

What is Sourcing Office's legal authority?*

Sourcing Office is an Ohio-based Council of Governments organized under Section 167 of the Ohio Revised Code, which states in Section 167.01:

*That governing bodies of any two or more counties, municipal corporations, townships, special districts, school districts, or other political subdivisions may enter into an agreement with each other, or with the governing bodies of any counties, municipal corporations, townships, special districts, school districts **or other political subdivisions of any other state to the extent that laws of such other state permit**, for establishment of a regional council consisting of such political subdivisions.*

Sourcing Office is a political subdivision and a unit of local government under Ohio law. It is legally empowered to enter into agreements such as the Sourcing Office Affiliate Membership Agreement with political subdivisions in any state to the extent permitted by law in that other state. Section 167.03 of the Ohio Revised Code authorizes Sourcing Office to:

*Promote cooperative arrangements and coordinate action among its members, and between its members and other agencies of local or state governments, **whether or not within Ohio**, and the federal government;*

Promote cooperative agreements and contracts among its members or other governmental agencies and private persons, corporations, or agencies;

Through this legal authority, Sourcing Office competitively procures contracts for products and/or services in accordance with applicable public sector procurement guidelines. Sourcing Office then makes these already-procured contracts available to its members. **Local and state governmental agencies within and outside of Ohio and Sourcing Office members, including political subdivisions in other states, are eligible to utilize Sourcing Office's competitively procured contracts to the extent permitted by law in those other states.**

Are Ohio-based political subdivisions eligible to utilize Sourcing Office contracts?

The State of Ohio authorizes political subdivisions (as defined in Section 2744.01) to utilize joint purchasing programs in Ohio Revised Code Section 9.48, which includes the following language:

(B) **A political subdivision may** do any of the following:

(1) **Permit one or more other political subdivisions to participate in contracts into which it has entered for the acquisition of equipment, materials, supplies, or services**, and may charge such participating political subdivisions a reasonable fee to cover any additional costs incurred as a result of their participation;

(2) **Participate in a joint purchasing program operated by or through a national or state association of political subdivisions in which the purchasing political subdivision is eligible for membership.**

(C) Acquisition by a political subdivision of equipment, material, supplies, or services, through participation in a contract of another political subdivision or participation in an association program under division (B)(1) or (2) of this section, is **exempt from any competitive selection requirements otherwise required by law, if the contract in which it is participating was awarded pursuant to a publicly solicited request for a proposal or a competitive selection procedure of another political subdivision within this state or in another state.**

Sourcing Office is a political subdivision and permits other political subdivisions and units of local government to participate in contracts into which it has entered as a result of its publicly solicited requests for proposal.

Section 2744.01 of the Ohio Revised Code, which is referenced by Section 9.48, defines political subdivisions subject to Section 9.48 as: "**a municipal corporation, township, county, school district, or other body corporate and politic responsible for governmental activities in a geographic area smaller than that of the state.**" This Section 2744.01 continues to define political subdivisions to include, but not be limited to, the following types of public entities formed under specific sections of the Ohio Revised Code: county hospital commissions, municipal hospital commissions, regional planning commissions, county planning commissions, joint planning councils, interstate regional planning commissions, port authorities, regional councils of governments, emergency planning districts, joint emergency planning districts, joint emergency medical services districts, fire and ambulance districts, joint interstate emergency planning districts, county solid waste management districts, joint solid waste management districts, community schools, counties served by community-based correctional facilities, district community-based correctional facilities, and the facility governing board of a community-based correctional facility.

** Please keep in mind that this information is a service provided to affiliates, members, and suppliers of Sourcing Office. It is designed only to give general information. This is not intended to be a comprehensive summary of recent developments in the law, treat exhaustively the subjects covered, provide legal advice, or render a legal opinion. Sourcing Office and its members are not attorneys and are not responsible for any legal advice. Sourcing Office encourages units of local government and other public agencies in Ohio to have appropriate legal counsel review the applicable articles in Ohio State Statutes to determine their eligibility to join Sourcing Office and utilize Sourcing Office competitively procured contracts. **