

TO: Public Agencies in Florida

FROM: Sourcing Office

RE: Ability of public agencies in Florida 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 Florida authorized to join Sourcing Office and piggyback on Sourcing Office contracts?*

Please review with your legal counsel whether the State of Florida statutes authorize intergovernmental cooperation between a) local government units and public agencies in Florida with each other, and b) with public agencies and political subdivisions in other states on the basis of mutual advantage.

Title XI County Organization and Intergovernmental Relations
Chapter 163 Intergovernmental Programs
Part I Miscellaneous Programs

ss. 163.01 Florida Interlocal Cooperation Act of 1969.

(1) This section shall be known and may be cited as the "Florida Interlocal Cooperation Act of 1969."

(2) It is the purpose of this section to permit local governmental units to make the most efficient use of their powers by enabling them to cooperate with other localities on a basis of mutual advantage and thereby to provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best with

**** 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 local governmental units and public agencies in Florida 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.

geographic, economic, population, and other factors influencing the needs and development of local communities.

(3) As used in this section:

(a) "Interlocal agreement" means an agreement entered into pursuant to this section.

(b) "Public agency" means a political subdivision, agency, or officer of this state or of any state of the United States, including, but not limited to, state government, county, city, school district, single and multipurpose special district, single and multipurpose public authority, metropolitan or consolidated government, an independently elected county officer, any agency of the United States Government, a federally recognized Native American tribe, and any similar entity of any other state of the United States.

(c) "State" means a state of the United States.

(e) "Person" means:

1. Any natural person;

2. The United States; any state; any municipality, political subdivision, or municipal corporation created by or pursuant to the laws of the United States or any state; or any board, corporation, or other entity or body declared by or pursuant to the laws of the United States or any state to be a department, agency, or instrumentality thereof;

3. Any corporation, not-for-profit corporation, firm, partnership, cooperative association, electric cooperative, or business trust of any nature whatsoever which is organized and existing under the laws of the United States or any state; or

(4) A public agency of this state may exercise jointly with any other public agency of the state, of any other state, or of the United States Government any power, privilege, or authority which such agencies share in common and which each might exercise separately.

Sourcing Office is an Ohio-based Council of Governments and is considered both a unit of local government and a political subdivision. Please review with your legal counsel whether Sourcing Office constitutes a "public agency" in accordance with Florida statute as described above. Sourcing Office is also a 501 (c)(3) not-for-profit corporation organized in the United States as described in ss. 163.01 (3)(e)3.

The Sourcing Office Affiliate Membership Agreement serves as the basis for establishing a legal relationship between Sourcing Office and public agencies. Please review with your legal counsel whether the Sourcing Office Affiliate Membership Agreement constitutes an "interlocal agreement" as described in ss. 163.01 3(a) above.

Please review with your legal counsel whether public agencies in Florida may engage with public agencies and political subdivisions in other states, such as Sourcing Office, to exercise any power, privilege, or authority which both agencies share in common and might exercise separately. Please also review with your legal counsel whether public agencies in Florida are empowered to exercise competitive public procurement processes for the purpose of establishing contracts with winning suppliers for various products and services.

Please review with your legal counsel whether, through the Interlocal Cooperation Act of 1969, public agencies in Florida, including state government, counties, cities, school districts, single and multipurpose special districts, single and multipurpose public authorities, metropolitan or consolidated governments, and independently elected county officers are empowered to leverage group purchasing programs competitively solicited in accordance with governing law by public agencies in other states.

Under the Ohio Revised Code, 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 (such as "public agencies" in Florida) within and outside of Ohio.

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.

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