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|  | <b>MARICOPA COUNTY PROCUREMENT CODE</b> | DEPARTMENT OF OFFICE<br>OF PROCUREMENT<br>SERVICES |                   |
|   |   | Article 10   | Date<br>9/11/2013 |
| <b>SUBJECT</b><br><br><b>INTERGOVERNMENTAL PROCUREMENT</b>                        |   |  |                   |

MC1-1001     APPLICABILITY

Cooperative Purchasing agreements entered into pursuant to Article 10 of this Code shall be limited to the areas of Procurement, warehousing or management of materials.


MC1-1002     PROCUREMENT AGREEMENT APPROVAL

All Cooperative Purchasing agreements entered into pursuant to Article 10 of this Code by Maricopa County shall be approved by the Board of Supervisors.

MC1-1003     COOPERATIVE PURCHASING AUTHORIZED

Any Public Procurement Unit may either participate in, sponsor, conduct or administer a Cooperative Purchasing agreement for the Procurement of any Materials, Services, Professional Services, Construction or Construction Services with one or more other Public Procurement Units or External Procurement Entities in accordance with an agreement entered into between the participants. Cooperative Purchasing may include joint or multi-party contracts between Public Procurement Units and open-ended Public Procurement Unit Contracts that shall be available to other Public Procurement Units. A Public Educational or Public Health Institution may enter into an agreement pursuant to this section if one or more of the parties involved is a Public Procurement Unit. Parties under a Cooperative Purchasing agreement may:

1. Sponsor, conduct or administer a cooperative agreement for the Procurement of any Materials, Services, Professional Services, Construction or Construction Services.
2. Cooperatively use Contracts for Materials, Services, Professional Services, Construction or Construction Services.
3. Commonly use or share warehousing facilities, capital equipment and other facilities.
4. Provide personnel, except that the requesting Public Procurement Unit shall pay the Public Procurement Unit providing the personnel the direct and indirect Cost of providing the personnel, in accordance with the agreement.
5. On request, make available to other Public Procurement Units informational, technical or other Services that may assist in improving the efficiency or economy of Procurement. The Public Procurement Unit furnishing the informational or technical Services has the right to request reimbursement for the

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reasonable and necessary Costs of providing such Services.

6. Pursuant to procedures for Cooperative Purchasing adopted by the Chief Procurement Officer, Materials, Services, Professional Services, Construction and Construction Services purchased under the terms of a Contract between a Contractor and a Public Procurement Unit or external Procurement entity without complying with the requirements of MC1-315 through 324, MC1-325 through 327, MC1-328 through 339, MC1-340 through 345, MC1-374 through 379, and MC1-503 or as otherwise provided in this Code.
7. The activities described in Paragraphs 1 through 6 above do not limit what parties may do under a Cooperative Purchasing agreement.

MC1-1004 COOPERATIVE STATE PURCHASING AGREEMENT IN FORM OF A STATE REQUIREMENTS CONTRACT


Any State requirement Contract with the Maricopa County Office of Procurement Services entered into pursuant to A.R.S. § 41-2632 shall provide that:

- A. Payment for Materials or Services and inspection and acceptance of Materials or Services ordered by Maricopa County under State Contracts shall be the exclusive obligation of Maricopa County;
- B. The exercise of any rights or remedies by Maricopa County shall be the exclusive obligation of Maricopa County;
- C. Failure of Maricopa County to secure performance from the Contractor in accordance with the terms and conditions of its purchase order does not necessarily require the State to exercise its own rights or remedies; and
- D. Maricopa County shall not use a State Contract as a method for obtaining additional concessions or reduced Prices for similar Material or Services.

MC1-1005 INFORMATIONAL AND TECHNICAL SERVICES

The State Purchasing Administrator has the responsibility to develop, maintain and distribute a list of such information and technical Services available from the State Purchasing Office. Such list contains the names of any Suspended or Debarred Contractors and is distributed to the Maricopa County Office of Procurement Services.

MC1-1006 USE OF PAYMENTS RECEIVED BY A SUPPLYING PUBLIC PROCUREMENT UNIT

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|   |   | Article 12   | Date<br>9/11/2013 |
| SUBJECT   |   | <b>ETHICS IN PUBLIC CONTRACTING</b>                |                   |

All payments received by a Public Procurement Unit supplying personnel or Services shall be available to the supplying Public Procurement Unit to defray the Cost of the cooperative program.

MC1-1007      CONTRACT CONTROVERSIES

- A.      Under a Cooperative Purchasing agreement in which Maricopa County is a party, controversies arising between an administering Public Procurement Unit and its Respondents or Contractors shall be resolved in accordance with Article 9 of this Code.
  
- B.      Any local Public Procurement Unit which is not subject to Article 9 of this Code may enter into an agreement with a Public Procurement Unit to establish procedures or use such units existing procedures to resolve controversies with Contractors, whether or not such controversy arose from a Cooperative Purchasing agreement.

MC1-1008      COMPLIANCE WITH FEDERAL PROCUREMENT

If a Procurement involves the expenditure of Federal assistance or Contract monies, the Chief Procurement Officer or Using Agency shall comply with Federal law and authorized regulations which are mandatorily applicable and which are not presently reflected in this Code.