

Request for Quotation

Bidder offers and agrees if this response is accepted within 45 calendar days following the date the response is due to furnish all the items upon which prices are quoted, at the prices set opposite each item, delivered at the designated point(s) by the method of delivery and within the times specified and subject to the attached General Provisions. DELCARATIONS UNDER PENALTY OF PERJURY: By signing above, with inclusion of the date of signature, the above signed Bidder DECLARES UNDER PENALTY OF PERJURY under the laws of the State of California as follows: (1) (STATEMENT OF COMPLIANCE). The above signed has complied with the non-discrimination program requirements of Government Code 12990 and Title 2, California Administrative Code Section 8103, and such declaration is true and correct. (2) The National Labor Relations Board declaration set forth in Paragraph 48 of the General Provisions is true and correct. (3) If a claim is made for the Small Business or Disabled Veterans Business preference, the information set forth within is true and correct.

The purpose of this Request for Quote (RFQ) for Information Technology Goods & Service is to procure an IBM AIX Software Maintenance Agreement (SWMA) and Subscription for the Department of Technology Services (DTS). **Only quotes from authorized IBM System P Resellers will be accepted.** Award if made, will be to the lowest, responsive, responsible bidder.

The following attachments are required to be submitted in the bid response:

1. RFQ DTS 07-110316 (pages 1 – 11)
2. RFQ DTS 07-110316 Exhibit A-Statement of Work (3 pages)
3. Seller's Permit Number, (if tax applicable)
4. Bidder Declaration form GSPD -05-105, Attachment 2
5. Payee Data Record, Std.204, Attachment 3, (if not on file)
6. Target Area Contract Preference Act (TACPA) Request, (if applicable)
7. Enterprise Zone Act (EZA), (if applicable)
8. Local Agency & Military Base Recovery Act (LAMBRA), (if applicable)

The Following provisions are incorporated into the RFQ and may be viewed at the website listed. If you are unable to view these documents, please contact the buyer for the RFQ listed above.

- IT General Provisions, GSPD-401IT (Effective 04/21/07)
<http://www.pd.dgs.ca.gov/modellang/GeneralProvisions.htm>
- Bidder's Instructions, Form 451 (Effective 08/03/2007)
<http://www.documents.dgs.ca.gov/pd/modellang/BidderInstructions080307.pdf>
- IT Software License Special Provision (Effective 01/21/2003)
<http://www.documents.dgs.ca.gov/pd/modellang/softwarespecial012103.pdf>

REQUEST FOR QUOTATION CONTINUATION			Supplier Name:	Solicitation No. RFQ DTS 07-110316	Rev.
Item No	Product Type	Model	Product SN/Name IBM Customer Number and Enterprise Number	Unit Price	Ext.
Note: This is an IBM ServiceElite Agreement which covers both the Software Maintenance Agreement (SWMA) support and SWMA subscription for the AIX machines. Other offerings included on this Agreement will be the "Cluster Systems Management" (CSM) for SWMA and the "After License Fee" (ALF) charge for those machines which have lapsed in coverage. Please identify all SWMA for AIX, SWMA for AIX ALF, and SWMA for CSM ON AIX costs associated.					
1	7038	6M2	SN:10-2CC1A Name: p650 IBM Customer #2865954/Enterprise #2497327 Term: 12/17/2007 -12/16/2010 (3yrs)		
			SWMA for AIX (if applicable)		
			SWMA for AIX ALF (if applicable)		
			SWMA for CSM on AIX (if applicable)		
2	7038	6M2	SN:10-2F67A Name: p650 IBM Customer #2865954/Enterprise #2497327 Term: 12/17/2007 -12/16/2010 (3yrs)		
			SWMA for AIX (if applicable)		
			WMA for AIX ALF (if applicable)		
			SWMA for CSM on AIX (if applicable)		
3	7040	671	SN:102-2FFAB Name: p670 IBM Customer #1350071/Enterprise #1371000 Term: 07/22/2008 -12/16/2010 (Prorated 2yrs, 4mo+)		
			SWMA for AIX (if applicable)		
			SWMA for AIX ALF (if applicable)		
			SWMA for CSM on AIX (if applicable)		
4	7040	671	SN:02-30000B Name: p670 IBM Customer #1350071/Enterprise #1371000 Term: 07/22/2008 -12/16/2010 (Prorated 2yrs, 4mo+)		
			SWMA for AIX (if applicable)		
			SWMA for AIX ALF (if applicable)		
			SWMA for CSM on AIX (if applicable)		
5	7038	6M2	SN:10-3AB3A Name: p650 IBM Customer #4812104/Enterprise #9208064 Term: 12/17/2007 -12/16/2010 (3yrs)		
			SWMA for AIX (if applicable)		
			SWMA for AIX ALF (if applicable)		
			SWMA for CSM on AIX (if applicable)		

