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Use of National Cooperative Contracts



May 4 & 5, 2022

Realities of our Public Procurement World

 @NYS_OGS

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#2022NYGovBuy



NY GovBuy

Public Procurement – Realities

- Our primary purpose is to obtain quality goods and services for our governmental entity by ensuring the prudent use of taxpayer funds
- Purchasing laws have become more complex, staffing has decreased as workloads have increased, and our budgets have declined
- We must continually look for new tools to make our governmental agencies more effective and efficient
- Government cooperation – the use of piggybacking or cooperatives (joint solicitations) inspires public confidence that we are using our resources wisely



Definition of Piggybacking

- A process where one governmental entity will extend the pricing and terms of their contract to others
- It's competitively awarded and will include language allowing other governmental entities to utilize the contract
- Here in New York, you must purchase the exact same item – using the same terms and conditions as presented in the original solicitation

Definition of Cooperative Procurement

1. The action taken when two or more entities combine their requirements to obtain advantages of volume purchases, including administrative savings and other benefits
 2. A variety of arrangements, whereby two or more public procurement entities (or agencies) purchase from the same supplier or multiple suppliers using a single invitation for bids (IFB) or request for proposals (RFP)
 3. **Cooperative procurement efforts may result in contracts that other entities may “piggyback.”** (*from NIGP Dictionary*)
- **Fundamentally cooperative procurement practice takes two forms:**
joint solicitation and piggybacking

What the Law Allows – Piggybacking Contracts

- GML 103 was amended to add a new Section 16 that authorizes the piggybacking of certain contracts
- This allows the use of contracts issued by all local governments within New York State and other governmental agencies outside of New York State (if the piggybacking language is included in the original bid)
- Guidance has been published by the New York State Comptrollers Office, however, if you have questions speak with your own attorneys

Piggyback Section of the GML Law

- 16. Notwithstanding the provisions of subdivisions one, two and three of this section, and section one hundred four of this article, any officer, board or agency of a county, political subdivision or of any district therein authorized to make purchases of apparatus, materials, equipment or supplies, or to contract for services related to the installation, maintenance or repair of apparatus, materials, equipment, and supplies, may make such purchases, or may contract for such services related to the installation, maintenance or repair of apparatus, materials, equipment, and supplies, as may be required by such county, political subdivision or district therein through the use of a contract let by the United States of America or any agency thereof, any state or any other county or political subdivision or district therein if such contract was let in a manner that constitutes competitive bidding consistent with state law and made available for use by other governmental entities.

What to Consider

- (1) That bids are solicited competitively through a public solicitation process like advertising in official newspapers or websites, etc. *
- (2) That bids are sealed to guard against fraud, favoritism or collusion *
- (3) That bid specifications must be fair/open and not skewed toward particular vendors, i.e. that the system fosters open competition
- (4) first adopt a local law, rule, regulation or resolution, as the case may be, authorizing the use of best value for awarding purchase contracts*

* <http://osc.state.ny.us/localgov/pubs/piggybackinglaw.pdf>



What to Consider

(5) That the bid goes to the lowest bidder and that there is no process in which other bidders who are not the lowest bidders are "encouraged" to drop their prices for purposes of being awarded the bid

– “No 2nd bite of the apple”

Evaluating Cooperative Contracts

- Based on the Comptroller's guidance contracts that were awarded through a competitive process and awarded to the lowest responsible bidder or awarded by Best Value may be piggybacked
- If piggybacking a contract awarded by Best Value, the local government needs to have passed the **required local law or resolution** allowing them to award their own purchase contracts by Best Value

Evaluating Cooperative Contracts

The following questions should be asked:

- Why is piggybacking the appropriate mechanism to use for this procurement? (i.e. timing, cost savings)
- Where other procurement methodologies considered?
- Have market conditions changed since the original award? (i.e. price fluctuations, availability of supply)
- How have you determined the reasonableness of price for the piggyback volume?

