



DEPARTMENT OF
BUDGET & MANAGEMENT

Martin O'Malley
Governor

Anthony Brown
Lieutenant Governor

T.Eloise Foster
Secretary

Amendment #5 to Request for Proposals (RFP)
Commercial-Off-The-Shelf Software
Project No. 050B7800012
March 23, 2007

This Amendment is being issued to amend and clarify certain information contained in the above named RFP. All information contained herein is binding on all Offerors who respond to this RFP. Specific parts of the RFP have been amended. The following changes/additions are listed below; new language has been double underlined and marked in bold (ex. **new language**) and language deleted has been marked with a strikeout (ex. ~~language deleted~~).

1. a. ALL REFERENCES IN THE RFP THAT PERTAIN TO PORFQ (Purchase Order Request for Quote), SHOULD NOW BE UNDERSTOOD TO MEAN PORFP (Purchase Order Request for Proposals).

b. ALL REFERENCES IN THE RFP THAT PERTAIN TO BIDDERS AT THE PORFQ LEVEL SHOULD NOW BE UNDERSTOOD TO MEAN OFFEROR'S AT THE PORFP LEVEL.

2. Revise and add to Section 1.3 Definitions

~~x. Quotation – Master Contractor's response to a PORFQ issued by the State~~

z. Purchase Order Request for ~~Quotation (PORFQ)~~ **Proposals (POREP)**– A request by the Requesting Agency for the price **and any other factors associated with providing the** of required COTS software, Installation and Training services and/or Manufacturer's Software Maintenance.

dd. MSRP – Manufacturer's Suggested Retail Price. The use of the term MSRP shall be construed to apply to each respective software title, or maintenance, as appropriate, as identified in a PORFP.

3. Revise 1.5 – duration.

The term of this Contract will be for a period of ~~about~~ five (5) years, beginning on or about ~~April~~ September 1, 2007 and will terminate on ~~March~~ August 31, 2012.

4. Revise/add to Section 1.9

eMM is an electronic commerce system administered by the Maryland Department of General Services. In addition to using the DBM web site (www.dbm.maryland.gov) and other means for transmitting the RFP and associated materials, the solicitation and summary of the pre-proposal

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conference, Offeror questions and the Procurement Officer's responses, addenda, and other solicitation related information will be provided via e-Maryland Marketplace.

COMAR 21.02.03.06 requires that each Master Contractor that wins a PORFQ under this RFP pay a fee to support the operation of eMM. The fee will be due on each PORFQ that exceeds \$25,000. The applicable fee will be based on the PORFQ value. A total PORFQ value that is other than an even dollar amount will be rounded to determine the appropriate fee level. For example, a total PORFQ value of \$50,000.49 will be rounded to \$50,000 and a Level 1 fee will apply. A total PORFQ value of \$50,000.50 will be rounded to \$50,001 and a Level 2 fee will apply. A copy of COMAR 21.02.03.06 can be found on the eMM website at www.eMarylandMarketplace.com.

The fee amount for a PORFQ may not be charged to the State as a separate add-on price or in addition to the accepted quotation.

In order to receive a contract award, a vendor must be registered on eMarylandMarketplace. Registration is free. Vendors may register at: <https://ebidmarketplace.com/>. Click on "Registration" to begin the process and follow the prompts.

5. Revise Section 2.3.3

Master Contractors shall provide prepaid delivery, FOB (the delivery destination specified in the PORFP) to any State eligible customer located within the State's boundaries. **Unless specified otherwise in a PORFP, all COTS software is to be delivered, prepaid, to the location specified in a PORFP within 3 business days from the date of the PO. The MSRP will be construed to include delivery within 3 business days from the date of the PO. Similarly, provided a PORFP allows at least 3 business days delivery time, any price proposed in response to a PORFP that is lower than MSRP will be construed to include delivery within 3 business days from the date of the PO.**

If a PORFP specifies delivery in less than 3 business days (which will be termed an expedited delivery) and an Offeror proposes the MSRP as its proposal price, the Offeror may include as a separate distinct charge, the cost of the expedited delivery. However, if an offeror proposes a price lower than the MSRP for a PORFP that requires expedited delivery, the PORFP proposal price shall include the cost of the expedited delivery and no separate, additional charge will be permitted.

Title does not pass until the shipment reaches the destination, and the goods belong to seller while in transit. If expedited shipping is required by the State, additional charges may apply for:

- Standard Overnight (delivery by 3:00 PM the next day)
- Priority Overnight (delivery by 10:30 AM the next business day)
- Saturday Delivery (delivery by 12:00 PM)

6. Revise and/or add to Section 2.8 PORFP Procedures:

Subsection 2.8.1

M) ~~GSA Schedule Date.~~

Subsection 2.8.2

L) **Captured COTS publisher or other COTS distributor screen shot of current MSRP as of date of POREP proposal submission. Subject to the approval of the State of Maryland, a comparable substitute directly from the COTS publisher or other COTS distributor may be acceptable.**

7. Revise/Replace Section 2.8.3 Procedure for Awarding a PORFQ

2.8.3 Procedure for Awarding a ~~PORFQ~~ **POREP**

~~The Agency POC will initiate and deliver a PO to the selected Master Contractor after the agency has approved the detailed price quote. PORFQs will be awarded based upon the lowest price or as provided for in accordance with COMAR 21.05.02.17 Multi-Step Competitive Sealed Bidding. PORFQs resulting in a tie will be handled in accordance with COMAR 21.05.02.14 TIE BIDS.~~

Evaluation criteria for award will be established at the POREP level. The PO will be awarded to the Master Contractor whose proposal is determined to be the most advantageous to the State, considering price and the evaluation factors set forth in the POREP. The Agency POC will initiate and deliver a PO to the selected Master Contractor.

