



STATE OF UTAH

## INSIDE THIS ISSUE:

Revised Terms and Conditions for Contracts	1
Revised State of Utah Division of Purchasing RFP Conflicts of Interest and Confidentiality Form	1
Invitation for Bids Questionnaire	2
Frequently Asked Questions Regarding the Five-	3-4
Did You Know?: Office Supply Contracts—Copy Paper	4
Did You Know?: 3 New Dental Product Contracts—MA2162, MA2163 and	5
Did You Know?: McKesson Medical-Surgical MA310 and World Medical Government Solutions MA2013 have merged!	5
State Copy Center Announcement	6
Cooperative Contracts: New, Extended, Expired	7-8

# PURCHASING UPDATE

## REVISED TERMS AND CONDITIONS FOR CONTRACTS

By: Christopher Hughes

The Standard Terms and Conditions for Goods and Services for agency contracts was revised into two sets of terms and conditions: a Standard Terms and Conditions for Goods and a Standard Terms and Conditions for Services. The revision date for the new terms and conditions is February 12, 2015.

A definition section of commonly used words was added to both sets of terms and conditions. No additional sections were added. The other revisions in these two sets of terms and conditions were for clarification purposes only.

The Standard Terms and Conditions for Goods is for contracts involving goods meaning all things (including specially manufactured goods) which are tangible and usually movable. To the extent a contract entails delivery or performance of services, such services will be deemed "Goods" within the meaning of the Utah Uniform Commercial Code when reasonable to do so.

The Standard Terms and Conditions for Services is for contracts involving services (including professional services) meaning the furnishing of labor, time, or effort by a contractor. Services include but not limited to, all of the deliverable(s) that result from contractor performing the services pursuant to this contract.

The updated terms and conditions are on State Purchasing's website under the "Purchasing Forms" page, in the Terms and Conditions section. These terms and conditions will be attached to future solicitations.

Current contracts and solicitations do not need to be amended or modified to reflect the new sets of terms and conditions. Please use these new sets of terms and conditions in your contracts and coordinate with State Purchasing to ensure that the correct set of terms and conditions are attached to your contracts.

## REVISED STATE OF UTAH DIVISION OF PURCHASING RFP CONFLICTS OF INTEREST AND CONFIDENTIALITY FORM

The State of Utah Division of Purchasing has revised the Request for Proposal Conflicts of Interest and Confidentiality form which can be found on the State of Utah Purchasing web page>Purchasing Forms and under the heading Purchasing Forms and Information, Confidentiality and Conflict of Interest Form— <http://www.purchasing.utah.gov/>. (Control click on the hyperlink to take you there.) This revised document explains the responsibilities of an evaluation committee member in regards to confidentiality and conflict of interest policies as defined in the Utah Procurement Code and the Utah Administrative Code Rules. The Code and Rules relating to Conflicts of Interest and Confidentiality are referenced and quoted in the document. Each member of an evaluation team will be required to read the document carefully and "fully understand the policies regarding potential conflicts of interest and the confidential nature of the proposals and all that is contained therein."

# INVITATION FOR BIDS QUESTIONNAIRE

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By: Christopher Hughes

State Purchasing has developed the Invitation for Bids (IFB) Required Information Questionnaire Template ("IFB Questionnaire") to ask for key information required to develop an IFB document. By completing the IFB Questionnaire in sufficient detail, State Purchasing will be able to create an IFB document that complies with the Utah Procurement Code and Utah Administrative Code. The IFB document will then be publically posted on Bidsync.

The IFB document is an official statement to bidders about the procurement service/product required. More importantly, the IFB document is the foundation upon which the agency and the bidder relationship is established. Therefore, information provided under the IFB Questionnaire should be carefully crafted in order to get the best quality service/product from a qualified firm.

When filling in the IFB Questionnaire it is important that the information is explained in sufficient detail to allow the reader (bidder) to understand the requirement and respond appropriately.

Please make sure that the answers to each of the following questions are addressed as though you are talking to the bidder community. It is the intent of State Purchasing to cut and paste your answers into the IFB document. Upon completion, State Purchasing and your agency must meet to review and discuss each element of the IFB document and make appropriate changes and additions prior to publication.

