CTES and other OGS Centralized Contracts to be carried out under the Manufacturer Umbrella, as long as the same Products and services are available. (*Appendix B Section 27E “Participation in Centralized Contracts; Contract Migration.”*)
- Allows the Authorized User an avenue to agree to Contractor’s additional terms and conditions. (conditions apply). (*Appendix B Section 28 “Modificaton of Contract Terms”*)
- Product acceptance for Lot 3 Cloud has been reduced to 30 days, unless modified by Contractor and authorized user. (*Appendix B Section 66. “Product Acceptance”*)

Appendix B Modifications

- Product Delivery for Lot 3 Cloud occurs when customers can access the functionality of the Solution. *(Appendix B, Section 33 “Product Delivery.”)*
- Source Code Escrow requirements have been removed for all Products including Lot 3 Cloud. *(Appendix B, Section 73, reserved)*
- **Warranties in appendix B now only apply to Lots 1,2 and 4, and not to Lot 3 – Cloud Services.** Warranty language has also been simplified for Lots 1,2 and 4. *(Appendix B, Section 59 Warranties)*

Appendix B Modifications

- The Contractor can offer one time lower pricing and/or better terms to a customer without being required to offer the same lower pricing and/or better terms to all customers. This could cover promotional deals or large volume discounts. (*Appendix B Section 17, Pricing Paragraph (f) is now reserved; formerly “Best Pricing Offer”*)
- Allows the customer additional flexibility in negotiating remedies for breach. For example, a 15 day period exists for a failure to perform under the contract, with this change, the customer may allow more time if it feels progress is being made. (*Appendix B Section 52 “Remedies for Breach.”*)

Appendix B Modifications

- OGS clarified that Software License Grant only applies when product is acquired on a licensed basis. Where Lot 3 Cloud Solutions, (or other purchases) are not acquired on a license basis then this section does not apply. (*Appendix B Section 65 “Software License Grant.”*)
- Section 36 “Title and risk of loss” language has been removed and covered in other sections of the solicitation. (*Appendix B Section 36 “Title and Loss.”*)

Appendix B Modifications

- Products removed at end of life are only required to be supported for 6 months, down from previous 12 month requirement. (*Appendix B, Section 71 “Changes to Product or Service Offering”*)

Changes of note to the solicitation

Explanation of Cyber Insurance Levels on Lot 3

Cloud Services (Lot 3) is divided into Low, Moderate, and High Risk categories for various purposes including Insurance.

To secure a Lot 3 contract you must bid at least 1 category.

- Companies choosing to only provide Low Risk services must submit proof of cyber insurance at \$2 million to be a contractor;
- However, if an company chooses to provide Moderate or High Risk services they must provide Cyber Insurance of \$5 or \$10 million to be considered for award.
- Any vendor responding to an RFQ for work outside of their cyber security risk category must increase their cyber insurance to be considered. (The process for this is outlined in the solicitation).
- Companies with sufficient capacity could prove Self-Insurance
- ***Please See Attachment 5 for Vendor Insurance Requirements***

Cloud Manufacturer Definition

Your company may qualify if you fall into one of the three categories:

1. A organization that creates a cloud environment and/or product. (Cloud OEM, owns data centers, etc.)
2. A organization that uses the offerings from one or more cloud OEMs to build its own branded solution that it is responsible for directly or through contractual agreement for the life of the agreement.
3. A organization that creates a remote support or administrative management function that can access the Authorized users data.

Defining Government Entity for Purposes of Verifiable Sales

- Any United States based government entity.
- For example: Federal Agencies, State, Local, Municipal, US Recognized Tribal Nations, School Districts, and Public Authorities, etc. (*“Solicitation Section 1.7, Glossary, Government Entity”*).
- If you are unsure and you cannot identify the governmental entity on OGS’s **Attachment 4 dropdown** list, submit documentation for review.
- ***Please see Attachment 4 for complete details.***

Vendor paper

- **During Solicitation***: Companies can suggest additional Terms and Conditions during the Second Questions and Answer period or by using the exception form in the appendices or,
- **During the Contract****: Can include them as a response to an RFQ, as long they do not conflict with the base contract. (Acceptance at discretion of authorized user provided that it does not violate carve outs)

*Solicitation Section 1.13 **Appendix B Section 28

What Lot do I list my products in?

- Manufacturers must determine what the best lot for their offerings are. If you host your services in any manner or otherwise provide your services over the internet, you should look to secure a Lot 3 contract. If you are not sure what Lot an item belongs in please list the item in both to avoid being unable to provide the service.
- All vendors whose products or services may need implementation services should consider submitting for a Lot 4 contract to allow implementation services to be provided either directly or through resellers. This will make your contract as flexible as possible.

*Solicitation Section 1.2 “Lot Overview.”

Conclusion

Housekeeping (repeated)

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Schedule

Event	Date	Time
Solicitation Release	4/10/17	N/A
Pre-Bid Conference	4/19/17	10:00 AM ET
Closing Date for 1 st Inquiry Period	5/3/17	N/A
Meet and Greet	6/13/17	N/A
Anticipated Posting of Responses to 1 st Inquiry	6/23/17	N/A
Closing Date for 2 nd Inquiry Period	6/30/17	N/A
Anticipated Posting of Responses to 2 nd Inquiry	7/18/17	N/A
Submissions Due	8/2/17	11:00 AM ET

Solicitation documents are located at the below link:

<https://www.ogs.ny.gov/purchase/biddocument/22802BID02.asp>

Keep checking the contract reporter for updates!