

ITS64: Oracle Software and Services

UPDATED: July 29, 2023

Contract #:	ITS64
MMARS MA #:	ITS64*
Initial Contract Term:	May 22, 2018 – June 30, 2023
Maximum End Date:	June 30, 2028
Current Contract Term:	July 25, 2023 – June 30, 2028
Contract Manager:	Marge MacEvitt, 617-720-3121, marge.macevitt@mass.gov
This Contract Contains:	Volume Discounts
UNSPSC Codes:	43-23-00-00 (Software), 81-11-22-00 (Software Maintenance and Support), 81-11-15-07 (Services, including Hardware Maintenance and Support)

Notes:

*The asterisk is required when referencing the contract in the Massachusetts Management Accounting Reporting System (MMARS).

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OPERATIONAL SERVICES DIVISION

Contract Summary

This is a Statewide Contract for Oracle software and services. It includes premise-based and Software-as-a-Service software, maintenance and support. Professional services include consulting, training, and other software-related services. It replaced ITS19.

UPDATES: ITS64 has been renewed through 6/30/2028. The [Renewal Amendment](#) expands services under ITC64 to include Oracle hardware maintenance and support, previously offered under ITC56, Oracle Equipment and Related Services, which expired on 7/31/2023. There are no Statewide Contracts in effect at this time offering Oracle Equipment.

Benefits and Cost Savings

Statewide contracts are an easy way to obtain benefits for your organization by leveraging the Commonwealth's buying power, solicitation process, contracting expertise, vendor management and oversight. Discounts are offered on many Oracle products.

Find Bid/Contract Documents

To find all contract-specific documents, including the Contract User Guide, RFR, specifications, price sheets, renewal amendment, and other attachments, visit [COMMBUYS.com](https://www.commbuys.com) and search for Blanket ITS64 to find the contract. Or, link directly to the MBPO (contract) without logging in: [PO-18-1080-OSD03-SRC01-13443](#).

Who Can Use This Contract

Applicable Procurement Law

Executive Branch Goods and Services: MGL c. 7, § 22; c. 30, § 51, § 52; 801 CMR 21.00

Eligible Entities

Please see the standard list of Eligible Entities on our [Eligible Entities Which May Use Statewide Contracts](#) webpage.

Subcontractors

The awarded vendor's use of subcontractors is subject to the provisions of the Commonwealth's Terms and Conditions and Standard Contract Form, as well as other applicable terms of this Statewide Contract. Oracle may not use subcontractors to provide Professional Services in connection with Cloud Services without the Eligible Entity's written consent.

Supplier Diversity Requirements

At this time, Oracle is the only vendor under ITS64, and is not a certified minority or diverse vendor. Additional guidance/requirements will be included in this section if certified diverse vendors or small businesses are added to the Contract.

Pricing, Quote and Purchase Options

Purchase Options

The purchase options identified below are the only acceptable options that may be used on this contract:

- Direct, outright purchases

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- Fee for service
- Subscriptions

Pricing Options

- **Ceiling/Not-to-Exceed:** Contract discounts and other pricing published under the contract represents “ceiling” or “not-to-exceed” pricing, and may be further negotiated.
- **Discount off of the Vendor Catalog Price:** Contract pricing is a specified discount off of the vendor catalog price, which may be further negotiated.

Oracle software licenses may be acquired through outright purchase or subscription. Oracle technical support and maintenance may be paid through an annual subscription or other time period agreed to between the Eligible Entity and Oracle. Consulting services may be obtained on a time and materials basis or for a fixed fee. Education services are via subscription or fixed fee. Cloud Services are available via subscription

Product/Service Pricing and Finding Vendor Price Files

Standard discounts and price lists for all available products/services are posted in a separate file ("Pricing") on the ITS64 Contract on COMMBUYS or at the applicable URL in the Pricing document. [Here](#) is a direct link to the Contract.

Setting Up a COMMBUYS Account

COMMBUYS is the Commonwealth’s electronic Market Center supporting online commerce between government purchasers and businesses. If you do not have one already, contact the COMMBUYS Help Desk to set up a COMMBUYS buyer account for your organization: (888)-627-8283 or OSDhelpdesk@mass.gov.

When contacting a vendor on statewide contract, always reference ITS64 to receive contract pricing.

How To Purchase From The Contract

- Contact the Oracle representative who generally works with your Agency or Department for assistance in determining what products/services will best suit your Agency’s needs, and to prepare/negotiate the Ordering Document. If your Agency does not have an Oracle representative, please contact one of the people with the role of “General questions...” in the [Vendor List and Information](#) section of this User Guide. All Executive Department Agencies must contact the Executive Office of Technology Services and Security (ITContracts@mass.gov) prior to making a purchase under ITS64.