Best Practices to Consider

- Comparison shopping between state, county and national cooperative contracts:
 - Office supply
 - Industrial supplies
 - Janitorial supplies
 - Automotive supplies
- Issue a formal document amongst cooperatives
- Keeps documentation for auditors in one place

Verification Template Examples

Albany County Justification for Utilizing a Cooperative Contract

Cooperative or Lead Agency _____


Contract No. _____

Vendor(s) Name(s) _____

We have reviewed and completed due diligence on the aforementioned cooperative contract. As part of the due diligence review, we have confirmed that the contract complies substantially with our procurement rules and practices. We have further confirmed that all purchases will comply with the terms and prices in the contract. It has been determined that it is in the best interests of our entity to utilize this contract for the reasons cited below:

Issue	Procurement Consideration
New York State Considerations:	
1. Was the contract let by the United States or any agency thereof, any state or any other political subdivision or district therein?	
2. Was the contract made available for use by other governmental entities?	
3. Was the contract let in a manner that constitutes competitive bidding "consistent with state law"?	
4. Was there a public solicitation of bids consistent with GML 103.5 and serves to ensure that the purposes of GML 103 are furthered?	
5. Was the submission of sealed bids, or analogous procedure, done in a manner to secure and preserve the integrity of the process and confidentiality of the bids submitted?	
6. Was the preparation of bid specifications, or a similar document that provides a common standard for bidders to compete fairly?	
7. Was the award to the lowest bidder who materially or substantially meets the bid specifications and is determined to be a responsible bidder?	
General Considerations:	
8. Do the terms, conditions and scope of work/specifications meet the need?	
9. If no, are the terms, conditions and scope of work/specifications negotiable?	It should be noted here if terms or prices were negotiated.
10. Does the cooperative contract provide the most advantageous solution? Why?	Factors may include advantageous terms, conditions, prices, quality, performance, timing, entity's experience and ability to duplicate the contract, age of the contract, etc.
11. Will volume pricing advantages be applied to purchases?	
12. Were local and regional vendors offered the opportunity to compete for the contracts?	Use this area if applicable to the entity's procurement policies, practices or principles.
13. Did the cooperative or lead agency have	

Verification Template Examples

 <p style="font-size: small;">Paula A. Mahan Town Supervisor</p>	<p>TOWN OF COLONIE General Services Department Memorial Town Hall Newtonville, New York 12128 Phone (518) 783-2726 Fax (518) 786-7329 www.colonie.org/genservices</p>	<p style="text-align: right; font-size: small;">Douglas W. Sippel, CPPB Director</p>
<p>Town of Colonie Contract Verification Form</p>		
<p>Municipality: _____</p> <p>Address: _____</p> <p>Phone Number: _____</p> <p>Contact Name: _____</p> <p>Contract Title: _____</p> <p>Awarded Vendor: _____</p>		
<p>The Town of Colonie is attempting to determine if the above contract meets the New York State requirements that allow political subdivision to use this contract. The information requested is only for the Town's use to help make that determination. The Town of Colonie is a New York State Political Subdivision located in Albany County New York.</p>		
<p>This contract was let by the United States or any agency thereof, any state or any other political subdivision or district therein.</p> <p>YES _____ NO _____</p>		
<p>This contract has been made available for use by other government entities.</p> <p>YES _____ NO _____</p>		
<p>This contract was the result of a public solicitation that included public</p>		
<p>This contract required sealed submissions of bids or offers from vendors to secure and preserve the integrity of the process and confidentiality of the bids or offers submitted.</p> <p>YES _____ NO _____</p>		
<p>Prepared specifications were supplied to potential vendors as part of the solicitation of this contract.</p> <p>YES _____ NO _____</p>		
<p>The award of this contract was made on the basis of lowest responsible bidder or best value.</p> <p>YES _____ NO _____</p>		
<p>I affirm that the above answers are true and correct.</p>		
<p>Signature _____</p>		
<p>Printed Name _____</p>		
<p>Date _____</p>		
<p>Thank you for your assistance. Please fax this completed back to the Town of Colonie at 518-786-7329. If you have any questions please contact Douglas Sippel, CPPB at 518-783-2726.</p>		

State Agency Only



Contract Use Request Form

Instructions:

Entities requesting OGS review of piggyback should complete and submit the following to the Customer Services Team:

- By email: customer.services@ogs.ny.gov.
- By mail: NYS Office of General Services, Procurement Services | Corning Tower, 38th Floor | Albany, NY 12242

Note: Individual agency contracts are subject to the review & approval of OSC & other agency specific review as applicable.

