

TO: Public Agencies in Arizona

FROM: Sourcing Office

RE: Ability of public agencies in Arizona to join Sourcing Office and utilize Sourcing Office's publicly procured contracts for products and/or services

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.

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 and units of local government in any state to the extent permitted by law in that other state.

Section 167.03:

(A) (2) 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;

(A) (4) 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 and affiliates. Local and state governmental agencies within and outside of Ohio and Sourcing Office members and affiliates, including political subdivisions and units of local government in other states, are eligible to utilize Sourcing Office's competitively procured contracts to the extent permitted by law in those other states.

Are public agencies in Arizona authorized to join Sourcing Office and piggyback on Sourcing Office contracts?*

Please review with your legal counsel whether § 11-951 of the State of Arizona Statutes defines the types of entities authorized to participate in cooperative purchasing activities and whether your entity meets those criteria.

State of Arizona Statutes

Title 11 Counties

Chapter 7 Intergovernmental Operations

Article 3 Joint Exercise of Powers

§ 11-951. Definitions

For the purposes of this article, the term "public agency" shall include the federal government or any federal department or agency Indian tribe, this state, any other state, all departments, agencies, boards and commissions of this state or any other state, counties, school districts, cities, towns, all municipal corporations, and any other political subdivisions of the state or any other state.

**** SOURCING OFFICE DOES NOT GIVE LEGAL OPINIONS**

The legal information provided herein is of a general nature and cannot substitute for the advice of a **licensed legal professional**. This is not intended to be legal advice or a legal opinion. Sourcing Office and its employees are not attorneys and are not responsible for any actions taken based upon the views provided herein. Sourcing Office encourages public agencies in Arizona to have their legal counsel review the applicable statutes to determine their eligibility to join Sourcing Office and utilize the Sourcing Office's competitively procured contracts.

Please review with your legal counsel whether Sourcing Office meets the State of Arizona criteria of a political subdivision of another state because it is a Council of Governments under Ohio Revised Code and it is both a unit of local government and political subdivision in Ohio. Sourcing Office conducts cooperative public procurement activities through its external procurement activities.

§ 11-952. Intergovernmental agreements and contracts

A. If authorized by their legislative or other governing bodies, two or more public agencies by direct contract or agreement may contract for services or jointly exercise any powers common to the contracting parties and may enter into agreements with one another for joint or cooperative action or may form a separate legal entity, including a nonprofit corporation, to contract for or perform some or all of the services specified in the contract or agreement or exercise those powers jointly held by the contracting parties, except that if two or more school districts arrange to become contracting parties under the terms of this section, such contract shall first be approved by the state board of education.

Sourcing Office is a political subdivision and unit of local government under the Ohio Revised Code and is permitted to enter into contracts or agreements with public agencies and political subdivisions in other states. Under Ohio Revised Code and through its Code of Regulations, membership in Sourcing Office is available to public agencies in Arizona and Sourcing Office members (including entities in Arizona) are authorized to utilize Sourcing Office's competitively procured contracts. Please review with your legal counsel whether § 11-952 of the State of Arizona Statutes defines the ability of public agencies in Arizona to a) join Sourcing Office through its Affiliate Membership Agreement, which is a cooperative agreement between Sourcing Office and your organization for the procurement of products, materials, and services, and b) utilize Sourcing Office's competitively procured contracts.

Under Ohio Revised Code and through its Code of Regulations, Sourcing Office is specifically authorized to develop group purchasing programs through a publicly procured competitive solicitation process, establish contracts with winning suppliers, and make those contracts available to local and state governmental agencies within and outside of Ohio such as public agencies in Arizona.

Please contact Sourcing Office at 216.581.6200 with any questions about your entity's ability to join Sourcing Office and utilize our publicly procured contracts.



Your Partner in Governmental Collaboration

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