

ZONE 2

CT—Connecticut State Statutes
State of Connecticut
Connecticut Statutes
Title 7 Municipalities
Chapter 98 Municipal Powers

Sec. 7-148cc. Joint performance of municipal functions.

Two or more municipalities may jointly perform any function that each municipality may perform separately under any provisions of the general statutes or of any special act, charter or home rule ordinance. Each participating municipality shall approve any agreement entered into pursuant to this section in the same manner as an ordinance is approved in such participating municipality or, if no ordinances are approved by such participating municipality, in the same manner as the budget is approved. The terms of each agreement shall establish a process for withdrawal from such agreement and shall require that the agreement be reviewed at least once every five years by the body that approved the agreement to assess the effectiveness of such agreement in enhancing the performance of the function that is the subject of the agreement. As used in this section, "municipality" means any municipality, as defined in section 7-187, or any district, as defined in section 7-324, located within the state of Connecticut.

Sec. 7-187. Definitions.

Whenever used in sections 7-188 to 7-193, inclusive:

a) "Appointing authority" means the body having authority to appoint a charter commission, charter revision commission or home rule ordinance revision commission, which shall be the board of selectmen of a town not having a council or board of directors, the council or board of directors of a town having such a council or board, the common council or other body empowered to make ordinances of a city or the board of burgesses of a borough;

b) "Commission" means any such charter commission, charter revision commission, or home rule ordinance revision commission;

c) "Home rule ordinance" means any ordinance or resolution which has been adopted by a municipality prior to October 1, 1982, in substitution for a special act relating to its government, which ordinance or resolution may contain the provisions of such special act with or without amendments and which ordinance or resolution shall not be inconsistent with the Constitution of the state or the general statutes;

d) "Municipality" means a town, city, borough, consolidated town and city or consolidated town and borough.

DE—Delaware State Statutes
State of Delaware
Delaware Code
Title 29 State Government
Part VI Budget, Fiscal, Procurement and Contracting Regulations
Chapter 69. State Procurement
Subchapter III. Material and Nonprofessional Services

29 Del. C. § 6933. Authorization for cooperative purchasing.

The Division may, with written approval of the Secretary, participate in, sponsor, conduct or administer a cooperative purchasing agreement for the procurement of materiel or nonprofessional services with 1 or more public procurement units either within the State or with another state in accordance with an agreement entered into between the participants.

MD—Maryland State Statutes
State of Maryland
State Finance and Procurement
Division 2 Procurement
Title 13 Source Selection for Procurement Contracts
Subtitle 1 Methods for Selecting Procurement Sources

§ 13-110 STATE FIN. & PROC. Procurement by intergovernmental cooperative purchasing agreement.

A) Definitions.

- 1) In this section the following words have the meanings indicated.
- 2) "Governmental entity" means:
 - i) the federal government or an agency or other instrumentality of the federal government;
 - ii) another state or an agency or other instrumentality of another state;
 - iii) a bistate or multistate agency;
 - iv) a county, municipal corporation, or other political subdivision of the State or of another state, or an agency or other instrumentality of the political subdivision;
 - v) a bicounty or multicounty agency;
 - vi) a primary procurement unit; or
 - vii) an affiliation, alliance, consortium, or group composed solely of governmental entities that is established for purposes of promoting intergovernmental cooperative purchasing.
- 3) "Intergovernmental cooperative purchasing agreement" means a contract:
 - i)
 1. entered into by at least one governmental entity and a person selected in a manner that is consistent with the purposes set forth under § 11-201 of this article;
 2. that is available for use by the governmental entity entering the contract and at least one additional governmental entity which may, but need not be, an original party to the contract; and
 3. that is intended to promote efficiency and savings that can result from intergovernmental cooperative purchasing; or
 - ii) between a primary procurement unit and a person who, at the time the intergovernmental cooperative purchasing agreement is awarded, has a contract with the federal government or an agency or other instrumentality of the federal government, and who agrees to provide the unit with identical prices, terms, and conditions as stipulated in the federal contract.

B) Participation of primary procurement unit.

- 1) Subject to § 12-107 of this article, whenever a primary procurement unit procurement officer determines that it is in the best interest of the State to sponsor or participate in an intergovernmental cooperative purchasing agreement, with the approval of the unit head and subject to any other approval required by law, the primary procurement unit may become a party to or participate under the agreement.
- 2) A determination under this subsection shall be in writing and include a statement that the intergovernmental cooperative purchasing agreement:
 - i) will provide cost benefits to the State, promote administrative efficiencies, or promote intergovernmental cooperation; and
 - ii) is not intended to evade the purposes of this Division II.

C) Sponsorship of intergovernmental cooperative purchasing agreement; award of contract.

- 1) If a primary procurement unit sponsors an intergovernmental cooperative purchasing agreement:
 - i) the contract shall be awarded in the same manner as the contract would be awarded under this Division II if the unit was the sole participant under the contract; and
 - ii) all procedures under this Division II, including procedures governing contract claims and protests, shall apply.
- 2) A political subdivision of the State may participate under any intergovernmental cooperative purchasing agreement sponsored by a primary procurement unit in a manner consistent with the terms of the agreement.

D) Protest or claim.

If a primary procurement unit participates in an intergovernmental cooperative purchasing agreement, any protest or contract claim involving the agreement shall be handled in accordance with the terms of the agreement.

MA—Massachusetts State Statutes
State of Massachusetts
General Laws of Massachusetts
Part I Administration of the Government
Title III Laws Relating to State Officers
Chapter 30B. Uniform Procurement Act

Pursuant to M.G.L. c. 30B, §1(c) and M.G.L. c. 7, §22B, Commonwealth of Massachusetts cities, towns, districts, counties and authorities are only deemed to comply with M.G.L. c. 30B on purchases from vendors

on contracts with the Commonwealth and vendors on collective purchasing contracts with other Commonwealth cities, towns, districts, counties, and authorities. M.G.L. c. 30B applies to all purchases of supplies and services from vendors on contracts with out-of-state public entities. All M.G.L. c. 30B contracts in the amount of \$5,000 or more must be in writing, and no payment may be made for supplies or services received prior to the execution of a written contract. When your jurisdiction is paying a vendor, the best price is the lowest price. When a vendor is paying your jurisdiction, the best price is the highest price.

a) Contracts under \$5,000: The law does not require formal competition for these purchases which must be made using sound business practices to ensure the receipt of a favorable price.

b) Contracts for \$25,000 or more: Contracts for \$25,000 or more require a competitive sealed invitation for bids (IFB) or request for proposals (RFP) by a Massachusetts governmental body. You will award the contract to the responsive and responsible vendor that offers the best price pursuant to an invitation for bids and to the vendor with the most advantageous proposal in a request for proposals process.

NJ—New Jersey Statutes State of New Jersey

At this time the law(s) and/or ordinance(s) within this state either restrict and/or deny utilization of contractual agencies not physically located within its borders. Please check back for updated information as it will be posted as it becomes available; or for more information, please contact us at: questions@EFATc.com

NY—New York State Statutes State of New York

At this time the law(s) and/or ordinance(s) within this state either restrict and/or deny utilization of contractual agencies not physically located within its borders. Please check back for updated information as it will be posted as it becomes available; or for more information, please contact us at: questions@EFATc.com

OH—Ohio State Statutes State of Ohio Ohio Revised Code General Provisions Chapter 9: Miscellaneous

§ 9.48 Joint purchasing programs.

A) As used in this section, “political subdivision” has the same meaning as in section 2744.01 of the Revised Code and includes a county hospital as defined in section 339.01 of the Revised Code.

B) A political subdivision may do any of the following:

- 1) Permit one or more other political subdivisions to participate in contracts into which it has entered for the acquisition of equipment, materials, supplies, or services, and may charge such participating political subdivisions a reasonable fee to cover any additional costs incurred as a result of their participation;
- 2) Participate in a joint purchasing program operated by or through a national or state association of political subdivisions in which the purchasing political subdivision is eligible for membership.
- 3) Participate in contract offerings from the federal government that are available to a political subdivision including, but not limited to, contract offerings from the general services administration.

C) Acquisition by a political subdivision of equipment, material, supplies, or services, through participation in a contract of another political subdivision or participation in an association program under division (B)(1) or (2) of this section, is exempt from any competitive selection requirements otherwise required by law, if the contract in which it is participating was awarded pursuant to a publicly solicited request for a proposal or a competitive selection procedure of another political subdivision within this state or in another state.

