

ISV Merger & Acquisition Policy

IBM Z On-Premises Development Program

Effective July 1, 2021

This policy has been established to ensure consistency and transparency for ISVs that have been acquired or merged into a new company.

The ISV Merger & Acquisition Policy establishes the process that an ISV, which experiences a change of control event, needs to follow in order to continue participating in the IBM Z On-Premises Development Program. The following will apply to the participants in the program that:

- Has been acquired by another company that has a different discount rate and/or acquisition has closed or in the process of finalizing the acquisition.
- A merger of 2 companies, creating a new legal entity, has taken place and where one or both companies are program participants and receive different levels of discounts and/or merger has closed.

The ISV must send written notification to s390net@us.ibm.com 90 days prior to the merger or acquisition being completed. The individual system(s) will continue to receive the discount rate pursuant to the agreement under which the system was purchased, until the next annual assessment of the acquiror, or in the event of a merger, the surviving entity, or the next upgrade of the existing system, whichever comes first. At that time, based on the program [criteria](#), IBM will determine the level of participation and corresponding [benefits](#) for the system(s) in question. Please note that there is no automatic software discount or software discount level.

Participants that have been terminated from the On-Premises Development Program and have been acquired or merged are not eligible to participate in this program.

If you require any further information, please contact s390net@us.ibm.com.

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Frequently Asked Questions

1. The acquisition/merger has been completed, How can I consolidate/migrate my PartnerWorld administrator accounts and [Global Solutions Directory](#) entries? The ISV can open a support ticket with the Partner Support Desk for North America ibmpsdna@us.ibm.com. For assistance with the Global Solutions Directory please reach out to Bill Carson wcarson@us.ibm.com.
2. The company that we acquired is receiving a lower level of discount, how can we move that system to a higher tier/our tier? The system will continue to receive the same discount rate until your next annual assessment, or the next upgrade of the existing system, whichever occurs first.
3. With the acquisition of the new company we have multiple IBM Z systems in the program. How is the MSU determination made? The total of the MSUs for all the systems will be considered, including loaned capacity.
4. What software contract term dates are used for each of the systems if we have multiple systems? The same term dates would be used for each of the systems. Once the merger or acquisition has been completed and your tier had been approved the contract terms will be updated.