

MODIFICATION

**State of Maine**



**Master Agreement**

**Effective Date:** 12/03/18

**Expiration Date:** 02/28/26

**Master Agreement Description:** Secondary Back up Storage

**Buyer Information**

Justin Franzose 207-624-7337 ext. justin.franzose@maine.gov

**Issuer Information**

Joan Bolduc 207-624-9904 ext. JOAN.BOLDUC@MAINE.GOV

**Requestor Information**

Joan Bolduc 207-624-9904 ext. JOAN.BOLDUC@MAINE.GOV

**Authorized Departments**

ALL

**Vendor Information**

**Vendor Line #:** 1

**Vendor ID**

VS0000022046

**Vendor Name**

Cybernorth LLC

**Alias/DBA**

CYBERNORTH

**Vendor Address Information**

15 Cottage Road, Unit 2433

South Portland, ME 04116

US

**Vendor Contact Information**

Jeremy Lombardo

207-232-7964 ext.

JLOMBARDO@CYBERNORTH.COM

## Commodity Information

**Vendor Line #:** 1

**Vendor Name:** Cybernorth LLC

**Commodity Line #:** 1

**Commodity Code:** 20651

**Commodity Description:** Secondary backup storage

**Commodity Specifications:**

**Commodity Extended Description:** As per amendment to CT 18B 20181114\*1658 attached and made part of this MA

**Quantity**

0.00000

**UOM**

**Unit Price**

\$0.00

**Delivery Days**

**Free on Board**

**Contract Amount**

\$0.00

**Service Start Date**

12/03/18

**Service End Date**

02/28/26

**Catalog Name**

**Discount**

0.0000 %

**Discount Start Date**

**Discount End Date**



AMENDMENT

DATE: **8/22/2026**

ADVANTAGE CONTRACT #: **18B-20181114\*1658**

DEPARTMENT AGREEMENT #: .

AMENDMENT AMOUNT: \$ **\$2,193,940**

This Amendment, is between the following Department of the State of Maine and Provider:

State of Maine DEPARTMENT

DEPARTMENT: **DAFS, OIT**

Address: **145 Statehouse Station**

City: **Augusta**

State: **ME**

Zip Code:

**04333**

PROVIDER

PROVIDER: **CyberNorth**

Address: **15 Cottage Road, Unit 2433**

City: **South Portland**

State: **ME**

Zip Code:

**04116**

Provider's Vendor Customer #: **VS0000022046**

Each signatory below represents that the person has the requisite authority to enter into this Contract Amendment. The parties sign and cause this Contract Amendment to be executed.

**Department of Administrative and Financial Services, Office of Information Technology**

**CyberNorth**

DocuSigned by:

9/5/2019

Signature **Frederick Brittain** Date

DocuSigned by:

9/5/2019

Signature **Jeremy Lombardo,** Date

**Department of Administrative and Financial Services, Office of Information Technology**

DocuSigned by:

9/5/2019

Signature **Frederick Brittain, Chief Information Officer** Date

*Amendment rev. July 2019*

*Upon final approval by the Division of Procurement Services, a case details page will be made part of this contract.*

**AMENDMENT**

The contract is hereby amended as follows: (Check and complete all that apply)

<input type="checkbox"/>	<b>Amended Period:</b>	Original Start Date: <b>12/3/2018</b> Current End Date: <b>2/28/2024</b> Amendment Start Date:                      New End Date: <i>Click or tap to enter a date.</i>  Reason: <i>Click or tap here to enter text.</i>
<input checked="" type="checkbox"/>	<b>Amended Contract Amount:</b>	Amount of Adjustment: \$ <b>2,193,940</b> New Contract Amount: \$ <b>6,693,867.40</b> Reason: <b>Add secondary backup storage</b>
<input checked="" type="checkbox"/>	<b>Amended Scope of Work:</b>	The Scope of work in Rider A is amended as follows: <b>see below</b>
<input type="checkbox"/>	<b>Other:</b>	Reason:

All other terms and conditions of the original contract and subsequent contract amendments remain in full force and effect.

