

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION AUTHORIZING THE CITY PURCHASING AGENT TO EXECUTE AN INTERLOCAL AGREEMENT WITH NATIONAL JOINT POWERS ALLIANCE (NJPA) AND ALL OTHER DOCUMENTS NECESSARY TO ALLOW FOR THE PURCHASE OF GOODS AND SERVICES FROM THE COOPERATIVE.

---

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That it is hereby authorizing the City Purchasing Agent to execute an Interlocal Agreement with National Joint Powers Alliance (NJPA) and all other documents necessary to allow for the purchase of goods and services from the cooperative.

ADOPTED: \_\_\_\_\_, 2014

/mem

# City of Chattanooga



## Resolution/Ordinance Request Form

Date Prepared: 9/12/2014

Preparer: David Carmody

Department: P

Brief Description of Purpose for Resolution/Ordinance: Res./Ord. # \_\_\_\_\_ Council District # \_\_\_\_\_

A RESOLUTION AUTHORIZING THE PURCHASING AGENT TO EXECUTE AN INTERLOCAL AGREEMENT WITH NATIONAL JOINT POWERS ALLIANCE AND ALL OTHER DOCUMENTS NECESSARY TO ALLOW FOR THE PURCHASE OF GOODS AND SERVICES FROM THE COOPERATIVE.

Name of Vendor/Contractor/Grant, etc. \_\_\_\_\_  
Total project cost \$ \_\_\_\_\_  
Total City of Chattanooga Portion \$ \_\_\_\_\_  
City Amount Funded \$ \_\_\_\_\_  
New City Funding Required \$ \_\_\_\_\_  
City's Match Percentage % \_\_\_\_\_

New Contract/Project? (Yes or No) \_\_\_\_\_  
Funds Budgeted? (YES or NO) \_\_\_\_\_  
Provide Fund \_\_\_\_\_  
Provide Cost Center \_\_\_\_\_  
Proposed Funding Source if not budgeted \_\_\_\_\_  
Grant Period (if applicable) \_\_\_\_\_

### List all other funding sources and amount for each contributor.

Amount(s)	Grantor(s)
\$ _____	_____
\$ _____	_____
\$ _____	_____

Agency Grant Number \_\_\_\_\_

CFDA Number if known \_\_\_\_\_

Other comments: (Include contingency amount, contractor, and other information useful in preparing resolution)

Approved by: \_\_\_\_\_

Reviewed by: FINANCE OFFICE

DESIGNATED OFFICIAL/ADMINISTRATOR

Please submit completed form to @budget, City Attorney and City Finance Officer

Revised: October, 2011

# JOINT EXERCISE OF POWERS AGREEMENT



**This Agreement is Between the National Joint Powers Alliance® (NJPA) and**

---

(participating governmental agency)

**Agreement.** The participants in this Joint Exercise of Powers Agreement, hereinafter referred to as the Agreement, agree to jointly or cooperatively exercise certain powers common to them for the procurement of various goods and services by the participants. The term “governmental agency” as defined and used in this Agreement, includes any city, county, town, school district, education agency, post-secondary institution, governmental agency or other political subdivision of any agency of any state of the United States or any other country that allows for the Joint Exercise of Powers, and includes any instrumentality of a governmental agency. For the purpose of this section, an instrumentality of a governmental agency means an instrumentality having independent policy making and appropriating authority.

**Purpose.** The purpose of this Agreement is to allow for the cooperative efforts to provide for contract and vendor relationships to purchase supplies, materials, equipment or services (hereinafter referred to as goods and services,) as a result of the current and active competitive bidding process exercised by a legal qualifying bidding agency on behalf of governmental and other qualifying agencies. Qualified customers may forgo the competitive bidding process as a result of this action and process provided on the agencies behalf. Reference the Uniform Municipal Contracting Law MN Statute 471.345 subd 15. This provision is made possible as a result of the purchasing contract development through a national governmental agency association’s purchasing alliance.

