



State Procurement Manual

Department of Administration, State Bureau of Procurement

Number
PRO-502

Section EXCEPTIONS, WAIVERS AND SPECIAL HANDLING	Effective 9/16/19	Replaces PRO-C-25, D-25, 29, 30 Various Dates
Title COLLABORATIVE CONTRACTING: PIGGYBACKING AND USE OF CONTRACTS WITH OTHER AUTHORITIES		Page 1 of 7

SCOPE: The scope of this policy is to define authority for cooperation with, and use of contract(s) by, other entities and to establish procedures governing such use.

POLICY: When it is in the best interests of the state and consistent with competitive purchasing practices, the State Bureau of Procurement (Bureau) may provide for the use of a contract established with or by certain entities.

Collective Purchasing: State agencies may:

- 1) Purchase from any vendor on agreements established by any other state government, federal government, or any municipality of the State of Wisconsin, provided the agreement(s) were competitively awarded.
- 2) Purchase directly from a regional or national consortium composed of nonprofit institutions that support governmental or educational services, or from any vendor on agreements established by such consortium, provided the agreement(s) were competitively awarded. Consortium agreements must be awarded by the consortium itself, or by an entity listed in (1) above.
- 3) Purchase directly from another state government or any municipality of the State of Wisconsin.

Piggybacking: State agencies may:

- 1) Use a contract established by another Wisconsin state agency, if agreeable to both the contracting agency and the vendor, to obtain the benefits of volume purchases and/or reduction in administrative expenses, under the terms outlined herein.
- 2) Collaborate with another Wisconsin state agency to conduct joint competitive solicitations and use the resulting contracts.



Legal Authority

Wis. Stats. 16.70(3); 16.71; 16.72(2)(d); 16.75(3t)(b)
16.75(6)(a)(b); 19.82(1); 20.901; 66.0301
Agencies Affected: All, unless otherwise noted

Authorized:
Sara Redford, Director
State Bureau of Procurement



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Cooperative Purchasing: State agencies may:

- 1) Enter into an agreement with a one or more Wisconsin municipalities, and municipalities may enter into agreements with each other, under which the parties may agree to participate in, administer, sponsor or conduct purchasing transactions under a joint contract(s) for the purchase of goods or contractual services.
- 2) Cooperate with purchasing agents and other interested parties of any other state or the federal government to develop uniform purchasing specifications under s. 16.72(2), Wis. Stats., on a regional or national level to facilitate cooperative, interstate purchasing transactions.
- 3) Enter into agreements with purchasing agents of any other state or the federal government under which any of the parties may agree to participate in, administer, sponsor or conduct purchasing of goods or services. The agency may then purchase from contracts established as a result of such agreements.

Exclusions and Other Considerations

These options do not apply to construction contracts that are subject to §16.855 or 66.0901, Wis. Stats., or to the purchase of printing, stationary and signage. See PRO-505, Printing Procurement Policy and Procedure.

These options do not waive the need to meet all policies and procedures related to the purchase of contractual services, where applicable. See PRO-204, Contractual Services Procurement.

These options require agencies to ensure vendors are otherwise eligible for contracts. See PRO-401, Basic Contract Eligibility.



Legal Authority

Wis. Stats. 16.70(3); 16.71; 16.72(2)(d); 16.75(3t)(b)
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These options do not apply to the purchase of vehicles, legal services, general waivers, non-competitive negotiation, or emergency procurements. See PRO-501, Waiver of Bidding Process.

These transactions do not require a public or legal notice unless the requesting agency is leading the competitive solicitation, and contract, that will be used by other entities. See PRO-601, Legal/Public Notice.

State agencies may also purchase supplies, materials, equipment, or contractual services other than printing and stationery, directly from the federal government. These arrangements are considered intergovernmental, non-procurement transactions. See PRO-504, Grants and Other Non-Procurement Transactions.

