

The Legal Authority of Equalis Group Lead Agencies

Who is Equalis Group?

[Equalis Group](#) is a Member-Driven, Supplier-Centric cooperative purchasing organization that embodies the power of partnership. Equalis Group operates with the guiding principle that when the objectives of buyers and sellers are aligned, sustainable value is created, transcending that of the typical short-term transactional relationship. Equalis Group partners with Lead Agencies to conduct rigorous and transparent competitive public sector procurement processes for critical products and services. Winning suppliers, distributors, and/or manufacturers are selected based on both qualitative criteria and pricing. The Lead Agencies then establish compliant already-procured Master Agreements with these winning vendors that feature better pricing and improved contract terms and conditions. These Master Agreements are available to public agencies nationwide who [join](#) Equalis Group.

What is an Equalis Group Lead Agency?

Equalis Group Lead Agencies are public sector entities (e.g., state agencies, municipalities, counties, school districts, public colleges and universities, councils of governments, or special districts) lawfully established and operating under the applicable statutes of their respective states. They are authorized by state statutes to conduct public sector procurement processes, award and enter into Master Agreements with winning suppliers under applicable procurement guidelines, and make those Master Agreements available to public agencies nationwide through Equalis Group.

What is the Typical Equalis Group Lead Agency Competitive Solicitation Process?

Lead Agencies conduct competitive solicitations, typically through Requests for Proposals, in accordance with the state statutes that govern their public sector procurement processes. Each solicitation is posted online and advertised nationwide in USA Today and numerous local newspapers across the country. Solicitations include rigorous compliance conditions, such as: Uniform Guidance and 2CFR200 requirements; Davis-Bacon Act requirements; mandatory certifications; certain state-specific requirements; lobbying prohibitions; and equal employment opportunity and affirmative action requirements.



Where Can You Access the Lead Agency Solicitation & Master Agreement Documentation?

Solicitation and Master Agreement documentation is published for each awarded contract on the [Contracts](#) page of the Equalis Group website. This downloadable documentation is publicly available without a public records or FOIA request and typically includes: the solicitation package, proof of publication, awarded supplier proposal, bid tabulation, award letter, and executed Master Agreement. Equalis Group also provides a downloadable contract confirmation letter with the solicitation number, publication date, and Master Agreement effective, expiration, and renewable through dates.



Legal Authority: Region 10 Education Service Center An Equalis Group Lead Agency

What is the Legal Authority of Region 10 Education Service Center?

[Region 10 Education Service Center \(Region 10\)](#) is a Texas-based Education Service Center established under Texas Education Code (TEC) [Section 8.001 \(a\)](#):

Texas Education Code
Title 2. Public Education
Chapter 8. Regional Education Service Centers
Subchapter A. General Provisions

Tex. Education Code § 8.001. Establishment.

- (a) *The commissioner shall provide for the establishment and operation of not more than 20 regional education service centers.*

Region 10 is defined as a state agency in Texas pursuant to [TEC Section 8.008](#):

Texas Education Code
Title 2. Public Education
Chapter 8. Regional Education Service Centers
Subchapter A. General Provisions

Tex. Education Code § 8.008. Applicability of Certain Laws Relating to Political Activities.

A regional education service center and each center employee is subject to Chapter [556](#), Government Code, and for purposes of that chapter:

- (1) *the center is considered to be a state agency; and*
- (2) *each center employee is considered to be a state employee.*

Region 10 is authorized to provide services, such as sponsoring a cooperative, conducting solicitations for cooperative agreements, and making cooperative agreements available to its members, through [TEC Section 8.051 \(c\)](#):

Texas Education Code
Title 2. Public Education
Chapter 8. Regional Education Service Centers
Subchapter B. Powers and Duties

Tex. Education Code § 8.051. Core Services and Services to Improve Performance.

- (c) *Each regional education service center shall provide services that enable school districts to operate more efficiently and economically.*

The legal authority of local governments and state agencies in Texas to enter into interlocal contracts with other local governments and states agencies is defined in [Texas Annotated Statutes Section 791.011, Subchapter B](#) under the Texas Interlocal Cooperation Act:

Texas Government Code
Title 7. Intergovernmental Relations
Chapter 791. Interlocal Cooperation Contracts
Subchapter B. General Interlocal Contracting Authority

Tex. Gov't Code § 791.011. Contracting Authority; Terms.

- (a)** A local government may contract or agree with another local government or a federally recognized Indian tribe, as listed by the United States secretary of the interior under [25 U.S.C. Section 479a-1](#), whose reservation is located within the boundaries of this state to perform governmental functions and services in accordance with this chapter.
- (b)** A party to an interlocal contract may contract with a:
 - (1)** state agency, as that term is defined by [Section 771.002](#); or
 - (2)** similar agency of another state.
- (j)** For the purposes of this subsection, the term "purchasing cooperative" means a group purchasing organization that governmental entities join as members and the managing entity of which receives fees from members or vendors...