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Item No	Product Type	Model	Product SN/Name IBM Customer Number and Enterprise Number	Unit Price	Ext.
6	7028	6C1	SN:10-DA5DA Name: p610 IBM Customer #1350711/Enterprise #1371000 Term: 12/17/2007 -12/16/2010 (3yrs)		
			SWMA for AIX (if applicable)		
			SWMA for AIX ALF (if applicable)		
			SWMA for CSM on AIX (if applicable)		
7	7028	6C4	SN:10-DD2BA Name: p630 IBM Customer #1350711/Enterprise #2497327 Term: 12/17/2007 -12/16/2010 (3yrs)		
			SWMA for AIX (if applicable)		
			SWMA for AIX ALF (if applicable)		
			SWMA for CSM on AIX (if applicable)		
8	7028	6C4	SN:10-DF4CA Name: p630 IBM Customer #1350711/Enterprise #2497327 Term: 12/17/2007 -12/16/2010 (3yrs)		
			SWMA for AIX (if applicable)		
			SWMA for AIX ALF (if applicable)		
			SWMA for CSM on AIX (if applicable)		
9	7038	6M2	SN:10-2B33A Name: p650 IBM Customer #2865954/Enterprise #2497327 Term: 12/17/2007 -12/16/2010 (3yrs)		
			SWMA for AIX (if applicable)		
			SWMA for AIX ALF (if applicable)		
			SWMA for CSM on AIX (if applicable)		
10	9111	520	SN:00-DC1BA Name: p520 IBM Customer #4205794/Enterprise #1371000 Term: 12/17/2007 -12/16/2010 (3yrs)		
			SWMA for AIX (if applicable)		
			SWMA for AIX ALF (if applicable)		
			SWMA for CSM on AIX (if applicable)		
11	9117	570	SN:00-DC1EA Name: p570 IBM Customer #4205794/Enterprise #1371000 Term: 12/17/2007 -12/16/2010 (3yrs)		

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11			SWMA for AIX (if applicable)		
			SWMA for AIX ALF (if applicable)		
			SWMA for CSM on AIX (if applicable)		
12	7038	6M2	SN:10-4AE8C Name: p650 IBM Customer #295303/Enterprise #2497327 Term: 12/17/2007 -12/16/2010 (3yrs)		
			SWMA for AIX (if applicable)		
			SWMA for AIX ALF (if applicable)		
			SWMA for CSM on AIX (if applicable)		
13	7038	6M2	SN:10-CE83C Name: p650 IBM Customer #295303/Enterprise #2497327 Term: 12/17/2007 -12/16/2010 (3yrs)		
			SWMA for AIX (if applicable)		
			SWMA for AIX ALF (if applicable)		
			SWMA for CSM on AIX (if applicable)		
14	7038	6M2	SN:10-CF05C Name: p650 IBM Customer #295303/Enterprise #2497327 Term: 12/17/2007 -12/16/2010 (3yrs)		
			SWMA for AIX (if applicable)		
			SWMA for AIX ALF (if applicable)		
			SWMA for CSM on AIX (if applicable)		
15	7028	6C4	SN:10-5FB7C Name: p630 IBM Customer #6093910/Enterprise #2497327 Term: 12/17/2007 -12/16/2010 (3yrs)		
			SWMA for AIX (if applicable)		
			SWMA for AIX ALF (if applicable)		
			SWMA for CSM on AIX (if applicable)		
Sub Total:				_____	
Sales Tax (if applicable): \$				_____	
Shipping: \$				_____ 0.00	
GRAND TOTAL: \$				_____	

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Quote Requirements:

- Authorized Reseller:** Only quotations from authorized IBM System P Resellers will be accepted. The awarding Bidder will be verified by IBM.
- Delivery** – Contacts will be identified on the resulting purchase order.
- Quotation Award:** For the purposes of this solicitation, contract award will be made on the basis of “All or None.”
- Cash Discounts:** Cash discounts will not be considered when evaluating bid responses for award purposes. However, cash discounts may be offered and taken by departments processing invoices within the timeframe specified.
- Shipment:** For the purposes of this solicitation, only bid responses quoting F.O.B. Destination will be accepted.
- Inquiries/questions:** Written questions must be received by **2:00 p.m., December 5, 2007**.
- Bidder's Instructions and General Provisions:** The attached Bidder's Instructions and General Provisions have recently been revised. Please read carefully.
- Quotation attachments:** Bid responses that reference a supplier's own terms and conditions or provisions will be considered non-responsive and will be rejected.
- Important Note:** Only bids quoted on the State's own quotation forms will be considered. Bids shall be submitted in a sealed envelope/package with the solicitation number and the bid due date and time clearly marked on the outside of the envelope/package.

