

<b>AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT</b>			1. CONTRACT ID CODE <b>Y</b>	PAGE OF PAGES <b>1 3</b>
2. AMENDMENT/MODIFICATION NO. <b>P00012</b>	3. EFFECTIVE DATE	4. REQUISITION/PURCHASE REQ. NO.	5. PROJECT NO. (If applicable)	
6. ISSUED BY Information Technology E. Commerce and Commercial Contracting Center (ITEC4) ATTN: SFCA-IT Wanda S. Dixon (703) 325-9507 2461 Eisenhower Avenue, Hoffman 1, Room 284 Alexandria, VA 22331-1700	CODE <b>W91QUZ</b>	7. ADMINISTERED BY (If other than Item 6)		CODE
8. NAME AND ADDRESS OF CONTRACTOR  Sybase Inc 6550 Rock Spring Drive, Suite 800 Bethesda, MD 20817 Attn John Gugliotta 301-896-1661 Cage Code 08RS8			(4)	9A. AMENDMENT OF SOLICITATION NO.
				9B. DATED (SEE ITEM 11)
				10A. MODIFICATION OF CONTRACT/ORDER NO. <b>DAAB15-99-A-1003</b>
				10B. DATED (SEE ITEM 13)  29 September 1999
CODE <b>See Above</b>	FACILITY CODE			

**11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS**

\_\_\_ The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offers is  extended,  is not extended.

Offers must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended, by one of the following methods: (a) By completing Items 8 and 15, and returning \_\_\_ copy of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. **FAILURE OF YOUR ACKNOWLEDGMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATA SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER.** If by virtue of this amendment you desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and data specified.

12. ACCOUNTING AND APPROPRIATION DATA (If required)

**13. THIS ITEM APPLIES ONLY TO MODIFICATIONS OF CONTRACTS/ORDERS, IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.**

(4)	A. THIS CHANGE ORDER IS ISSUED PURSUANT TO: (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A.
	B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation date, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(b).
<b>X</b>	C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF: <b>FAR 43.103(a) Mutual Agreement of Both Parties</b>
	D. OTHER (Specify type of modification and authority)

E. IMPORTANT: Contractor is not,  is required to sign this document and return \_\_\_ copy to the issuing office!

14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible.)

**Software Licenses, Software Maintenance and Consulting Services**

- The purpose of this modification is to restructure the BPA to remove team members. Block 17a of the SF 1449, the opening paragraph on Page 3, paragraph 1, paragraph 8 and paragraph 28 of the BPA is revised.
- This modification also update paragraph 16, of the BPA.

Except as provided herein, all terms and conditions of the document referenced in Item 9A or 10A, as heretofore changed, remains unchanged and in full force and effect.

15A. NAME AND TITLE OF SIGNER (Type or print) <b>John J. Gugliotta</b> <b>Director Business Operations</b>	16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print) <b>Barbara J. Trujillo</b> <b>Barbara.Trujillo@ITEC4.army.mil</b>
15C. DATE SIGNED <b>13 AUG '04</b>	16B. UNITED STATES OF AMERICA BY <b>Barbara J. Trujillo</b> (Signature of Contracting Officer)
15B. SIGNATURE OF PERSON AUTHORIZED TO SIGN <b>John J. Gugliotta</b> (Signature of person authorized to sign)	16C. DATE SIGNED <b>8/19/04</b>

Sybase, Inc.  
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As a result of this modification:

1. Block 17a of Standard Form 1449 is hereby changed from:

"Team Leader: Sybase, Inc.  
6550 Rock Spring Drive  
Suite 800  
Bethesda, MD 20817

Team Member: Viador .  
167 Second Avenue  
San Mateo, CA 94401

Team Member: Northrop Grumman Computing System.  
7501 Greenway Center Drive Suite 1000  
Greenbelt, Md 20770

Team Member: Business Objects Americas  
3030 Orchard Parkway  
San Jose, CA 95134

to the following:

