

# COLLABORATIVE CONTRACTING: A VISUAL GUIDE

Step 1

## DOES THIS GUIDE APPLY TO YOU?

This guide does *not* apply to you if:

- ✓ Good/service is covered by a mandatory contract
- ✓ Governed by special procurement rules (sole source; legal services; vehicles; printing; signs)
- ✓ Buying directly from another Wisconsin state agency (interagency)
- ✓ Buying directly from the federal government (intergovernmental)
- ✓ Purchase is subject to a properly exempted grant or payment set pursuant to statute

Step 2

## WHO IS THE AUTHORITY FOR THE CONTRACT YOU PLAN TO USE?

Wisconsin statutes offer agencies the legal authority to use contracts established by only certain types of entities. It is imperative that an agency conducts due diligence to ensure proper contract authority.

Step 3

## WHO IS YOUR SUPPLIER?

If your direct supplier is another state government, non-profit consortium or Wisconsin municipality, these are considered collective procurements. For amounts over an agency's delegated authority, submit a procurement plan. If your supplier is a private sector vendor, go to Step 3.

### State of Wisconsin Agency or Campus



#### Piggybacking

An agency may use a contract established by another Wisconsin state agency if it was established using competitive bidding and contains a clause allowing it.

The agency must ensure that the scope of need is the same, the contract is open and active, and the supplier is offering the same or better terms and pricing. These are often referred to as the "tests" of piggybacking.

This does not apply to contracts established by quasi-governmental entities such as WEDC and WHEDA, who are considered municipalities for purposes of procurement rules.

### Wisconsin Municipality



#### Cooperative or Collective Procurement

When an agency intends to work with a Wisconsin municipality on a joint procurement, this is a **cooperative** purchasing activity. Cooperative purchasing is also the program which allows an agency to extend its contracts to Wisconsin municipalities to use.

When an agency does not participate in the joint procurement effort but requests to use a contract established by a Wisconsin municipality after the fact, the request is processed as a **collective** procurement. The contract must meet the same "tests" of piggybacking.

### Another State



#### Collective Procurement

An agency may use a competitively bid contract established by another state (e.g. State of Minnesota/Cooperative Purchasing Venture) or by a nonprofit consortium supporting government or higher education entities (e.g. NASPO ValuePoint, as each contract "lead" is a state).

The "tests" of piggybacking must be met.

### Federal Government



#### Collective Procurement

An agency may use a contract established by the federal government under very limited circumstances when the agency and the State Bureau of Procurement can verify that the procurement process meets Wisconsin's competitive bidding standards.

Many GSA contracts are awarded to suppliers that meet requirements and offer a price, but the price is not a material factor in the award decision, so many of these contracts do not meet such standards.

### Non-Profit Consortium



#### Collective Procurement

An agency may purchase directly from, and/or use a contract established by, non-profit consortia groups under limited circumstances when the agency and the State Bureau of Procurement can verify that the consortia is a non-profit that exists specifically to support governmental or educational services.

The contract authority must be the actual consortium, another state or a Wisconsin municipality. If the contract authority is another state's municipality and the consortium is a pass-through, it will not be approved.

### Another State's Municipality



#### None/No Authority

State agencies do not have the authority to purchase directly from another state's municipality, or from contracts established by another state's municipality.

Several common consortia groups' contracts cannot be used because the procuring entity is another state's municipality, so it is imperative that an agency conducts due diligence prior to making a request.

Step 4

## HOW SHOULD YOU REQUEST APPROVAL?

Different approval tools are used based on the request type. See PRO-502, Collaborative Contracting policy for more information:

### Piggybacking

STAR agencies use form DOA-3831  
UW campuses use form DOA-3047

### Cooperative

Procurement Plan form DOA-3720

### Collective

If the supplier is another state government or municipality, submit a proc plan. Otherwise, submit an RPA using form DOA-3046 through <https://rpa.wi.gov>