

MONTEREY COUNTY OFFICE OF EDUCATION  
CALSAVE PURCHASING COOPERATIVE

# CONTRACT DOCUMENTATION

CDW-G  
TECHNOLOGY CATALOG BID  
#523868

901 BLANCO CIRCLE  
SALINAS, CA 93912

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## **Technology Catalog Bid # 523868 Executive Summary**

The Monterey County Superintendent of Schools has awarded a contract to CDW-G of Vernon Hills, Illinois, for products contained in a commercially available technology catalog. More than 100,000 items are available from the CDW-G catalog under this contract, and each item is priced according to a variable discount structure.

The contract was awarded based on a competitive, sealed bid conducted according to the procedures of the California Public Contract Code. The bid was advertised in the Salinas Californian a newspaper of general circulation in Monterey County for two consecutive weeks (March 11 and 18, 2011).

Awards were based on lowest effective prices among multiple competitors. Evaluation criteria are spelled out in Section VIII of the bid Terms and Conditions. The official award date – the date the contract was signed and awarded by the county Superintendent of schools – was April 1, 2011. The contract is good through an initial term that ends December 31, 2013, and may be extended as allowed by law and contract terms.

Piggybackable language is included in the contract to allow use of the contract by all eligible school districts -- if they find it in their best interest -- as well as community colleges, county offices of education, charter schools and other eligible California agencies as allowed under Sections 20118 and 20652 (and others) of the California Public Contract Code.

Piggybackable language can be found in Sections I.10, I.11, and I.12 of the bid terms and conditions. A bid attachment consisting of 38 pages lists by name those education agencies eligible to buy, including school districts and county offices of education. The omission of any agency or local government is not intended to preclude any unnamed school district or agency from buying.

As added protection, school districts in Monterey County may purchase items in the catalog under the authority of county's Standard School Supply and Equipment List and no "best interest" finding is necessary.

School districts within counties that have adopted Standard School Supply and Equipment rules and joint-power agreements as part of the EdBuy/CalSave programs may buy under the authority of Education Code 38110 and 38112 without a "best interest" finding.

School districts that have filed a resolution of cooperative purchasing program membership in the EdBuy program may buy under the authorities of Education Code 38110 and 38112 without a "best interest" finding, if their resolution is on file with their county office of education.

CDW-G's contract manager for this contract is as follows:

Mark Ellis  
CDW-G  
Program Manager  
120 S. Riverside Plaza, Suite 700  
Chicago, Illinois 60606  
Phone: 877-489-8641

Email: [markeli@CDWG.com](mailto:markeli@CDWG.com)  
Fax: 312-705-8667

With regard to pricing, the percent discount for products in specific categories is fixed for the term of the contract. However, buyers should be cautious that bid pricing may change as catalog list prices change. The pricing attachment to this documentation is provided as evidence of the pricing submitted for bid evaluation purposes. Current prices may be different, but will be consistent with the bid's discount structure. Any school district that notes a deviation in pricing – where quoted or invoiced pricing is higher than the bid formula allows – should immediately contact CalSAVE so that the price can be adjusted and the vendor held accountable for the correct price. As a matter of course, CALSAVE samples sales to ensure districts are getting the bid price or lower.

Current pricing may be found by contacting CDW-G. Current pricing also may be found through a link through posted on [www.CalSave.org](http://www.CalSave.org).

**CONTRACT SIGNATURE PAGE**

**MONTEREY COUNTY OFFICE OF EDUCATION**

**Invitation to Bid # 523868**

**Technology Catalog Bid**

1. Pursuant to and in compliance with Invitation for Bid #523868, its Terms and Conditions, and the other documents relating thereto, the undersigned Bidder, having familiarized himself with the terms of the bid and the conditions affecting the performance of the bid, hereby proposes and agrees to perform, within the time stipulated, everything required by this agreement at the service levels offered and at the discounts or mark-ups offered and any resulting effective prices herein set forth.
2. Awarded Vendor agrees to comply with the Monterey County Office of Education Terms and Conditions as written in the Invitation to Bid #523868 and as amended by CDW-G's bid response and attached as Exhibit A.
4. Bidder certifies, by affixing his/her signature below, that all of the products being offered or to be offered under this bid solicitation are legally valid licenses and products free of any copyright violation and that all items offered are in full compliance with specifications and Terms and Conditions of the Invitation to Bid and applicable California law.
5. It is understood that the Monterey County Office of Education reserves the right to reject this bid as specified in the Invitation to Bid and that the bid shall remain open and not be withdrawn for a period of ninety (90) days.
6. If awarded the bid by Monterey County Office of Education and by signing below, Bidder will be entering into an agreement with Monterey County Office of Education and obligating his/her company to this Contract and all Terms and Conditions of Invitation to Bid #523868.