**CODING**

LINE TOTAL	FUND	DEPT	UNIT	SUB UNIT	OBJ	PROGRAM	PROGRAM PERIOD	BOND FUNDING	FISCAL YEAR
\$369,858	038	18B	2008	01	0115		5-yrs		

LINE TOTAL	FUND	DEPT	UNIT	SUB UNIT	OBJ	PROGRAM	PROGRAM PERIOD	BOND FUNDING	FISCAL YEAR
\$1,824,082	038	18B	0155	01	0091	(2008 prepay	5-yrs		

**(Departments - Attach separate sheet as needed for additional coding.)**

Hyperconvergence, using the Simplivity platform has been adopted as an enterprise computing platform. OIT issued an RFP for this platform in 2018 and as a result, CyberNorth was awarded the contract. As requirements for increased growth in services, a corresponding growth in the infrastructure is also required. Also, as a result of the backup redesign, CyberNorth and OIT identified Cohesity as the backup solution. Cohesity, running on HPE’s hyperconverged platform was determined to be the best fit. This will reduce the overall on-prem storage, as well as costs to our customers.

Due to the continuing need for increased capacity, making this contract a Master Agreement will allow the flexibility in acquiring the growth of the HPE hyperconverged platform and Cohesity.

Future requirements for these products will be executed as a Delivery Order. All agreements for services initiated during the duration of this Contract and whose performance and payment time frames extend past the end date of the then-current term of the contract shall remain in effect for performance and payment purposes only, limited to

the time frame and services established per each written agreement. No new agreements may be executed after the Contract has expired.

All other terms and conditions are consistent with those in Contract #18B-20181114\*1658.

Requirements to support the Secondary Storage Solution are below:

Part Number	Description	Quantity	List Price	Discount %	Total Discount	Extended Price
<b>COHESITY SECONDARY STORAGE SOLUTION</b>						
HPDL380-96	HPE DL380 NODES WITH 2 x INTEL XEON GOLD 16 CORE 2.8 Ghz 128 GB RAM 12 x 8TB HDD, 2 x 3.2 TB SSD PER NODE, INCLUDES (5) YEAR HPE FOUNDATION CARE SUPPORT	12	\$618,228.00	40.17%	-\$248,370.00	\$369,858.00
SUB-DATAPLAT-STD-5YR	FIVE (5) YEAR COHESITY DATAPLATFORM STANDARD EDITION SUBSCRIPTION (1TB). INTELLIGENT WEB-SCALE SOFTWARE FOR CONSOLIDATING SECONDARY DATA WITH MULTI-PROTOCOL ACCESS (NFS, S3 & SMB), REPLICATION, ACCESS MANAGEMENT, MONITORING, REST API, ENCRYPTION, SNAPS	922	\$2,489,400.00	44.91%	-\$1,118,118.00	\$1,371,282.00
SUB-DPRT-ULARC-5YR	FIVE (5) YEAR COHESITY DATAPROTECT ADD-ON SUBSCRIPTION (1 TB). BACKUP SOFTWARE FOR VIRTUAL AND PHYSICAL ENVIRONMENTS. SUBSCRIPTION PER TB OF BACKEND STORAGE USED FOR BACKUP. INCLUDED IS UNLIMITED CLOUD ARCHIVE.	72	\$338,400.00	36.37%	-\$123,100.00	\$215,300.00
SUB-CLOUDTIER-5YR	FIVE (5) YEAR COHESITY CLOUDTIER ADD-ON SUBSCRIPTION (1 TB). PROVIDES ABILITY TO TIER DATA TO SUPPORTED CLOUD STORAGE TARGETS. CUSTOMER MUST SEPARATELY PROCURE STORAGE CAPACITY FROM A SUPPORTED CLOUD TARGET. SUBSCRIPTION PER TB OF CLOUD STORAGE TO BE USED	240	\$324,000.00	26.69%	-\$86,500.00	\$237,500.00
GN-Support-Cohesity	CyberNorth Cohesity Support: 5 Years CyberNorth Support	12	\$60,000.00	100.00%	No Charge	No Charge
	<b>TOTAL LIST PRICE</b>					<b>\$3,770,028.00</b>
	<b>TOTAL DISCOUNT</b>					<b>-\$1,576,088.00</b>
	<b>TOTAL PRICE TO THE STATE OF MAINE</b>					<b>\$2,193,940.00</b>
	*Pricing does not include tax or shipping fees					

