

# STATEWIDE PROCUREMENT

## STATEWIDE PROCUREMENT SUPPORT

**Technology procurement** involves providing school districts technical assistance with purchasing and leasing of learning devices and peripheral devices, learning management systems, cybersecurity protection, student data privacy, device insurance, and other technology-related goods and services.

**Below is a general outline of support and services available to all districts. This work is being done in partnership with OSPI, AESD, and ESDs statewide.**

1. Each educational service district shall provide technology consultation, procurement, and training, in consultation with p. 2 E2SHB 1365.SL teacher-librarians through school library information and technology programs as defined in RCW 28A.320.240, and as described in this section. An educational service district may meet the requirements of this section in cooperation with one or more other educational service districts.
2. Technology consultation involves providing technical assistance and guidance to local school districts related to technology needs and financing and may include consultation with other entities.
3. Technology procurement involves negotiating for local school district purchasing and leasing of learning devices and peripheral devices, learning management systems, cybersecurity protection, device insurance, and other technology-related goods and services. When selecting goods and services for procurement, the educational service district must consider a variety of student needs, as well as accessibility, age appropriateness, privacy and security, data storage and transfer capacity, and telecommunications capability. Technology procurement may be performed in consultation and contract with the department of enterprise services under chapter 39.26 RCW.

Thank you,

**Jeff Strunk**  
Statewide Purchasing Lead  
State of Washington  
**phone:** 360-949-1989 **cell:** 859-743-1021  
**email:** [jeff.strunk@esd112.org](mailto:jeff.strunk@esd112.org)

## How can I buy computer equipment and wireless access?

Many options are available to districts.

- Washington State DES Contracts (adopted from NASPO ValuePoint solicitations)
- WISPC Contracts
- New Cooperative Contracts

## Washington State Department of Enterprise Services Contracts

Below are the two State contracts that will meet most of your needs for technology purchases. While these contracts are WA DES contracts they were bid by NASPO (National Association of State Procurement Officials) and adopted by the state of Washington as a member institution. So these are in fact national contracts with significant buying power.

[Contract #: 04718 - NASPO ValuePoint Wireless Data, Voice, and Accessories.](#) This contract includes mobile phones, service plans, tablets, hotspots, etc.

- There is a link issue on the current page but the correct FAQ section for this contract can be found [here](#).

[Contract #: 05815 - Computer Equipment.](#) This contract includes desktop computers, laptops, monitors, etc.

### Can my school use these contracts?

Yes, to use these contracts districts must sign the **MCUA (Master Contract Usage Agreement)** but depending upon the district this may require board action. Below is a link to all of the organizations that have already signed the MCUA,

<https://apps.des.wa.gov/DESContracts/Home/MCUAListing>.

**Note on Piggybacking:** *Aside from signing the MCUA, school districts should understand that audits of federal dollars will be looking for some additional review by the districts. Even though these are state approved contracts, any district using federal money and purchasing off these contracts will need to review the original solicitation documents and responses and document their approval they have verified that these contracts meet federal standards. See document below from the State Auditor's Office for more details on piggybacking.*

### What is the MCUA?

The Master Contracts Usage Agreement (MCUA) is a one-time agreement necessary to meet statutory requirements allowing qualifying organizations to use Washington State master contracts. ([Public Benefit Nonprofit entities should use this form.](#)) Cooperative purchasing through state contracts provides organizations that have agreed to terms and conditions the opportunity to save millions of dollars annually by pooling resources to leverage the market through volume discounts. Authorized organizations are provided access to over 1,500 vendors supplying goods and services through master contracts to meet all the business needs of their organization at no cost.

## How much does it cost?

There is no cost for the Master Contracts Usage Agreement.

## Who can sign a MCUA?

- State Agencies
- State Boards
- State Commissions
- Higher Education Institutions
- Offices of Separate Elected Officials
- Local Government Agencies
- Federal Agencies
- Washington State Tribal Entities
- Public Benefit Non-profit (PBNP)
  - Organization with 501(C)3 tax status that have filed PBNP status with the Secretary of State. For filing information, go to <http://www.sos.wa.gov/corps/>.
  - More information about purchasing agreements with Public Benefit Non-profit: [RCW 39.34.055](#).
  - More information about Public Benefit Non-profit designation: [RCW 24.03.490](#).

## How do I join?

- Check the [signed agreement list](#).
  - If you are already on the list, then you are ready to go.
  - If you are not on this list:
    - Download and print the [Master Contracts Usage Agreement \(MCUA\)](#). [\(Public Benefit Nonprofit entities should use this form.\)](#)
    - Fill out and sign MCUA (including any supporting documentation)
      - Non-profit organizations must include:
        - IRS Confirmation of 501(c) 3 status.
        - Washington Secretary of State Public Benefit Non-Profit (PBNP) filing print out
        - Statement of funding source(s) (e.g., local, state or federal funds)
    - Scan and email signed copy of MCUA (and any supporting documentation) to: [MCUA@des.wa.gov](mailto:MCUA@des.wa.gov)
    - Or
    - Mail signed copy (and supporting documentation) to:  
DES  
MCUA, ATTN: Contracts Resource Center  
Box 41408  
Olympia, WA 98504-1408
    - A fully executed copy will be scanned and returned to you via email.