Sybase, Inc.  
6550 Rock Spring Drive  
Suite 800  
Bethesda, MD 20817

2. The opening paragraph on page 3 of the BPA is deleted and replaced by the following:

"The U.S. Army Communications-Electronics Command Acquisition Center-Washington (CAC-W) hereby enters into a Blanket Purchase Agreement (BPA) on behalf of the Product Manager for Small Computer Program (PM-SCP) with the contractor Sybase Inc. (Sybase). The BPA is issued to provide the Department of Defense (DoD) database software licenses, software maintenance, support and consulting services in support of the Department of Defense's mission. Sybase will provide CLINS 1001-1148, 2001-2006, 3001-3003, and 4001-4005. This agreement is under the terms and conditions of the Sybase GSA Federal Supply Schedule Contract GS-35F-5212H respectively (hereafter referred to as "GSA Contract") and the following BPA terms and conditions: "

3. Paragraph 1 of the BPA is deleted in its entirety and replaced with the following:

"1. Products Available Under this BPA

The Software licenses, Software Maintenance and Consulting Services listed in Exhibit A (CLINS 1001-1148, 2001-2006, 3001-3003, and 4001-4005) comprise the most frequently ordered Sybase products being purchased as of the date of this BPA and are provided at the specific request of the

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Government. The current GSA CLIN price for each product is provided in Exhibit A. The BPA price discount structure is provided at Paragraph 3.

Other Software Licenses and Software Maintenance included on the GSA Contract and not listed specifically in Exhibit A may be purchased at the BPA discount rates under CLIN 4001 entitled "Other Costs – GSA Contract".

Ordering Offices may order licenses from the DoD Enterprise License, CLIN 4002, by following the procedures in paragraph 27, herein.

Software purchased under this BPA shall include perpetual software licenses in accordance with Sybase's GSA Federal Supply Schedule Contract GS-35F-5212H.

4. Paragraph 8 is deleted in its entirety and replaced with the following:

"8. Duration of BPA

The duration of this BPA shall be from the date of the BPA through 15 January 2008. Either party with ninety (90) days written notice may terminate the BPA; provided however, that such termination shall not effect the obligations of the Government and Sybase, Inc. under any then existing delivery order or lease agreement. The then existing delivery order or lease agreement shall continue in full force and effect as though the BPA had not been terminated.

5. Paragraph 28 is deleted in its entirety.

6. Paragraph 16 of the BPA, Acquisition Contracting and Technical Fee, is hereby deleted and replaced with the following:

**16. Fees and Payments.**

**1.1 GSA Industrial Funding Fee.**

The unit prices include a markup to account for the GSA fee. The contractor shall be responsible for all required filings to GSA and for payment of this fee in accordance with applicable GSA instructions.

**1.2 Acquisition, Contracting and Technical (ACT) Fee.**

The cost of awarding and administering this BPA is included in the prices charged to ordering activities. The Acquisition, Contracting and Technical (ACT) fee is 2%. Remittance of the ACT fee shall be made on a calendar quarterly basis (i.e., January-March; April-June; July-September; and October-December) and is due thirty (30) days following the completion of the reporting period. Negative reports are required. Failure to provide appropriate ACT fees within the prescribed 30 days, the amount shall be considered a debt to the United States Government under the terms of FAR 32.6. The Government may exercise all its rights under the contract, including withholding or setting off payments and interest on the debt (see FAR clause 52.232-17), interest). Failure of the Contractor to pay the ACT Fee in a timely manner may result in termination of the BPA.

## 17. Fee Distribution.

The Air Force, Army, DISA and Navy are participating in an ACT fee-sharing program. The 2% ACT fee is split equally between the Service whose customer places the order and the Service that manages this BPA - the Army. Sybase, Inc. shall collect the 2% ACT fee and distribute in accordance with the following procedures. ACT fee sharing shall be determined by the End User Agency or Service appearing in Column 3 of the monthly Report of Sales. This field shall be notated Air Force, Army, DISA, Navy or DoD as appropriate.

