

TO: Units of Local Government in North Carolina

FROM: Sourcing Office

RE: Ability of units of local government in North Carolina 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 units of local government in North Carolina authorized to piggyback on Sourcing Office contracts?*

Please review with your legal counsel whether Article 160A-460 & 461 of the North Carolina State Statutes authorize units of local government in North Carolina to enter into contracts or agreements with units of local governments located in other states, such as Sourcing Office.

§ 160A-460. Definitions.

The words defined in this section shall have the meanings indicated when used in this Part:

(1) "Undertaking" means the joint exercise by two or more units of local government, or the contractual exercise by one unit for one or more other units, of any power, function, public enterprise, right, privilege, or immunity of local government.

(2) "Unit," or "unit of local government" means a county, city, consolidated city-county, local board of education, sanitary district, facility authority created under Part 4 of this Article, or other local political subdivision, authority, or agency of local government.

** 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 units of local government, units of state departments, institutions, and commissions in North Carolina 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.

§ 160A-461. *Interlocal cooperation authorized.*

Any unit of local government in this State and any one or more other units of local government in this State or any other state (to the extent permitted by the laws of the other state) may enter into contracts or agreements with each other in order to execute any undertaking. The contracts and agreements shall be of reasonable duration, as determined by the participating units, and shall be ratified by resolution of the governing board of each unit spread upon its minutes.

Sourcing Office is a unit of local government under the Ohio Revised Code and is permitted to enter into contracts or agreements with political subdivisions and governmental agencies in other states. Under Ohio Revised Code and through its Code of Regulations, membership in Sourcing Office is available to units of local government in North Carolina and Sourcing Office members (including entities in North Carolina) are authorized to utilize Sourcing Office's competitively procured contracts. Please review with your legal counsel whether Article 160A-460 & 461 of North Carolina's state statutes define the ability of units of local government in North Carolina to join Sourcing Office and utilize Sourcing Office's competitively procured contracts.

Are units of state departments, institutions, and commissions in North Carolina authorized to piggyback on Sourcing Office contracts?*

Please review with your legal counsel whether Article 143-129 of North Carolina State Statutes outlines the bidding procedure required for state departments, institutions, and commissions and that, as stated in Article 143-129 (e)(3), the requirements of this Article do not apply to:

Article 143-129 (e)(3)

Purchases made through a competitive bidding group purchasing program, which is a formally organized program that offers competitively obtained purchasing services at discount prices to two or more public agencies.

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 units of state departments, institutions, commissions, and units of local government in North Carolina.

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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