## How do I make a purchase with a state contract?

First, check the [signed agreement list](#). Once you have a current signed MCUA:

- Use our contract search to find a contract or learn about special purchasing programs
- Identify a vendor on the contract you wish to use
- Contact the vendor citing the contract number you wish to use, contract name and provide your customer number.

## **NASPO ValuePoint Wireless Data, Voice, and Accessories**

**Contract #: 04718**

**Replaces: 06012**

**Contract Type: COOPERATIVE**

This Master Contract was established through NASPO ValuePoint with Utah as the lead state. Washington State participates in this contract through participating addendums. Currently, Washington State has the following Participating Addendums.

- 1) DiscountCell - Effective July 1, 2019 who offers accessories and cellular equipment.
- 2) T-Mobile - Effective January 1, 2020 who offers cellular service plans and devices.
- 3) Verizon - Effective July 1, 2020 who offers cellular service plans, devices and accessories.
- 4) AT&T - Effective July 1, 2020 who offers cellular service plans, devices and accessories.
- 5) Sprint - Effective July 1, 2020 who offers cellular service plans, devices and accessories.

- Awarded Vendors include: AT&T, DiscountCell, Sprint, T-Mobile and Verizon.
- Mobile phone options and service plans to fit the needs of your organization.
- Phone accessories, such as chargers, signal boosters, antennas, batteries and phone cases.
- Tablets with mobile data service plans.
- Voice over IP options and a variety of headsets.
- IoT Turnkey solutions are included.
- Includes EPEAT rating criteria of mobile phones that address the life cycle of the products.

Ordering Steps:

1. View [Pricing & Ordering](#) to learn more about available services.
2. View [EPEAT registration criteria](#) to learn more about EPEAT and the database of all registered products that are provided under this contract. This contract required to have mobile phones achieve a Bronze rating or higher in the EPEAT system.
3. Use the contact information in the Pricing and Ordering document to get more information or place an order with your preferred vendor.
4. Reference Washington State Master Contract No. 04718 to ensure you get contract pricing.
5. [Frequently Asked Questions](#)

## **Computer Equipment**

**Contract #: 05815**

**Replaces: 06112**

**Contract Type: COOPERATIVE**

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Products Available: PC's, laptops, tablets, storage, servers, and related commodities.

The following awarded vendors are currently available to Washington State purchasers:

Apple Inc. • Computer Technology Link Corp. • Dell Marketing, L.P. • Dynabook Americas, Inc. • EMC Corporation • HP Inc. • Hewlett Packard Enterprise • IBM Corporation • Intelliflash by DDN • Lenovo, Inc. • Lenovo Global Technology Inc. • Microsoft • NetApp, Inc. • Panasonic • PureStorage • Transource Service Corporation • Xiotech Corporation

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How to use this Contract:

1. Confer with your IT team to decide which brand and type of computer product you would like to buy.
2. IMPORTANT REMINDER: Always be sure that any IT equipment to be added to your network has been approved by your IT Support first!
3. Consider the environmental impacts of your computer purchase by exploring the [EPEAT User Guide](#).
4. Scroll down and find the vendor (listed alphabetically) from which you would like to purchase or find pricing. Each vendor section will have links to pricing, ordering, vendor contact information, and any available product info.

NOTE: Vendor webpages and ordering options vary from vendor to vendor. Typically, Purchasers can order online, by phone or by email either directly from the vendor or from its authorized resellers.

5. If needed, to review terms and conditions of a vendor's NASPO ValuePoint Master Agreement and/or its Participating Addendum with Washington State, navigate to the Contract Documents column on the [Contract Summary Page](#).

Found a Broken Link? [E-mail DES](#) so we can fix it ASAP.

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### **Apple, Inc. Contract # 05815-001:**

1. Products and Pricing: Apple has Desktops, Laptops, and Tablets on contract. Here you can see all of the primary [Apple Products](#). Also a list of [Third Party Products](#).
2. Authorized Resellers: None listed.
3. Product Web Pages: Apple also maintains a [Apple NASPO ValuePoint Store for Education](#) products, as well as a [Apple NASPO ValuePoint Store for State and Local Government](#) products.
4. Sales Contact: Orders may be placed through the online store or by purchase order e-mail at: [Education Purchase Orders by e-mail](#)  
[State and Local Government Purchase Orders by e-mail](#)
5. Education Licensing Information: Research the [Apple \(K-12\) Education Licensing Program](#) here. You can also view the [Apple Higher Education Licensing Program Info](#) here. Information on [Education Product Financing](#) is also available.

6. Customer Support: Contact Apple by phone:  
(K12 and Higher Ed): 1-800-800-2775, 1-800-590-0325 (FAX) or,  
(State and Local Government) 1-800-793-9378, 1-800-438-0486 (FAX)

Browse for more information on [Apple's NASPO Computer Equipment Webpage](#). Note: Apple offers some options that are different than other computer equipment resellers. The options available here may not be available with other sellers.

