
OSD Update

The Operational Services Division
One Ashburton Place, Room 1017
Boston, MA 02108

Update 11-02

To: Department Heads, Affirmative Market Coordinators, POS Contract Managers, PMT Members, Chief Financial Officers, MMMARS Liaisons, Chief Information Officers, and IT Users Group

From: Marge MacEvitt, Procurement Manager, IT Software and Services

Date: 07/26/2010

RE: Technical Specialist Contract

Contract #: ITS43TechSpec

MMARS #: ITS43TechSpec

Contract Contains EPP: Contract Contains MBE/WBE: Contract Contains Prompt Pay:

Purpose of Update:

This Update announces a new Contract for IT Services, replacing ITS33-TechSpec.

Contract Information:

Contract Description:

This contract is for companies that supply information technology professional services, including applications/systems design and development, software and systems integration, and information technology planning, across a wide range of tools and platforms. The specific areas included in the bid were:

- Software and Systems Development
- Geographic Information Systems (GIS)
- Systems Integration / Networking
- Systems Planning
- Information Security
- Electronic Content Management Consulting

ITS43 Technical Specialist contractors are a group of contractors whom Commonwealth Contracting Departments can select to perform specific IT Services engagements. Hardware and pre-existing software may not be offered through this contract, with the exception of software for which no license fees are charged. The contract is for information technology professional services only.

Specifically excluded from the scope of this contract are any services which are not primarily based on intellectual work done by information technology professionals. Excluded services include, but are not limited to, document scanning, web hosting (with the exception of Geographic Information Systems [GIS] hosting), automated network monitoring or any other service provided principally through an automated process, data entry, equipment maintenance, geographic data collection or other data collection which can be performed by non-IT professionals, standardized training courses, and application service provision.

Technical Specialist companies listed under ITS43 are companies with an annual income of \$4 Million or less. They may perform both project work and time and materials work, but they may not perform staff augmentation work.

Contract Duration:

The contract period is from 07/01/2010 to 06/30/2013. There will be no renewals.

Contract Manager:

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Team Members:

Abraham, Tomy	Department of Children and Families
Abreau, Claritza	Department of Mental Health
Cabral, Paul	Executive Office of Health and Human Services
Fortin, Dean	Department of Public Health
Hersey, Rachelle	Department of Revenue
Hyde, Evelyn	Department of Transportation
Kates, Annemarie	Information Technology Division
Leach, Elizabeth	City of Boston
Lewis-Jeter, Yvette	Department of Insurance
MacGaffey, Neil	Executive Office of Environmental Affairs
Sullivan, Margaret	Department of Police

Eligible Entities:

01. Cities, towns, districts, counties and other political subdivisions;
02. Executive, Legislative and Judicial Branches, including all Departments and elected offices therein;
03. Independent public authorities, commissions and quasi-public agencies;
04. Local public libraries, public school districts and charter schools;
05. Public hospitals owned by the Commonwealth;
06. Public institutions of higher education;
07. Public purchasing cooperatives;
08. Non-profit, UFR-certified organizations that are doing business with the Commonwealth;
09. Other states and territories with no prior approval by the State Purchasing Agent required; and
10. Other entities when designated in writing by the State Purchasing Agent.

Contractor Information:

The "Vendors" tab includes a spreadsheet attached to the record of a fictitious vendor named "Vendor Listing," with information about each Contractor, including their contact information, specialties, SOMWBA status, discount and other information. Agencies may copy the email addresses for Contractors from whom they wish to solicit quotes and paste them into the "To" section of emails requesting quotes. Bidders were limited to five specialties, so companies may have additional specialties which they did not list. Contractors may provide services in specialties that they did not list, provided that the specialties are within the scope of ITS43.

It is important for Agencies to note that while a Contractor may list up to five specialties, only those listed as "Specialty 1" or "Specialty 2" were evaluated. Bidders were only obliged to submit one specialty for evaluation, so if "Specialty 2" is blank on the spreadsheet, the company only submitted one specialty for evaluation. Specialties 3-5 are listed to indicate additional specialties as stated by the Bidder, but these were not evaluated.

