



PURCHASING UPDATE

OPIOID EPIDEMIC SOLUTION: Narcan Nasal Spray— Contract PD2763

By Nick Hughes

The State of Utah Division of Purchasing in conjunction with MMCAP is pleased to announce that Narcan Nasal Spray is now available directly from Adapt at the MMCAP contract price of \$75. MMCAP members utilizing AmerisourceBergen (State of Utah's wholesale distributor) now have a way to access MMCAP's contract price.

To order from Adapt, members should call Erin Guarino at 484-406-5274 or email at erin.guarino@adaptpharma. All MMCAP members that wish to order Narcan Nasal Spray must complete a Declaration Form. Members that wish to order direct from Adapt must also provide Adapt with documentation that they can order prescription pharmaceuticals (e.g., a standing order signed by a physician, a Letter of Authorization, or a copy of the member's state pharmacy license). However, the State of Utah has already signed a Letter of Authorization and issued a Standing Order on behalf of all MMCAP Members which are available on our statewide website under contract PD2763. Orders directly from Adapt must be a minimum of 48 units and all orders must be in multiples of 12. Credit applications will be required for non-government entities only. Adapt will invoice members and members will have 30 days to pay invoices. Adapt does not accept credit cards or P-cards.

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Gaining Wisdom from the Code

Weekly Training Opportunity



Aristotle once said, “The beginning of wisdom is to define.” In seeking wisdom, the Division of Purchasing began holding internal weekly procurement staff training sessions to understand the defined processes and comprehend subsections of the Procurement Code and Administrative Rule R33. The weekly subject was limited to one or two subsections in order to focus understanding. We have found this to be very beneficial in gaining “wisdom.”

Beginning December 6, the Division is opening the weekly

procurement training sessions to any public procurement staff that would like to attend. The training sessions are held on Wednesday from 9:00 am - 10:00 am in a room at the Capitol Hill Complex.

In order to determine interest and what size room we will need, we invited interested individuals to complete the **[following interest form](#)**.

Location for the meetings will be sent to those who fill out the form and will also be included in the December newsletter.

*“The beginning of wisdom is to define”
~ Aristotle*

OPIOID EPIDEMIC SOLUTION: Narcan Nasal Spray – Direct Orders Now Allowed Under PD2763 with Adapt Pharma

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Narcan Nasal Spray purchased through the MMCAP contract, whether direct from Adapt or indirect through MMCAP’s contracted pharmaceutical wholesalers, is not returnable.

For questions about ordering or Narcan Nasal Spray, please contact Nick Hughes at 801-538-3148 or nhughes@utah.gov or MMCAP’s contact Renata Vaschevici at

Renata.Vaschevici@state.mn.us. Lastly, only MMCAP Members within the State of Utah may purchase off of this contract. To check if you have an existing MMCAP number, please contact Nick Hughes at the Division of Purchasing. If you do not have an MMCAP number and wish to obtain one, please contact Nick Hughes to receive a Membership Application.

Basics of Price Adjustments in Your Agency Contract

By Solomon Kingston

During the term of a multi-year contract, it is not unusual for a vendor to subsequently request price adjustments during the contract's term. Depending on the industry, this request may occur more or less frequent. A request for price adjustment presents two fundamental questions. First, can I allow price adjustments in my contract? Second, does a price adjustment require amending my contract?



Utah Code 63G-6a-1206.5 is quite clear that a vendor “may (1) increase the contract price **only** in accordance with the terms of the contract; and (2) lower the contract price at any time during the time a contract is in effect.” The key therefore lies in whether your contract specifically allows for price increases. Price decreases on the other hand may occur at any time.

Per Utah Administrative Rule R33-12-601, contracts that expressly allow price increases require cost or pricing data to support this increase. Exceptions are found where the contract terms provide established market indices, catalog prices or other benchmarks as the basis for the contract price adjustments, or when rule or law sets the price. Regardless, the vendor holds the burden of proof for demonstrating its price increase is justified. Price increases that are greater than established market indices and benchmarks will inherently require additional scrutiny by the agency.

When approached by a vendor requesting a price adjustment it is important that an agency refrain from using verbal or written language (i.e., email) that may lead the vendor to believe their increased pricing is approved. The determination for whether a price adjustment is approved is reserved to the chief procurement officer or head of a procurement unit with independent procurement authority. See R33-12-601. Furthermore, price adjustments will most commonly require a formal written amendment to your agency contract.

A contract amendment should be used when the action on the contract is discretionary, i.e., one of the parties to the contract can argue the action. A clear example is the agreed upon pricing. Deviating from the price and/or pricing structure agreed to in your original contract opens your arrangement to dispute down the road, unless the newly agreed upon prices are officially represented within a written amendment.

In summary, a vendor may only increase pricing in accordance with the terms of your agency contract, but may lower prices at any time. Price adjustments generally require an amendment to your agency contract, of which must be approved by the Division of Purchasing for executive branch procurement units.

