

INTERIM SMARTBUY PROCEDURES
JULY 2003 – JULY 2004

OVERVIEW

SmartBUY is the Federal governmentwide software enterprise licensing program initiated by OMB and being executed by GSA. Although the OMB letter of June 2, 2003 directed all Federal agencies to use the program, it will take some time to put SmartBUY agreements in place. SmartBUY will eventually provide many enterprise agreements, however, interim procedures are needed since OMB does NOT want to stop necessary software purchases.

Customer agencies should:

1. Use the SmartBUY agreements for all software requirements covered by that specific agreement. Where there is no SmartBUY agreement, agencies may satisfy their software requirements through other acquisition vehicles. Continue to identify upcoming large (volume and/or dollar value) software requirements to GSA Project Office. (See Contact List.)
2. Not enter into agreements exceeding one year involving software initially targeted by SmartBUY without checking with GSA. The list of software initially targeted by SmartBUY can be found at www.cio.gov. To access the list, log into "MembersLogin" and then look for "SmartBUY."
3. For small buys, or buys of software not initially targeted by SmartBUY, use GSA Schedules or other authorized sources.
4. Agencies should NOT stop normal operations since SmartBUY will not have wide coverage of software titles for some time in the future.
5. All agencies with requirements for the software targeted initially for a SmartBUY should be involved in this process. To ascertain whether your agency is participating, go to www.cio.gov, log into "MembersLogin" and then look for "SmartBUY." Contact the GSA SmartBUY Project Office to add members.
6. For future agency software agreements, consider using something like the following clause:

"If during the term of this contract, _____(vendor) or its resellers enter into an agreement with the General Services Administration under the SmartBUY Initiative - which includes pricing for the specific products or services similar to those licensed under this contract, that is less than the pricing under this contract, _____(vendor) will enter into good faith negotiations to lower its prices to its reseller(s), and thus this contract, consistent with the similar terms and conditions of the SmartBUY agreement, or allow these requirements to move to the SmartBUY agreement at the Government's option, with full credit for all funds paid under this contract."

QUESTIONS AND ANSWERS

Q1: Is there a software purchase “freeze”?

A1: No. The OMB memo asks agencies “refrain” from entering into software agreements which would hinder the SmartBUY process. It would be impractical to levy a “freeze” since it will take time to put these agreements in place.

Q2: What are some thoughts regarding migration plans for existing agency licenses?

A2: Migrations to SmartBUY agreements will occur as quickly as feasible, but will not be accomplished by the forced breaking of existing agreements.

Q3: Will the agencies have to take whatever software you give them?

A3: If there is a SmartBUY agreement for a particular software product and an agency determines that product meets its needs, then the agency must use the SmartBUY agreement. SmartBUY does NOT enforce the use of certain titles of software as opposed to others. If an agency is going to buy software that is covered by SmartBUY, they must buy that software through the SmartBUY contract vehicle. It is up to the agencies to determine which software best meets their needs.

Q4: Does SmartBUY apply to all software?

A4: No, the program applies only to commercially available, commodity-type software covered by SmartBUY. By commodity software, we mean software that is widely used. Typically, the software that SmartBUY will focus on initially are those products in which the Government invests the most money. Most software is NOT be covered by SmartBUY, at least not initially. The list of software initially targeted by SmartBUY can be found at www.cio.gov. To access the list, log into the “MembersLogin” and then look for “SmartBUY.”

Q5: What is your timetable? OMB has indicated that the GSA team will negotiate licenses by July 2004.

A5: We expect to have several agreements in place by July 2004. We understand the advantages and savings which SmartBUY can provide, and want to achieve our goals as quickly as possible so taxpayers, agencies and businesses will start reaping the benefits as soon as possible.