


Instructions for Use Memorandum

To: ITS Customers Requesting Microsoft Software
From: David C. Johnson 
Date: August 8, 2014 (*Revised June 28, 2024*)
Re: Instructions for Use for Microsoft Express Product List (EPL) 3736
CC: ITS Project File Numbers 40638, 42176, 42994, 43793, 45313, 46040, 46898,
47293, 47534, 47784

1. Introduction

The Microsoft EPL is the result of a competitive procurement. ITS EPLs are multi-vendor awards that meet Mississippi requirements for legal purchases. Microsoft software procurements made in accordance with this Instructions for Use Memorandum meet all Mississippi purchasing laws and requirements.

The Microsoft EPL is governed under *Procurement Instruments: Express Products Lists (EPLs)* in the ITS Procurement Handbook (Chapter 011-030). The EPL is not to be confused with state contracts issued by Department of Finance and Administration, Office of Purchasing, Travel and Fleet Management (DFA-OPTFM).

2. Scope

2.1 The Microsoft Express Products List (EPL) 3736 may be used in the acquisition of Microsoft software licenses, software maintenance, software upgrades, software support, training, distribution media, documentation of Microsoft Licensing Programs, and Microsoft Azure.

2.2 Provided below is a list of Microsoft Software Agreements and products covered under EPL 3736.

2.2.1 Microsoft Government Select Plus – Level D (#8448630)

2.2.2 Microsoft Academic Select Plus - Level A (#5941227)

2.2.3 Microsoft Enterprise Agreement (EA) - Level D (#8482868)

2.2.3.1 ITS has executed this Master Enterprise Agreement on behalf of all Mississippi entities. Each entity acquiring Enterprise licensing under this agreement must complete a

subsequent Enterprise Enrollment document and sign the Program Signature Form. These documents will be supplied by the reseller and are necessary to establish the entity's Enterprise Agreement.

2.2.3.2 An Enterprise Agreement is a three-year contract. If the total three-year cost exceeds the EPL limit of \$500,000, an EPL Planned Purchase must be submitted to ITS for review and to grant additional spending authority.

2.2.4 Microsoft Campus Agreement/Enrollment for Education Solutions (EES) Agreement - This agreement provides annual subscriptions to colleges and universities based on their Full Time Equivalents (FTE) of students and faculty.

2.2.4.1 Consortia Campus Agreement (#01C36077) for all state Institutions of Higher Learning

2.2.5 Microsoft School Agreement - This agreement provides annual subscriptions to K-12 schools based on their number of desktop computers. Some K-12 schools have their own agreements in place.

2.2.6 Microsoft Open License Program (MOLP) for both Government and Academic - The State does not anticipate the need for any MOLP licenses. This EPL would cover that contingency if the need arises.

2.2.7 Microsoft Shrink-wrap Products

2.2.8 Microsoft Media Documentation

2.2.9 Microsoft Azure (pay-as-you-go utilization and monetary commit)

3. **Non-EPL Items**

Approved Microsoft EPL vendor websites may also include other software and hardware available for purchase. This EPL only covers the purchase of Microsoft products and related services as described above. **Any other items ordered from an approved Microsoft EPL vendor must be purchased using alternative procurement methods.**

4. **EPL Effective Dates**

The Microsoft EPL 3736 was originally valid through November 30, 2016. The expiration date of this EPL has been extended. **The new expiration date is July 31, 2024.**

5. **Who May Use**

5.1 This EPL may be used by Mississippi agencies, universities, community/junior colleges, and governing authorities (cities, counties, school districts, etc.)

- 5.2 Any entity using this EPL must abide by this Instructions for Use Memorandum even if that entity is not under ITS purview.
- 5.3 Local governmental entities are able to use the EPL in lieu of conducting their own procurements, based on MS Code 31-7-13(m)(xi) that allows 'governing authorities' to do so as an exception to the bidding requirements found in Public Purchasing Code.

