

PURCHASING UPDATE



division of
**Purchasing and
General Services**

Contract Manager Tool Kit for Buyers

Garett Johnston, Purchasing Agent

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PEP SEMINAR
Introductory Flier

The potager’s adage “too many cooks spoil the broth” drudge up images of bone broth made sickly sweet from too many added carrots or dull and lifeless, the result of a forgotten bay leaf. As true as the adage may be in the kitchen, we need not worry about too many contract managers spoiling cooperative contract purchases. Conversely, to assure that cooperative contracts always produce preferable results, we need buyers to partner with State Purchasing in managing cooperative contracts to consistently produce invoices free of non-contractual line-items and of rate charges higher than those agreed upon. Like sous chefs, master buyers will spend time supervising the process from beginning to end. Tools of a master buyer include:

- READ THE CONTRACT! (Are the all-caps too much?)
- Develop a method to actively track project progress (milestones and deliverables).
- Utilize your procurement team contract management techniques, tools, or templates.
- Engage in regular communication with the contractor. Provide them both positive and negative feedback. Be generous with the positive feedback.
- Document any performance issues, including the names of involved contractor and agency staff, the nature of the issues, the necessary steps to resolve issues

JUST THE FAQs

LPD: Limited Purchasing Delegation

By: Krysta Countryman

What is a Limited Purchasing Delegation?

Limited Purchasing Delegations (LPD) may be found in the code and rule under 63G-6a-304 and R33-3-101. Though a formal definition is not defined in the code and rule, an LPD is a delegated procurement authority from the Chief Procurement Officer to a designee, official, or individual in a department or agency. Individuals granted an LPD must adhere to the Utah Procurement Code and applicable rules when conducting solicitations.

How does the Chief Procurement Officer utilize Limited Purchasing Delegations?

The Chief Procurement Officer utilizes LPDs for two main purposes. The first is to grant Purchasing Agents within the Division of Purchasing the ability to complete executive branch agency solicitations up to a specific dollar amount on behalf of the Chief Procurement Officer. The second purpose is to delegate very specific procurement authority to an executive branch agency to complete a solicitation without the direct involvement of the Division of Purchasing.

Is a Limited Purchasing Delegation the correct tool for me and my agency?

Before an LPD is granted, a vetting process is conducted to ensure that the individual being considered is reliable and responsible, has public procurement experience, and completes a training series. After successful vetting and an LPD is approved in writing from the Chief Procurement Officer, additional administrative tasks such as spend reporting and continuing education is required to retain LPD privileges. It is important to note that LPDs should not be viewed as a free pass to avoid the requirement of code, rule and policy or to avoid going through the Division of Purchasing to complete a procurement.

Continued from page 1

and the timeline for resolution. Follow up with written confirmation as warranted.

- Maintain a contract file with memos, reports, invoices. Contract documents found on the purchasing.utah.gov contract landing page should frequently be reviewed for new amendments.
- Hold the contractor accountable to the contract requirements. Work with the DGO purchasing agent responsible for the contract to amend the contract if requirements change.
- Respond timely to any contractor requests.
- Confirm that work and items billed on the invoice are at the contracted rates, was delivered, and is acceptable to the agency/requestor.
- Remind the contractor that goods/services performed outside the scope of the cooperative contract are not permitted on the invoice and the agency will not pay the invoice until corrected and reissued.
- Contact State Purchasing via the contract's landing page "Need Help with Contract" hyperlink if you are not sure if goods/services are within the scope of work.
- Accept neither gifts nor gratuities from contractors or interested parties.
- Do not engage in any activities that could be considered a conflict of interest.

Involve DGO Purchasing with any cooperative contract-related issues at <https://purchasing.utah.gov>.

Mandatory Minimums and Using Brand Names

Jennifer Knowles, Purchasing Agent

Last week, I was ordering some groceries for delivery and the shopping cart had an option to choose whether or not I was willing to accept substitutions. Most of the time, I am. The problem is, my family only eats the cheese flavor Doritos. We don't like the ranch or garden salsa flavors, and we don't go in for any off-brand cheese-flavored tortilla chips. If I were to purchase ranch or garden salsa, my family wouldn't eat them, and I would have wasted my money.

