

Adam C. Proffitt, Secretary
Todd Herman, Director

Laura Kelly, Governor

May 6th, 2023

Office of Procurement and Contracts – Information Circular 24-04

Subject: Use of Purchasing Cooperatives

The Office of Procurement and Contracts (OPC) will on occasion issue contracts that are available from purchasing cooperatives, such as NASPO or Sourcwell. Per KSA 75-3739§7.i - The use of these cooperatives is at the discretion of the Director of Purchases, Todd Herman. Any cooperative contract must be approved by Mr. Herman prior to implementation.

Recently, we have experienced vendors telling agencies that they are allowed to purchase good and/or services because the vendor is a member of a cooperative. This is not a true statement for the State of Kansas. The issuance of a contract through a purchasing cooperative is similar to any procurement event that is bid through OPC. The vendor is required to accept the standard terms and conditions (DA-146a), sexual harassment form, boycott of Israel form, and the certificate of procurement. In addition, they also must submit a current tax clearance certificate. Not all vendors are willing to sign these agreements; thus, we have seen an increasing number of cooperative agreements fail. An agency should not assume that the use of a cooperative agreement will always be successful.

The use of a cooperative agreement is a complex decision, involving many factors. It has been the practice of OPC not to issue a contract based on a cooperative agreement if there is a current contract that was competitively bid by the State of Kansas. Other factors may negate the execution of a cooperative agreement with a vendor.

If an agency desires to use a cooperative agreement, please contact our office with the pertinent information. This will be reviewed by the Director and a decision will be made if this is possible. The current deputy director over cooperatives is Kelly Johnson and all inquiries should be directed to him initially.

Please note that although the state participates with purchasing cooperative, this does not mean every contract in their portfolio is available. Each commodity or service requires an individual agreement.

Please let us know if you have any questions.

Sincerely,



Todd Herman
Director of Purchases
State of Kansas, Department of Administration