



ANNOUNCEMENT

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Specialty Contracts
Cooperative / JOC / GPO
Contract Specialist

DATE: November 7, 2017

TO: Purchasing/Procurement Professionals

FROM: Andy Carr

SUBJECT: State Purchasing Law Change – Approved utilization of Cooperative Purchasing Contracts

As of October 30, 2017 The State of Alabama will allow the utilization of Cooperative Purchasing Contracts.

Tecta America is now able to pass along a discounted services construction services to all public agencies by-way of two different contracts. You can take advantage by utilizing either the **NCPA Cooperative Purchasing Contract** or **TIPS USA Job Order Contract**.

Please review the notice of changes provided by The State of Alabama on pages 2 and 3



Roofing Services



Trades, Labor & Materials

Respectfully,

Andy Carr

Andy Carr
National Cooperative Contract Manager



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Ronald L. Jones
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October 30, 2017

Location:
Gordon Persons Building
50 North Ripley Street, Room 3201
Montgomery, AL 36104-3833

Alabama Municipalities
Alabama County Commissions
Alabama City and County Boards of Education
Alabama Community College System
Other Entities subject to the *Code of Alabama 1975*, Section 41-16-50

To whom it may concern,

In accordance with the *Code of Alabama 1975*, Section 41-16-51 and the *Code of Alabama 1975*, Section 16-13B-2, we have reviewed the competitive bidding process used by the National Cooperative Purchasing Alliance ("NCPA"), a national governmental purchasing cooperative for the contracts awarded by the Texas Region XIV Education Service Center as of the date of this letter. We noted no matters we felt were contrary to proper purchasing procedures or routine governmental procurement practices. These contracts were awarded by the Texas Region XIV Education Service Center, which is a governmental entity, based on competitive bid requirements of the State of Texas.

Based on our review, we approve the competitive bidding process used by NCPA through November 30, 2019, for the purchase of goods or services.

The *Code of Alabama 1975*, Sections 41-16-51 and 16-13B-2 authorizes the purchases of goods or services, other than voice or data wireless communication services utilizing purchasing cooperatives when certain conditions are met. Therefore, you **are not authorized** to use this purchasing cooperative for the purchase of voice or data wireless communication services.

Prior to utilizing this purchasing cooperative, you must ensure your entity's compliance with the Alabama Competitive Bid Law. The *Code of Alabama 1975*, Sections 41-16-51 and 16-13B-2, requires that you verify that the goods or services are not at the time available on the state purchasing program, or that they are available at a price equal to or less than that on the state purchasing program. Additionally, you must verify that the purchase is made through a participating Alabama vendor holding an Alabama business license if such a vendor exists.

Note – This approval does not apply to State Public Four-Year Universities within the State of Alabama.

Sincerely,



Ronald L. Jones
CHIEF EXAMINER

RLJ/jh

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2009 Alabama Code

Title 41 — STATE GOVERNMENT.

Chapter 16 — PUBLIC CONTRACTS.

Section 41-16-21.1 Joint purchasing agreements.

Section 41-16-21.1

Joint purchasing agreements.

(a) In the event that utility services are no longer exempt from competitive bidding under this article, non-adjointing counties may not purchase utility services by joint agreement under authority granted by this section.

(b) The Division of Purchasing, Department of Finance, is hereby authorized to enter into joint purchasing agreements to purchase, lease, or lease-purchase child support services, materials, equipment, supplies, or other personal property which have been let by competitive bid or competitive solicitation process by any group or consortium of governmental entities within or without the State of Alabama upon a finding by the Purchasing Agent that such joint purchasing agreements are in the best interests of the State of Alabama. Joint purchasing agreements entered into by the Division of Purchasing may be utilized by any governmental entity subject to the requirements of Title 41, Chapter 16, Articles 2 or 3A. This subsection shall not apply to the purchase, lease, or lease-purchase of materials, equipment, supplies, or other personal property which can only be utilized in conjunction with a service or service contract, whether subject to competitive bidding under this article or not, for the materials, equipment, supplies, or other personal property that must remain in effect to utilize the materials, equipment, supplies, or other personal property.

Nothing in this subsection prohibits or limits public four-year institutions from entering into joint purchasing agreements to purchase, lease, or lease-purchase materials, equipment, supplies, other personal property and services which have been let by competitive bid or competitive solicitation process by any group or consortium of governmental entities or through a group purchasing organization within or without the State of Alabama upon a finding by the institution that such purchasing agreements are in the best interests of the institution; provided, however, this sentence shall not permit agreements to purchase, lease, or lease-purchase wireless communications equipment or services through any group or consortium of governmental entities or through any group purchasing organization.

(Acts 1976, No. 751, p. 1032, §3; Act 2000-153, p. 216, §1; Act 2009-763, §1.)