

**State of Utah**

**Contract # MA3458**

*for*

Online Marketplace

*with*

**CDW Government LLC**

Effective: May 6, 2020

The following documents comprise the executed contract between the State of Utah and CDW Government LLC effective May 6, 2020:

- I. Vendor Contract and Signature Form
- II. Supplier's Response to the RFP, incorporated by reference



# STATE OF UTAH COOPERATIVE CONTRACT

1. CONTRACTING PARTIES: This contract is between the Division of Purchasing and the following Contractor:

<u>CDW Government LLC</u>		
Name		
<u>75 Remittance Drive, Suite 1515</u>		
Address		
<u>Chicago</u>	<u>IL</u>	<u>60675</u>
City	State	Zip

LEGAL STATUS OF CONTRACTOR

Sole Proprietor

Non-Profit Corporation

For-Profit Corporation

Partnership

Limited Liability Company

Contact Person Jumana DiHu Phone #312-547-2495 Email jumdihu@cdw.com  
Vendor # 11462IB Commodity Code #00000

2. CONTRACT PORTFOLIO NAME: Online Marketplace

3. GENERAL PURPOSE OF CONTRACT: The general purpose of this contract is to provide: an online marketplace with dynamic pricing.

4. PROCUREMENT: This contract is entered into as a result of the procurement process on Solicitation#MG20-81.

5. CONTRACT PERIOD: Effective Date: 6 May 2020 Termination Date: 5 May 2025 unless terminated early or extended in accordance with the terms and conditions of this contract. Renewal options (if any): None.

6. Payment: Prompt Payment Discount (if any): NA.

7. Administrative Fee, as described in the Solicitation and Attachment A: Established by Omnia and the participating entities upon establishing a participating addendum.

8. ATTACHMENT A: Scope of Work  
ATTACHMENT B: Award Categories  
ATTACHMENT C: NA  
ATTACHMENT D: NA

9. DOCUMENTS INCORPORATED INTO THIS CONTRACT BY REFERENCE BUT NOT ATTACHED:  
a. All other governmental laws, regulations, or actions applicable to the goods and/or services authorized by this contract.  
b. Utah State Procurement Code, Procurement Rules, and Contractor's response to solicitation#MG20-81.  
c. [REDACTED]

10. Each person signing this Agreement represents and warrants that he/she is duly authorized and has legal capacity to execute and deliver this Agreement and bind the parties hereto. Each signatory represents and warrants to the other that the execution and delivery of the Agreement and the performance of each party's obligations hereunder have been duly authorized and that the Agreement is a valid and legal agreement binding on the parties and enforceable in accordance with its terms.

IN WITNESS WHEREOF, the parties sign and cause this contract to be executed. Notwithstanding verbal or other representations by the parties, the "Effective Date" of this Contract shall be the date provided within Section 5 above.

**CONTRACTOR**  
Dario J. Bertocchi  
Dario J. Bertocchi(Aug 24, 2020 18:24 EDT)      08/24/2020

**STATE**  
      08/25/2020

Contractor's signature      Date  
Dario J. Bertocchi      Director, Program Sales  
Type or Print Name and Title

Director, Division of Purchasing      Date

Michael Glenn

Division of Purchasing Contact Person

801-957-7137

Telephone Number

NA

Fax Number

michaelglenn@utah.gov

Email

Attachment A  
Online Marketplace Scope of Work

**Background:**

This contract is in place in order for end users to receive access to the Contractor's Online Marketplace. This contract utilizes a dynamic pricing structure in which the price for items is what is currently listed on the digital marketplace and is driven by the market.

**Categories:**

The contracts include four (4) awarded categories:

1) Education-Based Accessories, Display, Products and Related Supplies

Items related to products and supplies used in an education-based setting which may include but is not limited to: animal and pet supplies, art supplies, craft products, books, lesson plans and curriculum, school equipment, white boards, blackboards, teaching material, and other related products.

2) Information Technology-Peripheral Devices and Related Products

Product-based supplies and solutions that involve information technology peripheral devices which may include but is not limited to: mouse, copiers, printers, cameras, video cameras, microphones, speakers, keyboard, multifunction printers, scanners, plotters, and other related items. Items in this category should not connect to a user's network. It is the end user's responsibility to ensure items in this category are not connected to a network.

3) Maintenance, Repair and Operations Products (MRO)

Product-based items related to the maintenance, repair, and/or general operations that include but is not limited to: building materials, hardware, cabinets, motors, pumps, paints and coatings, plumbing equipment, power tools, windows, doors, cleaning products (to include green and dye-free), carpet care products and supplies, restroom care products and supplies, waste receptacles and liners, industrial tools and supplies (such as carts, dusters, brushes, spray bottles, squeegees, and gloves), rags, wipes, and related supplies.

4) Office-Based Accessories, Décor, Products, and Related Supplies

Items that could be utilized in an office-like setting and used on a semi-regular basis which may include but is not limited to: binders, folders, filing materials, storage, calendars, paper (copy, printer, photo, and presentation), notebooks, labels, post-it notes, shipping materials, envelopes, staplers, staples, paper punches, paper clips, scissors, rubber bands, cash register and thermal rolls, ink, toner cartridges, pens, pencils, markers, framing, tabletop or floor lamps, mirrors, general signage, wall décor, display cases, area rugs, mats, and other office related products.

Attachment B (Award Categories by Contract) has the breakdown of which contracts were awarded which categories. This contract may only be used to purchase items that fall within the category/categories that the contractor was awarded for.

### **Contract Deliverables:**

Contractor will provide the following deliverables for the contract:

- **Online Marketplace:** Contractor will provide a digital marketplace for users of this contract to order supplies through.
- **Order Fulfillment:** Contractor will fulfill orders from beginning (ordering of products) to end (delivery to requester).
- **Digital Analytics:** Contractor will provide some form of data analysis on ordering trends, user groups, etc.
- **Ability to Restrict Categories:** In order to maintain the scope for the contract, contractor will restrict certain items (IT, furniture, etc.) as designated by participating end users as needed by each end users laws and applicable rules.

### **Dynamic Pricing:**

The contract pricing will be established by overall market trends to ensure that the end users and their entities are continually receiving the best value. This contract will not need to be amended for price when the market goes up or down due to the market establishing the best value possible.

### **Terms and Conditions:**

Terms and Conditions for this Master Agreement were negotiated by Omnia Partners in the Administration Agreement for the contract portfolio. Terms and Conditions specific to a participating entity will be negotiated with the contractor, by the participating entity, prior to the participating agreement being signed.

Attachment B - Award Categories

Online Marketplace

Award Category	Vendor Name				
	Amazon	CDW Government	Office Depot	Chariot Group	Grainger
<b>Contract Number</b>	MA3457	MA3458	MA3459	MA3460	MA3461
Education Supplies	X		X		X
Information Technology	X	X	X	X	X
Maintenance, Repairs, Operations	X		X		X
Office Supplies	X		X		X