

ZONE 5

AL—Alabama State Statutes State of Alabama

Title 41. State Government.

Chapter 16. Public Contracts.

Article 3. Competitive Bidding on Contracts of Certain State and Local Agencies, etc.

§ 41-16-51. Contracts for which competitive bidding not required generally.

a) Competitive bids shall not be required for utility services, the rates for which are fixed by law, regulation, or ordinance, and the competitive bidding requirements of this article shall not apply to:

(16) Subject to the limitations in this subdivision, purchases of goods made as a part of the purchasing cooperative sponsored by the National Association of Counties, or its successor organization. This subdivision shall not apply to goods for which a service or service contract, whether subject to competitive bidding under this article or not, is necessary to utilize the goods. Such purchases may only be made if all of the following occur:

a) The goods being purchased are available as a result of a competitive bid process approved by the Alabama Department of Examiners of Public Accounts for each bid.

b) The goods are either not at the time available to counties on the state purchasing program or are available at a price equal to or less than that on the state purchasing program.

c) The purchase is made through a participating Alabama vendor holding an Alabama business license if such a vendor exists.

AR—Arkansas State Statutes State of Arkansas

Arkansas Code

19-11-206 Definitions concerning intergovernmental relations

As used in this subchapter, unless the context otherwise requires:

- 1) "State public procurement unit" means the Office of State Procurement and any other procurement agency of this state;
- 2) "Local public procurement unit" means:
 - a) Any county, city, town, state agency, and any other subdivision of the state or public agency thereof;
 - b) Any fire protection district;
 - c) Any regional water distribution district;
 - d) Any rural development authority;
 - e) Any public authority;
 - f) Any public educational, health, or other institution;
 - g) Any nonprofit corporation during such time that it contracts with the Division of Developmental Disabilities Services of the Department of Human Services to provide services to the developmentally disabled, provided the contract exceeds seventy-five thousand dollars (\$75,000) per year;
 - h) Any nonprofit corporation providing fire protection services to a rural area or providing drinking water to the public in a rural area;
 - i) Any nonprofit corporation which contracts with the Department of Human Services, provided that the contract includes provisions for transportation services, and the contract exceeds seventy-five thousand dollars (\$75,000) per year; and
 - j) To the extent not prohibited by law, any other entity which expends public funds for the acquisition or leasing of commodities and services;
- 3) "Public procurement unit" means either a local public procurement unit or a state public procurement unit;
- 4)
 - a) "External procurement activity" means any buying organization not located in this state which, if located in this state, would qualify as a public procurement unit.
 - b) An agency of the federal government is an external procurement activity; and
- 5) "Cooperative procurement" means procurement conducted by, or on behalf of, more than one (1) public procurement unit or by a public procurement unit with an external procurement activity.

19-11-249 Cooperative purchasing.

Any public procurement unit may either participate in, sponsor, conduct, or administer a cooperative purchasing agreement for the acquisition of any commodities or services with one (1) or more public

procurement units or external procurement activities in accordance with an agreement entered into between the participants. Such cooperative purchasing may include, but is not limited to, joint or multiparty contracts between public procurement units and open ended state public procurement unit contracts which are made available to local public procurement units.

KY—Kentucky State Statutes

State of Kentucky

Title IX Counties, Cities and Other Local Units

Chapter 65 General Provisions Applicable to Counties, Cities, and Local Units

65.220. Purpose of KRS 65.210 to 65.300.

It is the purpose of KRS 65.210 to 65.300 to permit local governmental units and the sheriff upon approval of the fiscal court to make the most efficient use of their powers by enabling them to cooperate with other localities on a basis 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.

65.230. Definition of "public agency" for KRS 65.210 to 65.300.

As used in KRS 65.210 to 65.300, unless the context otherwise requires, "public agency" means any political subdivision of this state, any agency of the state government or of the United States, a sheriff, any county or independent school district, and any political subdivision of another state. It also means a state-supported or private institution of higher education and a county or independent public school district for the purposes of entering into a joint agreement to establish and operate a program or facility, including a center for child learning and study, designed to help one (1) or more schools meet any of the goals set forth in KRS 158.6451, or for the investment of funds. If a private institution of higher education proposes to participate in an agreement pursuant to the Interlocal Cooperation Act, the Attorney General shall determine if the proposal is compatible with the United States Constitution, as part of the review of the agreement provided in KRS 65.260(2).

65.240. Joint exercise of power by state agencies with other public agencies.

1) 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 this state, and jointly with any public agency of any other state or of the United States to the extent that the laws of the United States permit such 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 KRS 65.210 to 65.300 upon a public agency.

2) Any two (2) or more public agencies may enter into agreements with one another for joint or cooperative action pursuant to the provisions of KRS 65.210 to 65.300. 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 may enter into force.

