

**Resolution to Participate in the
LAMATS ADMINISTERED COOPERATIVE PURCHASING COMMISSION
and to
APPOINT REPRESENTATIVE**

Whereas, the Louisiana Municipal Advisory & Technical Services Bureau, Inc. (“LaMATS”) provides purchasing administrative services to members of the Louisiana Municipal Association including administration of any cooperative purchasing commissions created under LRS 33:1322 et seq., the *Local Services Law*;

Whereas, the *Local Services Law* recognizes cooperation between political subdivisions whenever a written agreement to cooperate is reduced to writing and passed as a resolution.

Whereas, the **Local Services Law** recognizes the creation of a joint commission whenever resolutions are passed by one or more political subdivisions to create an administrative structure for cooperating with one another.

Whereas, under the *Local Services Law*, any municipality or political subdivision of the state or any combination thereof, may make agreements between or among themselves to define and regulate how to engage jointly in the purchase of materials, supplies and equipment for use in the maintenance of governmental services;

Whereas, LaMATS has created an administrative structure for such a commission to facilitate cooperation in the formation and use of cooperative contracts among participating municipalities.

Whereas, LaMATS is controlled by a board of directors comprised of mayors, councilmembers and municipal officials whose municipalities are LMA members;

Whereas, LaMATS is subject to yearly annual independent audit reviewed by the Louisiana Legislative Auditor;

Whereas, LaMATS is subject to the *Open Meetings Law*;

Whereas, the administrative services provided by LaMATS, including those described herein, are at no direct cost to LMA Members and LMA affiliated local governments and organizations;

Whereas, a joint commission pursuant to the *Local Services Law* will take immediate effect upon its adoption by two (2) LMA-member municipalities who desire to participate in and share the administration of cooperative contracts; and

Whereas, any additional municipalities and affiliated local political subdivisions may join the agreement by adopting this resolution;

Now, therefore, to effect economy of operations and administration for this voluntary, cooperative commission between and among Participants to this agreement, the parties signing on hereto agree to abide by the following:

1. ADMINISTRATION SERVICES

LaMATS shall administer the LaMATS Administered Cooperative Purchasing Commission.

LaMATS will maintain congenial relationships and lines of communication with Participants and will strive to create beneficial cooperative contracts (“joint use” and/or “piggyback”) available to all participants in a manner consistent with the public bid laws and Louisiana Revised Statutes 33:1322 et seq.

LaMATS will not charge Participants for the creation, maintenance or access to the cooperative contracts it administers.

Administrative charges necessary to maintain cooperative contracts shall be assessed only to vendors who have successfully contracted with LaMATS on behalf of the Commission to offer their contracted materials, supplies or equipment, including installation of same, to Participants.

LaMATS will be responsible for ensuring that all contracts offered for cooperative purchases have met all the requirements of the public bid laws and are advantageous to Participants.

LaMATS will advise Participants on accessing contract use and any limits to purchases that may apply.

LaMATS will maintain one or more websites that describe available contracts, how to receive contract information and how to contact vendor representatives.

LaMATS will assist Participants regarding any audit of purchases made through a LaMATS-administered cooperative contract.

LaMATS will assume responsibility of audit oversight related to the operations of the Commission.

2. PARTICIPANTS

A Participant is a Louisiana municipality, other local political subdivision or an affiliated agency of either who has passed this authorizing resolution.

A Participant may withdraw from membership in the commission by resolution passed at any time.

Use of cooperative contracts administered by LaMATS by Participants is purely voluntary and discretionary.

3. LaMATS BOARD OF DIRECTORS

Rates/charges to Vendors who sell materials, supplies and equipment pursuant to joint or cooperative contracts will be set by LaMATS in accordance with LaMATS Board of Directors and Commission guidance. All Vendor rates/charges paid are accessible by Participants, are public record and shall be independently audited.

Performance issues regarding the LaMATS administration may be presented to the LaMATS Executive Director or to the LaMATS's Board of Directors by a Participant or by a Commission Representative.

Commission Representatives will be provided notice when matters related to cooperative purchasing are taken up by the LaMATS Board of Directors.

The LaMATS Board of Directors solely retains the authority to dissolve LaMATS administration related to the Commission and cooperative contracts. If dissolved, the Participants will be provided advanced notice and an opportunity to contract with a new administrator.

4. CREATION OF COMMISSION

The Commission administered by LaMATS shall be deemed created when two (2) municipalities adopt this resolution as recorded in the minutes of the municipality so adopting and reported to the LaMATS Board of Directors.

The Commission shall be authorized to provide advice and counsel as to cooperative contracts only that may benefit Participants.

The Commission shall be deemed a tax-exempt instrumentality of the Participants.

The Commission shall serve as an advisory agency to Participants and to LaMATS only. Neither the Commission nor LaMATS may bind a Participant to a contract, debt or financial arrangement of any kind.

LaMATS shall hold any Participant and Commission Representative harmless and shall indemnify same for liability or harm LaMATS or the Commission may be responsible for.

Contracts created by LaMATS as Administrator on behalf of the Commission and Participants shall be held in the name of LaMATS as Administrator of the LaMATS Administered Cooperative Purchasing Commission.

5. APPOINTMENT OF COMMISSION REPRESENTATIVE (MEMBER)

Each Participant will appoint a Commission Representative who will serve in an advisory capacity on behalf of the Commission and shall be responsible for communicating to LaMATS the purchasing preferences of the Participant.

The Mayor of a Participant shall be deemed the Commission Representative but may assign representation to the Clerk or another municipal official within the Mayor's discretion.

A Commission Representative shall not be compensated by a Participant. A per diem subject to independent auditor oversight reportable to the Legislative Auditor may be authorized by the LaMATS Board to a Commission Representative as reimbursement for expenses related to services performed.

The Commission Representative will report to its Participant purchasing opportunities created through participation in the LaMATS Administered Cooperative Purchasing Commission.

LaMATS will call a meeting of the Commission Representatives at least twice a year in a manner consistent with the Open Meetings Law.

The Commission may appoint a Commission Chair to facilitate communications with the LaMATS Board.

6. NEWSPAPER ADVERTISEMENT

Each Participant shall publish in its official journal the resolution passed to participate in the LaMATS Administered Cooperative Purchasing Commission.

7. MEMBERSHIP AUTHORIZATION

The [insert name of municipality] hereby joins the LaMATS Administered Cooperative Purchasing Commission as indicated below. The Mayor is hereby appointed Commission Representative on behalf of Participant, and may designate Representative duties to the Municipal Clerk or to another municipal official or officer.

[Place here the necessary language adopting your resolution]