Acquisition by a political subdivision of equipment, materials, supplies, or services pursuant to division (B)(3) of this section is exempt from any competitive selection requirements otherwise required by law. No political subdivision shall acquire equipment, materials, supplies, or services by participating in a contract under this

section if it has received bids for such acquisition, unless its participation enables it to make the acquisition upon the same terms, conditions, and specifications at a lower price.

D) A political subdivision that is eligible to participate in a joint purchasing program operated by or through a national or state association of political subdivisions in which the purchasing political subdivision is eligible for membership may purchase supplies or services from another party, including another political subdivision, instead of through participation in contracts authorized by division (B)(2) of this section if the political subdivision can purchase those supplies or services from the other party upon equivalent terms, conditions, and specifications but at a lower price than it can through those contracts. Purchases that a political subdivision makes under this division are exempt from any competitive selection procedures otherwise required by law. A political subdivision that makes any purchase under this division shall maintain sufficient information regarding the purchase to verify that it satisfied the conditions for making a purchase under this division. Nothing in this division restricts any action taken by a political subdivision as authorized by division (B)(1) of this section.

E) The authorization granted to a municipal corporation under this section shall be in addition to, and not in derogation of, the powers and authority granted by state law, the Ohio Constitution, and the provisions of a municipal charter, ordinance, or resolution

PA—Pennsylvania State Statutes
State of Pennsylvania
Title 62 Procurement (Pa.C.S.A.)
Part I Commonwealth Procurement Code
Chapter 19 Intergovernmental Relations

62 Pa.C.S.A. § 1901. Definitions

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Cooperative purchasing." Procurement conducted by or on behalf of more than one public procurement unit or by a public procurement unit with an external procurement activity.

"External procurement activity." A buying organization not located in this Commonwealth which if located in this Commonwealth would qualify as a public procurement unit. An agency of the United States is an external procurement activity.

"Local public procurement unit." A political subdivision, public authority, educational, health or other institution and, to the extent provided by law, any other entity, including a council of governments or an area government, which expends public funds for the procurement of supplies, services and construction, any nonprofit corporation operating a charitable hospital and any nonprofit fire company, nonprofit rescue company and nonprofit ambulance company.

"Public procurement unit." A local public procurement unit or a purchasing agency.

62 Pa.C.S.A. § 1902. Cooperative purchasing authorized

A public procurement unit may either participate in, sponsor, conduct or administer a cooperative purchasing agreement for the procurement of any supplies, services or construction with one or more public procurement units or external procurement activities in accordance with an agreement entered into between the participants. The Department of General Services is authorized to enter into cooperative purchasing contracts solely for the use of local public procurement units or state affiliated entities. The department shall enter into cooperative purchasing contracts for the use of local public procurement units or state-affiliated entities if the number of contractors under a previously existing contract for the same supply or service is reduced to a single contractor or reduced by more than 50% of the number existing on September 30, 2003, and shall award such contracts pursuant to section 517 (relating to multiple awards) using an invitation for bids. Nothing in this section shall prohibit a local public procurement unit or state — affiliated entity from participating in or procuring from other cooperative purchasing agreements awarded by the department. Cooperative purchasing may include, but is not limited to, joint or multiparty contracts between public procurement units and open-ended purchasing agency contracts which are made available to local public procurement units.

16 P. S. § 1802. Contract procedures; terms and bonds; advertising for bids

a) All contracts for services and personal property where the amount thereof exceeds the sum of ten thousand dollars (\$10,000), shall be written and shall, except as otherwise hereinafter specified, be made by advertising for bids.

h) The contracts or purchases made by the commissioners which shall not require advertising, bidding or price quotations, as hereinbefore provided, are as follows:

7) Those made with any public body, including, but not limited to, the sale, lease or loan of any supplies or materials to the county by a public body, provided that the price thereof shall not be in excess of that fixed by the public body. The requirements of 53 Pa.C.S. Ch. 23 Subch. A (relating to intergovernmental cooperation) shall not apply when a county purchases cooperatively with another public body which has entered into a contract for supplies or materials. As used in this paragraph, "public body" shall mean any of the following:

- i) the Federal Government;
- ii) the Commonwealth of Pennsylvania;
- iii) any other state;
- iv) a political subdivision, local or municipal authority or other similar local entity of the Commonwealth or any other state; or
- v) an agency of the Federal Government, the Commonwealth or any other state.