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### **Computer Technology Link (CTL) Corp. Contract # 05815-002:**

1. Products and Pricing: CTL has Desktops, Laptops, Tablets, Servers & Storage on contract. You may browse [CTL's NASPO ValuePoint store](#). and place an order directly from the website.
2. Authorized Resellers: None listed.
3. Sales Contact: For sales information or product customization you may contact Washington Sales Rep [Friedrich Gloekler by e-mail](#) or Ph: 800-642-3087 x 213, Fax 503-526-9135.
4. Customer Support: Additional product support can be reached at [CTL's customer support e-mail](#) by Ph: 800.645.8670 or at the [CTL's support website](#). Or the useful [CTL FAQ webpage](#) with information on a range of topics.

Browse for more information on [CTL's NASPO Computer Equipment Webpage](#).

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### **Dell Marketing, L.P. Contract # 05815-003:**

1. Products and Pricing: Dell has Desktops, Laptops, Tablets, Servers & Storage on contract. You may browse [Dell's NASPO ValuePoint Dell Branded Products Price List](#) here. Dell also offers a [Dell 3rd Party Product Price List](#).  
You may also shop from the convenience of the [Dell Washington State Computer Equipment Store](#). Dell also has a [Pricing Transparency Document](#) to explain contract pricing.
2. Authorized Resellers: Dell has the following [Authorized Washington Resellers](#). These resellers are authorized to accept orders and payments for Dell under the terms and conditions of the NASPO Participating Addendum for Washington State.
3. Sales and Customer Support: To learn more about any available special offers, discounts for large quantity orders and establishing standard configurations please contact one of these [Washington State Dell sales representatives](#).

Browse for more information on [Dell's NASPO Computer Equipment Webpage](#).

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### **Dynabook Americas, Inc. Contract # 05815-012:**

1. Products and Pricing: Dynabook offers Laptops & Tablets on contract. Please take a look at the Dynabook [Product and Services Schedule](#) to learn about the products available. You can find prices with the [Baseline Price List](#).
2. Authorized Resellers: Dynabook has the following [Authorized Resellers by State](#).

3. Sales and Customer Support: Dynabook has [Technical Support](#) and [Warranty Information](#) available for your ongoing product questions.

You can find a list of Dynabook [NASPO ValuePoint Resellers](#) from whom you can buy products, get quotes, or ask questions.

You can reach Dynabook Sales Contact [Jack Russo](#) by e-mail.

Browse for more information on [Dynabook's NASPO Computer Equipment Webpage](#).

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### **EMC Corporation Contract # 05815-004:**

1. Products and Pricing: EMC (a subsidiary of Dell) has Storage options on contract. You may browse [EMC's Price List and 3rd Party Price List](#) here. A [Discount Matrix](#) is also viewable for more transparent pricing.

EMC has also compiled a list of [Accessibility and Accessible Products](#).

2. Authorized Resellers: EMC has the following [Authorized Washington Resellers](#).

3. Sales and Customer Support:

You may reach Dell contact [Chuck Lott](#) by e-mail or Ph: 916-797-6500 with any sales, invoice, billing, order tracking, or delivery questions.

Contract questions may be answered by [Tiffany Pabst](#) by e-mail or Ph: 916-797-6588.

Additional EMC Partner Contact Information can be found on the bottom of the [EMC Contract Webpage](#).

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### **HP Inc. Contract # 05815-017:**

1. Products and Pricing: HP offers Desktops, Laptops & Tablets on contract. You may view products and pricing at the [HP State of Washington Customer Webpage](#). If you don't see the product you are looking for please contact a sales associate.

Purchase orders should be submitted directly to HP via fax at 800-825-2329 or e-mail at: [PSorderprocessing@hp.com](mailto:PSorderprocessing@hp.com).

2. Authorized Resellers: For your convenience you may purchase through any [HP Fulfillment Subcontractors](#). Or work with one of the Reseller Agents [HP Authorized Reseller Agents](#)

3. State of Washington Information Center: [Information Page](#).

4. Contract Support: Please contact [Debra Lee](#) if you have any trouble finding the pricing you need or for questions or quote assistance.

HP Customer support may be reached at 800-727-2472 x 2.

Inside Sales Representative [Larry Gandert or Amanda Sims](#) is also available to assist with ordering needs.

Browse for more information on [NASPO ValuePoint State of WA Customer Webpage](#).

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### **HP Enterprise Contract # 05815-0014:**

1. Products and Pricing: Hewlett Packard Enterprise offers Servers & Storage on contract. You may view products and pricing at the [Hewlett Packard State of Washington Webpage](#). A [Price List](#) is also available. Some products also have [Accessibility Options](#).



2. Authorized Resellers: For your convenience you may also purchase through any [HP Authorized Resellers](#) or work with the following [HP Fulfillment Subcontractors](#)
3. Sales and Customer Support: For Hewlett Packard Enterprise quotes please contact the quoting team at [RFQ-US-SLED@hpe.com](mailto:RFQ-US-SLED@hpe.com).  
The Inside Sales District Manager is [Craig Allen](#).  
Customer support is available by contacting [Stacey Kearns](#).