Procurement units may have brand preferences too, but purchasing professionals are required to follow Code and Rule which has procurement process to encourage competition to achieve the best value for our state's tax dollars. By limiting ourselves to one specific brand, we limit competition which doesn't lead to the best value for the state. R33-4-103 specifies when and how we can include brand names in our procurement processes. It says that a brand name may be listed if we also include the language "or equivalent" AND if we list as many brands as possible that meet the specifications. By including "or equivalent," we are letting the vendor community know that we are open to other brands as long as they meet the functional and technical specifications. This approach promotes competition and fairness. It also shows that we are free from favoritism or preference which encourages competition. If we restrict our specification to only one brand, we restrict competition.

Although it seems more efficient to list a brand name because it allows us to quickly and clearly communicate to the vendor community the standard we are looking for, this can lead to other problems. By listing a brand name to

identify acceptable technical and functional features our procurements can appear too restrictive because we have identified features that are exclusive to that one brand and thereby eliminate competition. This can be avoided by making sure we identify the specific functional and technical requirements in a generic way so that vendors with equivalent brands understand the standard we are asking them to meet but also let them know we are open to bids that are equivalent. In this way, we are still promoting competition and fairness, and we are preventing the appearance of steering purchases towards one particular brand.

In some situations, we may need to specify a brand name. For example, if a certain software is compatible only with existing hardware or if there is only one brand available as was the case early on with COVID tests. Again, if we refer to R33-4-103(5)(a) & (5)(b), we can list a brand name IF there is only one brand that meets the specifications AND we solicit that product from as many providers of that brand as possible.

With so much choice in the marketplace we are often unaware of other brands and how they may meet our needs. If we include "or equivalent" we have opened ourselves up to discover other brands and may find out that there is a brand that would better suit our needs.

As it turns out, there is another brand of tortilla chips my family loves: Don Julio Lightly Seasoned. They aren't exactly the same as cheese flavored Doritos, but they are delicious in their own way and they never go stale at my house!

For questions, contact
jknowles@utah.gov



Amazon Business webinar announcement for the State of Utah

Shelley Andrews, Senior Director, State Government – West OMNIA Partners, Public Sector

Driving Savings and Compliance Through the State of Utah Contract

The State offers a statewide [contract with Amazon Business for Online Marketplace](#). State Purchasing and Amazon Business invite you to join us on Tuesday, October 4th at 9:00 am Mountain Time for a 30-minute, complimentary webinar discussing the Online Marketplace, State contract MA3787, offered through the OMNIA Partners Cooperative Program. Register today for this informative session!

This is an opportunity to better understand how your agency can use Amazon Business and maximize the contract offering. Topics to be presented:

1. Contract Overview & Benefits
2. Introduction to Custom Quote Engine
3. Preview Training Series for Admins, Shoppers & Specialty Groups.

Register now to learn more about the benefits of this State contract.

<https://info.omniapartners.com/publicsector/webinar/amazon-business/state-utah-registration>

All State of Utah public and non-profit agencies are invited to attend and are authorized to use the contract.

Presenters:

George Hawxhurst

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GRAND OPENING!

NEW SHOWROOM. NEW LOCATION.

COME JOIN US

**OCTOBER 12TH
FROM 10AM-2PM**

Go to uci.utah.gov to RSVP.



1480 North 8000 West Salt Lake City, UT 84116

There will be refreshments and a drawing during the grand opening, so make sure to come grab a bite to eat and enter your name so you are eligible to win!

COME SEE AND LEARN ABOUT WHAT MAKES UCI GREAT

MISSION

Utah Correctional Industries is dedicated to public safety through innovative career building, community partnerships, and quality production to develop successful people.

VISION

Building a better community through career development.

DID YOU KNOW UCI CAN OFFER...