Helpful hints in preparing the IFB:

- The contract will be awarded to the lowest responsive and responsible bidder who meets the objective criteria described in the IFB, unless the IFB will result in multiple awards then the contracts will be awarded as described in the IFB.
- Your agency will not be permitted to negotiate any terms and conditions, mandatory minimum requirements, technical requirements after the closing date of the IFB.
- It is the experience of State Purchasing that the best IFBs are those that are written with the end in mind. Preparing a draft of the technical requirements and mandatory minimums first is helpful in writing the scope of work. REMEMBER: a bid shall only be evaluated using the objective criteria described in the IFB.
- Remember that a bidder's bid will be rejected if it is: conditional; attempts to modify the bid requirements; contains additional terms or conditions; or fails to conform to the requirements or specifications of the IFB. Your agency with your agency's Assistant Attorney General should review the Standard Terms and Conditions to determine if your agency needs to modify any term to fit the IFB prior to the closing date of the IFB.
- Remember that the main purpose of an IFB is when you are able to clearly identify the specifications and all requirements. Discuss all options with State Purchasing.

## FREQUENTLY ASKED QUESTIONS REGARDING THE FIVE-YEAR POLICY

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By: Christopher Hughes

Some of the frequently asked questions that State Purchasing has received regarding the Utah Administrative Code R33-12-404 are:

- **Can contracts be written for less than five years?** Contracts can be written for less than five years. If a project will take less than five years and this fact is specified in the procurement, the contract can be written for less than five years. For example, if a project is expected to be completed in one year and such is stated in the procurement, the contract can be written for one year. Justification for a contract time period of less than five years must be approved by Division of Purchasing.
- **Can a contract have renewal options?** Contracts cannot contain renewal options, unless approved by State Purchasing. Neither the solicitation nor the contract can include renewal options unless the requirements of R33-12-404a are met. Contracts should be written for the full term of the contract without renewal options. In other words, a five year contract should be written for the full five years, not three years with an option to renew for an additional two years.
- **Can contracts be amended?** Contracts can be amended. A contract can be amended for any reason allowed by the procurement under which the contract was issued. For example, the scope of work may be modified, additional funding may be added to the contract, etc. However, amendments cannot extend the contract's expiration date.
- **Without renewal options how can my agency get out of a contract?** Contracts can be terminated early in accordance with the Standard Terms and Conditions. If an agency over estimates the time needed to complete a project or the time a service is needed, the agency can choose to terminate the contract early under the termination without cause clause.
- **Do current contract need to be amended to comply with this new administrative rule?** The terms of contracts executed prior to the effective date of the rule will be honored. Contracts that were executed with renewal options prior to implementation of the five year contract policy will continue to be enforced according to their terms. If a contract was written with multiple renewal options, the exercise of those renewal options will still be allowed. However, when extending a contract with multiple renewal options, State Purchasing encourages extending the contract for the full term allowed by the options in the contract rather than processing an individual amendment to extend for each option.

A copy of these rules is provided below:

### **R33-12-404. Multi-Year Contracts.**

- (1) Procurement units may issue multi-year contracts in accordance with Section 63G-6a-1204.
- (2) The standard contract term for executive branch procurement units is five years, unless the chief procurement officer or head of a procurement unit with independent procurement authority determines that a shorter or longer term contract is in the best interest of the procurement unit after considering:
  - (a) The cost associated with conducting more than one procurement within a five-year period if a shorter term is required;
  - (b) The impact on competition if a longer term is required;
  - (c) Standard practices for the industry; and
  - (d) The needs of the procurement unit.

Continued on page 5.

## FREQUENTLY ASKED QUESTIONS REGARDING THE FIVE-YEAR POLICY (CONTINUED FROM PAGE 4)

### R33-12-404.1. Contracts With Renewal Options

- (a) In order to ensure fair and open competition in the procurement process and to avoid costs associated with administering contracts with renewal options, executive branch procurement units shall document in writing why renewal options are in the best interest of the procurement unit taking into consideration:
- (i) Federal funding requirements;
  - (i) The cost associated with administering renewal options;
  - (ii) How the cost of the procurement item will be established during any renewal periods; and
  - (iii) How the principle of upholding fair and open competition will be maintained.

If you have any questions please do not hesitate to contact State Purchasing.

## DID YOU KNOW?: OFFICE SUPPLY CONTRACTS— COPY PAPER

By: Larry Thacker

One of the most frequently purchased items from the office supply contracts is copy paper. Each vendor has several brands and various types of paper available at various prices. As part of the office supply solicitation each vendor bid a specific paper item for basic copy paper use. State purchasing wants to be sure you are aware of the best value paper from each of the suppliers. If you are ordering the normal 8 1/2 X 11 20lb copy paper 10 Ream case please use these specific numbers for each of the vendors.