6. **Dollar Limitations of Use**

- 6.1 The purchase limit is \$500,000 per fiscal year (July - June) for the use of the Microsoft EPL without additional approval from ITS. If you are executing an Enterprise Agreement, the purchase limit is \$500,000 per three-year period before needing additional approval from ITS.
- 6.2 Projects costing in excess of \$500,000 are beyond the scope of this delegated process and subject to further ITS review and authorization. Authorization to exceed the EPL dollar limitation is described in the [ITS Procurement Handbook](#) under the *EPL Planned Purchase* process, Rule 207.7: 013-080. The Procurement Handbook is available in the Publications section of the ITS website.
- 6.3 Projects costing in excess of \$3,000,000 are subject to ITS Board approval. A business case must be completed on all IT projects requiring ITS Board Approval prior to purchase. ITS has developed an IT Project Business Case Workbook to assist agencies in preparing the business case. Other advanced planning documentation such as a grant application might be substituted for the Business Case if it provides the necessary justification for the technology project. Please work with the IT Planning Coordinator at ITS to determine if the documentation may be substituted. Business case documentation may be found on the ITS website at:

<https://www.its.ms.gov/services/planning-agency-it-plans>

7. **Special Instructions for Enterprise Agreement (EA) and Select Plus Academic Purchases**

- 7.1 *Academic Select Plus Affiliate Registration Form*
Each customer is encouraged to fill out a separate "Select Plus Affiliate Registration Form". You may request the form from your selected EPL 3736 vendor. With this form, you will be able to easily track your licenses, product keys, and software assurance benefits. By registering through one of the approved EPL vendors, many of the minimum requirements for a separate registration are waived, giving you the benefit of the state price.
- 7.2 *Three-Year Commitment for EAs and Select Plus Software Assurance*
In the case of an Enterprise Agreement, or when an initial three-year commitment is made for Software Assurance under Select Plus, it is not required that the customer continue to solicit quotations among EPL Vendors after year one of the three-year EA or SA term.

PURCHASES MADE FROM THIS LIST MAY NOT EXCEED \$500,000 PER PROJECT.

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Pricing on this list expires 07/31/2024.

Customer MUST obtain pricing from two ITS Microsoft EPL vendors. Any projects over \$500,000 are beyond the scope of this process and subject to further ITS review and authorization.

7.3 *Adding Additional Products During the Life of an EA*

During the three-year commitment of an EA, customers who need additional in-scope products not included in the original solicitation may add them to their existing EA without resoliciting quotes if the agency can document the benefits (ex: cost savings, software assurance coverage, MSFT discounts, etc.) and include those benefits in their project file.

When customers purchase true-up licenses or add additional products to their EA, the increase must be considered for the EPL Dollar Limit prior to purchase or reservation and may become subject to the EPL Planned Purchase process. (Refer to Item 5. **Dollar Limitations of Use**). It is important to forecast your use for the entire three-year period before entering into the agreement so that the dollar limitations can be applied correctly.

8. **Special Instructions for Azure Cloud Purchases**

8.1 State Government Agencies within the Enterprise State Network

8.1.1 State agency customers within the Enterprise State Network managed by ITS will not add Azure Cloud Purchases to their EA directly but should open a Service Request Ticket through the ITS Technical Support Service Center for assignment to an ITS Operations Project Manager. State agency customers within the Enterprise State Network managed by ITS will not solicit quotes for Azure Cloud Purchases. The Partner Agency should include at minimum a brief description of the environment being requested. A ticket may be entered by one of the follow methods:

8.1.1.1 Online: <https://servicedesk.dc.ms.gov/CAisd/pdmweb.exe>

8.1.1.2 E-mail: Service.Center@its.ms.gov

8.1.1.3 Phone: 601-432-8080

8.1.2 The ITS Operations Project Manager will work with the Partner Agency and current Public/Private Cloud EA Vendor to establish account information so usage billing can be passed through correctly.

8.1.3 The Partner Agency will be responsible for the administration and charges associated with the requested cloud environment.