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Responsible Bidder: The Department of Technology Services may require Bidder(s) to submit evidence of their qualifications at such times and under conditions, as it may deem necessary. The question of whether a particular Bidder is a responsible Bidder may involve an evaluation of the Bidder's experience, type of facility, expertise or financial resources regarding the particular items requested by the pertinent solicitation. If a Bidder has been determined to be non-responsible, the quote shall be rejected.

New Equipment: All equipment to be provided in response to a State of California solicitation shall be new and latest model in current production. USED, SHOPWORN, DEMONSTRATOR, PROTOTYPE OR DISCONTINUED MODELS ARE NOT ACCEPTABLE.

Facsimile (FAX) Quotes: Facsimile machine (fax) and all other electronic submission of quotes will not be accepted.

Payee Data Record: The successful Bidder will be required to submit a Payee Data Record, Std. Form 204 listing their Taxpayer Identification Number, see Attachment 3.

Seller's Permit: If applicable, please note that award will be conditional on providing the following document prior to award: You must provide your company's California retailer's seller's permit or certification of registration and, if applicable, the permit or certification of all participating affiliates, issued by California's State Board of Equalization (BOE), pursuant to all requirements as set forth in Sections 6487, 7101 and sections 6452.1, 6487.3, 18510 of the Revenue and Taxation Code, and Section 10295.1 of the Public Contract code. In order to expedite the process of verifying the validity of the permit, provide the BOE permit number in the space provided below (or attach a copy of the permit with your quote.)

Retailer's California Seller's Permit Number:

California Disabled Veteran Business Enterprise (DVBE) Program Requirements: The State has established goals for Disabled Veteran Business Enterprises (DVBE) participating in State contracts. Please review the attached DVBE program requirements package. Bidders must complete and return all the appropriate pages in order for the bid to be considered responsive.

<http://www.documents.dgs.ca.gov/pd/delegations/DVBEPckt2.doc>

FOR THE PURPOSE OF THIS SOLICITATION, THE DVBE PROGRAM REQUIREMENTS AND THE DVBE INCENTIVE HAVE BEEN WAIVED.

Small Business Regulations: The Small Business regulations, located in the California Code of Regulations (Title 2, Division 2, Chapter 3, Subchapter 8, Section 1896 et. Seq.), concerning the application and calculation of the small business preference, small business certification, responsibilities of small business, department certification, and appeals are revised, effective 09/09/04. The new regulations can be viewed at (www.pd.dgs.ca.gov/smbus). Access the regulations by Clicking on "Small Business Regulations" in the right sidebar. For those without Internet access, a copy of the regulations can be obtained by calling the Office of Small Business and DVBE Services at (916) 375-4940.

Non-Small Business Subcontractor Preference: A 5% quote preference is now available to a non-small business claiming 25% California certified small business subcontractor participation. If applicable, claim the preference in the box on the right hand side of the first page of this solicitation.

Small Business Nonprofit Veteran Service Agencies (SB/NVSA): SB/NVSA prime Bidders meeting requirements specified in the Military and Veterans Code Section 999.50 et seq. and obtaining a California certification as a small business are eligible for the 5% small business preference. If applicable, claim the preference in the box on the right hand side of the first page of this solicitation.

Attachment with bid required if claiming the Small Business Preference: All Bidders must complete and include the Bidder Declaration form GSPD-05-105. If claiming the non-small business subcontractor preference, the form must list all of the California certified small businesses with which you commit to subcontract in an amount of at least 25% of the net quote price. All certified small businesses must perform a "commercially useful function" in the performance of the contract as defined in Government Code Section 14837(d)(4).

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Small Business Certification: Bidders claiming the small business preference must be certified by California as a small business or must commit to subcontract at least 25% of the net quote price with one or more California certified small businesses. Completed certification applications and required support documents must be submitted to the Office of Small Business and DVBE Services (OSDS) no later than 5:00 p.m. on the quote due date, and the OSDS must be able to approve the application as submitted.

Small business nonprofit veteran service agencies (SB/NVSA) claiming the small business preference must possess certification by California prior to the day and time quotes are due.

Questions regarding certification should be directed to the OSDS at (916) 375-4940.

