

## RESOLUTION 2014-147

### A RESOLUTION AUTHORIZING THE EXECUTION OF AGREEMENTS FOR COOPERATIVE PURCHASING AND JOINT EXERCISE OF POWERS BETWEEN THE VILLAGE OF VERNON HILLS AND NATIONAL JOINT POWERS ALLIANCE

WHEREAS, the Village of Vernon Hills, County of Lake, State of Illinois (*"the Village"*) is a duly organized and existing municipality and unit of local government created under the provisions of the laws of the State of Illinois, and is operating under the provisions of the Illinois Municipal Code; and

WHEREAS, National Joint Powers Alliance was created by Minnesota Statute Section 123A.21 as a service cooperative to serve cities, counties, towns, public or private schools, political subdivisions of Minnesota or another state, any agency of Minnesota or the United States including instrumentalities of governmental unit and all non-profits (*"NJPA"*); and

WHEREAS, the NJPA Board of Directors has established the ability for an Applicant desiring to participate in NJPA contracts and procurement programs to become a Participating Member; and

WHEREAS, the NJPA Board of Directors has determined that Participating Members will have no financial or organizational liability to NJPA or to its organizational activities; and

WHEREAS, the Village desires to contract with NJPA for cooperative purchasing, be a Participating Member in NJPA contracts and procurement programs and joint exercise of powers in relation to certain purchasing.

**NOW THEREFORE BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF VERNON HILLS, LAKE COUNTY, ILLINOIS, as follows:**

**SECTION ONE: APPROVAL OF AGREEMENTS.** The Cooperative Purchasing and Joint Exercise of Powers Agreements by and between the Village and NJPA shall be, and are hereby, in the forms attached to this Resolution as **Exhibit A and Exhibit B.**

**SECTION TWO: EXECUTION OF AGREEMENTS.** The Village Manager shall be, and is hereby, authorized and directed to execute and attest, on behalf of the Village, the Cooperative Purchasing and Joint Exercise of Powers Agreements.

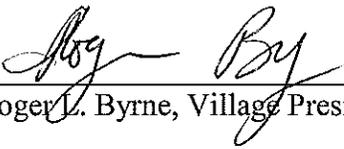
**SECTION THREE: EFFECTIVE DATE.** This Resolution shall be in full force and effect upon its passage and approval by a majority of the members of the Village Board.

Dated this 9<sup>th</sup> day of September 2014

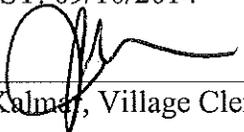
Adopted by roll call vote as follows:

AYES: 6 – Koch, Schwartz, Hebda, Williams, Schultz, Marquardt

NAYS: 0 - None  
ABSENT AND NOT VOTING: 0 - None

  
Roger L. Byrne, Village President

PASSED: 09-09-2014  
APPROVED: 09-09-2014  
ATTEST: 09/10/2014

  
John Kalmer, Village Clerk

**EXHIBIT A: COOPERATIVE PURCHASING AGREEMENT**

**EXHIBIT B: JOINT EXERCISE OF POWERS AGREEMENT**

EXHIBIT A  
**MEMBERSHIP AGREEMENT**  
PARTICIPATING MEMBER



This Agreement, made and entered into this 9th day of September, 2014, by and between National Joint Powers Alliance®, hereinafter referred to as "NJPA" and Village of Vernon Hills hereinafter referred to as the "Applicant".

