

TO: Public Agencies & Governmental Units in Illinois

FROM: Sourcing Office

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

Please review with your legal counsel whether 5 ILCS 220/2 of the State of Illinois Statutes authorizes public agencies in Illinois to enter into contracts or agreements with units of local governments and political subdivisions located in other states, such as Sourcing Office, and utilize contracts that are publicly procured by those units of local government and political subdivisions.

State of Illinois Statutes

Chapter 5 General Provisions

Act 220 Intergovernmental Cooperation Act

5 ILCS 220/2

Sec. 2. Definitions. For the purpose of this Act:

- (1) The term "public agency" shall mean any unit of local government as defined in the Illinois Constitution of 1970, any school district, any public community college district, any public building commission, the State of*

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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 Illinois 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.

Illinois, any agency of the State government or of the United States, or of any other State, any political subdivision of another State, and any combination of the above pursuant to an intergovernmental agreement which includes provisions for a governing body of the agency created by the agreement.

For the purposes of this Act, "public agency" includes the Mid-America Intermodal Authority Port District created under the Mid-America Intermodal Authority Port District Act.

(2) The term "state" shall mean a state of the United States.

5 ILCS 220/3

Sec. 3. Intergovernmental cooperation.

Any power or powers, privileges, functions, or authority exercised or which may be exercised by a public agency of this State may be exercised, combined, transferred, and enjoyed jointly with any other public agency of this State and jointly with any public agency of any other state or of the United States to the extent that laws of such other state or of the United States do not prohibit joint exercise or enjoyment and except where specifically and expressly prohibited by law. This includes, but is not limited to, (i) arrangements between the Illinois Student Assistance Commission and agencies in other states which issue professional licenses and (ii) agreements between the Illinois Department of Public Aid and public agencies for the establishment and enforcement of child support orders and for the exchange of information that may be necessary for the enforcement of those child support orders.

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 Illinois and Sourcing Office members (including entities in Illinois) are authorized to utilize Sourcing Office's competitively procured contracts. Please review with your legal counsel whether 5 ILCS 220/2 of the State of Illinois Statutes define the ability of units of public agencies in Illinois to join Sourcing Office and utilize Sourcing Office's competitively procured contracts.

Are governmental units in Illinois authorized to purchase through Sourcing Office contracts?*

Please review with your legal counsel whether the Governmental Joint Purchasing Act (30 ILCS 525) applies to your organization and authorizes your organization to purchase through Sourcing Office's already-procured contracts.

FINANCE

(30 ILCS 525/) Governmental Joint Purchasing Act.

Sec. 0.01. Short title. This Act may be cited as the Governmental Joint Purchasing Act.

Sec. 1. For the purposes of this Act, "governmental unit" means State of Illinois, any public authority which has the power to tax, or any other public entity created by statute.

Sec. 2. Joint purchasing authority.

(a) Any governmental unit may purchase personal property, supplies and services jointly with one or more other governmental units. All such joint purchases shall be by competitive bids as provided in Section 4 of this Act. The provisions of any other acts under which a governmental unit operates which refer to purchases and procedures in connection therewith shall be superseded by the provisions of this Act when the governmental units are exercising the joint powers created by this Act.

(a -5) The Department of Central Management Services may purchase personal property, supplies, and services jointly with a governmental entity of another state or with a consortium of governmental entities of one or more other states. Subject to provisions of the joint purchasing solicitation, the Department of Central Management Services may designate the resulting contract as available to governmental units in Illinois.

(b) Any not-for-profit agency that qualifies under Section 45-35 of the Illinois Procurement Code and that either (1) acts pursuant to a board established by or controlled by a unit of local government or (2) receives grant funds from the State or from a unit of local government, shall be eligible to participate in contracts established by the State.

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Sec. 3. Conduct of bid-letting. Under any agreement of governmental units that desire to make joint purchases pursuant to subsection (a) of Section 2, one of the governmental units shall conduct the letting of bids.

Sec. 4. Bids. The purchases of all personal property, supplies and services under this Act shall be based on competitive, sealed bids. For purchases pursuant to subsection (a) of Section 2, bids shall be solicited by public notice inserted at least once in a newspaper of general circulation in one of the counties where the materials are to be used and at least 5 calendar days before the final date of submitting bids. . .

Sourcing Office is a unit of local government under Ohio Revised Code and conducts its competitive bid process in accordance with guidelines in the Ohio Revised Code to establish contracts with the lowest responsive and responsible bidder. Sourcing Office publishes public notice in a newspaper of general circulation at least three times prior to the final date of submitting bids. Sourcing Office also places public notices on its website and on a bulletin board in its main lobby.

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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