

# 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 (2014) ~~(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 (2014) ~~(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 solicitation 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) (2014)*

## **Purchases from Other Procurement Units**

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The District is not required to use a standard procurement process to purchase from another procurement unit an item that the other unit itself produces or provides. This does not permit the District to obtain a procurement item under another procurement unit's contract, except as provided for with respect to State contracts below. To the extent that the District makes items that it produces or provides available for purchase by other procurement units, the District may also publish a schedule of costs or fees for those items.

*Utah Code § 63G-6a-2013 )(2014)*

### **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) (2015) (2014)*

### **Contracts Between Procurement Units 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 contracts between the District and another procurement unit.~~

~~*Utah Code § 63G-6a-107 (1) (c) (2015)*~~

### **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) (2014)*

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

A "cooperative purchasing organization" is an organization, association, or alliance of purchasers established to combine purchasing power in order to obtain the best value for the purchasers by engaging in cooperative procurements in accordance with the Procurement Code. The District may obtain a procurement item from a state cooperative contract or a contract awarded by the state's chief ~~P~~procurement officer or that resulted from a cooperative procurement between the state's chief procurement officer and

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another state, a cooperative purchasing organization, or a public entity inside or outside of Utah, without signing a participating addendum if the solicitation used to obtain the contract includes a statement indicating that the resulting contract will be issued on behalf of public entities and, as applicable, nonprofit organizations and agencies of the federal government.

*Utah Code § 63G-6a-104(5) ~~(2015)~~ ~~(2014)~~;*

*Utah Code § 63G-6a-2015(1), (2) (2014)*