**Witnesseth:**

That for a good and valuable consideration of the premises, mutual terms, covenants, provisions, and conditions hereafter set forth, it is agreed by and between the parties as follows:

*Whereas, the NJPA is created by Minnesota Statute §123A.21 as a service cooperative (with membership further defined in M.S. §471.59) to serve cities, counties, towns, public or private schools, political subdivisions of Minnesota or another state, another state, any agency of the State of Minnesota or the United States including instrumentalities of a governmental unit and all non-profits; and*

*Whereas, NJPA's purpose as defined in M.S. §123A.21 is to assist in meeting specific needs of clients which could be better provided by NJPA than by the members themselves; and*

*Whereas, the NJPA Board of Directors has established the ability for an "Applicant" desiring to participate in NJPA contracts and procurement programs to become a Participating Member; and*

*Whereas, the NJPA Board of Directors has determined that Participating Members will have no financial or organizational liability to NJPA or to its organizational activities;*

**Now Therefore,** it is hereby stipulated and agreed that the "Applicant" Agency desires to be a Participating Member of NJPA with contract purchasing benefits, in accordance with terms and conditions of the applicable contract(s), and that NJPA hereby grants said Membership to said "Applicant."

**Term:**

This continuing agreement shall remain in force or until either party elects to dissolve the Agreement by written notice.

**THEREFORE, IN WITNESS THEREOF,**

the parties hereto have executed this Agreement the day and year written above.

Member Name:

National Joint Powers Alliance®  
202 12<sup>th</sup> Street NE  
Staples, MN 56479

By

AUTHORIZED SIGNATURE

AUTHORIZED SIGNATURE

Its

Village Manager

TITLE

TITLE

DATE

DATE

9/9/14

CEO  
9/29/14

**MEMBERSHIP AGREEMENT  
PARTICIPATING MEMBER**



**ORGANIZATION INFORMATION (\*\* Required Information)**

Applicant Name: \*\* Village of Vernon Hills

Address: \*\* 290 Evergreen Drive

City, State, Zip \*\* Vernon Hills, Illinois 60061

Federal ID Number: 36-2689307

Contact Person: \*\* Allan Fonk

Title: \*\* Crew Leader

E-mail: \*\* alf@vhills.org

Phone: 847-680-2276

Website: www.vernonhills.org

Please indicate an address to which your Membership materials may be delivered.

Thank you.

**APPLICANT ORGANIZATION TYPE:**

- K-12
- Government or Municipality (please specify: Local Municipality- Village)
- Higher Education
- Other (please specify: \_\_\_\_\_)

**I WAS REFERRED BY: (please specify)**

- Advertisement \_\_\_\_\_
- Current NJPA Member \_\_\_\_\_
- Vendor Representative \_\_\_\_\_
- Trade Show \_\_\_\_\_
- NJPA Website \_\_\_\_\_
- Other \_\_\_\_\_

**Completed applications may be returned to:**

National Joint Powers Alliance ®  
 202 12<sup>TH</sup> Street NE  
 Staples, MN 56479

**Duff Erholtz**

Phone 218-894-5490  
 Fax 218-894-3045  
 E-mail duff.erholtz@njpacoop.org

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EXHIBIT B  
**JOINT EXERCISE OF POWERS  
AGREEMENT**



**This Agreement is Between the National Joint Powers Alliance® (NJPA) and  
Village of Vernon Hills**

(participating governmental agency)

**Agreement.** The participants in this Joint Exercise of Powers Agreement, hereinafter referred to as the Agreement, agree to jointly or cooperatively exercise certain powers common to them for the procurement of various goods and services by the participants. The term "governmental agency" as defined and used in this Agreement, includes any city, county, town, school district, education agency, post-secondary institution, governmental agency or other political subdivision of any agency of any state of the United States or any other country that allows for the Joint Exercise of Powers, and includes any instrumentality of a governmental agency. For the purpose of this section, an instrumentality of a governmental agency means an instrumentality having independent policy making and appropriating authority.

**Purpose.** The purpose of this Agreement is to allow for the cooperative efforts to provide for contract and vendor relationships to purchase supplies, materials, equipment or services (hereinafter referred to as goods and services,) as a result of the current and active competitive bidding process exercised by a legal qualifying bidding agency on behalf of governmental and other qualifying agencies. Qualified customers may forgo the competitive bidding process as a result of this action and process provided on the agencies behalf. Reference the Uniform Municipal Contracting Law MN Statute 471.345 subd 15. This provision is made possible as a result of the purchasing contract development through a national governmental agency association's purchasing alliance.