Browse for more information on [Hewlett Packard Enterprise's NASPO Computer Equipment Webpage](#).

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## **IBM Corporation Contract # 05815-006:**

1. Products and Pricing: IBM Corporation offers Servers & Storage on contract. Products and pricing lists are available on the [IBM Washington Products Website](#).
2. Authorized Resellers: None listed.
3. Sales and Customer Support: Purchase orders may be e-mailed to [Contract@us.ibm.com](mailto:Contract@us.ibm.com). Be sure to reference Master Agreement # MNWNC-116 when placing an order. For common questions view the IBM Order and Delivery [FAQ](#). You may also contact the company directly via the [Contact Webpage](#).

Browse for more information on [IBM's NASPO Computer Equipment Webpage](#).

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## **Lenovo, Inc. Contract # 05815-007:**

1. Products and Pricing: Lenovo offers Desktops, Laptops & Tablets on contract. You can browse the products Lenovo offers on the [Lenovo Washington NASPO ValuePoint Contract Website](#) by clicking on the products tab at the top of the page. You can also browse [Lenovo Accessories](#) to go along with your other technology purchases.
2. Authorized Resellers: Lenovo has the following [Authorized Resellers](#).
3. Sales and Customer Support: Lenovo has education and state and local field sales representatives to assist with purchases, order information, and product information.

Higher Education:

[Allan Stromquist](#) Field Sales Representative - Ph: 206-890-2684

[Altarique Murphy](#) Inside Sales Representative - Ph: 919-874-3151

K-12 Education:

[Janaki Gorla](#) Field Sales Representative - Ph: 425-530-8356

[Zacaria Mark](#) Inside Sales Representative - Ph: 919-874-3526

State and Local Sales Representatives:

[Brandon Evans](#) Inside Sales Representative - Ph: 919-874-3418

[Pleschette Fontenet](#) Field Sales Representative - Ph: 971-240-1799

Browse for more information on [Lenovo's NASPO Computer Equipment Webpage](#).

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### **Microsoft Contract # 05815-008:**

1. Products and Pricing: Microsoft offers Laptops & Tablets on contract. You can view and compare Microsoft products and warranties at the [Microsoft Product & Service Schedule Website](#). There is also a [Microsoft Contract Price List](#) available for comparison.
2. Authorized Resellers: Multiple resellers are listed at the bottom of the Microsoft contract home page.
3. Sales and Customer Support: For assistance with product and services information, product configuration, pricing, how-to-order, warranty support, and other resources contact the following representatives:

[Maris Lallana Macalinta](#) Microsoft Representative - Ph: 425-705-7107

[Jeannine Sielinski](#) Microsoft Representative - Ph: 206-790-9623, Fax: 425-936-7329

Browse for more information on [Microsoft's NASPO Computer Equipment Webpage](#).

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### **NetApp, Inc. Contract # 05815-009:**

1. Products and Pricing: NetApp offers Storage solutions on contract. You can view the [NetApp Product Information Page](#) to see what purchase options are available. NetApp also has a [NetApp Commercial Baseline Price List](#) and [Product Discount and Service Schedule Price List](#).
2. Authorized Resellers: NetApp has the following [Authorized Resellers](#).
3. Sales and Customer Support:

[Chris Barnhart](#) Inside Sales Representative - Order Placement and Billing Concerns - Ph: 919-476-4466

[Harry Franks](#) Service Contract Administrator – Service Renewals/Upgrades - Ph: 919-476-4466

Warranty, Maintenance, and Problem Requests: 888-463-8277 or 916-576-7808

Browse for more information on [NetApp's NASPO Computer Equipment Webpage](#).

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### **Oracle America, Inc Contract # 05815-020:**

1. Products and Pricing: Oracle offers storage and server solutions on contract.
2. Authorized Resellers: None listed.
3. Sales Contact: For sales information or product customization you may contact Washington Sales Rep [Amber Gish e-mail](#) or Ph: 210-536-9140.

Browse for more information on [Oracle's NASPO Computer Equipment Webpage](#).

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### **Panasonic Contract # 05815-011:**

1. Products and Pricing: Panasonic offers Laptops, Tablets & Accessories on contract. Panasonic offers a [Rugged Laptop Configurator](#) to help you explore their laptop options.
2. Authorized Resellers: All orders can be placed through your choice of Reseller partner. All quotes and

orders are fulfilled through your choice of an authorized Reseller. If you have any questions or clarifications regarding the resellers or the Panasonic NASPO ValuePoint contract—please contact us at [NASPO@us.panasonic.com](mailto:NASPO@us.panasonic.com). Current resellers include: CDW-G, Datec, GovDirect, ImageSource, Insight Public Sector.

3. Sales and Customer Support: All orders can be placed through your choice of Reseller partner. All quotes and orders are fulfilled through your choice of an authorized reseller. To place an order, please consult with your choice of one of the following partners: [CDWG](#), [Datec](#), [GovDirect](#), [ImageSource](#), & [Insight](#).

If you have any questions or clarifications regarding the resellers of the Panasonic NASPO ValuePoint contract – please contact [Amy Lee](#), Contract Representative – Ph: 201-325-1181

Browse for more information on [Panasonic's NASPO Computer Equipment Webpage](#).