Declaration Forms: All Bidders must complete the Bidder Declaration GSPD-05-105 and include it with the quote response. When completing the declaration, Bidders must identify all subcontractors proposed for participation in the contract. Bidders awarded a contract are contractually obligated to use the subcontractors for the corresponding work identified unless the State agrees to a substitution and it is incorporated by amendment to the contract.

Bidders who have been certified by California as a DVBE (or who are bidding rental equipment and have obtained the participation of subcontractors certified by California as a DVBE) must also submit a completed form(s) STD. 843 (Disabled Veteran Business Enterprise Declaration). All disabled veteran owners and disabled veteran managers of the DVBE(s) must sign the form(s). Should the form not be included with the solicitation, contact the State contracting official or obtain a copy online from the Department of General Services Procurement Division, Office of Small Business and DVBE Services (OSDS) website at www.pd.dgs.ca.gov/smbus. The completed form should be included with the quote response.

At the State's option prior to award, Bidders may be required to submit additional written clarifying information. Failure to submit the required written information as specified may be grounds for quote rejection.

This Solicitation Contains TACPA, EZA, LAMBRA Preference Programs Apply in this Quotation:

<http://www.documents.dgs.ca.gov/pd/edip/att31001.pdf>

TACPA, EZA, LAMBRA information and forms can be found in the following locations:

1. Target Area Contract Preference Act (TACPA)
<http://www.pd.dgs.ca.gov/edip/tacpa.htm>
2. Enterprise Zone Act (EZA)
<http://www.pd.dgs.ca.gov/edip/eza.htm>
3. Local Agency Military Base Recovery Area (LAMBRA) Act
<http://www.pd.dgs.ca.gov/edip/lambra.htm>

Bidders requesting the TACPA, EZA, or LAMBRA preference must return these documents with the quote response. Bidders who are not requesting the TACPA, EZA or LAMBRA preference need not return these documents with the quote response.

Award of Contract: Award of contract, if made, will be to the lowest, responsive, responsible bidder whose bid complies with all the requirements of the RFQ documents and any addenda thereto, except for such immaterial defects as may be waived by the State. Award, if made, will be made within forty-five (45) days after the scheduled date for Contract Award as specified in the RFQ; however, a bidder may extend the offer beyond 45 days in the event of a delay of contract award.

The State reserves the right to determine the successful bidder(s) either on the basis of individual items or on the basis of all items included in its RFQ, unless otherwise expressly provided in the State's RFQ. Unless the Bidder specifies otherwise in its bid, the State may accept any item or group of items of any bid. *For the purpose of this RFQ, the State shall determine the successful bidder on the basis of all items included in this RFQ and will be awarded to the lowest, responsive, responsible, bidder.* The State reserves the right to modify or cancel in whole or in part this RFQ. Written notification of the State's intent to award will be made to all bidders. If a bidder, having submitted a bid, can show that its bid, instead of the bid selected by the State, should be selected for contract award, the Bidder will be allowed five (5) working days to submit a protest to the Intent to Award, according to the instructions contained in the paragraph titled "Protests" of this RFQ.

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Protests: Any Bidder's issues regarding solicitation requirements must be resolved (or attempts to resolve them must have been made) before a protest may be submitted according to the procedure below. These issues will first be resolved by the department contact for the solicitation or if they result in a protest the department will submit to the DGS Procurement Division Deputy Director to hear and resolve issues and whose decision will be final.

If a Bidder has submitted a quote which it believes to be totally responsive to the requirements of the RFQ and to be the quote that should have been selected according to the evaluation procedure in the solicitation section on Evaluation and the Bidder believes the State has incorrectly selected another Bidder for award, the Bidder may submit a protest of the selection as described below. Protests regarding selection of the "successful vendor" will be heard and resolved by the State Board of Control whose decision will be final.

All protests of award must be made in writing, signed by an individual authorized to bind the Bidder contractually and financially, and contain a statement of the reason(s) for protest; citing the law, rule, regulation or procedures on which the protest is based. The protester must provide facts and evidence to support the claim. Protests must be mailed to:

Street and Mailing Address:

Deputy Director
Procurement Division
707 Third Street, Second Floor South
West Sacramento, CA 95605
Facsimile No: (916) 375-4611

The protester must provide a copy of the protest to the Department of Technology Services. A copy of the protest must be mailed to:

Street and Mailing Address:

Department of Technology Services
Patti Malensky
Procurement and Contracting Unit
1651 Alhambra Blvd.
Sacramento, CA 95816
Facsimile No: (916) 733-7567

All protests to the RFQ or protests concerning the evaluation, recommendation, or other aspects of the selection process must be received by the Deputy Director of the Procurement Division as promptly as possible, but not later than the date indicated in the Notification of Intent to Award. Certified or registered mail must be used unless delivered in person, in which case the protester should obtain a receipt of delivery.