1. Please provide contact information.

For Your Agency/Organization:	
Agency/Organization	
Contact Name:	
Address:	
Phone:	
Email:	
Fax:	
For the Original Contracting Entity	For the Contractor
Entity:	Contractor:
Name:	Name:
Address:	Address:
Phone:	Phone:
Email:	Email:
Fax:	Fax:

2. Please provide details of the procurement.

Describe the product or service on the original contract*.	
Describe the product or service which you intend to acquire*.	
Original Contract ID/Reference #:	
Original Contract Award Date:	
Contract Term:	
Your Acquisition Timeframe:	
This piggyback will take the form of an:	
<input type="checkbox"/> Amendment to the original contract	
<input type="checkbox"/> Independent contractual agreement	
A copy of the original contract & its pricing is required with this application. Have you included a hard copy or forwarded an electronic copy of both to OGS Customer Services?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Does the original contract contain language for contract extensions to additional users?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Written approval for using this contract must be obtained & provided from both the original contracting entity & the vendor. Have these been included with your application?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Does the original contract provide for aggregate discounts?	Yes <input type="checkbox"/> No <input type="checkbox"/>
If yes, have these discounts been applied to the intended piggyback volume?	Yes <input type="checkbox"/> No <input type="checkbox"/>

For the product or service you wish to acquire, provide the following information:

Major/Primary Product(s), or Type(s) of Service or Job Title(s) to be Acquired*:	Estimated Quantity Required	Unit Price Per Original Contract	Anticipated Total Item Price for Piggyback
Estimated Total Value of Piggyback (including secondary contract items):			

3. Provide information on the procurement method.

What was the original method of award for this contract?	What procurement alternative(s) could be used for your acquisition?
<input type="checkbox"/> Competitive <input type="checkbox"/> Mini-bid <input type="checkbox"/> Non-Competitive Based On: <input type="checkbox"/> Preferred Source <input type="checkbox"/> Under Discretionary Threshold <input type="checkbox"/> Sole <input type="checkbox"/> Single Source <input type="checkbox"/> Emergency <input type="checkbox"/> Other	<input type="checkbox"/> Competitive <input type="checkbox"/> Mini-bid <input type="checkbox"/> Non-Competitive Based On: <input type="checkbox"/> Preferred Source <input type="checkbox"/> Under Discretionary Threshold <input type="checkbox"/> Sole <input type="checkbox"/> Single Source <input type="checkbox"/> Emergency <input type="checkbox"/> Other

Please describe why piggybacking is the appropriate mechanism for this procurement (i.e. timing, level playing field, nature of use). Were other procurement methods considered? Are there any special, unusual, or exigent market circumstances underlying this extension request? Make sure to answer all questions and attach additional documents if you need more space.

4. Please provide price justification information.

Have market conditions changed since the original award (i.e. availability of supply, price fluctuations)?	Yes <input type="checkbox"/> No <input type="checkbox"/>	If yes, please describe:
Is there a mechanism in the contract for an adjustment to the original contract terms to reflect current pricing or market conditions?	Yes <input type="checkbox"/> No <input type="checkbox"/>	If yes, please describe:

How have you determined the reasonableness of price for the piggyback volume? Is there additional discount being provided in consideration of your use of this agreement? Please describe:

5. Agency Representation:

In providing the above information to the Office of General Services for piggybacking approval under State Finance Law, § 163 (10) (e), the entity making this submission represents that it has done a thorough review of the original procurement documents, and that the information forwarded in this "Contract Use Request" provides a complete and accurate summary of both the original contract and intended agency piggyback procurements.