RI—Rhode Island State Statutes
State of Rhode Island
Rhode Island General Laws
Title 45 Towns and Cities
Chapter 40.1 Interlocal Contracting and Joint Enterprises

§ 45-40.1-1 Legislative purpose.

It is the purpose of this chapter to permit local governmental units to make the most efficient use of their powers by enabling them to cooperate with other localities on a 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 geographic, economic, population, and other factors influencing the needs and development of local communities.

§ 45-40.1-3 "Public agency" defined.

- a) For the purposes of this chapter, the term "public agency" means any political subdivision of this state, any agency of the state government or of the United States, and any political subdivision of another state.
- b) The term "state" means a state of the United States.

§ 45-40.1-4 Interlocal agreements.

- a) Any power or powers, privileges, or authority, exercised or capable of exercise by a public agency of this state, may be exercised and enjoyed jointly with any other public agency of any other state or of the United States, and to the extent that laws of the other state or of the United States permit the joint exercise or enjoyment. Any agency of the state government, when acting jointly with any public agency may exercise and enjoy all of the powers, privileges, and authority conferred by this chapter upon a public agency.

VA—Virginia State Statutes
State of Virginia
Title 2.2 Administration of Government
Subtitle II Administration of State Government
Part B. Transaction of Public Business
Chapter 43 Virginia Public Procurement Act
Article 2 Contract Formation and Administration

§ 2.2-4304. Cooperative procurement.

A) Any public body may participate in, sponsor, conduct, or administer a cooperative procurement agreement on behalf of or in conjunction with one or more other public bodies, or public agencies or institutions or localities of the several states, territories of the United States, or the District of Columbia, for the purpose of combining requirements to increase efficiency or reduce administrative expenses in any acquisition of goods and services. Except for contracts for professional services, a public body may purchase from another public body's contract even if it did not participate in the request for proposal or invitation to bid, if the request for proposal or invitation to bid specified that the procurement was being conducted on behalf of other public bodies. Any public body that enters into a cooperative procurement agreement with a county, city, or town whose governing body has adopted alternative policies and procedures pursuant to subdivisions 9 and 10 of § 2.2-4343 shall comply with the alternative policies and procedures adopted by the governing body of such county, city, or town.

B) Subject to the provisions of §§ 2.2-1110, 2.2-1111 and 2.2-1120, any authority, department, agency, or institution of the Commonwealth may participate in, sponsor, conduct, or administer a cooperative procurement arrangement on behalf of or in conjunction with public bodies, private health or educational institutions or with public agencies or institutions of the several states, territories of the United States, or the District of Columbia, for the purpose of combining requirements to effect cost savings or reduce administrative expense in any acquisition of goods and services, other than professional services. A public body may purchase from any authority, department, agency or institution of the Commonwealth's contract even if it did not participate in the request for proposal or invitation to bid, if the request for proposal or invitation to bid specified that the procurement was being conducted on behalf of other public bodies. In such instances, deviation from the procurement procedures set forth in this chapter and the administrative policies and procedures established to implement this chapter shall be permitted, if approved by the Director of the Division of Purchases and Supply. However, such acquisitions shall be procured competitively. Nothing herein shall prohibit the payment by direct or indirect means of any administrative fee that will allow for participation in any such arrangement.

WV—West Virginia State Statutes
State of West Virginia
West Virginia Code
Chapter 8 Municipal Corporations
Article 23 Intergovernmental Relations
Contracting and Joint Enterprises
Part II Intergovernmental Agreements and Contracts

§ 8-23-2. Definitions.

For the purposes of this article:

1) The term "public agency" shall mean any municipality, county or other political subdivision of this State, or any county board of education of this State;

§ 8-23-3. Intergovernmental agreements generally.

Any power or powers, privilege or privileges, authority or undertaking, exercised or capable of exercise, or which may be engaged in, and any public works which may be undertaken, by a public agency acting alone may be exercised, enjoyed, engaged in or undertaken jointly with any other public agency which could likewise act alone.

Any two or more public agencies may enter into a written agreement with one another for joint or cooperative action pursuant to the provisions of this section. Appropriate action by ordinance, resolution or otherwise pursuant to law of the governing bodies of the participating public agencies shall be necessary before any such agreement shall become effective. Any separate legal or administrative entity established hereunder is a public corporation and may exist for the length of time set forth in the intergovernmental agreement.

END Zone 2