The Utah Division of Purchasing is recognized as one of the best managed public procurement agencies in the nation. Annually, the division manages over \$2.0 billion in public spend for goods and services. State Purchasing manages over 800 cooperative contracts for goods and services used by state agencies, local governments and educational entities across the State. Cooperative contracting brings together the buying power of all government entities resulting in lower prices through volume discounts, higher quality goods and services, and stronger contract terms and conditions.

Cooperative Contract: Glass Boards

Do you need an option other than a white board? The Division of Purchasing has just completed contract PD2749 for high quality glass boards.

The glass boards come with a 20 year warranty and meet highest quality standards. The contract contains pricing for standard floating glass boards with magnetic backing, unless user specifies otherwise. While standard sizes are included in the contract, (2x3, 3x4, 4x5, 4x6, 4x8, 4x10 feet) users can customize sizing to meet the needs of the entity. Each board can also be customized with color and/or graphics. Customized boards receive a 30% discount on catalog pricing! Orders can be placed on the internet website www.unitedglassboards.com, by phone (646) 801-1966, or by emailing hello@unitedglassboards.com. Make sure to mention the contract number PD2749.



Farewell to Fay Tan

The Division of Purchasing wishes a fond farewell to Contract Analyst, Fay Tan, who has been with State Purchasing since May 2016. Fay has accepted a position as the Deputy Director of Procurement with Utah Board of Education. We wish Fay the best in her new positions.

State of Utah
Division of Purchasing
3150 State Office Building
Capitol Hill Complex
PO Box 141061
Salt Lake City, UT 84114

Phone: 801-538-3026
purchasing.utah.gov



DIVISION OF
PURCHASING & GENERAL
SERVICES

How to Receive the Purchasing Update Newsletter

Did you receive this newsletter from a co-worker? Do you want to receive the Purchasing Update directly? Please follow the appropriate steps below.

(A) Individuals who have a State Google email account:

Step 1: Enter into GROUPS in the State Google email account

Step 2: In the new window's search field, type PURCHASING NEWSLETTER

Step 3: Google will list the "Purchasing Newsletter" as a group. Select the group.

Step 4: Click JOIN GROUP.

Step 5: In the new window, click JOIN GROUP. The administrator will be informed of your request and approve it.

(B) Individuals that do not have a State Google email account:

Please send an email to Tara Eutsler, teutsler@utah.gov.

NEW State of Utah “Best Value” Cooperative Contracts

TITLE	CONTRACT	VENDOR	DATES	ADDITIONAL INFORMATION
Radios, Base Station/Repeaters	AR2276	E.F. Johnson Company	1/15/2016— 6/30/2018	State Agencies must work with UCA and purchase items through DTS.
School Planners	AV2319	Action Publishing	10/1/2017— 9/30/2022	New contract with same vendor
	AV2320	Bell Photographers, Inc	10/24/2017— 07/31/2021	New contract with same vendor
Automated External Defibrillators	MA196	Cardiac Science Corporation	10/4/2017— 10/4/2018	New contract with same vendor
Narcan Nasal Spray (Adapt Pharma)	PD2763	Adapt Pharma	09/01/2016— 06/30/2019	See ordering instructions on the summary document
Personal Care Items	PD319	Bob Barker Company, Inc	11/01/2017— 10/31/2022	New contract with same vendor
Scenic Byways Committee Administrative Law Judge Services	AV2750	Cowdell & Woolley PC	10/24/2017— 07/31/2021	
	AV2752	Jones Waldo Holbrook & McDonough PC	10/24/2017— 07/31/2021	



Extended State of Utah “Best Value Cooperative Contracts

TITLE	CONTRACT	VENDOR	DATES	ADDITIONAL INFORMATION
Dump Body labor and material to equip tandem axle trucks with dump bed, hitch and hydraulic system	MA277	Legacy Equipment LLC	Thru 01/18/2018	
	MA1387	Williamsen-Godwin	Thru 01/18/2018	
Emergency Vehicles Products	MA289	Vehicle Lighting Solutions, Inc	Thru 12/15/2017	
	MA293	Premier Vehicle Installation, Inc	Thru 12/15/2017	

Expired or Canceled State of Utah “Best Value Cooperative Contracts

TITLE	CONTRACT	VENDOR	DATES	ADDITIONAL INFORMATION
Assistive Technology Products for the Visually Impaired	AV2366	Digital Apex, LLC	Effective Oct 19, 2017	

Prior to purchase, end users must check the contract online to determine if a contract is still active. As part of our SUCCESS initiative, the contracts expire and automatically are removed from the search engine. Agencies are responsible to check the Search Engine to determine if a contract is still active.

State of Utah “Best Value” Cooperative Contracts Search Engine location:

<http://purchasing.utah.gov/statecontractdirectory.html>