Region 10 is a state agency under Texas law. It is legally empowered to enter into cooperative purchasing agreements and make those cooperative purchasing agreements available to its members and agencies of local or state governments, whether in Texas or other states. As an Equalis Group Lead Agency, Region 10 makes these already-procured contracts available to members of Equalis Group. Local governments and state agencies across the country can [join](#) Equalis Group by executing Equalis Group's Master Intergovernmental Cooperative Purchasing Agreement, an interlocal agreement between public sector entities that join Equalis Group as members.

Public sector entities within and outside of Texas are eligible to join Equalis Group and utilize Region 10's competitively procured contracts to the extent permitted by law in Texas and those other states. It is the responsibility of each entity to determine whether it may join Equalis Group and utilize the already-procured, competitively solicited contracts made available by Equalis Group Lead Agencies like Region 10.

Legal Disclaimer

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Equalis Group encourages political subdivisions, units of local government, state agencies, other public agencies, and supplier partners to have appropriate legal counsel review the applicable articles under State Statutes to determine their eligibility to utilize Equalis Group's competitively solicited contracts.



Legal Authority: Rockies Procurement Services An Equalis Group Lead Agency

What is the Legal Authority of Rockies Procurement Services?

[Rockies Procurement Services \(RPS\)](#) is a Colorado-based intergovernmental entity organized under the guidelines of [§ 29-1-203](#) of the Colorado Revised Statutes (the “CRS”):

Colorado Revised Statutes

Title 29 - Government - Local - General Provisions

Article 1 - Budget and Services

Part 2 - Intergovernmental Relationships

Colorado Revised Statutes § 29-1-103 Government may cooperate or contract

(1) Governments may cooperate or contract with one another to provide any function, service, or facility lawfully authorized to each of the cooperating or contracting units, including the sharing of costs, the imposition of taxes, or the incurring of debt, only if such cooperation or contracts are authorized by each party thereto with the approval of its legislative body or other authority having the power to so approve. Any such contract providing for the sharing of costs or the imposition of taxes may be entered into for any period, notwithstanding any provision of law limiting the length of any financial contracts or obligations of governments.

RPS was formed by a group of nine Colorado public school districts under the authority of [CRS § 29-1-203.5](#):

Colorado Revised Statutes

Title 29 - Government - Local - General Provisions

Article 1 - Budget and Services

Part 2 - Intergovernmental Relationships

Colorado Revised Statutes § 29-1-103.5 Separate legal entity establish under section 29-1-203

(1)(a) Any combination of counties, municipalities, special districts, or other political subdivisions of this state that are each authorized to own, operate, finance, or otherwise provide public improvements, functions, services, or facilities may enter into a contract under section [29-1-203](#) to establish a separate legal entity to provide any such public improvements, functions, services, or facilities. Any separate legal entity established is a political subdivision and public corporation of the state and is separate from the parties to the contract if the contract or an amendment to the contract states that the entity is formed in conformity with the provisions of this section and that the provisions of this section apply to the entity.

RPS is a political subdivision and a public corporation of the State of Colorado under Colorado law. It is legally empowered to provide any function or service its members are empowered to perform, such as soliciting and entering into cooperative purchasing agreements, and making those cooperative purchasing agreements available to its members. RPS procures contracts for the Equalis Group and RPS [Food & Nutrition Program](#) as a school foodservice authority (SFA) and follows the requirements set by the USDA food and nutrition service (FNS), consistent with [2 CFR Part 200.318-.326](#). RPS, as an Equalis Group Lead Agency, makes these already-procured contracts available to members of Equalis Group and RPS.



The RPS Articles of Incorporation of Rockies Procurement Services describe RPS' nature and purposes in **ARTICLE III, Section A. 1.**:

A.1. *To establish cooperative relationships among its members, and other entities with which it contracts, for the development of efficient and effective purchasing methods and practices in the field of public educational institution nutritional procurement; to encourage maintenance and continuity of ethical standards in buying and selling; to collect and disseminate useful information for its members; to promote the interchange of ideas and experiences within the School Food Authority profession; to promote the study, development and application of improved methods and practices to purchasing and inventory management; to provide education and support for nutrition purchasing; to increase buying power, reduce costs, and improve quality of available products and services; and to maximize procurement efficiencies while maintaining compliance with USDA procurement guidelines.*

The Bylaws of Rockies Purchasing Services define the types of entities eligible to join RPS and utilize RPS' publicly procured, competitively solicited contracts in **ARTICLE III MEMBERSHIP, Section 1. Eligibility**:

Section 1. Eligibility. The membership shall consist of agency membership open to any publicly-funded school district within the State of Colorado. Associate membership status shall be open to all publicly funded school districts outside the State of Colorado and to private schools within or outside of Colorado provided they are approved to offer at least one federal meal program to their students.

