



471 High Street SE
Suite 10
Salem, Oregon 97301

oetc.org
(800) 650-8250
Fax: (503) 625-0504

OETC-22B-Microsoft

Invitation to bid to provide volume price agreement and fulfillment of Microsoft Licensing, Services and Hardware

A Joint Cooperative Procurement by the public K-12 and Higher Education members of the Organization for Educational Technology and Curriculum (OETC).

Proposal Submission Deadline:

Due Date: April 12, 2022
2:00 p.m. PST

Electronic Submission

Submit electronically via oetc.org/bid-submit. All required documentation must be submitted through the website no later than 2:00 p.m. on the Due Date identified above. Late bids shall be rejected.

Hard Copy Submission

No hardcopy submittals will be accepted.

Section I: ITB Overview

1. **Introduction.** The Organization for Educational Technology and Curriculum (OETC), with its principal place of business at 471 High Street SE, Suite 10, Salem, Oregon 97301, on behalf of its public member K-20 institutions, is seeking proposals from Microsoft Licensing, Media, Sales Support and Technical Services Support providers in education (Proposer) for a price agreement and fulfillment services.
2. **ITB Details.** See table below.

Solicitation Number	OETC-22B-Microsoft
Product Class	Microsoft Licensing, Services and Hardware
OETC Contract Administrator	Thomas Richards thomas@oetc.org
Announcement URL	https://oetc.org/2022/03/22b-microsoft-itb/
Administrative Fee	<i>Varies</i>
Contract Term	Three (3) years
Contract Renewal Term	Up to three (3) additional years
Shipping Charges	Freight on Board Destination (FOB) <i>if applicable</i>
Estimated Fulfillment Volume	\$15M Volume Licensing / \$1M Hardware Sales

3. **Critical ITB Dates and Times.** See table below

March 9, 2022	ITB released
March 30, 2022	Questions Period <i>All questions from Manufacturers or their Authorized Dealer(s) must be submitted to OETC using the web form found at the ITB Announcement URL</i>
April 6, 2022	Posted Answers <i>All questions and official responses will be posted on OETC's website at the ITB Announcement URL</i>
April 12, 2022	Closing <i>All sealed bids are due to OETC by 2:00 p.m. on this date to qualify for evaluation</i>
April 13, 2022	Bid Opening <i>Received proposals are opened, recorded, and published at the RFP Announcement URL</i>
April 13-20, 2022	Response Evaluation Period <i>The evaluation period is an estimate and may be longer or shorter based on the number of responses and/or the complexities of the bids. Significant changes to this schedule will be posted at the ITB Announcement URL.</i>
April 21, 2022	Intent to Award <i>OETC will post its intent to award at the Announcement URL.</i>
April 21-27, 2022	Protest Period <i>Responsive bidders not awarded may protest in accordance with the terms and conditions set forth in this ITB.</i>
April 27, 2022	Notification of Award <i>All Proposers will be notified of the status of their bid.</i>

4. **Summary of Work and Objective.**

- a. The objective of this ITB is to establish a volume Master Price Agreement(s) with a Microsoft Education Large Area Reseller who is able to provide Microsoft Select, Select+ and EES Licensing, Azure billing, related services and Microsoft Surface hardware.
- b. Additionally, the OETC Membership seeks to obtain greater volume-based price discounts resulting from the administrative savings that the Contractor(s) will accrue from the maintenance of a single, comprehensive Master Price Agreement for thousands of organizations throughout the Pacific Northwest and beyond.

