



## **PIGGYBACKING PURCHASING CONTRACT PROCEDURE**

### **What is a Piggyback Contract?**

A Piggyback or Cooperative Agreement is an agreement that has been competitively awarded and/or contains language or legal authority allowing other entities to utilize the agreement without the need to secure quotes or formally bid.

- California Public Contract Code Sections 20118, 20652, 20653 & 10298 provides authority to the governing Board of a public agency, to authorize procurement by contract, lease, requisition/purchase order, without advertising for bids for the following products: Lease data-processing equipment; purchase of materials, supplies, equipment, automotive vehicles, tractors, and other personal property for the District.
- California Public Contract Code Sections 20653.5 provides authority to the governing Board of a community college district from purchasing materials, equipment, supplies, or services as are specified in a contract lawfully awarded by the University of California or the California State University.

These purchases are to be made under the same terms and conditions as are specified in the existing contract lawfully awarded by the public entity. Therefore, prior to using the piggyback contract, it must be reviewed to ensure that it can comply with California Public contract code requirements.

### **Can I Use a Piggyback Contract?**

A Piggyback or Cooperative Agreement can be used once it has been verified by the General Services Department. If the request includes services such as labor/installation, verify with your Buyer to see if it is covered by the Piggyback contract. Refer to Incidental Labor section below for further information.

If a piggyback contract is unavailable, then an informal or formal bid process is required. The requesting department should coordinate the development of bid specifications with the designated buyer or Director of General Services. The guidelines for purchases over the bid limit can be found in the Purchasing Procedures and Guidelines available in the Downloads site.

### **Piggyback Contract Process**

1. The Requester will obtain the following documents from the vendor and will forward to the Buyer:
  - a. A detailed quote/proposal for the purchase, which should include reference to the piggyback contract number
  - b. Copy of the entire fully executed piggyback contract, including all exhibits and amendments.
2. If a contract is unavailable the buyer will conduct further research and outreach to see if other piggyback contract(s) exists. Piggyback contracts should be compared to one another to insure competitive pricing is being offered.
3. The Buyer will review the quote/proposal, contract and complete the compliance checklist.
4. The requester will be notified if the Piggyback contract meets all the requirements and receives approval from the Buyer. A copy of the compliance checklist and the contract will be provided to the requester.
5. If the purchase includes services, the requestor will work with the Director of General Services to originate a service contract.

6. The requestor will create the requisition and include the following in the document text of the requisition:
  - a. *iContracts #*
  - b. *Name of awarded contractor*
  - c. *Piggyback Contract number*
  - d. *Term of the contract (start and end date).*
7. Once the requisition is approved, the Buyer will verify that all of the documentation supporting the purchase is available in the requisition backup folder and iContracts. The purchase order will be processed once all the required documentation is on file.
8. On an annual basis, General Services will report all piggyback/cooperative contracts utilized throughout each fiscal year to the Board for approval.

### List of Possible Piggybacking Opportunities:

- California Multiple Award Schedules(CMAS)
  - <https://www.dgs.ca.gov/PD/Services/Page-Content/Procurement-Division-Services-List-Folder/Find-a-CMAS-Contractor>
- Department of General Services (DGS) Leveraged Procurement Agreements (LPAs)
  - <https://www.dgs.ca.gov/PD/Services/Page-Content/Procurement-Division-Services-List-Folder/Find-Leveraged-Procurement-Agreements>
- Foundation for California Community Colleges – CollegeBuys
  - <https://foundationccc.org/CollegeBuys/For-Colleges>
- NASPO ValuePoint (formerly WSCA-NASPO)
  - <http://www.naspovaluepoint.org/#/home/contracts>
- Omnia Partners (Formerly National IPA/TCPN and US Communities)
  - <http://www.nationalipa.org/Pages/default.aspx>
- Other Public Agencies or UC/CSU Contracts
  - Check with your Sales Representative for opportunities
- Sourcewell (formerly NJPA)
  - <http://www.njpacoop.org/national-cooperative-contract-solutions/join-njpa/>

### Additional Considerations:

- Incidental Labor: It is generally accepted that a contract for products/personal property may be piggybacked under Public Contract Code section 20118 if it includes an incidental amount for labor or installation. The general rule is that these labor/installation services should not exceed more than 10% of the contract work or else the contract should be competitively bid or otherwise exempt from traditional public bidding requirements.
- Using Piggybackable Contracts for CUPCCAA/Public Works, Repairs and Maintenance: Repairs/installation work are considered public works projects and are subject to competitive bidding requirements. Typically, piggybacking is not allowed for construction services and will need to be authorized under a separately procured contract, which must be fully executed before services are performed. However, there are some exceptions where piggybacking may be allowed:
  - For incidental labor if labor is 10% or less of contract value;
  - For CMAS contracts; for incidental labor up to 49% or less of contract value.



## Piggyback Purchasing Contract Compliance Checklist

Performed By: \_\_\_\_\_ Title: \_\_\_\_\_ Date: \_\_\_\_\_  
 Requesting Department: \_\_\_\_\_ Date Needed By: \_\_\_\_\_

### Obtain Copies of the following documents:

- RFP/Bid
- Proof of Advertising/verification of compliance of issuing Agent
- Awarding Agency’s Notification
- Amendments (if applicable)
- Contract/Response (if applicable)
- Awarding Entity’s Board Approval
- Renewals (if applicable)
- Addendums (if applicable)

1. **Name of Awarded Contractor/Vendor:** \_\_\_\_\_  
 Contact \_\_\_\_\_ Phone/Email \_\_\_\_\_
2. **Name of Cooperative:** \_\_\_\_\_
  - a. Contract Number: \_\_\_\_\_
  - b.  Verified competitive process used/awarded (Note: excludes CMAS and some Foundation contracts)
  - c.  Verified Public Agency “Piggy-Back” Clause Present
  - d.  Verification of Legal Notice and/or compliance of issuing Agent (ex., Board communication)
3. **Awarding Public Agency:** \_\_\_\_\_  
 Date \_\_\_\_\_ Contact \_\_\_\_\_
4. **Terms & Conditions Review:**
  - a.  Determine if any modifications to terms and conditions necessary for compliance with District requirements (i.e. No conflicting binding arbitration, Jurisdiction/Governing Law, Insurance, etc.)
  - b.  What was awarded?  Part of bid  All of bid
  - c.  Commodity - Must be named/specified
  - d.  Is there an Administration Fee?  Yes  No
5. **Renewals:**
  - a. Current date good through: \_\_\_\_\_
  - b. Number of Available Renewals: \_\_\_\_\_
6. **Is training needed for the commodity/service?**  Yes  No
  - a. If yes, is it included in the piggy-back?  Yes  No
7. **Installations (piggy-back of installation is only allowable for CMAS contracts):**
  - a. Is installation needed for the commodity?  Yes  No
    - i. If Yes, and piggyback is not a CMAS contract, a separate bid for installation services may need to be done. (Verify with Legal)
  - b. Subsequent maintenance?  Yes  No
    - i. If yes, describe: \_\_\_\_\_
8. **Review/Approval**  
 Approved  Not Approved Reason: \_\_\_\_\_  
 Once approved, the buyer will upload this checklist and confirm Piggyback Fields are accurately completed (Report will be exported from iContracts for annual reporting to the Board)