RPS membership is available to any publicly funded school district in the State of Colorado and associate membership is available to any i) publicly funded school district outside the State of Colorado, and ii) privately funded school district within or outside of Colorado that is approved to offer at least one federal meal program to their students.

RPS makes its established contracts available to qualifying school districts that join Equalis Group and RPS. There are no costs, dues, or obligations to [join](#) Equalis Group and RPS or utilize any already procured RPS Food & Nutrition Program contracts. It is the responsibility of each school district under its governing laws to determine whether it may join Equalis Group and RPS and utilize the competitively solicited contracts made available by Equalis Group and RPS or other Equalis Group Lead Agencies.

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Legal Authority: The Cooperative Council of Governments An Equalis Group Lead Agency

What is the Legal Authority of The Cooperative Council of Governments?

The [Cooperative Council of Governments \(CCOG\)](#) is an Ohio-based Council of Governments organized under the guidelines of [Chapter 167](#) of the Ohio Revised Code (the "ORC"), which states in [Section 167.01](#):

**Ohio Revised Code
Title 1 State Government
Chapter 167 Regional Councils of Governments**

Ohio Revised Code § 167.01 Regional councils of government.

That governing bodies of any two or more counties, municipal corporations, townships, special districts, school districts, or other political subdivisions may enter into an agreement with each other, or with the governing bodies of any counties, municipal corporations, townships, special districts, school districts or other political subdivisions of any other state to the extent that laws of such other state permit, for establishment of a regional council consisting of such political subdivisions.

CCOG was originally formed by [Cuyahoga County Public Library \(CCPL\)](#), consistently ranked as the #1 public library system serving 500,000 or more constituents, and [Kenston Local Schools \(Kenston\)](#), one of the top-ranked public school districts in the state of Ohio. CCOG is governed by CCPL, Kenston, and the [City of Solon](#), one of the top-ranked cities in the state of Ohio.

CCOG is a political subdivision and a unit of local government under Ohio law. It is legally empowered to enter into cooperative purchasing agreements and make those cooperative purchasing agreements available to its members, agencies of local or state governments, the federal government, private persons, companies, and not-for-profit entities as authorized by [ORC Section 167.03](#), which includes the following explicit authorities for councils of governments:

**Ohio Revised Code
Title 1 State Government
Chapter 167 Regional Councils of Governments**

Ohio Revised Code § 167.03 Powers.

- (A)(2)** *Promote cooperative arrangements and coordinate action among its members, and between its members and other agencies of local or state governments, whether or not within Ohio, and the federal government;*

- (A)(4)** *Promote cooperative agreements and contracts among its members or other governmental agencies and private persons, corporations, or agencies;*

Through this legal authority, CCOG competitively solicits contracts for products and/or services in accordance with applicable public sector procurement guidelines. As an Equalis Group Lead Agency, CCOG makes these already-procured contracts available to members of Equalis Group. **Public sector entities within and outside of Ohio are eligible to join Equalis Group and utilize CCOG's competitively procured contracts to the extent permitted by law in Ohio and those other states.**



CCOG's governing document is CCOG's Code of Regulations, which describes CCOG's purpose in **Section 1.3**:

The purpose of CCOG is to develop and promote opportunities for public sector entities and organizations exempt from Federal income tax under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the "IRS Code") to improve their operations, reduce their costs, and increase their efficiencies to augment their capacity to better serve their constituents and customers. Further, CCOG is not organized for profit and will be operated for the exclusive purpose of engaging in charitable, educational, religious, and scientific activities within the meaning of Section 501(c)(3) of the IRS Code of 1986, as amended.

Section 2.2 of CCOG's Code of Regulations defines the types of entities eligible to utilize CCOG's contracts:

- (a) Public Sector Entities.** ... "**Public Sector Entities**" include, but are not limited to, political subdivisions, municipal corporations, counties, townships, villages, school districts, special districts, public institutions of higher education or training, units of government, state/ regional/territorial agencies, state/regional/territorial governments, federal/national agencies, and federal/national governments, and other entities receiving financial support from tax monies and/or public funds.
- (b) Other Entities.** Any organization that is exempt from Federal income tax under Section 501(c)(3) of the IRS Code, and any other entity if permitted under the IRS Code and other applicable law...

Through Equalis Group, CCOG makes its established contracts available to any type of entity (public, private, or not-for-profit), so long as the Master Agreements and the laws governing each entity permit the entity to utilize CCOG's publicly procured, competitively solicited contracts. It is the responsibility of each entity to determine whether it may join Equalis Group and utilize the already-procured, competitively solicited contracts made available by Equalis Group Lead Agencies, such as CCOG. More information is available at www.CooperativeCogOhio.gov.

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