



Using Convenience Contracts

FREQUENTLY ASKED QUESTIONS

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- Question:** **How long do convenience contract requests take to receive approval?**

Answer: The goal of DES is to process all requests within 10 working days. However, there may be circumstances in which additional time will be required. For example, the number and complexity of requests received by DES can impact DES's processing time. DES will notify the agency of any delays or need for additional time.

Agencies are encouraged to budget ample lead time to accommodate the DES approval process. **[FAQ published 06-06-2024]**
- Question:** **What if the agency receives approval for a convenience contract, but then a new DES statewide contract is developed that meets the agency need(s)? Should the agency(s) use the DES statewide contract when their convenience contract reaches the end of its term?**

Answer: If a new DES statewide contract is developed that meets the agency needs, and the business need continues beyond the life cycle of its active convenience contract, then the agency should use the new statewide contract once the existing contract's current term ends; the agency should not extend the convenience contract, even if the contract allowed for extensions. **[FAQ published 06-06-2024]**
- Question:** **If DES is in the process of developing a DES statewide contract, but it is not yet available, should an agency submit a request for a convenience contract?**

Answer: DES does not want to disrupt an agency's needs by requiring them to pause while DES is working on a future DES statewide contract. However, if the award of the DES statewide contract is close, then we would ask the agency to hold their request if possible. DES will consider the requests and factor in the agency's needs and the timing of the pending DES statewide contract. **[FAQ published 06-06-2024]**
- Question:** **I want to establish a vendor pool contract as a single agency. There will be no other agencies participating. Is this considered a convenience contract?**

Answer: No, if only one agency is involved, this is not considered a convenience contract and does not require DES approval. A convenience contract is a contract for specific goods or services, or both, that is solicited and established in accordance with procurement laws and rules for use by a specified group of agencies. **[FAQ published 06-06-2024]**

5. **Question:** I have a vendor pool (two-tier type) convenience contract. Does delegated authority apply per purchase order?

Answer: Yes, delegated authority is calculated on a per-contract basis. Each purchase order is considered a separate contract under the established convenience contract. **[FAQ published 06-06-2024]**

6. **Question:** Do I need DES approval for amendments to an approved convenience contract?

Answer: If the amendment changes the scope of work of the contract or substantially increases the value of the original contract (see FAQ #5), then DES approval for the amendment is required. Amendment types and considerations are noted in the table below:

Type of amendment	Note	DES approval required?
Changing the Scope of Work	Contract amendments that substantially change the scope of work of the original contract may be required to be competed, see RCW 39.26.120(2) .	Yes
Extensions to Period of Performance	Confirm that a DES statewide contract is not available prior to extending the convenience contract. If a DES statewide contract exists, the agency should not extend the convenience contract.	No
Changes to Total Contract Value	Contract amendments that substantially increase the value of the original contract may be required to be competed, see RCW 39.26.120(2) . Each purchasing agency must have sufficient delegated authority, see DES-POL-090 .	Yes
Minor or administrative changes	See FAQ #7.	No

[FAQ published 06-06-2024]

7. **Question:** What is meant by “minor or administrative change(s)”?

Answer: “Minor or administrative change(s)” means revisions to the terms of a contract that do not affect the substantive rights of any party to that contract, such as a contractor’s address change, etc. **[FAQ published 06-06-2024]**

8. **Question:** What is meant by “substantial” increase to dollars or “substantial” change to scope?

Answer: Agencies are directed to use their discretion and good, sound judgment when making the decision of whether a convenience contract amendment to increase in dollars or change in scope is “substantial”. If the amendment results in changes that would be an opportunity for other bidders to bid on, and/or if the changes might result in other bidders’ interest that might not have been there with the original solicitation, then the change is considered substantial and would need to be done outside the original contract (new contract done competitively or through an exception), which DES would need to be part of that direction. **[FAQ published 06-06-2024]**

9. **Question:** **Does the Supplier Diversity Policy and Laws apply to convenience contracts?**
Answer: Yes, the Supplier Diversity Policy has a number of strategies that can be used to help support an agency's efforts to further supplier diversity, such as unbundling and reserved award strategies. **[FAQ published 06-06-2024]**
10. **Question:** **What if my convenience contract is a Sole Source?**
Answer: The first step is to obtain permission to enter into the convenience contract from DES, then seek sole source approval. Only the lead agency is required to submit the sole source request to DES, following the sole source procedure, see [DES-POL-140-00](#). In addition to following these requirements, the convenience contract approval letter should be included as an attachment in the Sole Source Contracts Database (SSCD) filing. Details about the contract's status as a convenience contract, including a list of the participating agencies, should be included in the sole source contract justification and legal notice of intent. **[FAQ published 06-06-2024]**
11. **Question:** **I want to join an existing convenience contract. Is that permissible?**
Answer: No, agencies are not able to join an existing convenience contract. As part of the convenience contract approval process, the requesting agency must specify the list of agencies that will be participating. The list of participating agencies is included in the solicitation or notification process. **[FAQ published 07-08-2024]**
12. **Question:** **Is there an appeals process if DES does not approve the convenience contract?**
Answer: DES is committed to working with each agency to find an agreeable resolution to every request. If there is a situation where a convenience contract is not appropriate, DES staff will work with the agency to strategize an alternative solution to meet its business needs. **[FAQ published 07-08-24]**