

COOPERATIVE AGREEMENT USER INSTRUCTIONS

NON-MANDATORY

Supplement #1

Important Note: Supplement #1 replaces and supersedes the previous User Instructions dated 4/10/18.

ISSUE AND EFFECTIVE DATE: 11/14/18	
TITLE/DESCRIPTION:	Software VAR (NASPO ValuePoint)
CONTRACT NUMBER(S):	7-16-70-35 En Pointe Technologies Sales, LLC 7-16-70-36 SHI International, Corp. 7-16-70-37 CDW Government LLC
CONTRACT TERM:	Various through 04/07/2019
CONTRACT CATEGORY:	IT Goods
MAXIMUM ORDER LIMIT:	\$250,000 (State Agencies Only)
FOR USE BY:	State and Local Governmental Agencies (See Section B)
STATE CONTRACT ADMINISTRATOR:	Julie Matthews (916) 375-4612 Julie.Matthews@dgs.ca.gov

Ordering Agencies are instructed to carefully review these User Instructions in its entirety. For questions, please contact the State Contract Administrator and reference the "Title/Description" and/or Contract Number(s). Changes to this document will be issued through a User Instructions Supplement.

Notice to State Agencies:

Products and/or services under the Software publishers identified in Attachment C-1 (pricing submission sheet) are **NOT** available if the products and/or services are currently available under the Software Licensing Program (SLP). This restriction does not apply to local governmental agencies.

ORIGINAL SIGNED

Julie Matthews, State Contract Administrator Date

SUMMARY OF CHANGES		
Supplement No.	Revision Description	Supplement Date
1	<p>Supplement #1 includes the following changes:</p> <ul style="list-style-type: none"> • Updated “Participating Addendum” references to “Cooperative Agreement”; see Section 1 (Scope and Overview) • Updated “State Department” references to “State Agency” • Deleted Table of Contents and updated section numbers • <u>Cover Page</u> – <ul style="list-style-type: none"> ○ Deleted DGS-PD website link ○ Updated State Contract Administrator information from Steve Lower to Julie Matthews. • <u>Section 2 (Contract Availability)</u> – Added reference to restricted products/services for state agencies. • <u>Section 3 (Contract Term)</u> – Updated contract term language • <u>Section 4 (Contract Administrators)</u> – Updated State Contract Administrator information from Steve Lower to Julie Matthews. • <u>Section 5.B (California Cooperative Agreement)</u> – Updated instructions for accessing documents in Cal eProcure • <u>Section 5.C (Available Products and Services)</u> – Updated language and links to Software Licensing Program (SLP) • <u>Section 5.E (Contractor Pricing)</u> – Updated price structure information and instructions on how to access price lists. • <u>Section 6.B (Purchasing Authority)</u> – Updated purchasing authority language to include acquisition method and type • <u>Section 6.C (California Seller’s Permit)</u> – Updated link • <u>Section 6.E (Order Limits)</u> – Added section • <u>Section 7 (Ordering Procedures)</u> <ul style="list-style-type: none"> ○ Updated RFO requirements to include Bidder Declaration ○ Updated order value for obtaining multiple offers ○ Updated purchase document formats for state agencies • <u>Section 8.B (Payee Data Record)</u> – Updated requirement for state agencies to obtain STD 204 • <u>Section 8.C (CAL-Card)</u> – Updated language regarding purchase order form • <u>Attachment A</u> – <ul style="list-style-type: none"> ○ Updated Cooperative Agreement website links 	11/14/18

To obtain copies of previous User Instructions, please contact the State Contract Administrator listed in Section 4 (Contract Administrators).

1. SCOPE AND OVERVIEW

The Department of General Services, Procurement Division (DGS-PD) has established California Participating Addendum (hereafter referred to as “California Cooperative Agreement” or “Cooperative Agreement”) with individual Contractors (as noted on page 1) for use of the NASPO ValuePoint Software VAR Master Agreements executed by the State of Arizona.

These Cooperative Agreements provide state and local governmental agencies the opportunity to acquire products and services in accordance with the instructions provided herein and the terms and conditions outlined in the individual Cooperative Agreements. Attachment A identifies specific Cooperative Agreement information by Contractor.