*Whereas, parties to this Agreement are defined as governmental agencies in their respective states;*

*and Whereas, this Agreement is intended to be made pursuant to the various Joint Exercise of Powers Acts of the states or nations of the respective participating governmental agencies which authorizes two or more governmental agencies to exercise jointly or cooperatively powers which they possess in common;*

*and Whereas, the undersigned Participating Governmental Agency asserts it is authorized by Intergovernmental Cooperation Statutes to enter into an agreement with NJPA to cooperate in procurement of goods and services; and Whereas, NJPA asserts it is a Minnesota Service Cooperative created and governed under Minnesota Statute §123A.21 authorized by Minnesota Statute §471.59 to “jointly or cooperatively exercise any power common to the contracting parties”;*

*and Whereas, the undersigned Participating Governmental Agency and NJPA desire to enter into a “Joint Exercise of Powers Agreement” for the purpose of accessing available purchasing contracts for goods and services from each other which can be most advantageously done on a cooperative basis;*

**Now Therefore,** it is mutually agreed as follows:

1. The Parties to this agreement shall provide in a cooperative manner access to each other’s purchasing efforts to procure supplies, equipment, materials and services hereinafter referred to as “goods and services”;
2. The Parties to this Agreement will adhere to any and all applicable laws pertaining to the purchasing of goods and services as they pertain to the laws of their state or nation,
3. Either Party to this Agreement may terminate their participation in this Agreement upon thirty (30) days written notice,
4. Neither Party to this Agreement claims any proprietary interest of any nature whatsoever in any of the other participants in this Agreement
5. Each party agrees that it will be responsible for its own acts and the result thereof to the extent authorized by law and shall not be responsible for the acts of the other party and the results thereof. NJPA’s liability shall be governed by the provisions of the Minnesota Tort Claims Act, Minnesota Statutes, Section §3.736, and other applicable law;

**JOINT EXERCISE OF POWERS  
AGREEMENT**



- 6. Both Parties to this Agreement agree to abide by all of the general rules and regulations and policies of the participating agencies that they are receiving goods and services from;
- 7. Both Parties to this Agreement agree to strict accountability of all public funds disbursed in connection with this joint exercise of powers;
- 8. Both Parties to this Agreement agree to provide for the disposition of any property or surplus moneys (as defined by the participant) acquired as a result of this joint exercise of powers in proportion to the contributions of the governing bodies and;
- 9. Both Parties to this Agreement acknowledge their individual responsibility to gain ratification of this agreement through their governing body.

This Agreement allows for the NJPA to provide procurement contracts on behalf of all qualified participating agencies pursuant to the Uniform Municipal Contracting law, MN Statute §471.345 Subd 15.

**ORGANIZATION INFORMATION (\*\* Required Fields)**

Applicant Name: \*\* \_\_\_\_\_  
Address: \*\* \_\_\_\_\_  
City, State, Zip \*\* \_\_\_\_\_  
Federal ID Number: \_\_\_\_\_  
Contact Person: \*\* \_\_\_\_\_  
Title: \*\* \_\_\_\_\_  
E-mail: \*\* \_\_\_\_\_  
Phone: \_\_\_\_\_  
Website: \_\_\_\_\_

**Reference**  
Minnesota Joint Exercise of Powers  
M.S. 471.5

Participating Agency  
Joint Exercise of Powers Authority  
granted under State Statute

# \_\_\_\_\_

**THE UNDERSIGNED PARTIES HAVE AGREED THIS DAY TO THE ABOVE CONDITIONS.**

**Member Name:**

**National Joint Powers Alliance®**

By \_\_\_\_\_  
AUTHORIZED SIGNATURE

\_\_\_\_\_  
AUTHORIZED SIGNATURE

Its \_\_\_\_\_  
TITLE

\_\_\_\_\_  
TITLE

\_\_\_\_\_  
DATE

\_\_\_\_\_  
DATE

**Completed applications may be returned to:**

National Joint Powers Alliance ®  
202 12<sup>TH</sup> Street NE  
Staples, MN 56479

