



State of Oregon  
Procurement Services Training

## The Language of Cooperative Purchasing for Oregon Public Agencies

1

---

---

---

---

---

---

---

---

### Today We Will Cover

- Where is your authority to procure?
- Where do public agencies have authority to "Cooperate"?
- What is a cooperative procurement?
- How does my "agency" participate?
- What "due diligence" do I need to perform?
- Key questions to ask when a cooperative opportunity offered.

2

---

---

---

---

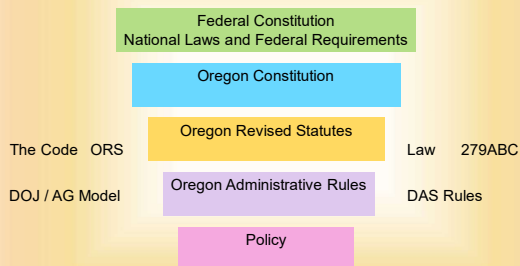
---

---

---

---

### The BASICS: How are we Governed?



3

---

---

---

---

---

---

---

---

### What gives us the Authority to Cooperate and with Whom

- ORS 190.110  
 ... a unit of local government or a state agency of the state may cooperate for any lawful purpose, by agreement or otherwise, with a unit of local government or a state agency of this or another state, or with the United States, or with a United States governmental agency, or with an American Indian tribe or an agency of an American Indian tribe

4

---

---

---

---

---

---

---

---

### What is a Cooperative Procurement?

- It is based on a collaboration between governmental entities that have decided to work together for a lawful purpose and in doing so, have decided to contract together to accomplish the purpose.
- ORS 279A.200(b): A "cooperative procurement" is a procurement conducted on behalf of more than one governmental body.

5

---

---

---

---

---

---

---

---

### Entities subject to ORS 279 ABC

- ORS 279A.205:
- (1) A contracting agency may participate in, sponsor, conduct or administer a joint cooperative procurement for the procurement of any goods, services or public improvements.
- (2) A contracting agency may participate in, sponsor, conduct or administer a permissive or interstate cooperative procurement for the procurement of any goods or services, but not public improvements.

6

---

---

---

---

---

---

---

---

**Let's take a deeper look at these . . .**

- Joint Cooperative Procurement
- Permissive Cooperative Procurement
- Interstate Cooperative Procurement




---

---

---

---

---

---

---

---

7

**Option 1: ORS 279A.210  
Joint Cooperative Procurement**

- Is only valid if the following conditions are met:
  1. Administering Contracting Agency is the Lead for solicitation and Award processes and enters into the Master Agreement
  2. The original solicitation process was open and impartial and substantially equivalent in ORS 279B.055 and 279B.060 and 279B.085

---

---

---

---

---

---

---

---

8

**Joint Cooperative  
Procurements, continued**

3. Identifies in the solicitation and original contract, the Cooperative Procurement group, each participating governmental body, or both, and their estimated contracting requirements.
4. No material change in the terms, conditions, or price between that of the purchasing contracting agency's contract and the administering contracting agency.

---

---

---

---

---

---

---

---

9

**Option 2: ORS 279A.215**  
**Permissive Cooperative Procurement**

- Is only valid if the following conditions are met:
  1. Administering Contracting Agency is the Lead just as in a Joint Cooperative Procurement.
  2. The original solicitation process was open and impartial and substantially equivalent in ORS 279B.055 and 279B.060.

NOTE: Excludes ORS 279B.085 & Public Improvement

10

---

---

---

---

---

---

---

---

**Permissive Cooperative Procurements, continued**

3. The original solicitation and the contract must have permitted other governmental entities to use the contract.
4. Contractor must agree to extend the Ts & Cs of the original solicitation and contract to those governmental entities.
5. No material change in the terms, conditions, or price between that of the purchasing contracting agency's contract and the administering contracting agency.