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### **PureStorage Contract # 05815-019:**

1. Products and Pricing: Pure Storage offers Storage solutions on contract. Please take a look at the PureStorage [Product Description and Information Webpage](#). You may also view Pure Storage’s [Pure Storage Participating State Price List](#) for information on cost. Pure Storage also offers [Support Programs and Maintenance](#)

2. Authorized Resellers: Pure Storage offers the following [Partner Resellers](#).

3. Sales and Customer Support: To order or speak with a sales representative or support, please call: 1-800-379-7873. For reporting or billing concerns please E-mail: [NASPOValuePoint@PureStorage.com](mailto:NASPOValuePoint@PureStorage.com). For Pure Storage Product Support please contact [Support@purestorage.com](mailto:Support@purestorage.com), or via Ph: 1-866-244-7121 or 1-650-729-4088. You may also view the Pure Storage [Customer Support Guide](#) for more support resources..

Browse for more information on [Pure Storage's NASPO Computer Equipment Webpage](#).

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### **Transource Service Corporation Contract # 05815-016:**

1. Products and Pricing: Transource Service Corporation offers Desktops, Laptops, Tablets, Servers & Storage Solutions on contract. Please take a look at the Transource [Product and Services Schedule](#) to learn about the products available. You can find prices with the [Transource Base Price Catalog](#).

2. Authorized Resellers: Transource partners with these [Third Party Manufacturers](#).

3. Third Pary Products: [Line Card](#).

4. Sales and Customer Support: Contact Transource [Sales Department by E-mail](#) or at 1-800-486-3715 for quotes or more information. You can also [Create an Account Online](#) and proceed with quotes and service through the online portal.

Browse for more information on [Transource's NASPO Computer Equipment Webpage](#)

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## **Xiotech Corporation Contract # 05815-013:**

1. Products and Pricing: Xiotech Corporation offers Storage solutions on contract. Please take a look at the Xiotech [Product Specifications](#) to learn about the products available.
2. Authorized Resellers: None listed.
3. Sales Contact: For sales information or product customization you may contact Washington Sales Rep [Tricia Kozlowski by e-mail](#) or Ph: 719-388-5427.

Browse for more information on [Xiotech's](#)

*Information in this document has been provided for your convenience but can be viewed in its entirety on the Washington State Department of Enterprise website: <https://www.des.wa.gov/>*

## **WISPC Contracts**

### **20-01 Computer Hardware & Equipment**

This WISPC contract has much of the equipment found on the bids listed above. This contract is in place for the following vendors:

- MicroK12
- HP, Inc.
- Riverside Technologies
- Trafera
- Hewlett Packard Enterprise
- Ednetics, Inc.
- Alden Associates Inc.
- Dell Technologies
- Trox (Troxell Communication)
- Zones

For more information on this contract please contact me at [jeff.strunk@esd112.org](mailto:jeff.strunk@esd112.org), and I can get you more information and help navigate you through the process.

### **New Cooperative Contracts/Competitive Bidding for Technology**

Should the above contracts not meet your needs, support can be provided to issue competitive bids tailored to the specific requirements of your school. This support could include:

- Creation of bid documents
- Posting of Advertisement
- Review of Responses
- Award and Contracting
- Post award dispute resolution



# Using Others' Bid Awards (‘Piggybacking’)

Local governments often use the bid awards of others, also known as “piggybacking,” to save both time and money, although such savings are not guaranteed. Those that are new to piggybacking often have questions about what they must do to stay in compliance with their own procurement laws. For many years, we have answered these questions, and now we have consolidated these frequently asked questions (and their answers) into this resource to help you better navigate this process. In addition, we have included an optional checklist you can use that walks you through the many factors to consider when relying on another entity’s bid award.

## What is piggybacking?

In a piggybacking arrangement, one entity (the awarding entity) procures goods or services in a competitive environment and then extends the pricing to other entities (participating governments). This might benefit the awarding entity, allowing it to obtain better pricing due to the economies of scale achieved by including the buying power of others. In addition, those participating in the contract could benefit by obtaining better pricing and avoiding the time and resources it takes to conduct the public bidding process.

### What Washington laws govern the use of piggybacking?

Washington law allows this alternative to a competitive bidding process, provided the applicable requirements in [RCW 39.34.030](#) are satisfied.

Each government should check its local policy to determine if it allows this option, as well as evaluate the optimal form of procurement for the goods or services sought.

For participating governments, this procurement method might have its advantages. For example, it might save you some time and allow you to obtain better pricing, but it does not guarantee a lower price or a suitable quality item. It can have its drawbacks, too: For example, the advertisement of the procurement might not have been done in your local area.

Further discussion of whether this type of procurement is preferable to other methods is outside the scope of this document.