<b><u>Vendor</u></b>	<b><u>Contract Number</u></b>	<b><u>Item Number</u></b>	<b><u>Current Price</u></b>
Office Depot/Max	MA142	196517	\$25.73
Staples	MA1596	324791	\$26.51
Metro Office	MA2077	SPZMOP8511	\$27.52

These prices can change quarterly with the change of the RISSI Index. Please see the complete list of specifically bid copy paper items for the various sizes and post-consumer content on the state purchasing web page under each vendor's contract summary on the contract search section. Any questions or comments please contact Larry Thacker with State Purchasing. 801-537-9242

## **DID YOU KNOW?: 3 NEW DENTAL PRODUCT CONTRACTS— MA2162, MA2163 AND MA2164**

By: Brenda Veldevere

The State of Utah now has three new MMCAP dental product contracts available for your use. These contracts were competitively bid by the State of Minnesota on behalf of MMCAP (Minnesota Multistate Contracting Alliance for Pharmacy) a Cooperative Purchasing Organization in which Utah is a member. MMCAP dental contracts were awarded to three vendors:

<b>VENDOR</b>	<b>STATE OF UTAH CONTRACT #</b>	<b>MMCAP MASTER PRICE AGREEMENT #</b>
Dental Health Products	MA2162	MMS14032
Darby Dental Supply	MA2163	MMS14030
Henry Schein Dental	MA2164	MMS14034

Please remember to reference the MMCAP contract number and the State of Utah contract number to get the MMCAP contract pricing.

In order to purchase from these MMCAP Dental Contracts, you must have an MMCAP facility member number. If you do not have an MMCAP facility member number, please contact Brenda Veldevere at [bveldevere@utah.gov](mailto:bveldevere@utah.gov) for an MMCAP Facility Membership Agreement Form.

## **DID YOU KNOW?: MCKESSON MEDICAL-SURGICAL MA310 AND WORLD MEDICAL GOVERNMENT SOLUTIONS MA2013 HAVE MERGED!**

By: Brenda Veldevere

In February 2013, the parent company of World Medical Government Solutions (WMGS) and PSS World Medical, Inc merged with a subsidiary of McKesson Corporation. Beginning December 2014 and ending in May 2015, all customers using State Contract MA2013 with WMGS/PSS will be transitioned to the McKesson Medical-Surgical State Contract MA310 and its ordering platform. After May 31, 2015 State Contract MA2013 with WMGS/PSS will no longer be available for use.

What will happen during the transition period?

- The McKesson core products list will be updated to include products and pricing from both the WMGS and McKesson contracts.
- For non-core products, the two companies' price lists will be merged and the best pricing from the two companies will roll into the McKesson contract.
- Open balances on your WMGS/PSS account will not be transferred over to your new account with McKesson. An accounts receivables rep will work with customers to resolve any remaining balances.

During the transition period customers will notice that some products may still be shipped from a WMGS warehouse. Therefore packing slips may still have some associated PSS information.

Please note there are two other medical supply contracts also available for your use. They are MA477 with Cardinal Health and MA264 with Medline Industries.

If you have questions concerning the Medical Supply contracts, please contact Brenda Veldevere at [bveldevere@utah.gov](mailto:bveldevere@utah.gov).

# Attention State Copy Center Customers

Exciting things are happening with the copy center. In October, a new state contract was signed with Xerox to continue to provide printing services through 2019.

Along with this new contract comes a new location and equipment! As of Monday, January 26<sup>th</sup>, all printing is being done from the new location.

**675 East 500 South Suite 200  
Salt Lake City UT 84102**

The current phone number and email address for print center will remain the same.

MAIN PHONE #	EMAIL ADDRESS
801-538-8631	statecopycenter@utah.gov



STATE OF UTAH

Division of  
Purchasing  
3150 Sate Office  
Building  
Capitol Hill  
Salt Lake City, UT  
84114

Interdepartmental  
Mailbox: 141061

**We're on  
the Web !**  
[purchasing.utah.gov](http://purchasing.utah.gov)

This newsletter was edited by Ann Schliep. If you have any questions or comments, please email them to [aschliep@utah.gov](mailto:aschliep@utah.gov)

\*The brief information in this newsletter is intended to highlight new contracts and contract changes. Always read the entire contract information sheet prior to making a purchasing decision.