11

---

---

---

---

---

---

---

---

**Option 3: ORS 279A.220**  
**Interstate Cooperative Procurement**

- Is only valid if the following conditions are met:
  1. Administering Contracting Agency is the Lead just as in a Joint or Permissive Cooperative Procurement.
  2. The original solicitation process was open and impartial and substantially equivalent in ORS 279B.055 and 279B.060.

NOTE: Excludes ORS 279B.085 & Public Improvement

12

---

---

---

---

---

---

---

---

### Interstate Cooperative Procurements, continued

- 3. The original solicitation and the contract must have permitted other governmental entities to use the contract.
  
- 4. Contractor is permitted to extend the Ts & Cs of the original solicitation and contract to those governmental entities.

13

13

---

---

---

---

---

---

---

---

### Interstate Cooperative Procurements, continued

- 5. The purchasing agency or cooperative group of which they are a member must be listed in the administering contracting agency's solicitation as a party that may establish contracts under the terms and conditions and prices of the original contract and solicitation must be advertised in Oregon . . . OR . . . the contracting agency must advertise a notice of intent to establish a contract or price agreement through an interstate cooperative procurement.

14

14

---

---

---

---

---

---

---

---

### How do I participate under a Joint Cooperative Procurement?

- The governmental entity identified follows the noticing requirements as set forth in ORS 279B.055 and ORS 279B.060 or ORS 279B.085  
(all these formal methods have strict requirements for



15

15

---

---

---

---

---

---

---

---

### Ex: Notice of Cooperative Procurement




---

---

---

---

---

---

---

---

16

### How do I Participate under a Permissive Cooperative Procurement

1. Post advertisement of Intent to Establish Contract(s) through a Permissive Cooperative Procurement.
2. Advertisement only is required if the estimated amount of the procurement exceeds \$250,000.

ORS 279A.215

---

---

---

---

---

---

---

---

17

### How do I Participate under a Permissive Cooperative Procurement, continued

Notice must include:

3. Estimated amount of the procurement
4. Name of the administering or lead contracting agency; and
5. Time, place, and date for submitting comments.

---

---

---

---

---

---

---

---

18

### How do I Participate under a Interstate Cooperative Procurement

- 1. Same noticing requirements as with a Joint or Permissive Cooperative Procurement

Note: Exc 5 & Public

**NOTICE**

19

---

---

---

---

---

---

---

---

### Questions to ASK when a Cooperative Opportunity is presented

- Is the "cooperative" formed of only governmental agencies? If so,
  - ♦ Can you show me your enabling legislation?
  - ♦ What statute (laws) establishes you as a governmental body?
  - ♦ If your cooperative is made up of governmental bodies, what documentation establishes it (IGA, interstate compact, etc.)?
  - ♦ What types of cooperative procurement will be conducted under the cooperative?

20

---

---

---

---

---

---

---

---

### Questions to ASK when a Cooperative Opportunity is presented

- Is the cooperative authorized under ORS 190?
  - ♦ Am I subject to ORS 279A, and if so, is this cooperative authorized under 279A?
- Have I met all of my entity's procurement requirements to enter into the agreement that forms the cooperative?



21

---

---

---

---

---

---

---

---

**Questions to ASK when a Cooperative Opportunity is presented**

- Has my entity met all of the procurement requirements of my entity and of statute to participate in a specific cooperative procurement (joint, permissive, or interstate)?



22

22

---

---

---

---

---

---

---

---

**Questions to ASK when a Cooperative Opportunity is presented**

- Does the solicitation and contract for the cooperative procurement meet all of the statutory requirements for that type of procurement?



23

23

---

---

---

---

---

---

---

---



- Adam Helvey 971-349-2329
- Kelly Stevens-Malnar 503-508-4180
- Anya Corbitt - 971-349-2428
- [Info.orcpp@das.Oregon.gov](mailto:Info.orcpp@das.Oregon.gov)

24

24

---

---

---

---

---

---

---

---