

# Procurement: Interaction with Other Procurement Units - CBH

## **Agreements With Other Procurement Units**

The District may enter into an agreement with one or more other procurement units to do any of the following:

1. Sponsor, conduct, or administer a cooperative agreement for either the procurement of a procurement item, in accordance with this policy, or for the disposal of a procurement item;
2. Cooperatively use a procurement item;
3. Commonly use or share warehousing facilities, capital equipment, and other facilities;
4. Provide personnel, if the receiving procurement unit pays the procurement unit providing the personnel the direct and indirect cost of providing the personnel, in accordance with the agreement; or
5. Make available informational, technical, and other services, if (a) the requirements of the procurement unit tendering the services have precedence over the procurement unit that receives the services; and (b) the receiving procurement unit pays the expenses of the services provided, in accordance with the agreement.

*Utah Code § 63G-6a-2102 (2013)*

## **Compliance by One is Compliance for All**

When a procurement unit that administers a cooperative procurement complies with the requirements of the Utah Procurement Code, any procurement unit participating in the purchase is considered to have complied with the procurement code. However, neither the District nor any other procurement unit may enter into a cooperative procurement agreement for the purpose of circumventing the Utah Procurement Code, rules of the Procurement Policy Board, or the District's procurement policies.

*Utah Code § 63G-6a-2104 (2013)*

## *Requirements*

The District may participate in, sponsor, conduct, or administer a cooperative procurement with another Utah procurement unit or another public entity in Utah, if the following requirements are met:

1. Each party unit involved in the cooperative procurement enters into an agreement describing the rights and duties of each party;
2. The procurement is conducted, and the contract awarded, in accordance with the requirements of the Procurement Code, rules of the Procurement Policy Board, and the District's procurement policies;
3. The request for quotes, the invitation for bids, or the request for proposals both
  - a. Clearly indicates that the procurement is a cooperative procurement and
  - b. Identifies each party that may purchase under the resulting contract; and
4. Each party involved in the cooperative procurement signs a participating addendum describing its rights and obligations in relation to the resulting contract

*Utah Code § 63G-6a-2105(4)(b) (2013)*

## **Services Between Procurement Units**

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Upon request, the District may make services available to another procurement unit, including standard forms, printed manuals, qualified products lists, source information, common use commodities listings, supplier prequalification information, supplier performance ratings, debarred and suspended bidders lists, forms (for invitation for bids, requests for proposals, instructions to bidders, general contract provisions, and contract forms), and contracts or published summaries of contracts, including price and time of delivery information.

The District may provide technical services to another procurement unit, including development of specifications, development of quality assurance test methods (including receiving, inspection, and acceptance procedures), use of testing and inspection facilities and use of personnel training programs.

For these services to other procurement units, the District may enter into contractual arrangements and publish a schedule of fees.

*Utah Code § 63G-6a-2103 (2013)*

### **Grants from or Contracts with the State Not Subject to Procurement Code**

Except for those parts, which relate to unlawful conduct and penalties, the Utah Procurement Code, the rules of the Procurement Policy Board, and the District's procurement policies do not apply to grants awarded to the District by the state or to contracts between the state and the District.

*Utah Code § 63G-6a-107(1)(b) (2013)*

### **Federal Government Exception to Procurement Requirements**

The District may contract with the federal government without going through a standard procurement process or an exception to a standard procurement process if the procurement item obtained under the contract is provided either (a) directly by the federal government and not by a person contracting with the federal government, or (b) by a person under contract with the federal government that obtained the contract in a manner that substantially complies with the Utah Procurement Code. However, the District may not obtain a procurement item under a contract held by the United States General Services Administration, unless, based upon documentation provided by the District, the Director of the State Division of Purchasing and General Services determines in writing that the United States General Services Administration procured the contract in a manner that substantially complies with the Utah Procurement Code.

*Utah Code § 63G-6a-2105(4)(a), (6) (2013)*

### **Participating in a State Contract**

An "external procurement unit" is a buying organization not located in Utah which, if located in Utah, would qualify as a procurement unit or an agency of the United States. The District may obtain a procurement item from a state cooperative contract or a contract awarded by the state's chief procurement officer or that resulted from a cooperative procurement between the state's chief procurement officer and another state, an external procurement unit, or a public entity in Utah or outside of Utah, without

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signing a participating addendum if the quote, invitation for bids, or request for proposals used to obtain the contract includes a statement indicating that the resulting contract will be issued on behalf of a public entity in Utah.

*Utah Code § 63G-6a-104(8) (2013); § 63G-6a-2105(1), (2) (2013)*