

POLICY GUIDE

FINANCES
6440/page 1 of 4
Cooperative Purchasing
Sept 20
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[See POLICY ALERT Nos. 144, 168 and 221]

6440 COOPERATIVE PURCHASING

The Board of Education recognizes that centralized, cooperative purchasing ~~tends to~~ **may** maximize the value received for each dollar spent. The **Board of Education Administration** is encouraged to seek savings that may accrue to ~~this~~ **the school** district by means of joint agreements for the purchase of goods or services with the governing body of **any** the municipality or the county ~~within whose boundaries the school district is wholly or partly located, or by means of contracts entered into by the New Jersey State Treasury Department, Division of Purchase and Property.~~

For the purpose of this Policy, A “cooperative pricing system” means is a purchasing system in which the lead agency advertises for bids, awards a master contract to the vendor providing for its own ~~needs~~ **quantities** and ~~for the estimated quantities submitted by the individual registered members~~ **prices to be extended to registered members, and notifies them of the bid prices awarded.** ~~The registered members then contract directly with the vendor for their own needs, subject to the specifications in the master contract.~~

For the purpose of this Policy, “cooperative purchasing system” means a cooperative pricing system, joint purchasing system, commodity resale system, county cooperative contract purchasing system, or regional cooperative pricing system which has been approved and registered subject to N.J.A.C. 5:34-7.1 et seq.

For the purpose of this Policy, “electronic data processing” means the storage, retrieval, combination, or collation of items of information by means of electronic equipment involving the translation of words, numbers, and other symbolic elements into electrical impulses or currents.

For the purpose of this Policy, A—“joint purchasing system” means is a cooperative purchasing system in which the lead agency **serves as the purchasing agent for the membership of the system with all of the duties and responsibilities attendant.** The lead agency advertises for bids and awards a single contract to a vendor providing for the payment to the contractor for



POLICY GUIDE

FINANCES
6440/page 2 of 4
Cooperative Purchasing

its own needs and for the needs of the participating registered members of the system. The only contractual relationship is between the lead agency and the vendor. ~~has complete purchasing responsibility for the registered members, and the only contractual relationship is between the lead agency and the vendor.~~

For the purpose of this Policy, “lead agency” means the contracting unit which is responsible for the management of the cooperative purchasing system.

For the purpose of this Policy, “registered members” means Boards of Education who have been approved by the Director of the New Jersey Department of Community Affairs for participation in the cooperative purchasing system.

~~A “cooperative purchasing system” is either a joint purchasing or cooperative pricing system.~~

When the lead agency is a Board of Education or Educational Service Commission and the entire membership of the cooperative purchasing system established and properly registered with the New Jersey Division of Local Government Services **in the Department of Community Affairs** are Boards of Education, the **provision and performance of goods or services** ~~purchase of work, materials or supplies~~ shall be conducted pursuant to the Public Schools Contract Law. (N.J.S.A. 18A:18A-11 et seq.)

The **School Business Administrator/Board Secretary** _____ is hereby authorized to negotiate such joint agreements for goods and services which the Board may determine to be required and which the Board may otherwise lawfully purchase for itself with such approved contracting units as may be appropriate in accordance with State law, the policies of this Board, and the dictates of sound purchasing procedures.

In accordance with the provisions of N.J.S.A. 18A:18A-12, a ~~No~~ cooperative or joint purchase **agreement(s) shall be entered into by resolution adopted** ~~may be entered without Board approval by each participating Board of Education, municipality, or county, and shall set forth of an agreement that specifies the categories of goods or services to be provided or performed work, materials and supplies to be purchased;~~ the manner of advertising for bids and the awarding of contracts; the method **by which of payment will be made** by each participating



POLICY GUIDE

FINANCES
6440/page 3 of 4
Cooperative Purchasing

Board of Education, municipality or county, and ~~such~~ other **matters terms** deemed necessary to carry out the purposes of the agreement. Agreements for cooperative and joint purchasing will be subject to all bidding requirements imposed by law. Purchases made through the State Treasury Department may be made without bid.

Each participant's share of expenditures for purchases under any such agreement shall be appropriated and paid in the manner set forth in the agreement and in the **same** manner as for other expenses of the participant.

In accordance with the provisions of N.J.S.A. 18A:18A-14.2, ~~t~~The Board may by contract or lease provide electronic data processing services for the Board of Education of another school district; and may undertake with such other Board, the joint operation of electronic data processing of their official records and other information relative to their official activities, services and responsibilities. The records and other information originating with any Board participating in such contract or lease may be combined, compiled, and conjoined with the records and other information of any and all participating local units for the purposes of such electronic data processing; and any provisions of law requiring such records to be kept confidential or to be retained by any Board or any officer or agency thereof shall be deemed to be isolated thereby.

A contract or lease to provide electronic data processing services shall set forth the charge for all services provided, or in the case of a joint undertaking the proportion of the cost each party thereto shall assume and specify all the details of the management of the joint undertaking, and any other matters that may be deemed necessary for insertion therein, and may be amended from time to time by the contracting parties **in accordance with N.J.S.A. 18A:18A-14.3.**

For the purpose of carrying into execution a contract or lease for a joint enterprise under N.J.S.A. 18A:18A-14.4, ~~a~~Any party to **such** a contract ~~for joint operation of electronic data processing services~~ may act as agent for any or all parties in acquiring, by lease, purchase or otherwise, any property, facilities or services, in appointing such officers and employees as may be necessary and directing its activities, to the same extent as a Board of Education is authorized to do separately.



POLICY GUIDE

FINANCES
6440/page 4 of 4
Cooperative Purchasing

In the event that any controversy or dispute shall arise among the parties (except a municipality or a county) to any such **contract agreement**, the same shall be referred to the **Executive** County Superintendent of the county in which the districts are situated for determination and the determination shall be binding, subject to appeal to the Commissioner of Education ~~and the State Board~~ pursuant to law. In the event the districts are in more than one county, the controversy or dispute shall be referred to the **Executive** County Superintendents of the counties for joint determination, and if they shall be unable to agree upon a joint determination within thirty days, the controversy or dispute shall be referred to the Commissioner of Education for determination.

~~In a cooperative purchasing system established and properly registered with the New Jersey Division of Local Government Services where the lead agency is a Board of Education or Educational Service Commission and the membership of the system is Boards of Education and local contracting units as defined in N.J.S.A. 40A:11-2(1), the purchase of any work, materials or supplies shall be conducted pursuant to the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) and N.J.A.C. 5:34-7.~~

N.J.S.A. 18A:18A-10 **11** through 14
N.J.S.A. 40A:11-1 et seq.
N.J.A.C. 5:34-7
N.J.A.C. 6A:23-7.423A-**21.5**

Adopted:

