

COOPERATIVE CONTRACT DECISION PROCESS

Assessing Cooperative Contracts for use by the State of Mississippi

1. The Evaluation Process
 - a. The requesting entity
 - b. The lead agency or state who conducted the procurement
 - c. The contractor
2. Assess user needs
 - a. End-user Control Detail Checklist: (Attachment A)
 - b. Consider the geographic, regional, diversity, and quality needs of state agencies.
3. Research cooperative contract availability.
 - a. Are there jurisdictional/procurement authority issues, such as ITS, PSCRB or construction.
 - b. Are there existing contracts accessible for state agencies such as a statewide contract, negotiated contract, or other cooperative contracts?
 - c. Determine if there is a specific contract already approved.
 1. Note termination dates for existing contracts
 2. Note renewals available for existing contracts
 3. Refer to the cooperative contracts list supplied by OPTFM or research the Co-op websites:
 - a. NASPO
 - b. Western States Contracting Alliance
 - c. US Communities
 - d. NJPA
 - e. Others
4. Assess each contract's suitability. Use Worksheet: Contract Suitability Assessment (Attachment B). Use the checklist as a basis to assess each contending cooperative agreement.
 - a. specific terms and conditions – must meet MS requirements
 - b. pricing – must be best value

- c. dates of availability and renewals – must meet end user needs
- d. supplier impact – assess degree of effect on local and small business
- e. service levels- must meet end user needs
- f. other interests of the state – consider each procurement individually

5. Select a contract for possible usage, if there is more than one that may meet agency needs, by comparing cooperative contracts with one another to determine the most likely candidate. Use Worksheet: Contract Suitability Assessment (Attachment B).
6. Assess compliance of the contract. (Attachment C)
7. Make recommendation. (Attachment C)
8. Develop a strategy and plan for usage of the selected cooperative contract.

It may become apparent that a contract is not suitable, legal or advantageous to the state prior to assessing all the factors.

WORKSHEET: End User Contract Details Checklist

The end user should consider the following criteria when evaluating cooperative contracts for the best value or details of specific need and usage.

Attachment A

Criteria	Meets Needs Yes/No/Questionable	Comments
Bonds (i.e., professional, performance, payment)		
Deliveries (i.e., timeliness, geographical, date/time restrictions. Minimum order amount)		
Discounts, threshold		
Inspections/testing		
Installation (i.e., electrical hookups, testing procedures, operator training)		
Key personnel		
Licenses		
Maintenance		
Manufacturer's representative		
Non-obsolescence of engineering		
Price (adjustments)		
Quantities: is there a cap or minimum		
Remanufactured equipment		
Returns/replacements		
Safety standards		
Shipping terms		

Software updates		
Support		
Term of contract		
Training		
Usage report		
User manual		
Warranties (specific)		

WORKSHEET: Contract Suitability Assessment**Attachment B**

Suitability Factor	Contract	Contract	Contract
Do the specific terms and conditions meet the minimum insurance and other relevant requirements?			
Is the pricing best value?			
Are the dates of availability and renewals compatible with existing State or agency contracts and do they meet end user needs?			
Are the service levels, such as delivery times and reporting adequate to meet end user needs?			
What is the effect of the agreement on supplier impact on small or minorities businesses or on the state or local economy?			
What is the economic importance for subscribing to the cooperative contract?			
Are there other interests of the state which should be considered for this specific procurement? i.e., Licensing. If there are, identify and assess each one.			

WORKSHEET: Checklist for MS Purchasing Law Compliance

Each State has adopted its own specific language and requirements. Mississippi purchasing law allows cooperative purchasing. All cooperative solicitations must be conducted to meet the legal requirements of Mississippi law. Therefore, Mississippi must examine the process by which the contract was established. The assessment of a cooperative’s contract determines whether the State of Mississippi would have procured commodities or services legally if it used the same procedures as the cooperative lead. If not, then the state cannot use the contract.