- c. All OETC Members may use the resulting Contract. This ITB may result in multiple award(s).
- 5. **Contract Requirements.** The successful Bidder(s) will be required to enter into a Contract with OETC per Appendix A - Sample Contract.
- 6. **About OETC.**
 - a. OETC is a nonprofit that makes purchasing technology simple, reliable, and affordable to meet the needs of education. Our consortium membership is concentrated in the Pacific Northwest but includes institutions in K-12 and Higher Education from every region of the United States—rural and central, large and small, old and new.
 - b. On behalf of the public consortium members, OETC negotiates competitively bid contracts with some of the best manufacturers and resellers in the educational technology industry. These contract holders gain access to a purchasing market of 1,000 educational institutions, as well as convenient and reliable sales facilitated by our dedicated marketing and support staff.
- 7. **Participating Members.** This RFP is on behalf of all public members of OETC. All members are accredited educational institutions serving K-12 and Higher Education students. A complete and current list of OETC Members may be found at store.oetc.org/membership.

Section II: Instruction to Proposers

1. **Complete Bids.** Failure to submit bids in accordance with the provisions of this ITB shall be grounds to declare the bid as non-responsive and the bid will receive no further evaluation or consideration.
2. **Complete All Attachments.**
 - a. **Attachment A - Bidder Information** (.xls/xlsx).
 - i. **Contract Coordinator** (*Required*). This should contain the Proposer's main contact for all Contract and procurement-related questions and notifications
 - ii. **Administrative Fee** (*Required*). Contact to receive administrative fee notifications and provide administrative documentation (see Appendix for Administrative Fee collection template)
 - iii. **Product & Price Updates, Marketing, Sales and Support, Remit/To Payment Contacts** (*Optional*). Additional contacts can aid in OETC's marketing and service efforts.
 - b. **Attachment B - References** (.xls/xlsx). Submit three (3) to five (5) examples of current OETC Members that have or are currently receiving similar products and services to those proposed by the Respondent for this solicitation. In the event Respondent does not have current OETC Members as a reference, please provide other educational references.
 - c. **Attachment C - Terms, Conditions, and Specification Exceptions** (.xls/xlsx). *See §V ITB Terms and Conditions, paragraph 14: Solicitation Protest; Request for Change; Request for Clarification for directions on completing this Attachment.*
 - d. **Attachment D - Authorized by Manufacturer** (*not provided*). If Respondent is not the Manufacturer of the goods or services in the Bid, Respondent must attach a Manufacturer's authorization letter or other written evidence/documentation. The letter must specify the territory Responder is authorized for and specifically reference the OETC ITB opportunity.
3. **Complete All Exhibits.** Exhibits will be incorporated into the contract resulting from an award under this ITB.
 - a. **Exhibit 1 – Pricing Information** (.xls/xlsx).
 - i. **Licensing Cost Plus** (*required*). Tab - "Lic Cost Plus". Bidder is to provide a percentage (+ or -) of their standard LAR cost for the separate licensing programs (e.g. EES, Select, and Select Plus). Bidder's cost plus the percentage represents the cost OETC
 - ii. **Licensing SKU** (*required*). To verify Bidder's cost plus pricing methodology, Bidder must provide the calculated price (cost + percentage bid on tab "Lic

Cost Plus”) for the identified SKUs based off of Microsoft’s April 2022 price lists.

- iii. **Hardware Category percent off of Manufacturer’s Suggested Retail Price (MSRP) (required).** Tab - % off of MSRP: This is the percent off of MSRP an OETC Member can receive on a single or multi-unit order. Enter a manufacturer name in column A. Select the appropriate category from the dropdown. Enter a % off of Education MSRP in column C.

Respondents must provide an Education MSRP price list so that specific pricing against % off of MSRP may be calculated for comparison purposes. Individual SKU pricing (required). Tab - various categories: Respondents provide specific pricing on the most important items for a given category.

