**R33. Government Operations, Purchasing and General Services.**

**R33-121. Interaction Between Procurement Units.**

**R33-121-101. Cooperative Purchasing.**

Cooperative purchasing shall be conducted in accordance with the requirements set forth in Section 63G-6a-2105. This rule provides additional requirements and procedures and must be used in conjunction with the Title 63G, Chapter 6a, Utah Procurement Code. Definitions in the Utah Procurement shall apply to this rule.

**R33-121-201. State Cooperative Contracts.**

(1) An executive branch procurement unit shall obtain procurement items from state cooperative contracts whether statewide or regional unless the chief procurement officer determines, in accordance with Subsection 63G-6a-506(5)(b), that it is in the best interest of the state to obtain an individual procurement item outside the state contract.

(2) In accordance with Section 63G-6a-2105, public entities, nonprofit organizations, and agencies of the federal government may obtain procurement items from state cooperative contracts awarded by the chief procurement officer.

**R33-121-201e. Division May Charge Administrative Fees on State Cooperative Contracts -- Prohibition Against Other Procurement Units Charging Fees on State Contracts.**

(1) In accordance with Sections 63A-1-109.5, 63A-2-103, Subsection 63G-6a-303(2), and other applicable State of Utah law, the Director of the Division of Purchasing and General Services serving as the chief procurement officer of the state shall administer the state's cooperative purchasing program and may impose or assess an administrative fee on contractors and vendors on state cooperative contracts as part of its internal service fund authorization.

(2) The division shall include a provision in each state cooperative contract prohibiting any other procurement unit from charging any type of fee, surcharge, or rebate on a state cooperative contract issued by the chief procurement officer.

**R33-121-301. Discount Pricing for Large Volume Purchases for Items on State Contract.**

(1) Eligible users of state cooperative contracts may seek to obtain additional volume discount pricing for large volume orders provided state cooperative contractors are willing to offer additional discounts for large volume orders.

(a) Eligible users may not coerce, intimidate, or in any way compel vendors on state cooperative contracts to offer additional discount pricing.

(b) Eligible users seeking additional pricing discounts for large volume purchases shall issue a Request for Price Quotations to each vendor on a state cooperative contract for the procurement item being purchased.

(c) Executive branch procurement units without independent procurement authority may contact the division to issue the request for price quotations.

(d) The request for price quotations shall include:

(i) a detailed description of the procurement item;

(ii) the estimated number or volume of procurement items that will be purchased;

(iii) the time period that price quotations will be accepted, including the date and time price quotations will be opened;

(iv) the manner in which price quotations will be accepted;

(v) the place where price quotations shall be submitted; and

(vi) the time period the price quotation must be guaranteed.

(2) The terms and conditions of the state cooperative contract shall remain in effect unless the chief procurement officer approves the modification.

(3) Eligible users may include additional terms and conditions specific to the purchase of a procurement item from the state cooperative contract that do not conflict with the state cooperative contract terms and conditions.

(3) This process may not be used for an anti-competitive practice such as:

(a) bid rigging;

(b) steering a contract to a preferred state cooperative contractor;

(c) utilizing auction techniques where price quotations are improperly disclosed and contractors bid against each other's price;

(d) disclosing pricing or other confidential information prior to the date and time of the opening; or

(e) any other practice prohibited by the Utah Procurement Code.

(4) Sales resulting from the quotations received under the process conducted in accordance with Section R33-121-301 shall be recorded as usage under the existing state cooperative contract are subject to the administrative fee associated with the state cooperative contract, and shall be reported to the division.

**KEY: cooperative purchasing, state contracts, procurement units**

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