### Can a local government use another's bid award for a public work project?

Yes, provided the applicable requirements are met. However, we recommend exercising due care in this area. For a local government to piggyback, the project of the awarding entity and the project of the participating government must be essentially the same. Specifically, the awarding entity and the government later relying upon the bid should each have the same project plans and specifications. The only differences should be the quantities purchased. For example, in the case of a roofing contract, if the awarding entity procured a metal roof, then those participating would also have to procure the same metal roof with no changes in scope, such as adding a gutter system that was not part of the original bid. The only difference in the projects would be the amount of the metal roofing purchased. Governments should ensure the labor paid is consistent with the labor price (in the bid) after compensating for any changes in roof size or differences in prevailing wage rates that might vary by region.

Governments should ensure they keep adequate documentation to address the items above and support using another's bid award for public works. This documentation needs to include the project specifications to demonstrate the projects were essentially the same.

## What are the responsibilities of the awarding entity?

The awarding entity must (in accordance with [RCW 39.34.030\(5\(b\)\)](#)):

- Comply with its own bid requirements
- Advertise in accordance with its own statutory requirements. If these requirements are satisfied, the advertising requirements for other participating governments are also satisfied even if they differ from those of the awarding entity.
- Post the bid or solicitation notice on its website or provide an access link on the state’s web portal to the notice
- Ensure that its request for bids and final contract allows for the eventual contract to be used by more than one local government. This obligates the vendor to provide its product or service to other participating governments at the same price and terms.

## What are the responsibilities of the participating governments?

The local government must ensure it complies with its own policies and procedures. In addition, a local government that desires to rely on another’s procurement and bid award process must:

*Step 1: Read the awarding entity’s contract.*

The local government should confirm that the awarding entity’s contract with its vendor has not expired and will be open and active for the period desired. Also, the local government should ensure the original solicitation and resulting contract specifically allows for others to use it post-award (this may be referred to as an *assignability clause*). This is important because the bid process needs to fairly describe the scope, which could affect those that might choose to bid and the pricing offered. Also, note that the awarding entity must have conducted the actual procurement process (it cannot already be a participating government relying on the bid award of another).

There are other reasons to read the contract as well, such as to gain a complete understanding of the specifications or deliverables and other contract terms that might affect your decision to move forward.

*Step 2: Evaluate whether the awarding entity qualifies as a public agency and meets the criteria described below, which allows for more flexibility in being able to use the award. If the awarding entity does not qualify as a public agency and meet this criteria, proceed to Step 3 and make sure it complies with your bid requirements – which may be more restrictive and could preclude you from using the award.*

State law was recently amended to allow any public agency to use the bid of another public agency for its own purposes so long as the awarding public agency met its own bid law requirements (as opposed to also having to meet the participating government’s bidding requirements). This change took effect July 28, 2019 ([RCW 39.34.030](#)).

The local government must ensure the awarding entity meets the statute’s definition of a public agency. Under [RCW 39.34.020](#), “public agency” means any agency, political subdivision, or unit of local government of this state including, but not limited to, municipal corporations, quasi-municipal



corporations, special-purpose districts, and local service districts; any agency of the state government; any agency of the United States; any tribe recognized as such by the federal government; and any political subdivision of another state.

In addition, the local government must be able to demonstrate the bid or solicitation notice was posted on a website of a public agency, purchasing cooperative or similar service provider, for purposes of posting public notice of bid or proposal solicitations; or that there was an access link provided on the state's web portal to the notice.

**Link to notice on state portal**  
It is a good practice to print a screen shot of this link being posted, because it may no longer be visible online later for audit purposes.

If the above conditions are met, then the local government should review the documentation of the public agency to make sure that it complied with its bidding requirements. For audit purposes, governments have the option to keep this documentation or after reviewing the documentation, obtain a signed certification from the public agency attesting that it met its own bid law requirements. The signed certification option is for procurement of purchases only; for public works projects, additional documentation must be kept.

*CAUTION: If using federal funding, you must demonstrate that the bid award met the most restrictive of your state, local or federal bid requirements. See the federal section below for more details.*

If the awarding entity does not qualify under the criteria above, proceed to Step 3; otherwise skip to Step 4.

*Step 3: If the awarding entity did not meet the criteria in Step 2, you must then ensure the bid award meets your government's bid law requirements and document the results.*

For example, if the local government must award the bid to, or purchase from, the lowest responsible bidder, it may use an awarding entity's contract only if the award was to the lowest responsible bidder. Also, if the project or purchase amount exceeds the local government's formal bid limit, then the awarding entity's contract must have been formally bid. Many cooperatives use a request for proposal (RFP) process instead of formal sealed bidding. Because many governments have a requirement to award a contract to the lowest responsible bidder, the RFP process might not meet bid law requirements.

Local governments should be aware that bid laws can vary significantly between different types of municipalities. Governments should be particularly cautious when looking to piggyback on contracts entered into by entities that are located out of state or are a different government type. For example, school districts have a process requirement that is unique to schools in our state: They must hold a public bid opening under [RCW 28A.335.190](#). Consequently, school districts should ensure this process requirement has been met by the awarding entity to access their contract.

Governments should also be cautious if the bid award contains both products and services. In this case, the local government should evaluate the substance of the contract. If the contract is for the purchase

of a product that has a service agreement, the local government would be subject to bidding requirements for purchases.