Important: Review the [Key Documents and Terms](#) and [Renewal Amendment](#) sections below prior to submitting an Ordering Document. It is important to understand the contract terms before placing an order. For example, some **orders cannot be cancelled**. In some cases, **you may need to add provisions to the Ordering Document**. When ordering products that reference the Data Processing Agreement (DPA), you must **download a copy at the time of your order**, and keep it on file, because services provided during the term of your order are governed by the terms of the DPA in effect at the time of your order, and the DPA is subject to change. These are just examples of terms you should be aware of prior to submitting an order.

Note that the terms in the "Umbrella Agreement" (on the [ITS64 Contract](#) on COMMBUYS) override any conflicting terms in the Ordering Document.

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Once the Ordering Document has been finalized, COMMBUYS users should attach it to their direct release purchase order in COMMBUYS.

- For a description of how to complete this purchase in COMMBUYS, visit the [Job Aids for Buyers](#) webpage and select: The *COMMBUYS Requisitions* section and choose the [How to Make a Statewide Contract Purchase in COMMBUYS](#) job aid. Note: In Step 11, attach the Ordering Document and purchase order with detailed pricing and quantity information.

Instructions for MMARS Users

MMARS users must reference the MA number in the proper field in MMARS when placing orders with any contractor.

Contract Exclusions and Related Statewide Contracts

No hardware may be offered under this contract.

Oracle Platform as a Service (PaaS) and Infrastructure as a Service (IaaS) are available under ITS64 only for use with Oracle technology or applications programs and may not be used to support non-Oracle workloads. Oracle PaaS and IaaS may be used only for any Oracle technology or applications programs that an Eligible Entity decides to move to a Cloud environment.

Additional Information/FAQs

Oracle Renewal Amendment 2023

The PDF file “Renewal amendment with revised pricing and terms,” found on the [ITS64 Contract](#) on COMMBUYS, includes the following documents:

1. [Executed Standard Contract Form Amendment](#)
This is the Standard Contract Form that was in effect when Oracle signed the original ITS64 contract. It references the Commonwealth Terms and Conditions, not the Commonwealth Terms and Conditions for Information Technology Contracts, which was not in effect at that time.
2. [Amendment One to Statewide Contract ITS64](#)
 - a. Extends the contract term through June 30, 2028.
 - b. Adds Schedule H, Hardware to the preamble of the Umbrella agreement, with limitations on the applicability of certain clarifications and clauses relative to Oracle support services and prohibition of hardware sales. Only hardware maintenance and support services are available under ITS64.
 - c. Replaces the previous Pricing exhibit with the one included in this amendment.
 - d. Adds a new Ordering Document, “Exhibit K to MA Contract ITS64 Sample Ordering Document Oracle Java SE Universal Subscription Part Number L107691”
 - e. Adds new and modified terms to clarifications of Public Sector Schedule P – Program.

Please see this document for additional modifications.

3. [Public Sector Schedule H - Hardware](#)

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Terms for Hardware services and support (no hardware may be purchased under ITS64).

4. Exhibit K to MA Contract ITS64 – Sample Ordering Document – Oracle Java SE Universal Subscription

To be used for purchases of Java SE. Purchases of Java can be documented under Oracle’s standard ordering documents.

5. Exhibit H Pricing

Pricing is no longer provided for specific software items and services. Discounts and conditions are provided with links to Oracle’s then current price links. This document is also posted as a stand-alone document on COMMBUYS for convenient access.

Performance and Payment Time Frames Which Exceed Contract Duration

All agreements for services entered into during the duration of this Contract and whose performance and payment time frames extend beyond the duration of this Contract shall remain in effect for performance and payment purposes (limited to the time frame and services established per each written agreement). No written agreement shall extend more than 60 months beyond the current contract term of this Statewide Contract as stated on the [first page](#) of this contract user guide. No new agreements for services may be executed after the Contract has expired.

Key Documents and Terms - Please read before placing an order

Important: Please note that the [Renewal Amendment](#) modifies, deletes, or adds to some of the terms of the documents referenced below.

Umbrella Agreement

The Umbrella agreement sets out the order of precedence for all documents that are part of the Agreement. Any conflicting terms in Oracle's documents, such as Schedules and General Terms, are superseded by the Umbrella agreement. The order of precedence is:

1. Umbrella Agreement
2. Commonwealth Terms and Conditions
3. Standard Contract Form
4. Amended and Restated ITS64 Due Diligence Posting
5. Data Processing Agreement (or the Data Processing Agreement expressly referenced in your Order)
6. Oracle Ordering Document (as agreed between you and Oracle)
7. Oracle’s Master Agreement consisting of:
 - a. General Terms – Public Sector and
 - b. Schedule P: Public Sector – Programs, Public Sections Schedule S - Services, and Schedule C - Cloud Services - Public Sector

The Umbrella agreement includes clarifications to the Commonwealth Terms and Conditions and the Standard Contract Form. Contract users should review these clarifications as they specify some additional requirements on the part of the Commonwealth. *Some key terms in the Umbrella Agreement are flagged below, but users should review the complete agreement to understand their rights and obligations.*

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Section 1 – ITS64 General Terms and Conditions, Modifications and Clarifications

- Section 1.7, Executive Department Agencies may transfer or divest certain licenses, Professional Services deliverables, and cloud services. The transfer of programs with an “unlimited license model” are subject to additional restrictions and terms. Non-Executive Department users may negotiate specific transfer and divestiture rights as part of a specific order.