Any “NO” response may require further investigation and a written determination as to whether there is an issue that would preclude legal or appropriate use of a contract as a statewide cooperative contract under State of Mississippi statutes, rules, policies, and guidelines.

Attachment C

YES	NO	Mississippi Requirements	Comment/Determination
		<p>Solicitation Plan If a poly-sub or other state conducts the procurement there is a greater risk that the solicitation method may not comply with MS requirements.</p>	
		<p>Evaluation Plan (criteria/instrument, Disclaimer Form) RFP – the request for proposals shall state the relative importance of price and other evaluation factors. Specific numeric weighting is not required. The procurement officer shall determine that proposals</p>	

		<p>are either reasonably susceptible of being selected for award or unacceptable. A determination that a proposal is unacceptable shall be in writing, state the basis of the determination and be retained in the procurement file. If the procurement officer determines that an proposal is not reasonably susceptible of being selected for award, the procurement officer shall notify the vendor of the determination and that the vendor shall not be afforded an opportunity to modify its offer.</p>	
		<p>Adequate public notice Adequate public notice of the invitation for bids shall be given a reasonable time before the date set forth in the invitation for the opening of bids. The notice may include publication one or more times in a newspaper of general circulation a reasonable time before the bid opening. The publication shall not be less than two weeks before bid opening and shall be circulated within the affected governmental jurisdiction. Did the cooperative lead advertise at least once in a newspaper of general circulation for services?</p>	
		<p>Set-aside Programs (Small Business, MBE/WBE)</p>	
		<p>Bundling</p>	

		Does the cooperative solicitation avoid bundling of items and/or services?	
		<p>Vendors</p> <p>The purchasing agency shall mail or otherwise furnish invitations for bids or notices of the availability of invitation for bids to all prospective vendors registered at the state procurement office for the specific material, service or construction being bid. A procurement officer may conduct a pre-bid conference within a reasonable time but not less than seven days before the bid opening, to explain the procurement requirements.</p>	
		<p>Solicitation Amendment(s)</p> <p>Were solicitation amendments issued?</p> <p>Were they sent to each recipient of the procurement documents (the RFP or IFB)?</p>	
		<p>Award Notices</p> <p>How were award notices handled?</p>	
		<p>Pricing</p> <p>Is pricing advantageous to the state?</p>	
		<p>Protests</p> <p>Were there protests and how were they handled?</p>	
		<p>Were late proposals rejected?</p>	

		<p>Are specific terms and conditions compliant with Mississippi requirements and advantageous to the state?</p> <p>Do the special T & Cs meet Mississippi state requirements for insurance?</p>	
		<p>Are other required clauses included, such as:</p> <p>Independent contractor (subcontractors) language Contract length/extension Pass-through language to sub-contractors Payment Right of Assignment Recycling materials Solicitation Openings (formal) Access to public records</p>	
		<p>Risk Management</p> <p>Is it adequately and legally addressed (insurance, bonds, bid payment, professional, performance, safety)?</p>	
		<p>Methodology</p> <p>Does the source selection technique used to acquire Professional Services or Contracts and Construction Services comply with Mississippi Purchasing Law?</p>	
		<p>Specifications</p> <p>The type of specification used is allowable under</p>	

		Mississippi Purchasing Law? (common/general use, brand name or equal, brand name, qualified products list)	
		Fees Watch the fees. <ul style="list-style-type: none"> a. Must have authority to pay fees. b. If fees are too high, it may obligate the state to issue its own procurement die to fiduciary duty. c. Does the code allow for payment of both direct and indirect cost of personnel? 	

Decision:

Y N The contract is suitable and in compliance with Mississippi Purchasing Law and approval to use is requested from _____

Y N The contract is in substantial compliance, a determination was made and approval to use is recommended.

Y N The contract is not suitable and not in compliance with Mississippi Purchasing Law and approval to use is not recommended.

Other comment _____