## NEW STATE OF UTAH “BEST VALUE” COOPERATIVE CONTRACTS

TITLE	CONTRACT	VENDOR	DATES	ADDITIONAL INFORMATION
Telecommunications Cable Installation Material and Products	<a href="#">AR364</a>	Anixter Inc.	01/26/2015-01/27/2020	New contract/ same vendor
Business Cards	<a href="#">PD2195</a>	Utah Correctional Industries	02/04/2015-02/03/2020	Replaces PD2195
Cab & Chassis Class 8 Trucks	<a href="#">MA606</a>	Rush Truck Centers of Utah, Inc.	02/09/2015-02/10/2020	Multiple Award Contract
Cab & Chassis Class 8 Trucks	<a href="#">MA1875</a>	Mountain West Truck Center	02/09/2015-02/10/2020	Multiple Award Contract
Cab & Chassis Class 8 Trucks	<a href="#">MA1460</a>	Warner Truck Center	02/09/2015-02/10/2020	Multiple Award Contract
MMCAP Dental Products (No Services)	<a href="#">MA2162</a>	Dental Health Products, Inc. (DHPI)	02/06/2015-09/30/2016	
MMCAP Dental Products Only (No Services)	<a href="#">MA2163</a>	Darby Dental Supply, Inc.	02/03/2015-08/31/2016	
MMCAP Dental Products (No Services)	<a href="#">MA2164</a>	Henry Schein Dental, a division of Henry Schein, Inc.	02/05/2015-09/30/2016	
Data Communications Equipment and Services	<a href="#">AR615</a>	F5 Networks, Inc.	06/01/2014/05/31/2019	
Electronic Monitoring of Offender Services (WSCA/NASPO)	<a href="#">MA2173</a>	Satellite Tracking of People, LLC	01/28/2015-12/31/2016	
Electronic Monitoring of Offender Services (WSCA/NASPO)	<a href="#">MA2174</a>	Sentinel Offender Services, LLC	01/28/2015-12/31/2016	
Electronic Monitoring of Offender Services (WSCA/NASPO)	<a href="#">MA2177</a>	Alcohol Monitoring Systems	01/28/2015-12/31/2016	
Tomar or Opticom Preemption Equipment	<a href="#">MA1859</a>	Advanced Traffic Products	02/06/2015-02/07/2020	New Contract/ Same Vendor
Tomar or Opticom Preemption Equipment	<a href="#">MA2198</a>	Intermountain Traffic, LLC	02/06/2015-02/07/2020	
Franklin Planner Product and Accessories	PA1054	Franklin Covey	08/01/11-07/31/2020	Same Vendor/New Contract
Electronic Monitoring of Offender Services (WSCA/NASPO)	MA2175	3M Electronic Monitoring, Inc.	01/28/2015-12/31/2016	

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## EXTENDED STATE OF UTAH “BEST VALUE” COOPERATIVE CONTRACTS

Annual Lease for Extendahoe—Backhoe with Pneumatic Tires 4WD	<a href="#">PD823</a>	Century Equipment	04/30/2016	
Face-to-Face Interpreting and Written Translation Services	<a href="#">MA1841</a>	CommGap International Services	02/28/2015	
Face-to-Face Interpreting and Written Translation Services	<a href="#">MA1269</a>	Pentskiff Interpreting Services	02/28/2015	
Interpreting and Written Translation Services	<a href="#">MA2084</a>	Linguistica International	02/28/2015	
Wireless Management and Contract Compliance Services (WSCA)	<a href="#">MA194</a>	A & T Systems Inc.	01/31/2017	

## EXPIRED OR CANCELED STATE OF UTAH “BEST VALUE” COOPERATIVE CONTRACTS

Telecommunications—Inmate Telephone Systems	AR500	Value-Added Communications, Inc.	01/31/2015	Will not be renewed.
Astro-Brac Traffic signal Brackets	PD1800	AM Signal	01/31/2015	Will not be renewed.
Printing of Business Cards on Recycled Paper	PD2080	Printing Express	02/01/2015	Replaced with PD2195
Traffic Signal Priority Preemption Control System	MA2085	Summit Traffic Solutions	02/06/2015	Will not be renewed.

## DIVISION OF PURCHASING NEW EMPLOYEE:

The Division of Purchasing would like to welcome back Rachel Cheney. We are fortunate to have her back. She will be managing the following commodities: Food, Food Management and Catering Services, Food Service Equipment, Food Service Related Paper Products, and Laundry Products & Equipment.