- iv. **SKU pricing (required).** Respondents provide specific pricing on the most important items for a given category.
- b. **Exhibit 2 - Resellers (.xls/xlsx).** Respondents may designate themselves or separate Resellers to fulfill the terms and conditions of the contract. The final selection of designated Resellers will be made in consultation with OETC.
 - c. **Exhibit 3 - EDGAR Certification (.doc/docx. Not required).** Under the Code of Federal Regulations, all federal government funds must be spent with vendors who meet the EDGAR certifications. Completed EDGAR certifications allow OETC members to use federal funds (if available) to purchase off of the awarded contract.
 - d. **Exhibit 4 - VPAT - Section 508 Compliance (Not required. Not provided).** If Respondent is a software provider, Respondent should describe their commitment to the development of accessible products by describing their support of the applicable provisions of the Workforce Investment Act of 1998, Section 508. More information can be found here: <https://www.itic.org/policy/accessibility/vpat>
4. **Complete Bid Submission and Signature Page.** Fill out the submission document checklist, identify any additional documents, and sign to confirm submission for this solicitation.

Section III. Microsoft Licensing, Services and Hardware Specifications

Refer to Exhibit 1 - Pricing for all Microsoft Licensing, Services and Hardware specifications.

Section IV: ITB Evaluation

Phase 1.	
Responsive Bid	Pass / Fail
Responsible Bidder	Pass / Fail
Terms and Conditions	Pass / Fail
Phase 2.	
Pricing	Lowest price from complete and responsive bids

1. **Phase 1 – Review and select responsive and responsible bids.** All bids will be evaluated to determine if they are responsive and responsible. The purpose of this phase is to determine if each bid complies with the mandatory terms, conditions, and specifications in this ITB. A pass or fail criteria will be used.
 - a. **Responsive Bid.** A responsive bid is complete and on time.
 - b. **Responsible Bidder.** A responsible bidder is qualified to sell the proposed products in the education industry and in the OETC membership geographic area.
 - c. **Terms and Conditions.** Any bid that requests changes to this ITB’s terms and conditions or the terms and conditions of the Sample Contract (Appendix A) may constitute a fail designation for this phase. OETC reserves the right to conditionally pass a respondent on this section, but to negotiate any proposed changes to the terms and conditions.

2. **Phase 2 – Evaluate Pricing.** Only those bids found to be complete and responsive under Phase 1 will be considered in Phase 2.
 - a. OETC may request clarification from one or more bidders. Responses to clarifications must be made in writing. OETC will only use what is in writing for evaluation purposes. The response to the request for clarification may be considered along with the original bid for the evaluation.
 - b. OETC reserves the right to make an award without further clarification of the bids received. Therefore, it is important that each bid be submitted in the most complete manner possible.
 - c. Of all the bids that pass Phase 1, only the lowest-priced bid for a given manufacturer line or category will be awarded a contract.

Section V: ITB Terms and Conditions

1. **Joint Cooperative Procurement.** This solicitation is a Joint Cooperative Procurement. Authorized agencies may establish a Contract with the provider to purchase the goods and services awarded by this solicitation. Authorized agencies may not materially change or alter the terms, conditions, and prices from the original contract between the provider and the district.
2. **Brand Specification.** If items called for by this Invitation to Bid have been identified by a brand name, such identification is intended to be descriptive but not restrictive and is to indicate the quality and characteristics of products that will be satisfactory.
3. **Estimated Fulfillment Volume Is Not a Guarantee of Sales.** The Estimated Fulfillment Volume is provided as a courtesy to Respondents to corroborate proposed pricing. The Estimated Fulfillment Volume is based on purchasing history and consortium demand.
4. **Change by Written Addenda.** OETC may change this ITB by written addenda. OETC will issue all Addenda and changes at the Solicitation Announcement URL. At its discretion, OETC may extend the closing to allow Respondents time to analyze and adjust to changes.
5. **Reservations.** OETC reserves the right to reject any and all bids, modify these ITB specifications or waive informalities in the ITB.
6. **Modifications.** Modifications must be prepared and submitted using the TERMS, CONDITIONS, AND SPECIFICATIONS EXCEPTION FORM attached to this RFP.
7. **Withdrawal.** A Respondent may modify or withdraw its Bid in writing prior to closing.
8. **Bids are Irrevocable.** Bids submitted by Respondents shall be irrevocable for at least ninety (90) calendar days after the bid opening date and time.
9. **Controlling Language.** The Respondent hereby acknowledges and agrees that these ITB Terms and Conditions and the resulting contract terms and conditions control any contract awarded by this process unless the Respondent expressly states on Attachment C any such alternative terms or conditions..
10. **Late Bid.** Any Bid received after closing is late. A Proposer's request for withdrawal or modification of a Bid received after closing is late. OETC will not consider late Bids.
11. **Receipt, Opening, and Recording Proposals.** Proposals will be opened and recorded. The number of Bids received and the identity of Respondents will be disclosed to the public at the time of opening. The content of bids will not be disclosed until all bids have been evaluated, negotiations completed if required, and an Intent to Award has been published.
12. **Preference.** If all other factors are equal, goods or services that have been manufactured or produced in Oregon will receive preference.
13. **Multiple Awards.** OETC reserves the right to elect, in its sole discretion, to make multiple awards. The number of awards shall be based on the anticipated member need and service, and awardees will be selected based upon the point totals awarded through the proposal