Note: Unless otherwise specified within this document, the term “Ordering Agencies” will refer to all state agencies and local governmental agencies eligible to utilize these agreements. Ordering and usage instructions exclusive to state or local governmental agencies shall be identified within each section.

2. CONTRACT AVAILABILITY

A. State Agencies

- 1) Use of these agreements is non-mandatory for State of California agencies.
- 2) State agencies are restricted from using these agreements for products and services available on Software Licensing Program (SLP). See Section 5.C (Available Products and Services) and 5.D (Restricted/Disallowed Products and Services) for more information.

B. Local Governmental Agencies

- 1) Use of these agreements is optional for local governmental agencies.
- 2) Local governmental 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.
- 3) Each local governmental agency shall determine whether use of these agreements is consistent with its procurement policies and regulations.

3. CONTRACT TERM

The term for these California Cooperative Agreements is from the date of the State’s approval through April 7, 2019, or upon termination by the State, whichever occurs first. See Attachment A for individual agreement start and expiration dates.

Note: Orders placed under these contracts shall be executed on or before the expiration date of the Cooperative Agreement. Delivery of products or completion of services may be after the Cooperative Agreement expiration date.

4. CONTRACT ADMINISTRATOR

The State and the Contractor(s) have assigned contract administrators as single points of contact for problem resolution and related contract issues.

The State Contract Administrator for these agreements is:

Name:	Julie Matthews	Address:	Department of General Services Procurement Division 707 Third Street, 2 nd Floor, MS 2-202 West Sacramento, CA 95605
Phone:	(916) 375-4612		
Fax:	(916) 375-4663		
E-Mail:	Julie.Matthews@dgs.ca.gov		

Contractor contact information is outlined in Attachment A.

5. CONTRACT INFORMATION

A. Lead State Agreement (NASPO ValuePoint Base Contract)

The California Cooperative Agreements are based on some or all of the products, services and prices from the NASPO ValuePoint Software VAR agreements issued by the State of Arizona. Copies of the Arizona NASPO ValuePoint agreements are available at:
<http://www.naspovaluepoint.org>

B. California Cooperative Agreements (Participating Addendum Documents)

California Cooperative Agreements and related documents are posted in [Cal eProcure](#). Direct links to each agreement in Cal eProcure are found in Attachment A.

C. Available Products and Services

The California Cooperative Agreements are 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 the Cooperative Agreements, state agencies must:

- Check the DGS PD SLP website at:
<http://www.dgs.ca.gov/pd/Programs/Leveraged/SLP/SLPPublishers.aspx> and/or
- Contact the SLP contract administrator (Steve Lower) at: steve.lower@dgs.ca.gov

D. Restricted/Disallowed Products and Services

- A. Consulting
- B. Configuration/Customization of software
- C. Installation
- D. Training
- E. Cloud products/services

E. Contractor Pricing

Pricing is based on a Reseller Cost formula [Reseller Cost + (Reseller Cost x Markup/Down)]. Price Lists for each contractor are posted on Cal eProcure. Links to each Contractor's Cal eProcure website are identified in Attachment A.

6. CONTRACT USAGE/RULES

A. Adherence to Applicable Laws (State Agencies Only)

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).

B. Purchase Authority (State Agencies Only)

The acquisition method and type for these agreements are:

Acquisition Method	Leveraged Procurement Agreements (requiring further competition within the category) – Cooperative Agreements
Acquisition Type	IT Goods and Services

Prior to executing subscription agreements, state agencies must have been granted purchasing authority by DGS-PD for the use of the acquisition method and type listed above. State agencies may contact the DGS-PD Purchasing Authority Management Section for information at pams@dgs.ca.gov.

C. California Seller's Permit (State Agencies Only)

California Seller's Permit information for each Contractor is identified in Attachment A. Prior to placing orders under these agreements, State agencies should verify that permits are currently valid at www.cdtfa.ca.gov/. State agencies must adhere to the file documentation required identified in the State Contracting Manual Volume 3 and F, as applicable.

D. DGS Administrative Fee

Ordering agencies will not be charged the DGS Administrative fee nor will they be invoiced by the Contractor(s) for use of these agreements.

E. Order Limits/Dollar Thresholds (State Agencies Only)

State agencies may execute orders, including amendments, up to the maximum order limit listed on page 1.