### **ALL SALES - Check Submission and Letters of Confirmation Process:**

The 2% ACT Fee is split equally between the DoD component whose customer places the order and the DoD component that manages the ESI agreement. In other words, any Air Force order against an ESI agreement managed by the Army results in 1%, or half, of the 2% fee being returned to the Air Force acquisition organization (listed under Air Force Sales). The Army will retain the entire 2% fee under orders issued for Army activities or those DoD activities that do not collect a fee under the ESI agreements managed by the Army. The Contractor is responsible for distributing the ACT fee to all applicable Services in accordance with the instructions herein. The amount of the ACT fee due the FMO shall be calculated at 1% for Navy sales, 1% for Air Force sales, 1% for DISA sales and 2% for all other sales.

Remit ACT Fee to the Financial Management Office (FMO) by corporate or cashier's check made payable to "Treasurer of the United States".

Checks must include the following information to ensure proper crediting of the payment:

*BPA#DAAB15-99-A-1003*

DEAL-S - Database Enterprise Agreement Licenses - Sybase

### **ARMY SALES:**

The amount of ACT Fee due the Program Executive Office (PEO) Enterprise Information Systems (EIS) shall be calculated at 1% of all Army sales.

Remit ACT Fee to PEO EIS by corporate or cashier's check made payable to "Treasurer of the United States" notated with the following information:

*BPA#DAAB15-99-A-1003*

DEAL-S - Database Enterprise Agreement Licenses - Sybase

SCP Fee Reimbursement

\*\*\*Checks must be accompanied by a transmittal letter (sample enclosed) to ensure proper crediting of the payment.

Send check and transmittal letter to:

Program Executive Office (PEO) Enterprise Information Systems (EIS)

Assistant Program Manager (APM), Army Small Computer Program

Attn: SFAE-PS-EI-SCP (Attn: Margaret Kirsch)

Building 283 (Squier Hall)

Fort Monmouth, NJ 07703-5605

Email a copy of the check and letter to: [AMSEL-dsa-scp-CR@mail1.monmouth.army.mil](mailto:AMSEL-dsa-scp-CR@mail1.monmouth.army.mil)

**NAVY Sales:**

The amount of ACT fee due to the Navy shall be calculated at 1% of all Navy sales.

Remit ACT Fee to the Financial Management Office (FMO) by corporate or cashier's check made payable to "Treasurer of the United States". No transmittal letter is required with submission of Navy fee checks.

Checks must include the following information to ensure proper crediting of the payment:

*BPA#DAAB15-99-A-1003*

DEAL-S – Database Enterprise Agreement Licenses - Sybase ACT Fee

If using overnight or express mail, send check to:

SPAWAR Systems Center Charleston

Attn: Elizabeth Vonasek

Norfolk Office

Code 645.2, Bldg. V53

9456 Fourth Avenue

Norfolk, VA 23511-2130

If using regular mail, send check to:

SPAWAR Systems Center Charleston

Attn: Elizabeth Vonasek

Norfolk Office

Code 645.2, Bldg V53

P.O. Box 1376

Norfolk, VA 23501-1376

E-mail a copy of the FMO checks to the SPM: [Linda.greenwade@navy.mil](mailto:Linda.greenwade@navy.mil)

**AIR FORCE SALES:**

The amount of ACT Fee due DFAS Pensacola shall be calculated at 1% of all Air Force sales.

Remit ACT Fee to DFAS Pensacola by corporate or cashier's check made payable to "Treasurer of the United States" notated with the following information:

*BPA#DAAB15-99-A-1003*

DEAL-S – Database Enterprise Agreement Licenses - Sybase

ESI-SW Fee Sharing

\*\*\*Checks must be accompanied by a transmittal letter (sample enclosed) that cites the applicable accounting data to ensure proper crediting of the payment.

Send check and transmittal letter to:

DFAS/OPLOC/PE

Building 603-2, Code FDA-SSG

130 West Avenue, Suite A

Pensacola, FL 32508-5120

FAX or mail a copy of the check and letter to:

HQSSG/AQPP

Financial Management

501 East Moore Drive

MAFB-Gunter Annex, AL 36114-3004

FAX: (334) 416-5796

*JJ*

**DISA SALES**

The amount of ACT Fee due DFAS Indianapolis shall be calculated at 1% of all DISA sales.