- Pricing does not include taxes.
- Pricing does include shipping.
- Net 30 Payment terms.



AMENDMENT

DATE: 9/16/2019

ADVANTAGE CONTRACT #: CT 18B-20181114\*1658; MA 18P-190906-039

DEPARTMENT AGREEMENT #: NA

AMENDMENT AMOUNT: \$ \$0.00

This Amendment, is between the following Department of the State of Maine and Provider:

State of Maine DEPARTMENT

DEPARTMENT: DAFS, OIT

Address: 51 Commerce Dr, 145 Statehouse Station

City: Augusta

State: ME

Zip Code: 04333-0145

PROVIDER

PROVIDER: CyberNorth

Address: 15 Cottage Road, Unit 2433

City: South Portland

State: ME

Zip Code: 04116

Provider's Vendor Customer #: VS0000022046

Each signatory below represents that the person has the requisite authority to enter into this Contract Amendment. The parties sign and cause this Contract Amendment to be executed.

Department of

CyberNorth

DocuSigned by:

Jeremy Lombardo

9/16/2019

Signature Date

Signature Jeremy Lombardo, Date

Department of Administrative and Financial Services, Office of Information Technology

DocuSigned by:

Frederick Brittain

9/16/2019

Frederick Brittain, Chief Information Officer Date

AMENDMENT

Amendment rev. July 2019

Upon final approval by the Division of Procurement Services, a case details page will be made part of this contract.

The contract is hereby amended as follows: (Check and complete all that apply)

<input checked="" type="checkbox"/>	<b>Amended Period:</b>	Original Start Date: <b>12/3/2018</b> Current End Date: <b>2/28/2024</b> Amendment Start Date: <b>9/16/2019</b> New End Date: <b>2/28/2026</b>  Reason: <b>Extending agreement end-date 2-years as authorized by RFP 201807137.</b>  <b>Date extension required because equipment and software is purchased with a 5-year support/license agreement. The support agreement end-date must be within the dates of the over-riding contract/master agreement. Initial contract was 5-years, not structured for this issue. Correcting situation.</b>
<input type="checkbox"/>	<b>Amended Contract Amount:</b>	Amount of Adjustment: \$ New Contract Amount: \$ <b>NA</b>  Reason:
<input type="checkbox"/>	<b>Amended Scope of Work:</b>	The Scope of work in Rider A is amended as follows: <b>NA</b>
<input type="checkbox"/>	<b>Other:</b>	Reason:

All other terms and conditions of the original contract and subsequent contract amendments remain in full force and effect.

**CODING**

LINE TOTAL	FUND	DEPT	UNIT	SUB UNIT	OBJ	PROGRAM	PROGRAM PERIOD	BOND FUNDING	FISCAL YEAR
Click or tap	Click	Click	Click	Click	Click or		Click or		

LINE TOTAL	FUND	DEPT	UNIT	SUB UNIT	OBJ	PROGRAM	PROGRAM PERIOD	BOND FUNDING	FISCAL YEAR
	Click	Click	Click	Click	Click or	Click or tap	Click or		

**(Departments - Attach separate sheet as needed for additional coding.)**

## State of Maine Competitive Award Authorization Form

**Form Instructions:** Please provide the information requested in the form below. This form must accompany contracts being proposed for approval that are the direct result of a competitive Request for Proposals (RFP), a subsequent contract renewal that was anticipated in the RFP or when Competitive Quotes are obtained. If the renewals allowable under the original RFP have been exhausted, another competitive RFP should be conducted.