8.1.4 Sections 11, 12, 13, and 14 are not applicable for Azure Cloud purchasing only.

8.2 Non-State Government Entities (IHLs, Community Colleges, local governing authorities) and State Agencies outside of the Enterprise State Network

8.2.1 Non-State Government Entities and State Agencies outside of the Enterprise State Network have two options, listed below.

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- 8.2.1.1 Inclusion on entity's Enterprise Agreement (EA)
- 8.2.1.2 NASPO Cloud Solutions Cooperative
 - 8.2.1.2.1 <https://www.its.ms.gov/procurement/express-products-lists-epls-and-cooperative-purchasing-agreements>
 - 8.2.1.2.2 Please note that purchasing Azure through a Cloud Service Provider (CSP) could require a technical migration in the future. Please consult with Microsoft support prior to choosing this option.
- 8.3 Justification for choosing Microsoft Azure must be well-documented on the Justification for Brand Specification Request Form available on the ITS website and kept with your purchase/audit file. The ITS Procurement Handbook, Chapter 10: Rule 210.4: 019-030, provides guidance on when it is appropriate to issue brand specific specifications.

Note: It is not necessary to submit this form to ITS for EPL 3736 purchases unless you are using the ITS Planned Purchase Procedure.

9. **Approved Vendors for Microsoft EPL 3736**

- 9.1 The following resellers were chosen through Request for Proposal 3736 to administer Microsoft software sales:
 - 9.1.1 CDW Government
 - 9.1.2 Dell Marketing L.P.
 - 9.1.3 SHI International Corp
- 9.2 There is a separate instruction document for each awarded vendor. Each vendor's document contains the following information:
 - 9.2.1 What Microsoft products vendor is approved to sell
 - 9.2.2 How to obtain price quotes
 - 9.2.3 How to obtain Microsoft's base pricing for EA purchases
 - 9.2.4 Contact and ordering information
 - 9.2.5 Service and training rates
- 9.3 Each awarded vendor's document may be found on the Microsoft EPL page under the heading "Vendor Contact and Price Information". Here is a link to the page:

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<https://www.its.ms.gov/procurement/microsoft-epl-3736>

10. **EPL Best Practices**

- 10.1 *Evaluate your current and anticipated technical needs.*
Work with the vendor(s) to verify which software license or maintenance versions best fit your needs. Microsoft can also help with this. If you have questions, contact one of the representatives below:

Government: Jennifer Fechter at Jennifer.Fechter@microsoft.com and Lynne Bekdash at lbekdash@microsoft.com or (732) 476-5708

Academic: George Freiberger at gefrei@microsoft.com or (678) 577-1142

- 10.2 *Negotiate for best pricing*
EPL pricing may be lowered but not raised. Check with the EPL vendor for availability and for quantity discounts.
- 10.3 *Consider life-cycle maintenance costs*
Investigate the total life cycle cost, including maintenance costs and requirements. Some license agreements require the customer to purchase subsequent software maintenance. Be sure to ask the vendors if the license is perpetual or subscription based.
- 10.4 *Consider contracts*
Each awarded vendor has signed a Master Purchase Agreement with ITS. The purchase order from any individual customer will serve as a supplement to these agreements. You may request a copy of a vendor's Master Agreement from the vendor or from ITS. Additionally, you may request a copy of the underlying agreement between ITS and Microsoft if needed. Additional terms and conditions may be negotiated between the customer and vendor at the time of sale, as needed, as a supplement to the Master Agreement.

11. **Obtain Quotations and Select Lowest and Best**

Customers must obtain pricing from two or more EPL vendors by using one of the following methods:

11.1 *Vendor's EPL Website Method:*

- 11.1.1 Customers may choose to use the vendor's special Mississippi EPL Website for Microsoft to get quotes for products approved under EPL 3736.
- 11.1.2 Print out the pages from the Microsoft EPL Website for the products you are purchasing and keep them in your procurement file.
- 11.1.3 Website pricing is not-to-exceed. If you are making a quantity purchase, check with the vendor to see if lower pricing is available.

