



POLICIES AND PROCEDURES

Policy # 012

Subject: Division of Purchasing & General Services Use of a Cooperative Purchasing Organization's Cooperative Contracts

Effective: December 1, 2008

Revised: April 12, 2017

References: UCA 63G-6a-2105; Rule R33-21

Purpose:

The purpose of this policy is to provide guidance to State Purchasing Agents on whether or not usage of a cooperative purchasing organization's cooperative contracts is in the best interest of the state.

Policy:

Prior to recommending the use of a cooperative purchasing organization's cooperative contract, the purchasing agent assigned to that contract is responsible to: (1) ensure that the cooperative purchasing organization complied with the Utah Procurement Code and (2) prepare an informal best value/cost-benefit analysis documenting that a cooperative purchasing organization's cooperative contract provides "Best Value" to the State of Utah. Note: the best value/cost-benefit analysis is intended to be informal and at no cost to the state. It is anticipated that at times estimates will be used as well as best guesses.

Procedure:

- A. **Best Value/Cost-Benefit Analysis:** Prior to recommending the use of a cooperative purchasing organization's cooperative contract, the purchasing agent or contract analyst assigned to that commodity is responsible for preparing an informal best value/cost-benefit analysis documenting that the cooperative purchasing organization's cooperative contract provides "Best Value" to the State of Utah. Note: the best value/cost-benefit analysis is intended to be informal and at no cost to the state. At times, estimates and best guesses will be used in the analysis.

Best Value may be documented by showing savings or improved efficiency in any one or any combination of the following categories:

1. **Better Pricing:** Pricing on the cooperative purchasing organization's cooperative contract is better than the current state contract price, if a state contract exists.
2. **Cost Savings:** If a state contract does not exist, cost savings may be documented by showing the cost that would be incurred by the state and each of its political subdivisions conducting their own procurements for the procurement item.
3. **More Favorable Contract Terms and Conditions, Maintenance/Service Agreements or Product Warranties:** These factors may be of greater value to the state than pricing. For example, contract terms and conditions may be negotiated to provide the state with greater liability protection, extended product warranties or improved maintenance and services agreements. The value of these items may provide greater value to the state and its political subdivisions than pricing.

B. Ongoing Review of a Cooperative Purchasing Organization's Contract. If the Division or a state contract user group such as EdPAC, UPAC or CPAC provides data showing that better value may be available from vendors other than those on the cooperative purchasing organization's cooperative contract, the Division may take the following steps to determine if better value can be obtained by issuing a state of Utah cooperative contract:

1. The Division will issue an RFI to gage the level of interest in a state of Utah cooperative contract. The RFI will include the contract terms and conditions, and any applicable service/maintenance agreements, product warranties, and other required specifications. Note: that the RFI may be issued for a segment or subset of the procurement items offered on the cooperative purchasing organization's cooperative contract and the service area may be limited to the State of Utah.
2. Based on the results of the RFI or determination by the Chief Procurement Officer, the Division may issue an invitation for bids or request for proposals for the desired procurement item.
3. If vendors submit a responsible and responsive bid or proposal containing all of the requirements outlined in "1" above, with pricing lower than the cost that would be incurred by the Division to administer the contract, the Division may award a State of Utah Cooperative Contract for the procurement item.