<b>Contract Administrator:</b>	D. Pease	<b>Office/Division/Program</b>	DAFS / OIT
<b>Contract Amount:</b>	\$ 0.00	<b>Contract (CT) Number:</b>	Master Agreement 18P-190906-039
<b>Start Date:</b>	12-03-2018	<b>End Date:</b>	2-28-2026
<b>Selected Bidder's Name, City and State:</b>		Cybernorth, South Portland, ME	
<b>Short Description of Service:</b>	HyperConverged computing equipment/support and related services		

### 1. Information on the Competitive Process Used

**If a RFP process was used:**

**RFP#:** 201807137       Initial contract.    First renewal.    Second renewal.    Third renewal.

*Note: Executing contract extension to allow purchase of equipment and software which has a 5-year support agreement. If not extended, maintenance and subscription services extend beyond the original end date of the competitively competed contract.*

**PQVL#**       Initial contract.    First renewal.    Second renewal.    Third renewal

If this is a first, second, or third renewal after an RFP, you need not complete the remainder of section 1 nor sections 2, 3 and 4. Simply enter the original RFP number, check the appropriate box, sign and date the form and send it with the contract.

**If competitive quotes were obtained:**

This contract award is the result of obtaining Competitive Quotes.

The RFP process can be used for any contract award, but please note that as an alternative to the RFP process, Competitive Quotes can be used in determining awards for contracts if both of the following criteria apply:

- A. The total contract amount is \$10,000 or less; and
- B. If the services sought are straightforward in nature, such that price, availability and pass/fail criteria are the determining factors in the award decision (i.e. no subjective evaluation factors needed to be used).

\*Renewals are not allowed for Competitive Quote awards. Once a contract expires that was the result of obtaining Competitive Quotes, new quotes are to be sought if the need for the services continues.

## State of Maine Competitive Award Authorization Form

### 2. Identify All Bidders

- A. For **RFPs**, please list all bidders who submitted proposals before the stated Proposal Submission Deadline.
- B. For contracts where **Competitive Quotes** were obtained, the following needs to be included in this section:
- 1) List all vendors who were contacted for quotes;
  - 2) List all vendors who responded and the quoted amounts for each and;
  - 3) Clearly identify the selected vendor (place in bold).

*Please note, in accordance with 5 M.R.S. §1825-A(3), competitive bidding must be conducted with a **minimum of three** vendors, unless three vendors are not available. If three are not available, please mention below how this was determined. If more than three are available, it is **HIGHLY RECOMMENDED** to contact all vendors to seek as many quotes as possible.*

### 3. Review and Scoring Process.

- A. For contract awards based on an **RFP**, describe the process that was followed in reviewing and scoring the proposals. A consensus approach is encouraged, but not required. Be sure to retain copies of all scoring documentation, in accordance with your Department's archiving requirements.
- B. If this contract award is the result of obtaining **Competitive Quotes**, then please specify below that the quote with the lowest price was selected from among the bidders that met the State's requirements.

**Please attach to this document all Competitive Quotes received (not RFP proposals).**

### 4. Reminder regarding Award Notification Letters.

Award notification letters should be sent out to bidders following all competitive processes. If you are not already aware, please note that award notification letters must state that the award is conditional, pending SPRC Approval and negotiation of a mutually agreeable contract. The letters must also include a notification of all bidders' right to appeal the decision. Please be sure to use the template on the Division of Procurement Services website:

[http://www.maine.gov/purchases/files/Sample\\_Award\\_Notification\\_Letter.doc](http://www.maine.gov/purchases/files/Sample_Award_Notification_Letter.doc)

**Signature of requesting Department's Contract Administrator (or other relevant stakeholder):**

DocuSigned by:

*Dawnna Pease*

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**Printed Name:**

D. Pease

**Date:**

9-20-2019