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2 ISSUE | 3 VOLUME | FEBRUARY 2021

Procurement Update

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Late Contracts

Procurement Services has received an increasing number of late contracts from agencies, including contracts for services that started and ended prior to the contract submission date. Please note the following caution from the Office of the State Controller (OSC) as it pertains to this issue:

“One of the primary concerns is compliance with the federal Uniform Guidance (2CFR). According to 2 CFR §200.317 **Procurements by States:**

When procuring property and services under a Federal award, a State must follow the same policies and procedures it uses for procurements from its non-Federal funds. The State will comply with §§200.321, 200.322, and 200.323 and ensure that every purchase order or other contract includes any clauses required by §200.327. All other non-Federal entities, including subrecipients of a State, must follow the procurement standards in §§200.318 through 200.327.

...The State’s procurement policies require that a contract is in place prior to work commencing. Failure to follow this guidance can result in the federal agency disallowing the related contract costs. The additional citations in §200.317 above relate to contract clauses/provisions that must be present for any federally funded procurement. Without having a contract in place before work commences, the State cannot demonstrate compliance with these provisions. Consequently, any costs associated with that work could be disallowed.”

As a result of the above OSC guidance, please be aware that **Procurement Services will not approve these types of late agreements unless there is a review and approval from OSC.** Please contact [Jaime Schorr](#) with any questions about these requirements.

Clarification: PTO for Temporary Employees

Last month’s *Procurement Update* newsletter included information about the [Earned Paid Leave](#) law, which went into effect on January 1 and requires an employee (including temporary staff) to “earn one hour of paid leave from a single employer for every 40 hours worked, up to 40 hours in one year of employment.” Procurement Services advised agencies to review their temporary staffing contracts and determine whether any changes are needed to comply with the new law.

Subsequently, we received a few inquiries from agencies about who is responsible for tracking and paying paid time off (PTO)—the temporary staffing agency or the State agency? We followed up with the Office of the Attorney General (AIG) and received the following clarification:

- ➔ If the State pays the staffing agency who then, in turn, pays the worker, the staffing agency is the employer. Therefore, it would be the staffing agency’s obligation to track and pay PTO, not the State.

P-Cards: Shipping Supplies

While many State employees continue to work remotely, please remember that office supplies and equipment purchased with a P-Card may **not** be shipped directly from a vendor to an employee’s home address.

Supplies and equipment must be shipped to an office location for pick-up by the employee; or, the items can be shipped to the [State Postal Center](#) where they can then be forwarded to the employee.



After 24 years of State service in procurement, vendor management, and OIT,

Ellen Lee retired on December 30, 2020. Ellen appreciated all who joined her virtual party back in November of 2020 and she plans to schedule an in-person celebration when appropriate. Happy trails!

Check out our new resource, [Overview of P-Cards](#), intended for new State employees and others who need a quick reference (or refresher) about P-Cards.



NASPO Customer Service Course

NASPO is offering a course, titled **Customer Service in Government Procurement**, which still has spots available. This fully virtual, instructor-led course is interactive and engaging, and offers 10 contact hours. Procurement Services will cover the cost (\$250) for any agency staff who want to participate!

AUDIENCE: Procurement professionals who are looking for a better understanding of the importance of customer service in government procurement.

FORMAT: Online modules, book readings, community engagement with participants and live instruction through mandatory Zoom webinars led by the instructor (see [syllabus](#) for full course schedule), totaling 10 contact hours of instruction.

DATES: February 22 – March 19, 2021 (*Registration closes Feb. 21 or when all spots filled*)

COST: (\$250) Paid by the Division of Procurement Services

REGISTER at [Procurement U](#)

Cooperative Contracts are Cool!

What are Cooperative Contracts? A variety of arrangements under which two or more governmental entities pool their commodity and/or service requirements to purchase aggregated quantities thus achieving economies of scale. The process usually involves a single combined bid request or proposal in which all of the participating entities are named or their participation implied.

– *National Association of State Procurement Officials (NIGP) Dictionary*

Benefits

- ➔ Cooperative contracts generally provide lower pricing by leveraging volume.
- ➔ Cooperative contracts often provide greater assurance that commodities and services purchased under them will be of high quality. This is especially important for complex technical cooperative contracts.
- ➔ One procurement process reduces administrative costs by spreading them across multiple governments.
- ➔ Cooperative contracts are convenient. Instead of seeking multiple quotes, bids, or proposals, the State is able to select commodities and services from the cooperative contract catalog, saving considerable time and effort.

– *State & Local Government Procurement A Practical Guide, Third Edition, NASPO*

Requirements to make a cooperative agreement for the State of Maine:

- ➔ Solicitation/RFP was advertised in the *Kennebec Journal* for three consecutive days
- ➔ Cost carried at least 25% of the overall evaluation score
- ➔ There has to be an established appeal/grievance process for non-awarded bidders (if not, Chapter 120 will apply to Maine’s contract and that language needs to be in the RFP).

Maine does not need to be listed as a participating state in the RFP document, but this is preferred along with our standard terms and conditions. Please contact your agency point of contact in Procurement Services if you have questions about cooperative agreements.

**PROCUREMENT
POINT OF
CONTACT**



Have a question but not sure who to contact in Procurement Services?

Click the [Contact Us](#) link on our web page and navigate to the link for “Procurement Services Contact List.”



ValuePoint is NASPO’s database of cooperative agreements. During their January regional meeting, NASPO provided updates about several ValuePoint solicitations in various stages of administration. This table summarizes new solicitations under development in 2021.

Please visit the [ValuePoint website](#) for more information.

SOLICITATIONS IN DEVELOPMENT	LEAD STATE
IT Vendor Managed Services Provider	Connecticut
Fire Apparatus	Mississippi
Mailroom Equipment	Arizona
Truck Bodies, Seasonal Maintenance & Upfitting Services	Michigan
Public Safety Video	Oklahoma
Digital Print & Quick Copy Services	Utah
Laboratory Supplies	Idaho
Electronic Monitoring	Connecticut
e-Procurement Solutions	Maine
Automatic External Defibrillator (AED) & Accessories	Oklahoma