Section 2 - Clarifications to the Commonwealth Terms and Conditions and the Standard Contract Form

- Section 2.2, Professional Services deliverables are either joint property or Commonwealth property. Any deviation from this requirement by Executive Department Agencies must be approved by the EOTSS General Counsel.
- Section 2.2, Sub-Section 4, allows for Eligible Entities to enter into **non-cancellable orders for a period of up to one (1) year**.
- Section 2.3, Sub-Section 7, Executive Department Eligible Entities **must** include the requirements of the [Information Technology Mandatory Specifications](#) and the [IT Acquisition Accessibility Contract Language](#) in the applicable solicitation and/or Ordering Document.

Section 3 - Selected Clarifications to Oracle Documents

- Section 3.2.2, you are entitled to service credits if you experience downtime during your Cloud Services subscription. You are also permitted to terminate Cloud Services for chronic service unavailability.
- Section 3.2.2.3, Oracle will maintain your Content for the length of your Cloud Services term plus sixty (60) days. You may retrieve your Content at any time during this period.

Cloud Services Data Processing Agreement

If ordering Cloud Services, read the Data Processing Agreement for Cloud Services (DPA). Oracle may change the Data Processing Agreement at will, so if you place an order for Cloud services after the first year of ITS64, you must download and review the current DPA, which will be referenced in your Ordering Document. That DPA will apply throughout the duration specified in your Ordering Document, so **it is important that you keep a copy of it on file**, as Oracle may modify it during that time.

EOTSS Enterprise Policies and Standards Applicable to Cloud Services

It is up to each ordering Eligible Entity to determine what EOTSS Enterprise Policies and Standards, including those listed below, are applicable to the services they are obtaining, and whether any additional specifications are needed. Any additional specifications must be included in the Ordering Document.

1. Enterprise Information Security Policies and Standards: <https://www.mass.gov/handbook/enterprise-information-security-policies-and-standards>
2. Web accessibility standards: <https://www.mass.gov/guides/web-accessibility-standards>

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It is strongly recommended that all Executive Department Agencies include the following paragraph in all Ordering Documents, inclusive of all policies listed above:

“Oracle shall provide the products and services listed herein in accordance with the Information Technology Mandatory Specifications and the IT Acquisition Accessibility Contract Language. In addition, Oracle will comply with the Security Policies and Standards available via <https://www.mass.gov/handbook/enterprise-information-security-policies-and-standards>.”

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Contract User Guide for ITS64

Strategic Sourcing Team Members

- Linda Hamel (no longer with EOTSS)
- Maribeth Ladd (no longer with OSD)
- Marge MacEvitt, Operational Services Division
- Elizabeth Rooney, Exec Office of Technology and Security Services
- Anna Shpigel, Operational Services

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OPERATIONAL SERVICES DIVISION

Vendor List and Information*

Vendor	Master Blanket Purchase Order #	Contact Person	Role of Contact Person	Phone #	Email	SDO Cert	SDP Commitment
Oracle America, Inc	PO-18-1080-OSD03-SRC01-13443	Deborah Vaughn	Contract Manager	703-364-0925	Deborah.vaughn@Oracle.com	N/A	\$10,000 per year
Additional Oracle contact	N/A	Ryan Lever	General questions, Business questions on Oracle Technology and Oracle Cloud (OCI)	978-807-2917	ryan.lever@oracle.com	N/A	N/A
Additional Oracle contact	N/A	Bob Nevins	General questions	781-589-4193	Bob.nevins@oracle.com	N/A	N/A
Additional Oracle contact	N/A	Sang Lee	Business questions on Oracle SaaS Applications	571-643-5343	Sang.lee@oracle.com	N/A	N/A
Additional Oracle contact	N/A	See Email	Business questions on Oracle Billing	888-803-7414	Collections_us@oracle.com	N/A	N/A
Additional Oracle contact	N/A	Alok.Singh	Technical questions about Oracle technology and OCI	908-547-6324	Alok.kr.singh@oracle.com	N/A	N/A
Additional Oracle contact	N/A	Wendi Monahan	Questions about Oracle Consulting Services	941-376-3508	Wendi.monahan@oracle.com	N/A	N/A
Additional Oracle contact	N/A	Melanie Schwabe	Questions about Advanced Customer Services	301-509-0604	Melanie.schwabe@oracle.com	N/A	N/A
Additional Oracle contact	N/A	Jason Langus	Questions about Oracle Hardware	781-993-7235	Jason.langus@oracle.com	N/A	N/A

*Note that COMMBUYS is the official system of record for vendor contact information.

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