

TO: Municipalities & Governmental Incorporated Units in Vermont

FROM: Sourcing Office

RE: Ability of municipalities (including cities, towns, town school districts, incorporated school districts or fire districts, and incorporated villages) and all other governmental incorporated units in Vermont 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 municipalities and all other governmental incorporated units in Vermont authorized to join Sourcing Office and piggyback on Sourcing Office contracts?*

Please review with your legal counsel whether Title Twenty-Four of the State of Vermont Statutes defines the types of entities authorized to participate in cooperative purchasing activities and whether your entity meets these criteria.

State of Vermont Statutes

Title Twenty-Four Municipal and County Government

Part 2. Municipalities

Chapter 121 Intermunicipal Cooperation & Services

Subchapter 4 Interlocal Contracts

1 V.S.A. § 126. Municipalities

"Municipality" shall include a city, town, town school district, incorporated school or fire district or incorporated village and all other governmental incorporated units.

** 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 Vermont 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.

24 V.S.A. § 4901. *Authorization*

Any one or more municipalities may contract with any one or more other municipalities to perform any governmental service, activity, or undertaking which each municipality entering into the contract is authorized by law to perform, provided that the legislative body of each municipality approves the contract, and expenses for such governmental service, activity, or undertaking are included in a municipal budget approved under 17 V.S.A. § 2664 or comparable charter provision.

If the interlocal contract is such that the participating municipalities or their legislative bodies, commissions, boards, officers or voters have the authority to enter into it, by virtue of any charter provision, statute, or the general authority of such municipality or its officers and bodies, then the procedures of this section for approval shall not be exclusive, it being the intent that the powers and procedures set forth herein for interlocal contracts are supplementary to any other powers or procedures heretofore or hereafter possessed by any municipality.

A municipality may submit an interlocal contract to the attorney general prior to approval by its legislative body. If such a contract is submitted, the attorney general shall determine whether the contract is in proper form and compatible with the laws of this state and notify the legislative body of the municipality of his or her determination. In the event that the attorney general does not respond to the request within 30 days after receipt of a copy of the contract, the legislative body may approve the contract.

Please review with your legal counsel whether Sourcing Office meets the State of Vermont criteria of a governmental incorporated unit because it is incorporated as a Council of Governments in accordance with Ohio Revised Code and it is both a unit of local government and political subdivision in Ohio.

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, including municipalities and incorporated governmental units in Vermont. Under Ohio Revised Code and through its Code of Regulations, membership in Sourcing Office is available to municipalities and incorporated governmental units in Vermont and Sourcing Office members (including entities in Vermont) are authorized to utilize Sourcing Office's competitively procured contracts. Please review with your legal counsel whether Title Twenty-Four of the State of Vermont Statutes defines the ability of municipalities and incorporated governmental units in Vermont to a) join Sourcing Office through its Affiliate Membership Agreement, which is a contract between Sourcing Office and your organization for the procurement of products, materials, and services, and b) utilize Sourcing Office's competitively procured contracts without your organization having to conduct its own bid or Request for Proposal process.

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 municipalities and incorporated governmental units in Vermont.

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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