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- 11.1.4 Some products cannot be published on the Microsoft EPL Websites. If you cannot find the product or license agreement pricing you need on the vendor's Microsoft EPL Website, follow the written quote method.
- 11.2 *Written Quotation Method:*
 - 11.2.1 Written quotations may be provided in the form of a fax or e-mail.
 - 11.2.2 It is the customer's responsibility to alert the vendor the customer is using the Microsoft EPL as the purchasing mechanism. The vendor must reference the EPL on any quotation provided.
 - 11.2.3 All quotations must adhere to the following:
 - 11.2.3.1 A reference to "Microsoft EPL 3736" must be printed on the quotation.
 - 11.2.3.2 Quotations may only include items described in 2.2 above.
 - 11.2.4 If you were able to locate the products using the vendor's Microsoft EPL Website, verify that the pricing quoted is the same or lower than the website price.
 - 11.2.5 If the products you are purchasing are not shown on the vendor's Microsoft EPL Website, you will need to ask the vendor to complete a copy of the Vendor Pricing Confirmation Form (Page 11 of this Memo). Alternately, the vendor may provide you with a statement via email affirming their quotation honors the pricing percentages provided in the vendor's response to Microsoft EPL RFP 3736.
- 11.3 It is the customer's responsibility to alert the vendor if the customer is using the Microsoft EPL as the purchasing mechanism. The vendor must reference the EPL on any quotation provided.
- 11.4 Select the lowest cost quotation that meets your requirements.
 - 11.4.1 Customers should choose "lowest and best" vendor based predominantly on cost but may also consider such factors as technical evaluation, installation services, qualifications of proposed staff, and previous history with the vendor.
 - 11.4.2 Quotations for the same software must be identical in terms of items and quantities purchased.

12. **Place Your Order**

- 12.1 Place EPL orders directly with the approved EPL vendors.
- 12.2 Confirm your order with the vendor and issue appropriate purchase orders:

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- 12.2.1 Reference MICROSOFT EPL 3736 on your purchase order.
- 12.2.2 The purchase order and quote should match in terms of items purchased, quantities purchased, and total amount.

12.3 Shipping costs are included as part of the purchase price.

13. **Mississippi’s Accountability System for Government Information and Collaboration (MAGIC)**

- 13.1 State agency customers are required to purchase through Mississippi’s Accountability System for Government Information and Collaboration (MAGIC).
- 13.2 The contract number and the vendor’s supplier number are provided with the ordering information for each vendor.
- 13.3 State agency customers will be required to use NIGP codes when purchasing through Mississippi’s Accountability System for Government Information and Collaboration (MAGIC). The following NIGP codes will be used for products purchased using the Microsoft EPL:

| NIGP Code: | Use For: |
|-------------------|--|
| 20811 | Application Software, Microcomputer |
| 20880 | Software, Microcomputer (Not Otherwise Classified) |
| 92045 | Software Maintenance/Support |
| 92046 | Software Updating Services |
| 92007 | Computer Services, Application Software |
| 92005 | Computer Services, App, Infrastructure, Hosting & Cloud Comp |

- 13.4 The following must be uploaded to MAGIC as attachments to your Purchase Order for Microsoft EPL purchases:
 - 13.4.1 Quotations from at least two EPL vendors (For EA True-Up purchases or Select Plus Software Assurance Years 2 and 3, only one quote is required.)
 - 13.4.2 One of the following:
 - 13.4.2.1 Printout from vendor’s Microsoft EPL 3736 website showing the products being purchased.
 - 13.4.2.2 Completed Vendor Pricing Confirmation Form. (Page 11 of this Memo)

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- 13.4.2.3 E-mail from vendor affirming their quotation honors the pricing percentages provided in their response to Microsoft RFP EPL 3736.
- 13.4.3 A copy of this Instructions for Use Memorandum.
- 13.4.4 If the purchase is related to a project that is a part of the Agency's IT Plan, a copy of the related approved planning form from the ITS planning system.
- 13.4.5 Please note that if MAGIC routes your Purchase Order to ITS for approval, ITS will vet the information provided and may have additional requirements before approving your Purchase Order. Any deviation from this Instructions for Use Memorandum may result in delays in the approval of your purchase.