Pursuant to Public Contract Code Section 10329, willfully splitting a single purchasing transaction into a series of transactions for the purpose of evading bidding requirements or to circumvent ordering limits is prohibited.

This restriction does not apply to local governmental agencies.

7. ORDERING PROCEDURES

A. Contractor Selection Process

1) State Agencies

State agencies electing to use these agreements must select a Contractor using the Best Value Request for Offer (RFO) process outlined below:

- *Develop RFO* – Ordering Agency will develop a RFO which includes the following information, at a minimum:
 - All relevant Ordering Agency contact information necessary for the Contractor to respond to the RFO;
 - A detailed list of the software, maintenance and technical support you're requesting; and
 - Bidder Declaration (GSPD 05-105)
- *Solicit Offers* – Ordering Agency shall solicit offers from a minimum of three Contractors.
 - If multiple Contractors are solicited and less than three offers are received, the Ordering Agency must document their file with the reasons why the other Contractors solicited did not respond with an offer.
 - Orders valued less than \$10,000 may be executed without obtaining multiple offers if fair and reasonable pricing has been established and documented within the procurement file.
- *Determine Best Value* – Ordering Agency will review all responsive offers and select a Contractor based on best value, with cost as one of the criteria.
- *Document Results* – Ordering Agency must document the results of the best value RFO process within the procurement file including, but not limited to, Contractors that were contacted, recap of their offers, how the selection was made and criteria for determining “best value”. Ordering Agencies have the option to use the [Best Value Determination Worksheet](#) or the agency's own form to document the results.
- *Issue Purchase Order* – Ordering Agency will issue purchase order document to the selected Contractor in accordance with Section 7.B (Purchase Order Form).

2) Local Governmental Agencies

Local governmental agencies may use the contractor selection process described in Section 7.A.1 above or other process in accordance with their procurement policies and regulations.

B. Purchase Order Form and Execution

All Ordering Agency purchase order documents executed under these agreements must contain the applicable California Cooperative Agreement number as shown in Attachment A.

1) State Agencies

STD 65 Purchase Documents – State Agencies not transacting in FISCAL must use the Purchasing Authority Purchase Order (STD 65) for purchase execution. An electronic version

of the STD 65 is available at the DGS-PD website at <http://www.dgs.ca.gov/pd/Forms.aspx> (select Standard STD Forms).

FI\$Cal Purchase Documents – State agencies transacting in FI\$Cal will follow the FI\$Cal procurement and contracting procedures.

2) Local Governmental Agencies

Local governmental agencies may use their own purchase order document in lieu of the State's purchase order form.

8. INVOICING AND PAYMENT

A. Payment Terms

Payment terms for these agreements are net forty-five (45) days. Payment will be made in accordance with the provisions of the California Prompt Payment Act, Government Code Section 927, et seq. Unless expressly exempted by statute, the Act requires State agencies to pay properly submitted, undisputed invoices not more than forty- five (45) days after the date of acceptance of goods, performance of services, or receipt of an undisputed invoice, whichever is later.

B. Payee Data Record

State Ordering Agencies not transacting in FI\$Cal, must obtain a copy of the Payee Data Record (STD 204) in order to process payments. State Ordering Agencies forward a copy of the STD 204 to their Accounting office(s). Without the STD 204, payment may be unnecessarily delayed.

C. CAL-Card

State agencies may use the CAL-Card for the payment of invoices. Use of the CAL-Card requires the execution of a purchase order document as referenced in Section 7.B (Purchase Order Form) and must include all required documentation applicable to the purchase.

CAL-Card is a payment mechanism, not a procurement approach and, therefore, does not relieve state agencies from adhering to all procurement laws, regulations, policies, procedures, and best practices, including those discussed in the State Contracting Manual. This includes but is not limited to the application of all sales and use tax laws, rules and policies as applicable to the purchase.

9. PROBLEM RESOLUTION/CONTRACTOR PERFORMANCE

Ordering agencies should first attempt to resolve complaints, issues or disputes informally with the Contractor. If the issue or dispute cannot be resolved by the Ordering Agency, the issue may be elevated to the DGS-PD State Contract Administrator.