Date:	Name & Title (Printed):
Authorized Signature:	

For OGS Use Only

Date:	Name & Title (Printed):
Authorized Signature:	

- Approved
 Approved with Comment (see attached)
 Disapproved

Cooperatives Used by Albany County

- **OMINA PARTNERS** (formerly US Communities, National IPA and TCPN)
 - Office Depot
 - Hill & Marks – Janitorial Supplies
 - Lowes
 - Gov Connection
 - BSN Sports
 - Ricoh – Saved \$35,000 over 5 years
 - AMSAN – Janitorial products
 - Safeware – Public safety
 - KONE – Elevator maintenance and modernization



Cooperatives Used by Albany County

- **SOURCEWELL** (formerly NJPA)
 - Carpet
 - Fuel Master – complicated contract
 - Goodyear
 - Grainger
 - NAPA
 - Pitney Bowes

Cooperatives Used by Albany County

- TIPS-USA
- National Cooperative Purchasing Alliance – NCPA
- NASPO Value Point



Example of NYS Cooperative Contracts

- “Joint solicitations” with NYS internal state users

Filed Requirements System

File Your Requirements Online

Procurement Services relies on you to provide a breakdown of the quantity you plan to purchase in advance of a contract being awarded for milk, salt, and certain fuels. The amount you submit is called a filed requirement. By submitting your filed requirements online it allows Procurement Services to communicate your needs for the coming year to the contractor.

Time is of the essence when it comes to filing your requirements. Buyers who do not submit their requirements before the contract award date will not be guaranteed to be included in that contract. The contractor will have the final decision as to whether or not to provide you with the commodity.

When submitting your requirements, make sure to:

- Include updated contact information
- Provide any missing or incomplete contact or delivery information
- Use the guidelines for each contract
- Pay close attention to the requirement due date.

FILED REQUIREMENTS SYSTEM

Examples of NYS Piggyback Contracts

- “Piggybacks” utilizing various cooperative organizations

Award #	Award Title	Cooperative used
PGB-23067 RA, RM	Park and Recreation Equipment (Statewide)	NASPO ValuePoint
PGB-23193	Tires, Retreads (Statewide)	Sourcewell
PGB-23243	Vehicle Lifts and Associated Garage Equipment Sourcewell Piggyback (Statewide)	Sourcewell
PGB-22947	Garage Equipment/Vehicle Lifts/Hoists (NJPA Piggyback) (Statewide)	Sourcewell (formerly NJPA)
PGB-23035	Electric Vehicle Supply Equipment and Network Services	Sourcewell (formerly NJPA)
PGB-23084	Walk-In Building Supplies (Statewide)	NASPO ValuePoint
PGB-23063 GR, RM	Floor Coverings (NJPA - National Joint Powers Alliance) Piggyback (Statewide)	Sourcewell (formerly NJPA)
PGB-23197	Distribution of Vaccines Including Influenza Vaccines (Statewide) (Replaces Award PGB-22797)	Infuse (formerly MMCAP)
PGB-23117	MN Multistate (MMCAP) Influenza Vaccine Sanofi Pasteur (Statewide)	Infuse (formerly MMCAP)
PGB-23201	Specialty Pharmaceuticals (Statewide) MMCAP	Infuse (formerly MMCAP)
PGB-23163	Police Radar/Lidar Speed Enforcement & Speed Advisory Systems, Parts, and Accessories ("Police Radar/Lidar Products") (Statewide)	NASPO ValuePoint

Examples of NYS Piggyback Contracts

- “Piggybacks” utilizing various cooperative organizations

PGB-22916	Electronic Monitoring of Offenders (WSCA-NASPO Cooperative Purchasing Organization) (Statewide)	NASPO ValuePoint
PGB-22830-ES	Environmentally Preferable Cleaning Products Programs, Equipment and Supplies (Statewide) [Buy from these contracts in the NYS eMarketplace]	Commonwealth of Massachusetts
PGB-23144	Professional Grade Tools (Snap-On) (Statewide)	NASPO ValuePoint
PGB-23174	Passenger Vehicle Rentals (Statewide)	NASPO ValuePoint
PGB-23066	Small Package Delivery (Statewide)	Sourcwell
PGB-22966	GPS Telematics (Statewide)	GSA Schedule 84
PGB-22792	Heavy Equipment (Statewide)	Sourcwell
PGB-23178 GR, RS	Five Compartment Compostable Plates Distribution (Statewide)	New York City Department of Education

Examples of Joint Purchasing

- “Joint purchasing” lead by others
- NYS participated from the beginning
 - Planning
 - Solicitation
 - Award
 - Specs
 - Evaluation
- NYS Department of Environmental Conservation and NYS pharmacy partner subject matter experts