*Whereas, parties to this Agreement are defined as governmental agencies in their respective states;*

*and Whereas, this Agreement is intended to be made pursuant to the various Joint Exercise of Powers Acts of the states or nations of the respective participating governmental agencies which authorizes two or more governmental agencies to exercise jointly or cooperatively powers which they possess in common;*

*and Whereas, the undersigned Participating Governmental Agency asserts it is authorized by Intergovernmental Cooperation Statutes to enter into an agreement with NJPA to cooperate in procurement of goods and services; and Whereas, NJPA asserts it is a Minnesota Service Cooperative created and governed under Minnesota Statute §123A.21 authorized by Minnesota Statute §471.59 to "jointly or cooperatively exercise any power common to the contracting parties";*

*and Whereas, the undersigned Participating Governmental Agency and NJPA desire to enter into a "Joint Exercise of Powers Agreement" for the purpose of accessing available purchasing contracts for goods and services from each other which can be most advantageously done on a cooperative basis;*

**Now Therefore, it is mutually agreed as follows:**

1. The Parties to this agreement shall provide in a cooperative manner access to each other's purchasing efforts to procure supplies, equipment, materials and services hereinafter referred to as "goods and services",
2. The Parties to this Agreement will adhere to any and all applicable laws pertaining to the purchasing of goods and services as they pertain to the laws of their state or nation,
3. Either Party to this Agreement may terminate their participation in this Agreement upon thirty (30) days written notice,
4. Neither Party to this Agreement claims any proprietary interest of any nature whatsoever in any of the other participants in this Agreement
5. Each party agrees that it will be responsible for its own acts and the result thereof to the extent authorized by law and shall not be responsible for the acts of the other party and the results thereof. NJPA's liability shall be governed by the provisions of the Minnesota Tort Claims Act, Minnesota Statutes, Section §3.736, and other applicable law;

EXHIBIT B  
**JOINT EXERCISE OF POWERS  
 AGREEMENT**



- 6. Both Parties to this Agreement agree to abide by all of the general rules and regulations and policies of the participating agencies that they are receiving goods and services from;
- 7. Both Parties to this Agreement agree to strict accountability of all public funds disbursed in connection with this joint exercise of powers;
- 8. Both Parties to this Agreement agree to provide for the disposition of any property or surplus moneys (as defined by the participant) acquired as a result of this joint exercise of powers in proportion to the contributions of the governing bodies and;
- 9. Both Parties to this Agreement acknowledge their individual responsibility to gain ratification of this agreement through their governing body.

This Agreement allows for the NJPA to provide procurement contracts on behalf of all qualified participating agencies pursuant to the Uniform Municipal Contracting law, MN Statute §471.345 Subd 15.

**ORGANIZATION INFORMATION (\*\* Required Fields)**

Applicant Name: \*\* Village of Vernon Hills  
 Address: \*\* 290 Evergreen Drive  
 City, State, Zip \*\* Vernon Hills, Illinois 60061  
 Federal ID Number: 36-2689307  
 Contact Person: \*\* Allan Fonk  
 Title: \*\* Crew Leader  
 E-mail: \*\* alf@vhills.org  
 Phone: 847-680-2276  
 Website: www.vernonhills.org

Reference:  
 Minnesota Joint Exercise of Powers  
 M.S. 471.59

Participating Agency  
 Joint Exercise of Powers Authority  
 granted under State Statute

# \_\_\_\_\_

**THE UNDERSIGNED PARTIES HAVE AGREED THIS DAY TO THE ABOVE CONDITIONS.**

Member Name:  
 By [Signature]  
 AUTHORIZED SIGNATURE  
 Its Village Manager  
 TITLE  
9/11/14  
 DATE

National Joint Powers Alliance®  
[Signature]  
 AUTHORIZED SIGNATURE  
CEO  
 TITLE  
9/29/14  
 DATE

**Completed applications may be returned to:**

National Joint Powers Alliance @  
 202 12<sup>TH</sup> Street NE  
 Staples, MN 56479

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