

# BUSINESS PARTNER ANNOUNCEMENT MEMO



**Program Title : Power Express for Tier 2 Business Partners**

**Program No: PB06-233**

## **Eligibility**

Country : India

Business Partner Type : Tier 2 Resellers through contracted System p5 HE/LE & LE Distributors

## **The Offer**

For a limited time only, contracted IBM System p5 High End/Low End and Low End Distributors with a signed IBM Business Partner Agreement will be eligible to offer the following attractive sell-out rebate program to their Low End System p5 Tier 2 Resellers for each unit of the System p5 Express Seller model sold to end-users and bought through them during the program period.

## **Express Seller Rebate for Tier 2**

Units Purchased during program period	India				
	p185	p505	p51A/p510Q	p52A/p520Q	p55A/p550Q
Rebate per unit sold (INR)	3270	4500	8000	9600	14000

## **Program Specification**

1. IBM will announce rebate program to eligible contracted IBM HE/LE & LE System p5 Distributors as well as Tier 2 Resellers
2. Sell-out rebate per unit for eligible Express Seller Promotion models only.
3. Distributors to submit a monthly Inventory Sellthrough report.
4. Distributors to submit the rebate claim form (Appendix 1) together with the following supporting documents to IBM CRBP/Volume Leader by 22 January 2007 :
  - Copies of Purchase Orders from Distributor to IBM (PO must clearly state the Express Seller Fixed Configuration Models)
  - Copies of IBM invoices to Distributors for the above-mentioned Purchase Orders
  - Copies of Distributors invoices to Tier 2 BPs (must clearly state the Express Seller Fixed Configuration Models AND the IBM serial numbers of the pSeries machines sold)
  - Copies of Tier 2 BPs invoices to end-users (must clearly state the Express Seller Fixed Configuration Models AND the IBM serial numbers of the pSeries machines sold). Invoice value is not required.
5. The payment of the above rebate will be made to the distributors when all the claims are verified and approved by IBM.
6. Distributor to remit the rebates to the eligible Tier 2 resellers; payment to be made to Tier 2 resellers within 1 month of receipt of payment from IBM.
7. Distributor to provide to IBM all relevant supporting documents of actual payout to Tier 2 Business Partners (copies of checks or any proof of payments) upon request by IBM.
8. IBM has the right to terminate the participation of any distributor in this program if they fail to comply with the above process. IBM reserves the right to recover the said rebates if proof of payment to Tier 2 Business Partners are not furnished within the stipulated time following IBM's request.

## **Eligible Products**

P185	All Express Seller Models
p505	All Express Seller Models
P510Q/51A	All Express Seller Models
P520Q/52A	All Express Seller Models
P550Q/55A	All Express Seller Models

## **Qualifying Period**

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Start Date : 11/15/2006  
End Date : 12/29/2006  
Last Order Date : 12/22/2006  
Last Delivery Date : 12/29/2006

### **Financing**

Financing is not available.

### **Program Enquiries**

Questions pertaining to this Program should be directed to Sidhartha Bahadur at sidhartha/India/IBM@IBMAU

### **Administrative Information**

- Follow normal ordering procedures for this promotion.

### **\*For Sell Out Rebate:**

- Business Partner to submit claim form (attached as Appendix 1) together with the supporting documents listed below by 22/Jan/06 to the BP Disbursement Team, IBM India Private Limited. Level 3, Subramanya Arcade -1, No. 12 Bannerghatta Road, Bangalore 560034. Phone: 91+80+22063000. Please ensure the documents clearly state the date, amount and product model of the purchase made

#### **Supporting documents required**

- Copies of Distributor/Solution Provider/System Integrator/Reseller Purchase Orders to IBM
- Copies of IBM invoices to Tier 1 BPs
- Copies of Tier 2 BP Purchase Orders to Distributors
- Copies of Distributor invoices to Tier 2 BPs
- Copies of Solution Provider/ System Integrator/ Reseller invoice to end users

*\*(For rebates which are offered to Tier 2 BPs via Distributors please include the following clauses)*