Governments should keep documentation of the bid process to demonstrate its own bid laws were satisfied by the awarding entity. This is best accomplished by keeping copies of the awarding entity's bid documents. These documents might include:

- Advertisement/affidavit of publication
- Bid tabulation or summary of bids received
- Competitive negotiation scoring for professional services
- Governing body approval of the contract in meeting minutes

*Step 4: Enter into an interlocal agreement or contract.*

Local governments must enter into interlocal agreements or contracts to use another's bid award, unless they are already a member of the cooperative and all requirements are met with the membership agreement.

### **Can a local government make purchases using a cooperative's contract?**

Local governments often purchase through contracts procured by cooperatives. To do this, the participating local government must first become a member of the cooperative or enter into an interlocal agreement. Otherwise the government would not be authorized to make purchases through the cooperative. To use a membership agreement, a local government should consult with legal counsel to ensure it satisfies all the interlocal agreement act requirements found in [RCW 39.34.030\(2\)](#).

The State Auditor's Office does not evaluate cooperatives or provide an approved list. Each local government must evaluate cooperatives and make its own determination.

### **How do all governments involved comply with the various advertising requirements?**

The awarding entity will advertise in accordance with its requirements, or if it qualifies as a public agency, it will follow the requirements outlined in [RCW 39.34.030](#). If the awarding entity's advertising requirements are satisfied, the advertising requirements for all participating governments are satisfied even if they are different. It is not necessary for participating governments relying on the bid award to ensure it is advertised locally. However, those participating governments should keep evidence that advertisement occurred.

### **What if a local government would like to change contract specifications (i.e., exercise contract options)?**

This circumstance might arise in cases like buying an ambulance, in which a government might want different add-ons or options than were included in the awarding entity's bid award. State law does not provide for this scenario. If the government has questions in this area, it should consult its legal counsel.

### **Is it possible to extend the contract?**

Contracts may be extended as long as the awarding entity's original contract language allows for extensions. State law does not address contract extensions or renewals. However, when governments have multi-year contracts, they should have policies and controls in place to evaluate and demonstrate the ongoing reasonableness of the contract. For example, such internal controls might include formal evaluations of price and service before contract extension, independent extension approval, and limits on contract length (such as no more than five years).

### **Can a government 'piggyback' on the small works roster of another?**

Yes, the local government would need to follow the requirements outlined above when relying on the bid award process of another. Also, see the guidance above on public works projects. The participating government would need to ensure that the roster had been established and maintained in accordance with [RCW 39.04.155](#). Keep documentation to support this for audit purposes.

Some governments use the Municipal Research and Services Center (MRSC) small works roster. This is allowable if the local government is a member.

### **Do state bus bids result in a 'piggybacking' situation?**

State law ([RCW 28A.160.195](#)) covers bus purchases through the Office of Superintendent of Public Instruction (OSPI). As long as the law's requirements are met, this would not be considered a "piggybacking" situation subject to this guidance.

### **Can I piggyback if I'm using federal funds to procure the goods or services?**

The Uniform Guidance, Code of Federal Regulations (CFR) [2 CFR 200.318\(e\)](#) - General Procurement Standards provides an option for piggybacking:

"To foster greater economy and efficiency, and in accordance with efforts to promote cost-effective use of shared services across the Federal government, the non-Federal entity is encouraged to enter into state and local intergovernmental agreements or inter-entity agreements where appropriate for procurement or use of common or shared goods and services."

However, federal grantors might have procurement guidelines or limitations within specific awards that must be followed. For example, the Federal Transit Administration (FTA) has specific requirements. Consequently, local governments are encouraged to carefully review grant award documentation and program guidance. In addition, you might contact the respective granting agency for specific guidance. This may be accomplished by reaching out to the contact listed in the award documentation.

If piggybacking is allowable under the terms of the grant, and absent any specific guidance from the grantor on piggybacking, the local government should also consider some potential problem areas:

- **More restrictive requirements:** Any local government using federal funding must ensure it follows the most restrictive of federal, state, or local procurement laws. In many cases, federal procurement requirements are more restrictive. For example, the procurement of services (method and advertisement) is an area of significant difference under federal requirements as compared to state laws. In another example, state law allows for use of small works roster for projects under \$350,000, but the federal requirements do not coincide with this threshold. Local governments should make sure they are aware of the various differences between state and federal requirements to ensure they are following the most restrictive requirements.

Despite changes made to state law ([RCW 39.34.030](#)) that provide more flexibility within state law in certain situations, local governments using federal funding still must ensure they follow the most restrictive requirements of their local, state or federal laws.

