

**Resolution to Participate in the
LAMATS ADMINISTERED COOPERATIVE PURCHASING JOINT COMMISSION
(LACPC)
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 cooperative purchasing commissions created pursuant to La. R.S. 33:1322 et seq., the *Local Services Law*;

Whereas, the *Local Services Law* recognizes and allows cooperation between political subdivisions, including the cooperative purchasing of materials, supplies, and equipment;

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 joint commission to facilitate cooperation in the formation and use of cooperative purchase 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 annual independent audits reviewed by the Louisiana Legislative Auditor;

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, LACPC oversight will commence July 1, 2021 or sooner upon the adoption of this resolution by two (2) LMA-member municipalities who desire to participate in and share the administration of cooperative contracts created through the joint commission under the *Local Services Law*; and

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

Now, therefore, to effect economy of operations and administration of a voluntary, cooperative joint 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 Joint Commission (“LACPC” or “Commission”) at all times acting in a fiduciary capacity on behalf of the joint commission.

LaMATS will maintain a congenial relationship and an open line of communication with Participants and will strive to create beneficial cooperative contracts (“joint use” and/or “piggyback” and/or “group”) in a manner consistent with the public bid laws and La. R.S. 33:1322 et seq. (Local Services Law) and made available to all Participants.

LaMATS will not charge Participants for the creation, maintenance, or access to the cooperative contracts created or administered hereunder.

Administrative charges necessary to create and to maintain the administration of cooperative contracts will 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 in both quality and price.

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

LaMATS will maintain one or more websites that describe available contracts, receipt of contract information and contacts for vendor representatives.

LaMATS as Administrator will assist Participants regarding audits of purchases made through the LACPC.

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

2. PARTICIPANTS

A Participant is an LMA-affiliated municipality or local political subdivision, or an affiliated agency of either, authorized to cooperate under the *Local Services Law* and who has adopted this authorizing resolution.

A Participant may withdraw from Participation in the Commission by resolution passed at any time.

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

Cooperative contracts offered through the LACPC may be utilized by non-Participant political subdivisions where the public bid laws otherwise allow.

3. LaMATS BOARD OF DIRECTORS

The LaMATS Board of Directors shall solely retain the power and authority to dissolve the LaMATS administration related to the Commission and to cooperative contracts created thereunder. If dissolved, Participants will be provided advanced notice and opportunity to contract with a new third-party administrator and/or fiduciary.

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

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

Rates, fees, or commissions charged to Vendors who sell materials, supplies and equipment pursuant to cooperative contracts will be set by LaMATS in accordance with LaMATS Board of Directors and Commission guidance and directives. Rates fees or commissions to be paid by Vendors shall be reasonable, shall be reportable to and accessible by Participants, shall be considered public records and shall be independently audited.

4. CREATION/POWERS OF THE 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 and/or the LaMATS Executive Director.

The Commission shall be deemed a tax-exempt, non-profit instrumentality of the Participants and may be incorporated or chartered as the laws of the State of Louisiana may allow as a non-profit corporation or agency. All funds received through the Commission shall be in the name of and shall be reportable by LaMATS.

LaMATS shall facilitate the filing of any required Louisiana Ethics Administration Program Disclosure Forms required of any Commission Representative.

Operations of the Commission shall formally commence July 1, 2021.

The Commission's powers shall be limited to the provision of advice and counsel regarding the creation and use of cooperative contracts that may benefit Participants only, and to serve as the advisory agency to Participants and to LaMATS. Neither the Commission, a Commission Representative nor LaMATS may bind a Participant to a contract, indebtedness, obligation, or financial arrangement of any kind.

LaMATS shall hold any Participant and Commission Representative harmless for their acts while participating in the LACPC under LaMATS administration or for the acts of LaMATS resulting in injury to a Participant and shall indemnify a Participant or a Commission Representative 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 Joint Commission" only.

5. APPOINTMENT OF COMMISSION REPRESENTATIVES

Each Participant that joins the Commission may qualify and appoint a Commission Representative to serve in a voluntary, advisory capacity on the Commission who shall be responsible for communicating to LaMATS the purchasing preferences of the Participant. A Commission Representative serves and reports to a Participant solely at the discretion of a Participant.

The Mayor of a Participant shall be deemed the Commission Representative unless a Participant appoints the Municipal Clerk or another recognized municipal official as its Representative. The Mayor shall also serve as the Commission Representative whenever there is an unfilled vacancy. Whenever the Mayor serves as Representative, the Mayor may delegate representation to the municipal clerk or another municipal official within the Mayor's discretion.