**Bidder**

CDW Government LLC

2 Enterprise Dr Ste 404

Shelton, CT 06484

By: Tara K Barbieri

Name: Tara K. Barbieri  
Director, Program Sales

Title: \_\_\_\_\_

Date: April 1, 2011

**MCOE**

Monterey County Office of Education

901 Blanco Circle

Salinas, California 95012-0851

By: Garry P. Bousum

Name: Garry P. Bousum  
Title: Associate Superintendent  
Finance and Business Services

Date: 4-1-11

For Dr. Nancy Kotowski  
County Superintendent of Schools

Reviewed

By:

MF

**EXHIBIT A**  
**BID # 523868, TECHNOLOGY CATALOG ID**  
**ACCEPTED CHANGES TO BID TERMS AND CONDITIONS**

**VII.9 INSPECTION AND ACCEPTANCE**

**CDW•G Clarification:** CDW•G agrees that it shall comply with all **applicable** Federal and California State laws.

**X.5 MARKETING**

**CDW•G Additional Language:** If CalSave's logo, as provided by MCOE, infringes a copyright or trade secret, CalSave/MCOE will defend such claim at its expense and will pay any costs (including attorney fees) or damages incurred by the Awarded Vendor.

**XII.8 RIGHTS OF LEAs**

**CDW•G Alternative Language:** Unless otherwise agreed in this Contract, the rights and remedies of the LEA provided above shall not be exclusive and are in addition to any other rights and remedies provided by law and under the Contract.

**XII. 14 AWARDED VENDOR TERMS OF SALE**

**CDW•G New Provision:** The Awarded Vendor's Terms and Conditions of Product Sales located on the Awarded Vendor's website ([www.cdwg.com](http://www.cdwg.com)) are incorporated into this Contract. In case of conflict, the order of precedence is as follows: (1) the terms and conditions of MCOE stated in the RFP, (2) Epsilon's terms and conditions, and (3) Awarded Vendor's online Terms and Conditions.

**Proof of Publication**  
(2015.5 C.C.P.)

Salinas Newspapers, Inc.  
123 W. Alisal St.  
Salinas, CA 93901  
831-754-4138/Fax: 831-754-7156

State Of California ss:  
County of Monterey

Advertiser: EPYLON CORP.  
3675 MT DIABLO BLVD STE 110  
LAFAYETTE, CA 94549

*Racquel Landolf*

RE: MONTEREY COUNTY OFFICE OF EDUCATION In  
Bid #523868

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I hereby certify that the attached advertisement appeared in said newspaper on the following dates:

Newspaper: Salinas Californian

3/11/2011 3/18/2011

I acknowledge that I am a principal clerk of the printer of said paper, which is published in the City of Salinas, County of Monterey, State of California. The Salinas Californian is printed and published daily, except Sunday and has been adjudged a newspaper of general circulation by the Superior Court of the County of Monterey, State of California. El Sol is printed and published weekly on Saturday and has been adjudged a newspaper of general circulation by the Superior Court of Monterey, State of California:

I certify (or declare) under penalty of perjury that the foregoing is true and correct. Executed on this 18 day of March, 2011 at Salinas, California.

*C. Clark*

Declarant

Our Order # 0000174788  
Net Order Cost \$ 412.50

**MONTEREY COUNTY  
OFFICE OF EDUCATION**

Invitation to Bid # 523868  
Technology Catalog Bid

Deadline: 10:30 a.m.  
Friday March 25, 2011

Notice is hereby given that the Superintendent of Schools for the Monterey County Office of Education, hereinafter referred to as MCOE, will receive up to, but not later than 10:30 a.m. Friday, March 25, 2011, sealed bids for the award of a contract for a Technology Catalog bid.

The Monterey County Office of Education is seeking bids for use of a comprehensive technology catalog for one-stop shopping by the Monterey County Office of Education and other eligible California agencies. MCOE is cooperating with CalSave, a cooperative purchasing program, and intends that items authorized under this bid and contract be piggybackable for purchase by other agencies throughout California and that items under contract be part of a Standard School Supply and Equipment List as described in bid documents.

Bids will be submitted electronically. Interested suppliers must register at [www.epylon.com](http://www.epylon.com). If not already a member of the Epsilon supplier network, to obtain bid documents and submit bids, there is no fee to register or to bid using the Epsilon bid system. Each bid must conform and be responsive to the bid documents.

Electronic bids shall be opened publicly at 10:30 a.m. Friday, March 25, 2011, on a computer. Bid opening will consist of opening an electronic bid form publicly at the above stated time. MCOE reserves the right to reject all bids and/or to waive any irregularity in a bid.

No bidder may withdraw his bid for a period of ninety (90) days after the date set for opening of bids.

Garry P. Bousum  
Associate Superintendent  
Administration and Business Services  
Monterey County Office of Education  
March 11, 2011 (174788)