Note: As of 7/26/2010, the "Vendor Listing" spreadsheet has not yet been posted. We expect to publish this in August 2010. Meanwhile, "Vendor Listing" simply shows Specialty 1 and Specialty 2 for each contractor. Contact information for each Contractor is found under their individual record on the Vendors tab, by selecting the Eyeglasses to the right of each Contractor's name.

How to use the contract

- **Quote Requests**

All Contract users must request quotes from at least three (3) ITS43 Technical Specialist companies. There is no template for quote requests at this time, however, Commonwealth agencies may use the "Project Statement of Work" template as the basis for a quote request.

- **Time and Materials Engagements**

Time and materials work is permitted only in cases where the Contracting Department and the contractor agree that a reasonable fixed price cannot be determined. The time and materials portion of a project should continue only until requirements are sufficiently well known to provide a fixed price quotation. Quotes must be solicited from at least three contractors once the requirements have been established. The contractor who developed the requirements may be invited to submit a quote, but all contractors invited to submit quotes must have access to all of the information available to that contractor.

- **Phased Projects**

If a fixed price cannot be provided for one phase of the project until an earlier phase is completed, the project should be structured as a series of fixed price deliverables. In this case, the Contracting Department must solicit quotes from at least three contractors for each phase of the project, unless the Contracting Department obtains a waiver from OSD's Contract Manager for ITS43. Waivers will, in general, be granted if it is impractical for a different contractor to complete the work within the timeframe and budget required by the Contracting Department. This might be the case if only a small percentage of work remained to be completed, or if the project had to be completed within a fixed timeframe in order to be of value to the Contracting Department.

In soliciting quotes for later phases of a project, the Contracting Department may specify that it will not pay for any time required for a contractor to become familiar with the previous phases of the project.

- **Maintenance/Support for Systems Developed by Contractor**

A contractor may, in some cases, be engaged to provide maintenance/support for a system they have developed on an ongoing "as needed" basis for a negotiated hourly (or other time unit) rate or rates. In such cases, the Contracting Department is not obliged to solicit quotes from other contractors.

- **Other Software Support**

Contractors who specialize in supporting a particular type of software may be engaged to provide ongoing "as needed" support for software products that have been obtained through other Statewide Contracts. Contracting Departments must solicit three quotes for hourly (or other time unit) support rates.

- **Rate Card**

The "Rate Card" applies only to time and materials engagements, not to project work.

Please note that the Rate Card sets *MAXIMUM* rates. Agencies operating in competitive locations should expect rates below the Rate Card rates. Similarly, Agencies should expect to obtain rates lower than the Rate Card rate for engagements exceeding six months duration. If Agencies do not receive satisfactory quotes based on the Rate Card, they may petition Ellen Wright (ellen.wright@state.ma.us), the designee of the Commonwealth's Chief Information Officer, for a variance from the "Rate Card."

- **Representations by Resources**

This document should be signed by all resources whose services are obtained under ITS43.

- **Project Statement of Work**

All project engagements entered into under ITS43 require a "Statement of Work" in the form of the "Project Statement of Work" template found under the "Forms & Terms" tab of this Solicitation. Contracting Departments may include additional terms in the Statement of Work and may delete terms which do not apply, however, the terms pertaining to Intellectual Property (Section 7.4) may not be modified without the approval of the Statewide Contract Manager. If the nature of the project is such that no intellectual property will be created or modified, that may be noted in the Statement of Work.

Accessibility (Section 13) is required only for Executive Department agencies. These terms of this section may be not be modified for specific engagements by Executive Department agencies without the approval

of the General Counsel of the Information Technology Division. Otherwise they must appear without alteration in the "Project Statement of Work" for each engagement under this Statewide Contract. If the nature of the project is such that accessibility requirements do not apply, that may be noted in the Statement of Work.

The "Project Statement of Work" includes a section on "Knowledge Transfer and Documentation Requirements" (Section 10), to be completed by the Agency. Agencies are encouraged to detail their specific requirements in regards to this important area so that they become part of the Statement of Work that the Contractor is obliged to complete.

The template for the Project Statement of Work (SOW) is included under the Forms & Terms tab.

Pricing and Acquisition Information:

- **Acquisition**

Services will be obtained on a time and materials or fixed price basis (both "Fee for Service").