PRINTING | EMBROIDERY/SCREEN PRINTING
FURNITURE | SEATING/UPHOLSTERY
CONSTRUCTION | DOCUMENT SCANNING
SIGNAGE | SEWING

View the "UCI First" State Use Law (63G-6a-804)

QUESTIONS? CONTACT US AT 801-522-7931
UCI.UTAH.GOV

Spotlight Article



Debbie Johnson

I am Debbie Johnson and have worked for the Division of Purchasing for the past seven years. I am married with six children and eight grandchildren and have to say that nothing is better than family. I enjoyed being a stay at home mom for eighteen years before the opportunity to work for the Department of Public Safety as their legislative liaison came along. I worked there for just over eight years before moving to the Division of Purchasing. I graduated last year from BYU-I with my bachelors in Business Management and am currently working on my Masters of Public Administration (MPA) through Southern Utah University and will graduate next April. I love being creative, whether that is quilting, cooking, building furniture, or refreshing rooms in my home. I love opportunities to learn new things and feel that it is incredibly refreshing to do so.

Q and A

Q: What's the best vacation you have ever been on?

A: My husband and I went to Hawaii with five of our children and three of our grandchildren last year. Ignoring the arguments about music, where to eat or swim, or if someone was looking at someone else incorrectly, this vacation created many found memories of being together as a family.

Q: What is your biggest fear?

A: Heights

Q: If you could have dinner with any famous person, who would it be?

A: I am not too into famous people and would rather have dinner with anyone who loves good conversation and to listen and learn from others.

PROCUREMENT TRAINING

DATE CHANGE

PEP SEMINAR

DATE: **October 18, 2022**

TIME: Multi-hour

TOPICS: Contract

PLACE: TSOB/Watch Party/
Webinar

Registration begins Sep 22

Due to school Fall Breaks, the date was changed.

EDPAC BUYER'S WORKSHOP

DATE: November 18, 2022

TIME: Multi-hour

TOPICS: Multiple

PLACE: TSOB

*Procurement training geared toward
School Districts*

Registration begins in Oct

NIGP-UT CHAPTER MEETING & TRAINING

DATE: December 1, 2022

TIME: Multi-hour

TOPICS: Multiple

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 send an email to Jessika Huhnke, jessikahuhnke@utah.gov

Utah Division of Purchasing & General Services

4315 S. 2700 W. FL. 3

Taylorsville, Utah 84129

801-957-7160

Purchasing.utah.gov

Hours: 8:00 am—5:00 pm M-F





PROCUREMENT EDUCATION PARTNERSHIP SEMINAR

Hosted by the State of Utah Division of Purchasing and the National Association of State Purchasing Officials (NASPO)

Save the Date!

DATE: Tuesday, October 18, 2022

TIME: 9 AM - 2:00 PM

**WAYS TO ATTEND: Taylorsville State Office Building
Watch Party (N, S, or NE)**

Registration begins September 22

Time	Topic
9:00 AM - 9:30 AM	Welcome - The Division of Purchasing Team and Initiatives
9:30 AM - 10:15 AM	Help Me Understand: Listening to Contractors and Co-Workers
10:15 AM - 10:30 AM	15-minute break -- Commercial Break (last 5 minutes of break): Excel Tip
10:30 AM - 11:00 AM	Procurement Code: Cooperative Contracts
11:00 AM - 11:30 AM	Best Value Contracts: Not Always the Lowest Cost
11:30 AM - 12:15 PM	Lunch — Commercial Break (last 5 minutes of break): Excel Tip
12:15 PM - 12:35 PM	How Do I Find It? Negotiating statecontracts.utah.gov
12:35 PM - 1:15 PM	How Do I Decide? Buying from a Multiple Award Cooperative Contract
1:15 PM - 1:30 PM	15-minute break -- Commercial Break (last 5 minutes of break): Excel Tip
1:30 PM - 2:00 PM	It's an Emergency! - Emergency Procurements
2:00 PM - 2:15 PM	Bonus Session: PPPC Exam