10. ATTACHMENTS

Attachment A – Contract Information (see Pages 8-10)

Attachment A – Contract Information

California Cooperative Agreement (Contract) No.	7-16-70-35
Contractor Name	En Pointe Technologies Sales, LLC
Term Dates	10/12/2016 through 4/7/2019
Lead State Agreement	Arizona NASPO ValuePoint Master Agreement #ADSPO16-130653
California Cooperative Agreement Website	https://caleprocure.ca.gov/PSRelay/ZZ_PO.ZZ_CTR_SUP_CMP.GBL?Page=ZZ_CTR_SUP_PG&Action=U&SETID=STATE&CNTRCT_ID=7-16-70-35
Product/Service Categories (Awarded Groups)	Software, Maintenance and Technical Support
Payment Terms	Net 45 days
CAL-Card Accepted	Yes (See Section 8.C for CAL-Card use requirements)
SB/DVBE Certification(s)	None
Seller's Permit No.	102747352 (See Section 6.C)
CONTRACTOR CONTRACT MANAGER	
Contract Manager	Simon Abuyounes
Phone	310-354-5600
Fax	N/A
Email	Simon.Abuyounes@enpointe.com
ORDERING/REQUEST FOR OFFER (RFO) INFORMATION	
Contractor (Direct) Ordering Information	En Pointe Technologies Sales, LLC 1940 East Mariposa Avenue El Segundo, CA 90245 Simon Abuyounes 310-337-5908 Simon.Abuyounes@enpointe.com
Ordering through State-Approved Authorized Dealers	N/A

Attachment A – Contract Information, continued

California Cooperative Agreement (Contract) No.	7-16-70-36
Contractor Name	SHI International, Corp.
Term Dates	10/12/2016 through 4/7/2019
Lead State Agreement	Arizona NASPO ValuePoint Master Agreement #ADSP016-130651
California Cooperative Agreement Website	https://caleprocure.ca.gov/PSRelay/ZZ_PO.ZZ_CTR_SUP_CMP.GBL?Page=ZZ_CTR_SUP_PG&Action=U&SETID=STATE&CNTRCT_ID=7-16-70-36
Product/Service Categories (Awarded Groups)	Software, Maintenance and Technical Support
Payment Terms	Net 45 days
CAL-Card Accepted	Yes (See Section 8.C for CAL-Card use requirements)
SB/DVBE Certification(s)	None
Seller's Permit No.	99377422 (See Section 6.C)
CONTRACTOR CONTRACT MANAGER	
Contract Manager	Alison Turner
Phone	425-974-5997
Fax	N/A
Email	Alison_turner@shi.com
ORDERING/REQUEST FOR OFFER (RFO) INFORMATION	
Contractor (Direct) Ordering Information	SHI International, Corp. 290 Davidson Avenue Somerset, NJ 08873 Alison Turner 425-974-5997 Alison_turner@shi.com
Ordering through State-Approved Authorized Dealers	N/A

Attachment A – Contract Information, continued

California Cooperative Agreement (Contract) No.	7-16-70-37
Contractor Name	CDW Government LLC
Term Dates	10/12/2016 through 4/7/2019
Lead State Agreement	Arizona NASPO ValuePoint Master Agreement #ADSPO16-130652
California Cooperative Agreement Website	https://caleprocure.ca.gov/PSRelay/ZZ_PO.ZZ_CTR_SUP_CMP.GBL?Page=ZZ_CTR_SUP_PG&Action=U&SETID=STATE&CNTRCT_ID=7-16-70-37
Product/Service Categories (Awarded Groups)	Software, Maintenance and Technical Support
Payment Terms	Net 45 days
CAL-Card Accepted	Yes (See Section 8.C for CAL-Card use requirements)
SB/DVBE Certification(s)	None
Seller's Permit No.	101346422 (See Section 6.C)
CONTRACTOR CONTRACT MANAGER	
Contract Manager	Jason Schwartz
Phone	800-808-4239
Fax	NA
Email	jasons@cdw.com
ORDERING/REQUEST FOR OFFER (RFO) INFORMATION	
Contractor (Direct) Ordering Information	CDW Government LLC 230 N. Milwaukee Ave. Vernon Hills, IL 60061 Jason Schwartz 800-808-4239 jasons@cdw.com
Ordering through State-Approved Authorized Dealers	N/A