- PROCEDURE:
- I. Collective Purchasing
 - A. For collective purchases where another entity’s contract will be used, approvals are provided through an RPA to the Bureau for one or more of the following request types:
 1. Commodities and services covered under a mandatory contract, regardless of the dollar amount
 2. Value of the procurement exceeds the official bidding threshold
 3. When the agency intends to lead a solicitation for a contract developed under collective purchasing authority, regardless of the dollar amount



Legal Authority

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- B. The procuring agency must research the original contract and determine that the following conditions are met:
 1. The contract must be open for the use of other states and the contract term has not expired. The agency cannot use the contract beyond the term set by the originating entity.
 2. The agency must verify that prices have remained competitive since the time of award. The prices must be the same or better than those the agency could expect to obtain if a bid or RFP was conducted.
 3. The originating procurement must have been competitive as provided in PRO-301, Competitive Procurement Policy. Sole source contracts cannot be used.
 4. Any protests or appeals to the procurement were addressed and resolved.
 5. The commodities or services to be purchased are the same as on the original contract.
 6. The terms and conditions are acceptable to the agency and consistent with the state’s standard terms and conditions, and applicable state law and regulation.
- C. Specifically for collective purchases where the agency is purchasing *directly* from another state government or a municipality, the agency will use a procurement plan to request approval. See PRO-201, Procurement Plans.

II. Piggybacking



Legal Authority

Wis. Stats. 16.70(3); 16.71; 16.72(2)(d); 16.75(3t)(b)
16.75(6)(a)(b); 19.82(1); 20.901; 66.0301
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A. Agency Solicitations

1. If an agency intends to make a contract available for other state agencies to piggyback from, the agency must include a provision allowing for such arrangements in bid or RFP documents.
2. If an agency is leading a joint solicitation with another state agency and identifies them in the procurement plan and in the solicitation, those agencies are not required to submit a request to piggyback the subsequent contract. See PRO-201, Procurement Plans.

B. Approvals

1. State agencies using the statewide enterprise resource planning (ERP) system, known as STAR, will submit form DOA-3831: STAR Piggybacking Request to the Bureau prior to piggybacking another agency's contract.
2. UW campuses and agencies not using STAR will submit form DOA-3047: Piggybacking Data Plan to the Bureau at the time of piggybacking another agency's contract.

C. Conditions

The agency requesting to piggyback researches the original contract to ensure that it contains a provision that allows for piggybacking and that the conditions of I, (B) herein are met.

III. Cooperative Purchasing



Legal Authority

Wis. Stats. 16.70(3); 16.71; 16.72(2)(d); 16.75(3t)(b)
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A. Agency Solicitations

1. Using DOA-3832: Bidder Required Form, agencies will include in each request for bid (RFB) or request for proposal (RFP) over the official bidding threshold an option for a bidder to agree to extend pricing and terms to Wisconsin municipalities.
2. When the agency solicits for a one-time purchase, the agency is not required to offer the cooperative purchasing option.

B. Approvals

Cooperative purchasing arrangements or activities beyond the agency’s delegation will be submitted for approval to the Bureau using a procurement plan. See PRO-201, Procurement Plans.

C. Conditions

The agency must ensure that the entity they are working with under a cooperative purchase is eligible under applicable Wisconsin statutes.

IV. Additional Cooperative Purchasing Services

A. Under cooperative purchasing authority, the Department or delegated agency may also:

1. Purchase and store in warehouses, articles that may be needed by state departments and municipalities. The agency may transport and may sell stored articles to municipalities at cost.



Legal Authority

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2. Provide for the use of VendorNet, a State of Wisconsin purchasing information and bidder subscription service, to Wisconsin municipalities via the Internet. See PRO-103, Procurement Systems and Bidders Lists.

REFERENCE: Visual Guide for Use of Other Contracts



Legal Authority

Wis. Stats. 16.70(3); 16.71; 16.72(2)(d); 16.75(3t)(b)
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