

NORTHERN PLAINS AREA
Policy Memorandum

DATE:	March 14, 2008
SUBJECT:	Software Purchasing Guidelines and Use
NUMBER:	PM-05-002
EFFECTIVE DATE:	Immediately Until Replaced or Superseded (Replaces PM -05-002 dated March 3, 2005)

1. Purpose

This Policy Memorandum establishes the procedures for purchasing software for use on all NPA Government computers.

2. Background

ARS strives to provide employees with the most up to date software for use on Government purchased desktop computers, laptops, servers, and related hardware. Purchases of software for use on Government computers shall follow guidelines established via existing procurement regulations. The acquisition of products and services for Government use is subject to various rules, regulations, court cases, and a designated list of required sources. Computer software is not exempt from these procedures.

3. Policy

All software used on Government computers shall be properly licensed and procured using existing Government contracts and/or procedures. There are a number of Federal Supply Service (FSS) contracts and USDA wide contracts/BPA's for the purchase of new or upgraded versions of existing software. These contracts must be observed for the software covered. Obtaining software from other sources, including universities ("academic edition software"), even if at a lower price, constitutes a breach of contract. By breaching a contract the Government may be liable for the contractor's sale (which could include returning non-contract software and making a purchase from the contractor), contractor's legal fees, and for punitive damages in amounts determined by the courts. Breaching a contract includes transferring "academic edition software" from an existing computer to a newly purchased computer. It is the desire of the Government to avoid additional unnecessary costs and negative publicity caused by a breach.

4. Procedures

Details on existing USDA-wide information technology contracts and agreements can be found at www.hqnet.usda.gov/oppm/usdaconts/index.htm. Prior to any purchase, this website shall

be consulted for the latest information on contract sources for Microsoft, SAS, anti-virus and other software. If you have questions concerning software contracts on this list you should contact the Area Procurement Office and/or Area Information Technology Office. (Caution: the above website restricts access based on USDA IP addresses; users trying to access it from University and/or home locations will be unable to view the page.)

If the software to be purchased is not listed on the above site then the purchaser shall check Federal Supply Schedules (FSS) by going to www.gsaadvantage.gov. If software is not available from either USDA-Wide contracts or FSS, you may purchase from commercial sources.

Commercial sources include “open-market” supplies. This type of purchase is used only when the items requested are not available from the aforementioned sources. A purchase from a commercial source shall only be made when the software requirement cannot be met by a required source. Waivers, exemptions, and/or clearances may be granted by the required source, but not generally on the basis of lower commercial prices.

5. Point of Contact

For further information please contact the Area Procurement Office or the Area Information Technology Office.

/s/

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