

TO: Governing Authorities in Mississippi

FROM: Sourcing Office

RE: Ability of governing authorities in Mississippi to utilize Sourcing Office's publicly procured contracts for products and/or services

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## 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.

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## Are governing authorities in Mississippi authorized to piggyback on Sourcing Office contracts?\*

Please review with your legal counsel whether the State of Mississippi Code a) excepts governing authorities in Mississippi from bid requirements by purchasing through cooperative purchasing agreements, and b) recognizes Sourcing Office's already-procured contracts as cooperative purchasing agreements that are subject to this exception.

**Mississippi Code of 1972**

**Title 31 Public Business, Bonds and Obligations**

**Chapter 7 Public Purchases**

§ 31-7-1: Definitions.

(b) "Governing authority" shall mean boards of supervisors, governing boards of all school districts, all boards of directors of public water supply districts, boards of directors of master public water supply districts, municipal public utility commissions, governing authorities of all municipalities, port authorities, commissioners and boards of trustees of any public hospitals, boards of trustees of public library systems, district attorneys, school attend-

\*\* 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 Mississippi 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.

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ance officers and any political subdivision of the state supported wholly or in part by public funds of the state or political subdivisions thereof, including commissions, boards and agencies created or operated under the authority of any county or municipality of this state. The term "governing authority" shall not include economic development authorities supported in part by private funds, or commissions appointed to hold title to and oversee the development and management of lands and buildings which are donated by private individuals to the public for the use and benefit of the community and which are supported in part by private funds.

§ 31-7-13: Bid requirements and exceptions; public auctions.

(m) Exceptions from bidding requirements - Excepted from bid requirements are:

(xxix) Purchases made pursuant to qualified cooperative purchasing agreements. — Purchases made by certified purchasing offices of state agencies or governing authorities under cooperative purchasing agreements previously approved by the Office of Purchasing and Travel and established by or for any municipality, county, parish or state government or the federal government, provided that the notification to potential contractors includes a clause that sets forth the availability of the cooperative purchasing agreement to other governmental entities. Such purchases shall only be made if the use of the cooperative purchasing agreements is determined to be in the best interest of the government entity.

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Sourcing Office is an Ohio-based Council of Governments and is considered both a unit of local government and a political subdivision. Sourcing Office contracts specifically and clearly indicate that they are intended for use by any authorized public sector entity in the country, including municipalities, counties, special districts, public K-12 school, public college or university, etc.

Please review with your legal counsel whether governing authorities and state agencies in Mississippi may engage with public agencies and political subdivisions in other states, such as Sourcing Office, to utilize publicly procured cooperative purchasing agreements established by those public agencies and political subdivisions in accordance with applicable public sector procurement guidelines.

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 within and outside of Ohio, such as governing authorities and state agencies in Mississippi.

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 cooperative purchasing agreements.



*Your Partner in Governmental Collaboration*

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