Remit ACT Fee to DFAS Indianapolis by corporate or cashier's check made payable to "Treasurer of the United States" notated with the following information:

*BPA#DAAB15-99-A-1003*

DEAL-S – Database Enterprise Agreement Licenses - Sybase  
ESI-SW Fee Sharing

\*\*\*Checks must be accompanied by a transmittal letter (sample enclosed) that cites the applicable accounting data to ensure proper crediting of the payment.

Send check and transmittal letter to:  
DFAS/ADOFA/COIN Agency  
8899E. 56<sup>th</sup> Street  
Indianapolis, IN 46249-1500

Mail a copy of the check and transmittal letter to:  
Defense Information Systems Agency  
Attn: Dawn Lawson, Code COGB  
5600 Columbia Pike  
Falls Church, VA 22041-2717

Or send via FAX or email to:  
FAX #: (703) 681-2782  
Email: [lawsond@ncr.disa.mil](mailto:lawsond@ncr.disa.mil)

**LETTER OF TRANSMITTAL FOR ARMY FEE PAYMENTS**

Date:

MEMORANDUM FOR Army Small Computer Program  
PEO Enterprise Information Systems  
Assistant Project Manager, Army Small Computer Program  
SFAE-PS-EI-SCP (Attn: Margaret Kirsch)  
Fort Monmouth, NJ 07703-5605

From: Sybase, Inc.  
6550 Rock Spring Drive, Suite 800  
Bethesda, MD 20817

SUBJECT: Collection of Checks for (Sybase, Inc./BPA Number DAAB15-99-A-1003 for FY04-05, etc.

1. Collection of the check will include the following:
  - a. Please make check payable to United States Treasury
  - b. Mail original check to address below:

PEO Enterprise Information Systems  
Assistant Project Manager, Army Small Computer Program  
SFAE-PS-EI-SCP (Attn: Margaret Kirsch)  
Building 283 (Squier Hall)  
Fort Monmouth, NJ 07703-5605

2. Direct questions to: Margie Kirsch  
732.427.6613
3. Provide copies of this letter, check and delivery order report electronically to:

AMSEL-dsa-scp-CR@mail1.monmouth.army.



**LETTER OF TRANSMITTAL FOR AIR FORCE FEE PAYMENTS**

**Sybase, Inc.**

MEMORANDUM FOR DFAS OPLOC/PE

130 West Ave., Suite A  
Bldg 603-2, Code FDA-SSG  
Pensacola, Florida 32508-5120

FROM: Sybase, Inc.  
6550 Rock Spring Drive, Suite 800  
Bethesda, MD 20817

SUBJECT: Collection of Surcharge Checks for ESI-SW Fee Sharing with Other Services - FY 04

1. Line of accounting to collect this check into is: AA 97X4930.FF12 016 G2291 0 068142  
3F 000000 913111 VESIG JON JAXF2Q0300
2. Direct questions to (Company POC, Phone Number).

(Signature)

1 Atch: Check #

Provide copies of this letter and the check to:

HQ SSG/ITP  
501 East Moore Drive  
MAFB-Gunter Annex, AL 36114-3014

**LETTER OF TRANSMITTAL FOR DISA FEE PAYMENTS**

MEMORANDUM FOR DFAS/ADOF/COIN  
8899 E. 56th Street  
Indianapolis, IN 46249-1500

FROM: Sybase, Inc.  
6550 Rock Spring Drive, Suite 800  
Bethesda, MD 20817

SUBJECT: Collection of Checks for ESI SW Surcharge – FY 04

1. Line of accounting to collect this check into is:  
AA 970100.4300 P449BMBC10 DC 2531 DDCMO43004 S12137
2. Direct questions to (Company POC, Phone Number):

(Signature)

1 Atch: Check #

Also provide a copy of the check and transmittal letter sent to DFAS, Indianapolis to the following address.

Defense Information Systems Agency  
ATTN: Dawn Lawson, Code COGB  
5600 Columbia Pike, Suite 900  
Falls Church, VA 22041-2717

Postal mail, fax or e-mail is an acceptable means for forwarding the DISA ESI PMO copy.  
Fax number is: (703) 681-2782  
E-mail address is: lawsond@ncr.disa.mil

*JS*