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# OSD Update

The Operational Services Division  
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07-29B

**To:** Department Heads, Affirmative Market Coordinators, POS Contract Managers, PMT Members, Chief Financial Officers, and MMARS Liaisons  
**From:** Marge MacEvitt, Procurement Team Leader, Software and Services  
**Date:** 7/2//07  
**RE:** IT Services Contract – Technical Specialists  
**Contract #:** ITS33TechSpec  
**MMARS #:** MA OSD ITS33-TechSpec000000

EPP

SOMWBA PRIME

SOMWBA Sub - Contractor

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**Purpose of Update:**

This Update announces a new Contract for IT Services, replacing ITS23-TechSpec000000 (ITS23 Section 3, Technical Specialists). **Please note, there is a new discount provision (see “Volume Discounts on Work over \$50,000,” below) which will require that agencies monitor their usage of this Contract to ensure that discounts are applied appropriately.**

**Eligible Entities (Who May Use this Contract):**

This Statewide Contract may be used by authorities; cities, towns, municipalities, counties and other political subdivisions of the Commonwealth; commissions; Commonwealth Agencies and subdivisions, including cities and towns, and eligible not-for-profit health and human services Agencies; constitutional offices; Departments of the Commonwealth; Institutions of higher education; judiciary; legislature; not for profit organizations currently Contracting with the Commonwealth to provide human and social services; other states and eligible entities designated in writing by the State Purchasing Agent, public health hospitals; quasi-public Agencies; schools.

**Purpose of Contract:**

This Contract enables Eligible Entities to obtain information technology Technical Specialist services. Technical Specialist companies listed under ITS33 are companies with an annual income of \$2 Million or less. They may perform both project work and time and materials work, but they may not perform staff augmentation work.

**Contract Duration:**

July 1, 2007 to June 30, 2009, with the option of a one one-year extension which can be exercised at the discretion of the Commonwealth.

**How to Use the Contract:**

**Quote Requests**

Information on the awarded Contractors is found under the “Vendors” tab of Contract ITS33, Document Title “IT Services RFR.”

All Contract users must request quotes from at least three (3) ITS33 Technical Specialist companies. 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. Whereas bidders were limited to five specialties, companies may have additional specialties which they did not list.

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.

### **Rate Card**

The "Rate Card" applies only to time and materials engagements, not to project work. As of the date of this Update, a new Rate Card is not yet available for FY07. The PMT is working to secure one. During this interim period, "Rate Card 2," which is posted under the ITS23 Technical Specialist Contract, continues to apply. Fixed price projects are not subject to the Rate Card.

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. Since the Rate Card is due to be updated, it may be that Agencies will not receive satisfactory quotes based on the current Rate Card. In that event, they may petition Ellen Wright ([ellen.wright@state.ma.us](mailto: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, which will appear under the ITS33 Technical Specialist Contract after July 1, 2007, should be signed by all resources whose services are obtained under ITS33.

### **Project Statement of Work**

A template for the Project Statement of Work (SOW) is included under the Updates tab for ITS33. This document differs from the Project Statement of Work for ITS23 by including Accessibility language.

### **Contractor Information:**

All of the information below is found on the spreadsheet referenced above under "Quote Requests."

#### **Hiring Contractor Resources**

Many Technical Specialist Vendors will allow the Agency to offer a job (employee or "Contract employee" position) to their consultants, if the Agency wishes to retain the consultant directly, after one year of continuous employment. Vendors who have agreed to this may not charge a fee if the consultant accepts the position. The spreadsheet indicates which Vendors offer these terms (all but two companies do).

#### **Platform Preferences: Software Expertise**

The spreadsheet shows whether the Vendor has expressed a preference for a particular platform (.net vs. java), and whether the Vendor has affiliations with and/or certifications for commonly used software publishers (Oracle, Microsoft, etc.).

#### **Additional background**

The company's years in business and experience with MA government Agencies are shown on the spreadsheet.

#### **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 ITS33.

Many bidders have offered a 5% discount, with discounts from others ranging from 0 to 4%. This is a new feature of ITS33. **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 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 spreadsheet.

#### **Pricing and Acquisition Information:**

See "How to Use this Contract," above.

#### **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 2.2.9) 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.

##### **Subcontracting**

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 ITS33 and whose performance and payment time frames extend beyond the duration of ITS33 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 ITS33). No new agreements for services may be executed after ITS33 has expired.

#### **Performance Measures and Vendor Reporting Requirements:**

Reports are required from Vendors twice per year.

#### **Location of Additional Guidance:**

The Request for Response (RFR) may be found on Comm-PASS, as follows:

1. Go to [www.comm-pass.com](http://www.comm-pass.com)

2. Select "Search for Solicitation"
3. Enter ITS33 as the "Document Number" and select "Search"
4. Select the new link that appears toward the top of the page:  
"There are x Solicitations(s) found that match your search criteria."
5. Select the eyeglasses icon under "View" for the document entitled "IT Services RFR."
6. The RFR is posted under the Specifications tab

**Continuing Work with an ITS23 Contractor Who Was Not Selected for ITS33**

If your Massachusetts Government Agency has or will have an engagement with an ITS23 Technical Specialist vendor who was not selected for ITS33, and the engagement is expected to continue beyond 6/30/07, then on or before 6/30/07 your agency must enter into a written agreement with the ITS23 company which:

- Identifies the services to be provided, the duration (maximum end date) and the maximum obligation
- Is signed by both parties.

Agencies which must encumber funds, and make payments, using MMARS (the Commonwealth's Accounting System) should follow the Comptroller's instructions found at [Referencing a Statewide Master Agreement \(MA\) Beyond the MA End Date](#) (If you have trouble with the link, the above document is part of the Comptroller's "E-update 5/10/2007," at [www.mass.gov/osc](http://www.mass.gov/osc).)

**Contract Manager Contact Information:**

The Contract Manager is Marge MacEvitt, [marge.macevitt@state.ma.us](mailto:marge.macevitt@state.ma.us), 617-720-3121.