- **Plan ahead if you might want to use federal funds:** Occasionally a government might unexpectedly receive federal money that it could use to cover some contract costs. However, if a contract has already been awarded, and federal requirements were not considered or followed during the procurement process, then project costs cannot be charged to federal grants at any point in the future. If there is any possibility a local government might receive federal funding for a project, it should plan ahead and handle the procurement process in a manner that will allow for this future possibility.
- **Federal contract provisions:** Any government using federal funding must ensure the contract with its vendor contains the applicable provisions described in the Uniform Guidance, [2 CFR Section 200.326](#) – Contract provisions. Examples include prevailing wages clauses (Davis-Bacon Act) and termination for cause.
- **Suspension and debarment:** This requirement is to ensure payment is not made to any parties excluded from doing business with the federal government. It requires checking a website of excluded parties, obtaining a certification, or including language in the contract. If the awarding entity verified that the vendor was not suspended or debarred, this would not fulfill the local government's requirement to do its own verification, because it is entering into a contract with the vendor itself. It is the sole responsibility of the local government to comply with this requirement.
- **Use of a consultant's roster:** For qualification-based procurements, requests for proposals must be publicized and identify all evaluation factors and their relative importance. Local governments should be cautious when using another's roster when spending federal funds and ensure all federal requirements were met.

There are many different federal requirements, and it is not within the scope of this guidance to include all the requirements that should be considered. If you have questions about complying with a federal award, you should contact the grantor directly.

### For assistance

This resource has been developed by the Center for Government Innovation of the Office of the Washington State Auditor. For specific questions about procurement requirements, please use the Helpdesk at SAO Online Services at [www.sao.wa.gov](http://www.sao.wa.gov).

Please send any other questions, comments, or suggestions to [Center@sao.wa.gov](mailto:Center@sao.wa.gov).

### Disclaimer

This resource is provided for informational purposes only. It does not represent prescriptive guidance, legal advice, an audit recommendation, or audit assurance. It does not relieve governments of their responsibilities to assess risks, design appropriate controls, and make management decisions.

## Appendix A: Checklist for the participating government (for purchases of goods or tangible items)

Checklist item	Yes/no	Reviewer Notes
1. Has the government evaluated all procurement options and determined piggybacking is the best viable option for the procurement?		
1a. Does the government's procurement policy support use of this procurement method?		
2. Has the awarding entity's solicitation and contract been obtained and reviewed for the original bid award?		
2a. Did the awarding entity handle the procurement process itself? (You cannot piggyback on a contract that is already a piggyback on another.)		
2b. Does the solicitation and contract allow for others to use the bid award (i.e., Does it contain an assignability clause)?		
2c. Does it include the goods or service sought?		
2d. Is the contract active, and will it be open for the period desired (including renewal options). And is the option for piggybacking valid, if applicable?		

Checklist item	Yes/no	Reviewer Notes
2e. Do the quality, specifications or deliverables meet your expectations?		
2f. Has the government evaluated the effect of or drawback to any changes or options it would like, but that this procurement method would not provide for?		
2g. Is the price reasonable when compared with a cost or price analysis?		
3. Do you qualify to piggyback on another’s contract and not have to comply with your own bidding requirements? If no, go directly to checklist Question 4.		
3a. Is the awarding entity considered a “public agency” under <a href="#">RCW 39.34.020</a> ? If no, go directly to checklist Question 4.		
3b. Did the public agency follow its own bid requirements and complete a proper evaluation of bids? If no, go directly to checklist Question 4.		
3c. Was the notice of bid or solicitation posted on a website of a public agency, purchasing cooperative or similar service provider website, for purposes of posting public notice of bid or proposal solicitations; or was an access link provided on the state’s web portal to the notice? If no, go directly to checklist Question 4.		
3d. Was documentation obtained to support that the bid process and various requirements were met? Keep records for your files OR a signed certification from the public agency attesting that it met its own bid law requirements (if it is a procurement of good, not an option for public works).		
3e. Are you planning to use federal funds? If using federal funding, you must demonstrate the bid met the most restrictive of your state, local or federal bid requirements. See the federal section below for more details.		

Checklist item	Yes/no	Reviewer Notes
4. If you do not qualify under Step 3 above, have you evaluated whether the bid meets your requirements?		
4a. Did the awarding entity follow its own bid requirements and complete a proper evaluation of bids?		
4b. Was the bid advertised in accordance with the awarding entity's requirements and notice posted on its website?		
4c. Does the bid award also adhere to your local government's procurement requirements?		
4d. Was documentation obtained to support the bid process and various requirements were met? Keep records for your files.		
5. If using federal funds, did you ensure all federal procurement requirements are met?		
5a. Does the awarding entity's procurement process comply with the most restrictive of your government's state, local, or federal procurement requirements?		
5b. Did you ensure compliance with suspension and debarment requirements before entering into a contract with the vendor (do not rely on the awarding entity)?		
5c. Did you consider any specific guidance the federal agency might have, including contacting your grantor if needed?		
5d. Does your draft or proposed contract with the vendor include required contract language such as for the Davis-Bacon Act (prevailing wages)?		
6. Did you enter into an interlocal agreement or contract with the awarding entity after completing the steps above?		

Checklist item	Yes/no	Reviewer Notes
6a. Did you ensure any interlocal agreement meets legal requirements under <a href="#">RCW 39.34.030</a> ?		
6b. Did you become a member if using a cooperative?		
6c. If relying on a membership agreement in place of an interlocal agreement, did you ensure it met applicable requirements?		

More details on other aspects of procurement can be found in our new guide, “**Buying and Bidding – Ensuring your government follows Washington purchasing laws.**”

Find it at:

<https://portal.sao.wa.gov/PerformanceCenter>

