
CHAPTER 14

Cooperative Business Relationships



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Methods for Implementing

- Maximize efficiency in terms of both time and money
 - Collaborate with other public and private entities with respect to procurement
- Contract directly with another government
- Joining together with another governmental agency to conduct a competitive solicitation
- Buying from GSA IT Schedule 70
- Contract directly with a firm that has properly competitively solicited a contract with a firm (i.e., piggybacking)



Intergovernmental Agreements: Requirements

- Must be between PHA and state or local government agency
- Must meet competitive and non-competitive requirements
- Procurement process used by original agency must not be in violation of requirements of 2 CFR §200.317–200.326
- Agreement must provide efficiency and result in cost savings
- Agreement is for common supplies and routine services
- Procurement file must contain a copy of Intergovernmental Agreement and document:
 - Cost and availability were evaluated prior to the agreement; and
 - Cost and availability are compared annually



Intergovernmental Agreements: Process to Enter

- Governmental agency solicits bids and contracts with vendor
- PHA enters into agreement with agency so that it can order from that vendor either directly or through the government agency
 - NOTE: HUD provides an exception to this requirement if state and local laws do not require such—virtually every state doesn't require this step
- PHA can order supplies or services covered by contract at specified prices



Intergovernmental Agreements: Terms

- Name of parties and affiliation
- Effective date
- Purpose of the agreement
- Procedures for providing list of needed items
- Description of items to be purchased
- Lead party in the procurement
- Policies, rules that must be followed in the procurement
- Delivery terms
- Type of contract
- Warranty



Intergovernmental Agreements: Terms (cont.)

- Fees to be paid to lead agency (if applicable—usually not)
- Procedures for dispute resolution with contractors
- Procedures for dispute resolution between parties
- Procedures for modification and termination
- Provisions for meetings on specification issues
- Non-exclusivity clause
 - Allows PHA to conduct other procurements for similar products
- Authorized signatures and titles



Inter-entity Agreements for Joint Procurement

- When two or more non-federal entities enter into an agreement to conduct a joint solicitation and enter into a single contract with a vendor
- Creates efficiency and economies of scale in pricing
- Agreements must conform to requirements of intergovernmental agreement



Joint-venture Partners

- Methods of selecting joint-venture partners:
 - Qualifications Based Selection (QBS) using an RFQ subject to negotiation of fair and reasonable price
 - Using a sole-source proposal (under certain conditions)
- Procurement requirements of JV partners:
 - JV partner is not a grantee or subgrantee
 - JV partner is not bound by 2 CFR §200 in procurement of supplies or services



Joint-venture Partners and Identities of Interest

- Procurement Requirements of JV Partners and Identity of Interest
 - A JV partner may contract with an identity of interest without further procurement if:
 - Identity of interest party was specified in the JV partner RFP or RFQ response
 - PHA demonstrates that, in selecting JV partner, provision of such goods or services was anticipated
 - Compensation to identity of interest party is structured to prevent duplication of profit or expenses
 - PHA demonstrates selection is reasonable based on market cost and availability



Consortia

- Partnerships between two or more PHAs that submit joint plans to HUD to combine all or part of their funding and program administration
- Consortia must comply with 2 CFR §200