scoring process. This notice of multiple awards does not preclude OETC from awarding a single Contract.

14. Solicitation Protest; Request for Change; Request for Clarification.

- a. **Procedure.** The appropriate means of seeking clarification or modification to provisions of an ITB are through
 - i. Request for clarification;
 - ii. Requests for changes to contractual terms or specifications
- b. Any Bid that includes non-approved alternate product brands or that takes exception to the specifications or contractual terms of the ITB may be deemed non-responsive and may be rejected.
- c. **Method of Submitting Requests For Modification of ITB Provisions.** An email must be received by the OETC Contract Administrator listed on Page 2 of the ITB, no later than seven (7) calendar days prior to the Bid Closing Date. Unless this specific deadline is extended by subsequent Addenda, no requests for substitution, requests for clarification, requests for change, or protests pertaining to provisions contained in the originally-issued ITB will be considered after the date specified herein.
- d. **Request for Clarification.** Any Bidder who finds discrepancies in, or omissions from, any provision of the ITB, Specifications, or Contract Documents, or has doubt as to the meaning, shall make a request for clarification in writing, to the OETC Contract Administrator listed on Page 2 of the ITB. To be considered, the request for clarification must be received no later than seven (7) calendar days prior to the Bid Closing Date.
- e. **Request for Changes to Contractual Terms or Specifications.** Any Bidder may submit a request for changes to contractual terms or specifications, in writing, to the OETC Contract Administrator listed on Page 2 of the ITB. To be considered, the request for clarification must be received no later than seven (7) calendar days prior to the Bid Closing Date.
 - i. The request must include the specific changes requested, and the reason for the requested changes supported by factual documentation.
 - ii. The request must be made using Attachment C.

15. Requirements for Protest. The respondent may protest the Intent to Award during the protest period if

- a. The Respondent is adversely affected because the Respondent would be eligible for Award of the Contract in the event the Protest was successful; *and*
- b. The reason for the Protest is that (the aggrieved Respondent must provide details):
 - i. All higher scoring Bids are not responsive;

- ii. OETC has failed to conduct the evaluation of Bids in accordance with the criteria or processes described in this ITB; and
- iii. OETC's evaluation of Bids or OETC's subsequent Intent to Award is otherwise in violation of the provisions of ORS 279A or 279B.

16. Protest Process. A Respondent may protest the procurement process or the ITB document as set forth in ORS 279B.405(2). Proposer written comments shall include

- a. A detailed statement of the legal and factual grounds for the protest;
- b. A description of the resulting prejudice to the Respondent; and
- c. A statement of the form of relief requested or any proposed changes to the contract terms and conditions or specifications.
- d. OETC will issue a Written Disposition of the Protest in a timely manner. OETC's Executive Director has the authority to settle any protest. If the Executive Director does not settle a Protest, the OETC Board President, or designee, has the authority to resolve the Protest. If OETC upholds the Protest, in whole or in part, OETC will, in its sole discretion, either award the Contract to the successful protester or cancel the RFP.