14. **EPL Audit Integrity**

It is the responsibility of every customer using the EPL to maintain proper records to reflect that all procurements from the EPL are made in accordance with ITS policies and procedures.

14.1 What Goes in Your Purchase/Audit File?

Make sure you provide adequate documentation that you followed the recommendations and directives in this Instructions for Use Memorandum. At a minimum, include:

- 14.1.1 A copy of the purchase order.
- 14.1.2 Copies of all quotations received.
- 14.1.3 One of the following:
 - 14.1.3.1 Printout from vendor's Microsoft EPL 3736 website showing the products being purchased.
 - 14.1.3.2 Completed Vendor Pricing Confirmation Form. (Page 11 of this Memo)
 - 14.1.3.3 E-mail from vendor affirming their quotation honors the pricing percentages provided in their response to Microsoft EPL RFP 3736.
- 14.1.4 A copy of this Instructions for Use Memorandum.
- 14.1.5 A copy of the vendor's document found on the main Microsoft EPL page.

14.1.6 If the purchase is related to a project that is part of the Agency's IT Plan, a copy of the related approved planning form from the ITS planning system.

14.1.7 Any additional project related documentation or justification.

15. **To Report Problems or Request Assistance**

15.1 If you have any feedback that may help us to improve this process, or if you have any problems with your EPL order, please let ITS know. We suggest you notify the vendor of the problem in writing and send a copy to ITS. You may contact us in writing by one of the following ways:

15.1.1 E-mail: isshelp@its.ms.gov

15.1.2 FAX: (601) 713-6380

15.1.3 Mail: ITS, 3771 Eastwood Drive, Jackson, MS 39211

15.2 If you have questions about using the EPL, please contact the Procurement Help Desk at isshelp@its.ms.gov.

15.3 ITS is also available to host a "mini-class" on how to use our EPLs at a customer's request. Please contact the Procurement Help Desk if interested.

Copies of this document are available on the Internet at:

<https://www.its.ms.gov/procurement/microsoft-epl-3736>

Microsoft EPL 3736 – Instructions for Use

Vendor Pricing Confirmation Form

If pricing cannot be obtained using the vendor’s Microsoft EPL 3736 website, customer should request that the vendor provide a completed copy of this form. Alternately, vendor may provide an e-mail to the customer affirming that the quoted pricing honors their response to RFP 3736.

| | | | |
|---|--|---|--|
| I confirm that the pricing provided on the attached quotation honors the cost plus or minus percentages provided in our response to RFP 3736. | | | |
| Company Name: | | Quote Number: | |
| Representative’s Signature: | | Quote Date: | |
| Printed Name: | | All quotations provided under this EPL MUST reference “Microsoft EPL 3736”. | |

| Microsoft Purchasing Program | CDW-G | Dell | SHI |
|---|---|---|--|
| Vendor Pricing Basis from RFP 3736 Response | <i>Microsoft Estimated Retail Price (ERP) MINUS %</i> | <i>Dell Cost* PLUS %</i> <i>*Vendor cost may vary.</i> | <i>SHI Cost* PLUS %</i> <i>*Vendor cost may vary.</i> |
| Government Select Plus | 16.50% | 2% | 1.5% |
| Academic Select Plus | 15.50% | 2% | 1% |
| Enterprise Agreement | 17.50% | 2% | 1% |
| Campus Agreement/EES Agreement | 17.25% | 2% | 1% |
| School Agreement | 17.25% | 2% | 1% |
| Govt Open License | 8.10% | 2% | 1% |
| Academic Open License | 14.30% | 2% | 1.5% |
| Shrink-wrap | 8.00% | 2% | 1.5% |
| Media Kits | 8.00% | 10% | 1% |
| Documentation | 8.00% | 10% | 1% |

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