A Commission Representative shall not be compensated by a Participant for providing Representative duties. A per diem, as authorized by the *Local Services Law* and subject to independent auditor oversight reportable to the Legislative Auditor, may be authorized by the LaMATS Board payable directly to a Commission Representative as reimbursement for expenses related to actual services performed. Under the *Local Services Law* a Commission Representative's receipt of payment through the Commission structure is in addition to any regular pay provided by the Participant.

The Commission Representative will report to its Participant those purchasing opportunities created through its participation in the LACPC.

The Commission may appoint a Commission Chair from its ranks to facilitate communications with the LaMATS Board, LaMATS administrators and among Commission Representatives and may create

committees as it may deem necessary or desirable to facilitate assessment of needs, research of products or vendors, and to review or evaluate vendor offerings, proposals, or specifications. A Commission Chair shall affirm to the Commission and to LaMATS that any assigned or assumed duties will be carried out in accordance with the Louisiana Governmental Code of Ethics. A Commission Chair may be nominated and affirmed without a quorum by simple majority of Representatives in attendance at a regular meeting scheduled or at any special meeting called by LaMATS for the purpose of appointing a new Commission Chair. In case of a tie regarding any Commission matter, the President of the LaMATS Board of Directors may, but is not required, to break the tie.

LaMATS will call a regular meeting of the Commission a minimum of twice per year and special meetings when deemed necessary, in a manner consistent with the Open Meetings Law, and shall be responsible for setting an agenda. A quorum of Commission Representatives shall not be necessary to receive and to accept Commission recommendations, to make and to accept motions to expand the agenda or to appoint a Commission Chair.

6. NEWSPAPER ADVERTISEMENT

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

7. MEMBERSHIP AUTHORIZATION

[insert name of municipality or agency] hereby joins the LaMATS Administered Cooperative Purchasing Joint Commission as signified below. [insert name] is hereby recognized as Commission Representative on behalf of Participant. Whenever the Mayor is appointed Representative or assumes the duties of the Representative in event of vacancy or non-appointment, the Mayor may delegate Representative duties to the Clerk or to another municipal official or officer.

[Place here the necessary language adopting the resolution]

INFORMATION

Page 5 provides information only. It is not part of the Resolution.

Current Board of Directors of LaMATS

Mayor Chuck Robichaux
Mayor, Rayne
President

Mayor Michael Chauffe
Mayor, Grosse Tete
LMA President

Councilman Nathan Martin
Councilman, Pineville
Vice-President

Mayor Clarence Fields
Mayor, Pineville

Mayor David Butler
Mayor, Woodworth
Secretary Treasurer

Mr. John Gallagher
Executive Director, LMA

Mayor Jennifer Vidrine
Mayor, Ville Platte
Immediate Past-President
LMA 1st Vice-President

Mayor Harry Lewis
Mayor, Rayville

Mayor Rick Allen
Mayor, Leesville

Councilman Vernon “Step” Martin
Councilman, Ward 3A, Crowley

Councilman Johnny Berthelot
Councilman, City of Gonzales

Mrs. Gay Nell Pepper, CMC
Town Clerk, Farmerville

Mayor Glenn Brasseaux
Mayor, Carencro

Mayor Darnell Waites
Mayor, Baker

Mayor David Camardelle
Mayor, Grand Isle

Mayor Jimmy Williams
Mayor, Sibley
Immediate LMA Past-President

Ms. Suzanne Williams
Town of Many
LACPC Commission Chair

Cliff Palmer
Executive Director, LaMATS

LaMATS Board Approves Establishment of Cooperative Purchasing Commission

The LaMATS Board of Directors voted unanimously in a March 10, 2021, meeting to establish a free and voluntary Cooperative Purchasing Commission to better serve members of the LMA.

The proposed Cooperative Purchasing Commission, as administered by LaMATS, follows LRS 33:1322 et seq., the Local Services Law, which recognizes cooperation between political subdivisions whenever a written agreement to cooperate is reduced to writing and passed as a resolution. Specifically, they “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.”

LaMATS Executive Director Cliff Palmer and Procurement Consultant Paul Holmes presented draft language for such a resolution to the Board, that could be adopted by municipal councils so as to include their local government into the Commission, with no fee or other membership charge required.