



DEPARTMENT OF
BUDGET & MANAGEMENT

Martin O'Malley
Governor
Anthony Brown
Lieutenant Governor

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Secretary

QUESTIONS AND RESPONSES # 1
PROJECT NO. 050B7800011

Microsoft Select and Enterprise Products and Services Large Account Re-Seller
January 26, 2007

Ladies/Gentlemen:

This List of Questions and Responses #1 is being issued to clarify certain information contained in the above named IFB. The statements and interpretations of contract requirements, which are stated in the following questions of potential bidders, are not binding on the State, unless the State expressly amends the IFB. Nothing in the State's responses to these questions is to be construed as agreement to or acceptance by the State of any statement or interpretation on the part of the vendor asking the question as to what the contract does or does not require.

1. Sections 1.1.2, 1.3 and 1.25 all reference a (or the) "percentage discount off" Attachments D-1 and D-2 have places for perhaps 3 separated percentages. Is it the State's intent to have a single "percentage discount off" that would populate all three categories (D-1.1, D-2.3 and D-2.4)? Or is the State allowing for different discounts for D-1 and D-2?

RESPONSE:

The State is allowing for different discounts for each section of price sheets D-1 and D-2. The D-2 price sheet has been amended to provide more clarity in the weights that are to be used when calculating each evaluated percentage.

2. Section 1.31 references non-state governments or agencies participating in the contract. The definitions state that an authorized user has a Microsoft authorized Enrollment Number. Is it the State's intent that every agency, without exception and regardless of size, complete and sign their own enrollment with Microsoft and the successful LAR? Will the State allow for a "general" enrollment to be signed that might encompass several of the smaller agencies within the State? Will the requirement be the same for Select Enrollments and Enterprise Enrollments, or might they be different?

RESPONSE:

No, there is no "general" enrollment. Each Authorized User requesting to purchase any Microsoft products or services via the State of Maryland's Master Microsoft Select and Enterprise Agreements must complete the applicable Microsoft enrollment form. The requirement is the same for Select and Enterprise Enrollments. Please refer to section 2.4 of the IFB.

~Effective Resource Management~

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3. Section 2.5.12 reference "Most Favored Customer pricing" which is sometimes inconsistent with terms of an IFB, which this solicitation is. Is it the State's intent to seek "most favored customer pricing" or will this clause be removed?

RESPONSE:

It is not the State's intent to seek "most favored customer pricing" and this clause has been removed from the IFB per the amendment that was sent out 1/26/07.

4. Section 2.6.5 references the contractor's agreement to accept all returned "opened" software that is damaged or sent in error, and all unwanted unopened products. The products with which we are dealing are mostly non-physical products. The only physical product would be individual media or media kits. All licenses are non-physical. Is it the State's intent that this return policy be without limitations with regards to a specific number of days? Microsoft's policy under Select Agreements is 90 days, and I believe their policy under Enterprise is less lenient. Would the State consider limiting the return period to be in accordance with the terms and conditions of the Microsoft Select and/or Enterprise agreement as applicable?

RESPONSE:

The State has decided to amend the IFB to limit the return policy to a period of 60 days. See the amendment sent out 1/26/07.

5. Section 2.6.5.A references "unopened software." Again, since there is no physical product to open, can the State offer assurance to the chosen LAR that any returns within the time period allowed by the Select and/or Enterprise agreement will be unused software - in other words, not having been allocated to users within an agency?

RESPONSE:

If an enrolled affiliate purchases a software product under the Enterprise Agreement that is delivered electronically rather than physically, the "true up" and verification compliance processes provided under the Enterprise Agreement offer a method of reconciling if licenses were downloaded to more than the initial recipient and not properly uninstalled upon the enrolled affiliate's return of the product.

Under both the Select and Enterprise Agreements, unauthorized use of a software license for which an enrolled affiliate did not pay, would render the enrolled affiliate subject to enforcement remedies by the LAR and Microsoft.

6. Who holds your contract now, what LAR?

RESPONSE:

The current contract is held by SHI, Software House International, Inc.

7. What is the states current discount on the select contract in place today?

RESPONSE:

The States current discount on the Select contract is 18.95% off Microsoft Level D pricing.

8. *What does the State have budgeted for this engagement?*

RESPONSE:

There is no budget for this engagement. The State does not know the actual amount of money that will be spent under the contract.

9. *Will the State take and consider responses with revised language in section 2.6.5?*

RESPONSE

As a result of concerns raised at the Pre-bid Conference on January 23, 2007, the State has revised the language in section 2.6.5. See the amendment sent out 1/26/07.

10. *As we are not a LAR, if we get LAR pricing, from another LAR, can we still be awarded the contract for the state?*

RESPONSE

No, only Microsoft certified LAR's may be awarded the contract. Please refer to section 2.2.1 of the IFB that states that the bidder must be a current Microsoft Authorized North American Government Large Account Reseller authorized by Microsoft to provide and administer Microsoft Select and Enterprise software products, and to request and direct certified Microsoft services in the State of Maryland.

Remember offers are due on February 6, 2007 no later than 2:00 p.m. If there are questions concerning this solicitation, please contact me via e-mail at khall@dbm.state.md.us or call me at (410) 260-7414 as soon as possible.

Date Issued: 1/26/07

By _____
Kimmeria Hall
Procurement Officer