PGB-22830-ES	Environmentally Preferable Cleaning Products Programs, Equipment and Supplies (Statewide) [Buy from these contracts in the NYS eMarketplace]	Northeast states lead by Massachusetts
23184	Pharmaceutical Prime Vendor Contract Cardinal Health 110 (LLC) (Statewide)	Infuse (formerly MMCAP)

Analysis Tools - ProcureSource

ProcureSource - Cooperat x

www.procesource.com

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Meet ProcureSource

- ✓ ONE location
- ✓ ONE format
- ✓ HUNDREDS of contracts
- ✓ FREE access

No more searching the internet or hunting for contract documents. With ProcureSource, you'll have the information and tools you need to make an informed decision.

THE source for cooperative purchasing contracts.

The use of cooperative contracts to deliver savings and save staff resources on the RFP process has become a widespread best practice for purchasing professionals. As a result of their popularity, there are many cooperative options which have made it difficult to identify the differences and discern whether the various cooperative procurement processes meet public procurement standards.

ProcureSource was launched to address these challenges. Any organization that uses cooperative contracts -- state and local public agencies, K-12 school districts, higher education institutions, housing authorities, nonprofits -- will all find value in having one source of information presented in a consistent format.

- About Us
- FAQs
- Information for Cooperatives
- Information for Suppliers
- Due Diligence
- State Statutes
- Definitions
- Contact Us

Analysis Tools - ProcureSource

- ProcureSource was created with one goal — to make cooperative purchasing easier
- It's free to use
- One easy online tool to search for a cooperative contract
- Conduct your search, access contract documents and find the information needed to confirm if the contract is eligible for use under your state laws
- One location, one format with hundreds of contracts and the information to determine what is best for your organization



Analysis Tools - ProcureSource

- Search contracts by:
 - Category
 - Supplier
 - Cooperative
- <http://www.procuresource.com/>

Helpful Tools

- National Cooperative Procurement Partners (NCPP)
 - North America’s premier association for cooperative procurement, leading the way in elevating the discussion, advocacy, and educational content surrounding cooperative procurement
 - Working collaboratively to bring all the partners in procurement together—cooperative organizations, strategic suppliers with cooperative contracts, affiliated organizations, and public procurement professionals—their mission is to produce meaningful resources to support public procurement agencies and become the go-to association for cooperative procurement



Helpful Tools

- [Legislation | NY State Senate \(nysenate.gov\)](#) GML Section 103
- <https://www.osc.state.ny.us/files/local-government/publications/pdf/seekingcompetition.pdf>
- [“Piggybacking” Law - Exception to Competitive Bidding \(state.ny.us\)](#)
OSC 10/21 updated memo
- <https://ogs.ny.gov/procurement/procurement-municipalities>
- [An Introduction to Cooperative Purchasing: \(naspo.valuepoint.org\)](#)
- <https://www.nigp.org/our-profession/cooperative-purchasing-programs>



Helpful Tools

Arizona Cooperative Program

Association of Educational Purchasing Agencies (AEPA)

Baltimore Regional Cooperative Purchasing Committee (BRCPC)

Buyboard

Choice Partners National Purchasing Cooperative

Educational & Institutional Cooperative Purchasing (E & I)

H-GAC Cooperative Purchasing Program

H-GAC Energy Purchasing Corporation

Kansas City Regional Purchasing Cooperative (KCRPC)

Kinetic GPO

MiDeal - State of Michigan

Midwestern Higher Education Compact

National Cooperative Purchasing Alliance (NCPA)

North Texas SHARE

NPPGov

NASPO Value Point

OMNIA Partners (formerly National IPA and U.S. Communities)

PEPPM Cooperative Purchasing

Infuse MMCAP

Purchasing Cooperative of America

Sourcewell

Southeast Florida Governmental Purchasing Cooperative

Texas Department of Information Resources DIR

TIPS Purchasing Cooperative

Unified Purchasing Cooperative of the Ohio River Valley

* Eligibility for use should be checked with your legal department

** Known cooperatives used by NYS and Albany County are bolded



NY GovBuy

Contact Information

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Former Albany County Purchasing Agent

Former SAMPO Executive Board

Don Greene, CPPO CPPB

Former Director OGS Procurement