See "How to Use the Contract" for information on obtaining quotes for fixed price projects and use of the Rate Card for time and materials work.

- **Volume Discounts on work over \$50,000**

Bidders were asked to offer discounts to an Agency when the cumulative total value of work with that Agency exceeds \$50,000. This discount applies to any invoice or portion of an invoice which brings the total amount expended with a specific Agency over \$50,000, and to all subsequent invoices with that Agency while operating under the terms of ITS43.

Many bidders have offered a 5% discount, with discounts from others ranging from 0 to 4%. Although Contractors are obligated to offer this discount where applicable, it is the responsibility of the Agency to monitor their ITS33 expenditures with each Contractor and to note whether the discount was taken if applicable. If the appropriate discount was not received, the Agency must require the Contractor to resubmit a corrected invoice. The discount percentage appears on the "Vendor Listing" spreadsheet.

- **Prompt Pay Discounts**

There are significant savings to be gained by paying invoices promptly. Many Contractors offer as much as a 5% discount for prompt payment, as shown on the "Vendor Listing" spreadsheet and in MMARS.

Other Contract Provisions:

- **Background Checks**

Agencies may require publicly available CORI (Criminal Offender Record Information) checks for any resources who will be on-site at Contracting Agency locations or who will have access to information systems operated within the Commonwealth's MAGNet (Massachusetts Access to Government Network). Vendors may use the companies they normally use for background checks, provided that the supplied information is at least as detailed and complete as the information provided by publicly available CORI checks. Agencies may waive this requirement or they may choose to retain a resource pending a satisfactory background check. Checks that have been done previously may be used provided that they are not more than six months old. Background checks will be done at no charge to the Agency. The RFR (Section 3.2.5) provides a list of offenses that would result in non-hire or dismissal of a resource. Agencies are free to augment this list, depending on the Agency mission.

- **Warranty**

All bidders warrant that any systems they create or modify will operate in substantial conformance with the specifications for the system or modifications for three months after acceptance. During the warranty period, bidders will correct any Severity Level I, II or III defects at no charge. The warranty period offered varies between 3 months and 12 months depending on the bidder. The warranty period is shown in the "Vendor Listing" spreadsheet.

Level I: This is either a safety issue or an issue that affects a central requirement for which there is no workaround. It prevents either use or testing of the system.

Level II: This is an issue that affects a central requirement for which there is a workaround, where use or testing of the system can proceed in a degraded mode, or an issue that affects a non-central requirement for which there is no workaround, where the feature cannot be used.

Level III: This is an issue that affects a non-central requirement for which there is a workaround, or a cosmetic issue--information is correctly shown but the appearance is wrong, such as misspelled words, wrong font, wrong indentation, etc.

- **Subcontracting**

Subcontracting is permitted under ITS43. However, Technical Specialists may not subcontract more than 80% of the work under any engagement. At the minimum, the ITS43 contractor must take full responsibility for project management, which will be done by an employee of the ITS43 contractor, NOT by an Independent Contractor.

Agencies have the right to approve any subcontracts, and the right to a copy of the subcontract.

- **Performance and Payment Time Frames Which Continue Beyond the Duration of the Contract**

All agreements for services entered into by Agencies during the duration of ITS43 and whose performance and payment time frames extend beyond the duration of ITS43 shall remain in effect for performance and payment purposes (limited to the timeframe and services established per each written agreement, and in no event longer than three years from the beginning of the engagement under ITS43). No new agreements for services may be executed after ITS43 has expired.

Agencies which must encumber funds, and make payments, using MMARS (the Commonwealth's Accounting System) should follow the Comptroller's instructions found at www.mass.gov/osc (enter the search term "extends beyond.")

Performance Measure & Vendor Reporting Requirements

Reports are required from Vendors twice per year.

Location of Additional Information

The ITS43 RFR (Request for Responses) may be found as follows:

- Go to www.comm-pass.com
- Select "Search for contracts" (link near bottom of page)
- Enter ITS43 as the "Document Number" and click Search
- Select the new link which now appears toward the top of the page: "There are x contracts(s) found that meet your search criteria"
- Select the eyeglasses icon next to the document entitled "IT Services – Technical Specialists"
- Information about the contract is found under the different tabs.