8. Revise and/or add to Section 3.4.2.3 (b) as follows:

Manufacturer or Distributor's Letters of Authorization are required for each Manufacturer product line proposed by the Offeror. An Offeror may not propose a Manufacturer product line without providing the required Letter of Authorization at the time it submits its proposal. The Letter of Authorization shall certify that the Offeror is an authorized reseller or distributor of the Manufacturer's COTS software, or is authorized to provide Installation, Training and/or Maintenance services. The Letter of Authorization shall be on the Manufacturer or Distributor's letterhead **or through a Manufacturer's or Distributor's e-mail**. Each Letter of Authorization **or e-mail** must provide the following information:

9. Revise Section 3.4.2.6 Other Required Submissions

D) Completed Attachment G-1-A (page 53 of 63) MBE Utilization and Fair Solicitation Affidavit.

10. Revise and/or add to Section 3.5 Volume II – Financial Proposal

Subsection 3.5.1

An Offeror shall certify by signing Attachment D-1 and D-3 (as applicable), that the Offeror shall provide PORFP proposal pricing no higher than the ~~lowest posted GSA Schedule Price~~ **MSRP as of the date of PORFP proposal submission**. ~~It is not necessary for Offerors to be listed on the GSA Schedule. The GSA Schedule is being used as a baseline for price only.~~

~~For items not having a GSA Schedule Price, the State will consider the procurement to be competitive if two or more qualified bids are received in response to a PORFP. If only one response is received for a PORFP, the procurement officer is required to provide a written determination that the price is fair and reasonable.~~ **MSRP, as in the case when a manufacturer is the only distributor of its own product, the manufacturer's proposed price on its letterhead will be sufficient for MSRP pricing.**

11. Revise Section 3.5.2

3.5.2 For Functional Area II –Installation and Training Services

A) Installation Services:

If proposing to provide Installation Services, the Offeror must complete Attachment D-2, Installation and Training Services Labor Rate Schedule. The prices entered on form D-2 are the maximum prices that may be proposed by a Master Contractor for these services. Prices at the ~~PORFP~~ **POREP** level may be proposed at or below the prices on form D-2, and will be fixed for the duration of the associated PO. When combined with a software purchase in the ~~PORFP~~ **POREP**, the price(s) for Installation must be priced separately from the price(s) of the software ~~on~~ **in the quotation Proposal.**

B) Training Services:

If proposing to provide Training services, the Offeror must complete Attachment D-2 Installation and Training Services Labor Rate Schedule. The prices entered on form D-2 are the maximum prices that may be proposed by a Master Contractor for these services. Prices at the ~~PORFP~~ **POREP** level may be proposed at or below the prices on form D-2, and will be fixed for the duration of the associated PO. When combined with a software purchase in the ~~PORFP~~ **POREP**, the price(s) for training must be priced separately from the price(s) of the software ~~on~~ **in the quotation Proposal.**

Complete the Price sheets as provided in Attachment D - Price Proposal Form and Instructions.

For Functional Area II, the State will consider the procurement to be competitive if two or more qualified ~~bids~~ **offers** are received for a ~~PORFP~~ **POREP**. If only one response is received for a ~~PORFP~~ **POFRP**, the procurement officer is required to provide a written determination that the **total proposal, including** price, is fair and reasonable.

12. Revise and/or add to Page 44 of 63 Attachment D – Price Proposal Form and Instructions

Do not alter the forms or the price proposal ~~shall~~ **may** be rejected.

FORM D-1 FUNCTIONAL AREA I COTS SOFTWARE GSA SCHEDULE PRICE MSRP COMMITMENT

The Offeror must acknowledge the use of the ~~GSA schedule~~ MSRP as a ~~baseline~~ ceiling price for the master contract and commit to charging no more than the ~~lowest GSA Schedule Price~~ MSRP published on-line at the time of the ~~PORFQ~~ **POREFP proposal submission** response. ~~It is neither necessary nor advantageous for an Offeror to participate in the GSA Schedule. The GSA Schedule is being used as a baseline for price only.~~

FORM D-3 FUNCTIONAL AREA III MANUFACTURER'S SOFTWARE MAINTENANCE GSA SCHEDULE PRICE MSRP COMMITMENT

The Offeror must acknowledge the use of the ~~GSA schedule~~ MSRP as a ceiling price ~~baseline~~ for the master contract and commit to charging no more than the ~~lowest GSA Schedule Price~~ MSRP published on-line at the time of the ~~PORFQ~~ **POREFP proposal submission** response. ~~It is neither necessary nor advantageous for an Offeror to participate in the GSA Schedule. The GSA Schedule is being used as a baseline for price only.~~

SEE ATTACHMENTS FOR REVISED FINANCIAL PROPOSAL FORMS D-1, D-2, and D-3. ALL "D" FORMS HAVE BEEN REVISED.

ALSO, SEE ATTACHMENT FOR NEW CONTRACT ATTACHMENT A

Remember, all Proposals are due April 6, 2007 at 2:00pm Local Time.

Date of Issue March 23, 2007

Patti Tracey
Procurement Officer