- Distributor to remit the rebates to the eligible Tier 2 Business Partners by dd/mmm/yy.
- Distributor to provide to IBM all relevant supporting documents of actual payout to Tier 2 Business Partners (copies of checks or any proof of payments) upon request by IBM.
- IBM has the right to terminate the participation of any distributor in this program if the distributor fails to comply with the above process. IBM reserves the right to recover the said rebates if proof of payment to Tier 2 Business Partners are not furnished within the stipulated time following IBM's request.
- For India: IBM will compute the rebates and issue payment provided no outstanding AR is due to IBM. The rebate shall be paid through cheque/demand draft. IBM will issue a commercial cheque/demand draft after deducting 5.61% of TDS/withholding tax from Business Partner.

### **Terms and Conditions**

The terms hereunder are in effect for the duration of the Promotion only.

- This promotion can be combined with other programs or promotions, but not with IVPA discounts and special bids.
- IBM Business Partners compliance with the terms and conditions will be reviewed periodically. IBM Business Partners may be required to provide supporting documents (e.g. bills, invoices etc.) to prove that activities are carried out.
- If the accounts receivable by IBM from the IBM Business Partners are not current (i.e. the accounts receivable have been outstanding for more than the credit period agreed with IBM), IBM may withhold incentive payment until such time as the accounts receivable are made current.
- If IBM determines that there has been any discrepancy in reporting, IBM may immediately terminate the Program with the IBM Business Partner. If IBM has paid out any incentive or given any discount pursuant to such discrepancy, the IBM Business Partner shall return all or part of such payout, as determined by IBM.
- The IBM Business Partners will not offer or make payments or gifts (monetary or otherwise) to anyone for the purpose of wrongfully influencing decisions in favor of IBM, directly or indirectly.

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- IBM may terminate the Program with an IBM Business Partner immediately in case of a breach of any of the terms of the Program or when IBM reasonably believes such a breach has occurred or is likely to occur.
- IBM reserves the right to modify or withdraw the Program at its sole discretion without notice.
- All decisions by IBM are final.
- The terms set out above and the IBM Business Partner Agreement are the complete agreement and replace any prior oral or written communications between IBM and the IBM Business Partner relating to this subject. If the IBM Business Partner Agreement is terminated or otherwise expires, the Program shall terminate. Any terms set out herein (and in the IBM Business Partner Agreement) which by their nature extend beyond the termination remain in effect until fulfilled, and apply to respective successors and assignees of IBM and the IBM Business Partner. If there is a conflict between the terms herein and the IBM Business Partner Agreement, the terms set out herein shall prevail.

### **Documents**

- Appended claim form.

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**Appendix 1: Claim Form**

**Program Title : Power Express for Tier 2 Business Partners**

**Program No: PB06-233**

**Name of Business Partner :**

**Country :**

**Business Partner Type :** Tier 2 Resellers through contracted System p5 HE/LE & LE Distributors

**Address :**

**Tel :**

**Fax :**

*\*Please use the following table and T&C for Tier 1 BP Sell-Out Rebate Program*

No.	Name of Tier 2 BP	Distributor Invoice # to Tier 2 BP	Distributor Invoice Date	Number of Units Sold	Rebate Amount Claimable
<b>TOTAL</b>					

**Terms & Conditions**

1. IBM reserves the right to review, amend, modify and withdraw the Program at its sole discretion without any notice.
2. Eligible purchases are those made between 11/15/2006 and 12/29/2006.
3. Program is effective from 11/15/2006 to 12/29/2006.
4. IBM's decision to the award of any rebate to the Business Partner under this marketing Program is final.
5. Claim form submission deadline : 22nd January, 2007
6. Claim form must be attached with the following mandatory supporting documents :
  - Copies of Distributor invoices to Tier 2 BPs (must clearly state the Express Seller Fixed Config Models AND the IBM serial numbers of the pSeries machines sold)
7. Late submission will not be entertained

*(delete rows where inapplicable)*

Submitted by	Business Partner	Name/Signoff	Date
			dd/mmm/06