**Duff Erholtz**

Phone: 218-894-5490

Fax: 218-894-3045

E-mail: duff.erholtz@njpacoop.org



STATE OF TENNESSEE  
**COMPTROLLER OF THE TREASURY**  
DEPARTMENT OF AUDIT  
DIVISION OF LOCAL GOVERNMENT AUDIT  
SUITE 1500  
JAMES K. POLK STATE OFFICE BUILDING  
NASHVILLE, TENNESSEE 37243-1402  
PHONE (615) 401-7841

November 7, 2012

Ms. Misty Myers  
Corporate Counsel  
National Joint Powers Alliance  
202 12<sup>th</sup> Street NE  
P.O. Box 219  
Staples, Minnesota 56479

Dear Ms. Myers:

This letter is in response to your correspondence with our office regarding the National Joint Powers Alliance (NJPA) and their status as a state/public agency.

The NJPA is a public agency created by Minnesota statute §123A.21 and is recognized as such by our office.

Sincerely,

A handwritten signature in black ink, appearing to read "James R. Arnette, Jr.", written in a cursive style.

James R. Arnette, Jr.  
Director

*Tenn. Code Ann. § 12-3-1205*

TENNESSEE CODE ANNOTATED  
© 2014 by The State of Tennessee  
All rights reserved

\*\*\* Current through the 2014 Regular Session \*\*\*

Title 12 Public Property, Printing And Contracts  
Chapter 3 Public Purchases  
Part 12 Local Governments

Tenn. Code Ann. § 12-3-1205 (2014)

**12-3-1205. Cooperative purchasing agreements.**

(a) Any municipality, county, utility district, or other local government of the state may participate in, sponsor, conduct or administer a cooperative purchasing agreement for the procurement of any supplies, services or construction with one (1) or more other local governments 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 local governments. Where the participants in a joint or multi-party contract are required to advertise and receive bids, it shall be sufficient for those purposes that the purchasing entity comply only with its own purchasing requirements.

(b) (1) Notwithstanding any other law to the contrary, any municipality, county, utility district, or other local government of the state may participate in, sponsor, conduct, or administer a cooperative purchasing agreement for the procurement of any goods, supplies, services, or equipment with one (1) or more other governmental entities outside this state, to the extent the laws of the other state permit the joint exercise of purchasing authority, in accordance with an agreement entered into between or among the participants; provided, such goods, supplies, services, or equipment were procured in a manner that constitutes competitive bidding and were advertised, evaluated, and awarded by a governmental entity and made available for use by other governmental entities.

(2) A municipality, county, utility district, or other local government of the state may participate in a master agreement by adopting a resolution accepting the terms of the master agreement. If a participant in a joint or multi-party agreement is required to advertise and receive bids, then it will be deemed sufficient for those purposes that the purchasing entity or the entity that procured the bid complied with its own purchasing requirements. The participant shall acquire and maintain documentation that the purchasing entity or entities that procured the bid complied with its own purchasing requirements.

(3) The powers conferred by this section are in addition and supplemental to the powers conferred by any other law, and any limitations imposed by this section shall not affect powers conferred by any other law.

(4) This subsection (b) shall not apply to:

(A) Purchases of new or unused motor vehicles, unless the motor vehicles are manufactured for a special purpose as defined in § 12-3-1208; or

(B) Purchases of construction, engineering or architectural services, or construction materials.

(c) The chief procurement officer may collect information from municipalities, counties, utility districts, or any other local government unit concerning the type, cost, quality, and quantity of commonly used goods, supplies, services, or equipment being procured under cooperative purchasing agreements. The chief procurement officer may make available all such information to any municipality, county, utility district, or other local government unit upon request.

**HISTORY:** Acts 1999, ch. 382, § 4; 2010, ch. 1067, § 1; 2011, ch. 152, § 1; 2013, ch. 329, § 3; T.C.A. § 12-3-1009; Acts 2013, ch. 403, § 70.



LexisNexis<sup>®</sup> About LexisNexis | Privacy Policy | Terms & Conditions | Contact Us  
Copyright © 2014 LexisNexis, a division of Reed Elsevier Inc. All rights reserved.