3) A state-supported institution of higher education and one (1) or more county or independent public school districts may enter into agreements under KRS 65.210 to 65.300 for the purposes specified in KRS 65.230, notwithstanding any other provision of the statutes restricting, qualifying or limiting their authority to do so.

LA—Louisiana State Statutes

State of Louisiana

Title 39 Public Finance

Subtitle III. General Laws on State Debt

Chapter 17. Louisiana Procurement Code

Part VII Intergovernmental Relations

39:1701. Definitions of terms used in this Part

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

2) "External procurement activity" means any buying organization not located in this state which, if located in this state, would qualify as a public procurement unit. An agency of the United States government is an external procurement activity.

- 3) "Local public procurement unit" means any parish, city, town, governmental body, and any other subdivision of the state or public agency thereof, public authority, public educational, health, or other institution, and to the extent provided by law, any other entity which expends public funds for the acquisition or leasing of supplies, services, major repairs, and construction, and any nonprofit corporation operating a charitable hospital.
- 4) "Private procurement unit" means any independent institution of higher education in this state.
- 5) "Public procurement unit" means either a local public procurement unit or a state public procurement unit.
- 6) "State public procurement unit" means the central purchasing agency and any other purchasing agency of this state.

39:1702. Cooperative purchasing authorized; participation in federal General Services Administration vendor list:

A.1) Any public procurement unit may either participate in, sponsor, conduct, or administer a cooperative purchasing agreement for the acquisition of any supplies, services, major repairs, or construction with one or more public procurement units or external procurement activities or one or more private procurement units in accordance with an agreement entered into between the participants. Such cooperative purchasing may include but is not limited to joint or multi-party contracts between public procurement units and open-minded state public procurement unit contracts which are made available to local public procurement units.

MS—Mississippi State Statutes
State of Mississippi
Mississippi Code of 1972
Title 31 Public Business, Bonds and Obligations
Chapter 7 Public Purchases In General

(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.

TN—Tennessee State Statutes
State of Tennessee
Title 12 Public Property, Printing and Contracts
Chapter 9 Interlocal Cooperation

12-9-102. Purpose.

It is the purpose of this chapter to permit local governmental units the most efficient use of their powers by enabling them to cooperate with other localities on a basis of mutual advantage and thereby 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

12-9-103. Definitions.

As used in this chapter, unless the context otherwise requires:

- 1) "Public agency" means:
 - a) Any political subdivision of this state;
 - b) Any private incorporated fire department and industrial fire department not supported by public funds or which are only partially supported by public funds;
 - c) Any incorporated rescue squad that is not supported by public funds or that is only partially supported by public funds;
 - d) Any agency of the state government or of the United States; and
 - e) Any political subdivision of another state; and
- 2) "State" means a state of the United States.

12-9-104. Interlocal agreements.

A.1) Any power or powers, privileges or authority exercised or capable of exercise by a public agency of this state, including those provided in § 6-54-307 or § 68-221-1107(b), may be exercised and enjoyed jointly with any other public agency of this state having the power or powers, privilege or authority, and jointly with any public agency of any other state or the United States to the extent that laws of such other state or of the United States permit such 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. The authority for joint or cooperative action of political subdivisions shall apply to powers, privileges or authority vested in, funded by, and/or under the control of their governing bodies and relative to which the governing bodies may make other types of contracts. No joint or cooperative agreement shall be entered into affecting or relating to the constitutional or statutory powers, privileges or authority of officers of political subdivisions, or of agencies of political subdivisions with a separate governing board and having powers granted by statute independent of the governing body. Notwithstanding any provision of the law to the contrary, any municipality may enter into an agreement with the sheriff, court of general sessions, and the governing body of any county in which it is located to provide for the enforcement of the municipality ordinances according to the provisions of §§ 8-8-201(34) and 16-15-501. The agreement between the municipality and the county governing body shall be limited to provide that the cost of such enforcement will be borne by the municipality where the court costs paid over to the county, as provided by § 16-15-501, are not adequate.

2) Agencies of political subdivisions that have governing boards separate from the governing bodies of the political subdivisions may make agreements for joint or cooperative action with other such agencies and with other public agencies. The power to make joint or cooperative agreements includes any power, privilege or authority exercised or that may be exercised by each of the agencies that is a party to the agreement. Agreements between agencies of political subdivisions that have separate governing boards and other such agencies and agreements between such agencies and public agencies shall substantially conform to the requirements of this chapter. The governing bodies of such political subdivisions shall require agreements made by their agencies pursuant to this chapter to be submitted to the governing body for approval before the agreements take effect.

B) Any two (2) or more public agencies may enter into agreements with one another for joint or cooperative action pursuant to the provisions of this chapter. Appropriate action of the governing bodies of the participating public agencies by resolution or otherwise pursuant to law shall be necessary before any such agreement may enter into force.

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