Attachment 1

CALIFORNIA DISABLED VETERAN BUSINESS ENTERPRISE PROGRAM REQUIREMENT PACKET

The Bidder's response to this solicitation must contain the completed forms depending on the option chosen for DVBE participation.

<http://www.documents.dgs.ca.gov/pd/delegations/DVBEPckt2.doc>

**FOR THE PURPOSE OF THIS SOLICITATION, THE DVBE PROGRAM REQUIREMENTS HAVE BEEN
WAIVED.**

Attachment 2

BIDDER DECLARATION FORM GSPD-05-105

All Bidders must complete the Bidder Declaration GSPD-05-105 and include it with the quote response.

<http://www.documents.dgs.ca.gov/pd/delegations/GSPD105.pdf>

Attachment 3

Payee Data Record, STD. 204

The successful bidder as a result of this RFQ will be required to sign the Payee Data Record, STD. 204, before contract award. Refer to the following website link for more details:

<http://www.documents.dgs.ca.gov/osp/pdf/std204.pdf>

Exhibit A

STATEMENT OF WORK

1. Contract Description

- a. This Statement of Work ("Agreement") reflects the Agreement between the Department of Technology Services (hereafter referred to as the "DTS," and CONTRACTOR NAME (TBD), hereafter referred to as "Contractor."
- b. Bidder's response to RFQ DTS 07-110316 is hereby incorporated by reference and made part of this Agreement as if attached hereto.

2. Notices

All notices relating to the resulting Agreement shall be in writing and shall be sent to the parties of this Agreement at their address set below, unless changed, in which event each party shall notify the other in writing. All such notices shall be deemed duly given if deposited, postage prepaid, in the United States mail and directed to the following addresses:

The technical contacts during the term of this Agreement will be:

State Agency	Contractor
Department of Technology Services	Contractor (TBD)
Name: (TBD)	Name: (TBD)
Phone: (TBD)	Phone: (TBD)
Email: (TBD)	Email: (TBD)

Contract inquiries should be addressed to:

State Agency	Contractor
Department of Technology Services	Contractor Company Name (TBD)
IT Procurement & Contracting Unit	
Attention: Christina Johnson	Attention:
Address: P.O. Box 1810 Rancho Cordova, CA 95670	Address:
Phone: 916-739-7951	Phone:
Email: christina.johnson@dts.ca.gov	Email:
Fax: (916) 733-7554	Fax:

Exhibit A

STATEMENT OF WORK

3. Maintenance/Subscription Provisions

This is an IBM ServiceElite Agreement that covers both the Software Maintenance (SWMA) and SWMA subscription for AIX machines. The support piece is where you can call up remotely and get technical support as long the operating system is current. The Subscription piece allows you to receive the latest version modifications of the operating systems. The response time is two (2) hours for prime shift (M-F, 8am to 5pm) or four (4) hours off shift.

4. CSM/ALF Charge

- a. Other offerings included in this Agreement are CMS for SWMA on AIX and the ALF charge. The CSM or Cluster Systems Management is associated with the specific machine listed. The ALF charge stands for the After License Fee. It is accessed when the machine has had a lapse in support coverage.
- b. Explanation of ALF Charge: Subscriptions purchased after the license for the software product have to pay a fee. This fee is called the ALF (After License Fee). This fee applies if the customer does not have a stand alone subscription or if the stand alone subscription expired. The reason one would be charge an ALF is because the customer has the opportunity to purchase subscription for the operating system at the time they purchase the license for the program product. If the customer declines subscription and decides later to purchase the subscription option, they are the subject to an ALF because they are purchasing the subscription services after they purchase the License for the software.

5. Amendments

Consistent with the terms and conditions of the original solicitation, and upon mutual consent, the DTS and the Contractor may execute written amendments to this Agreement.

6. Period of Performance

The term of this Agreement will be 36 months, effective upon the Agreement start date or upon the date the Purchase Order is signed, whichever is later.

7. Cancellation Provisions

The DTS may exercise its option to terminate the resulting Agreement at any time with 30 calendar days' prior written notice.

Exhibit A

STATEMENT OF WORK

8. Budget Detail and Payment Provisions

- a. For the term of the Agreement, payment will be made in advance upon receipt of correct invoice.
- b. Invoices must reference the Purchase Order number and be submitted in triplicate to:

Department of Technology Services
Financial Management Branch – Accounting Office
P.O. Box 1810
Rancho Cordova, CA 95741-1810

- c. Unless otherwise specified, payment will be made in accordance with Government Code sections 927 et. Seq., as applicable.