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**APPOINTMENT OF REPRESENTATIVE TO THE  
BERKS COUNTY COOPERATIVE PURCHASING COUNCIL**

Resolution 2012 - 8

**WHEREAS**, the Board of Supervisors has authorized the Township of Tulpehocken to be part of the Berks County Cooperative Purchasing Council, an unincorporated association of public entities organized and existing under the applicable provisions of P.L. 526 of April 29, 1937 (53 P.S. Section 5431 et seq.), as amended, and Act 57 of May 15, 1998, as amended, (Title 62 Pa C.S. 1902) known as the Commonwealth Procurement Code for the purpose of joint purchases of materials, equipment, supplies, services, and/or construction; and,

**WHEREAS**, said Berks County Cooperative Purchasing Council calls for each participating entity to designate a representative to serve on the Council;

**NOW THEREFORE BE IT RESOLVED**, that John A Kintzer be and is hereby appointed to serve as the representative for Tulpehocken Township on the Berks County Cooperative Purchasing Council for the purpose of meeting periodically with representatives of the Council to authorize joint purchases, to discuss public procurement problems, and to exchange purchasing ideas; and

**BE IT FURTHER RESOLVED**, that Richard A Kramer be and is hereby appointed to serve as the alternate representative for Tulpehocken Township when the above appointed representative is unable to participate in a meeting of the Council.

John A Kintzer  
John A Kintzer, Chairman

Richard A Kramer  
Richard A Kramer, Vice Chairman

Gary A Deck  
Gary A Deck

Attest: Wendy Boef  
Township Secretary

# Berks County Cooperative Purchasing Council

## Statement of Operating Procedures

(Revised April, 2010)

### (1.) Purchasing

Any two or more governmental entities may decide to cooperate in purchasing a given commodity of goods, supplies, and/or services. This decision must be conveyed to the President and the total Council membership before specifications are prepared. The President shall recognize one representative to serve as the lead agency.

All plans and specifications prepared for joint purchase shall be in accordance with the following process.

### (2.) Decision Making Process for Joint Purchasing

Step 1: Identify Interest: The Council as a body, or two or more municipalities identify an interest in jointly purchasing a specific commodity(ies) and notify the Council President

Step 2: Authorize Bid and Designate Lead Agency: The Council or Executive Committee authorizes a request for bids and the Council President or Presiding Officers designates a lead agency for the commodity.

Step 3: Determine Interest and Prepare Specifications: All Council members are informed of the interest in the specific commodity and requested to inform the lead agency if they would like to be part of the initial discussions. The lead agency will be responsible for preparing the bid specifications. All bid specifications must include the quantity disclaimer that requested quantities may be increased, decreased, or eliminated from quantities identified in the specifications (a copy of the final specifications will be provided to participating members, if desired).

Step 4: Intent to Pursue Joint Purchase: Council members will be notified of the timetable for submitting their required information. If a member fails to provide the information by the stated deadline date, it will be interpreted that the member is not interested.

Step 5: Request for Bids or Price Quotations: the lead agency will request bids or price quotations on behalf of the Council in accordance with Council operating procedures and state law. Bidders will be asked whether Council members not participating in the bid will be able to piggyback on the contract and purchase the commodity at the bid price. Piggybacking, where permitted, is a benefit to Council members but members piggybacking on a contract are not covered by the bond submitted by the vendor.

Bid specifications should include a statement that members located outside Berks County may incur an additional shipping/transportation surcharge.

Step 6: Review and Acceptance of Bids or Price Quotes: bids and quotes will be received and opened by the lead agency in accordance with state law. A tabulation of bids will be prepared by the lead agency for review by all participating entities. The participating entities will review the bid or quote tabulation, decide whether to recommend the award of the contract to the lowest responsible bidder meeting specifications, and notify the lead agency of their acceptance or rejection of the bid.

To expedite the process, Council representatives may request pre-authorization by his/her governing body to participate in the bid, to approve the specifications, and to award the bid within the budget allocated for the commodity.

All requests for bids will include a statement that the decision on the award will be made within 45 days following the bid due date in order to allow for governing body approval if pre-authorization is not obtained.

The lead agency will verify to and get approval from the Council or Executive Committee that the operating procedures have been fulfilled prior to accepting the bid.

The lead agency will notify the selected vendor of all entities accepting the bid.

Step 7: Award the Contract: the contract will be awarded by the lead agency in accordance with the Council's operating procedures and state law.

Step 8: Delivery of Product and Invoicing: the product will be delivered directly to the participating members in accordance with the specifications and invoices will be sent by the vendor to the individual participating members for payment.

(3.) Rejection of Bids

Any participating entity that rejects the lowest responsible bidder(s) must show just cause for so doing. If any entity rejects the lowest responsible bidder(s) without just cause in the opinion of the lead agency, the Executive Committee of the Council shall review the situation and submit a recommendation to the Council for their action.

(4.) Expenses

It is agreed that bid expenses shall be absorbed by the lead agency. Other operating expenses shall be covered in a manner approved by the Council.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Secretary

**BY-LAWS OF THE  
BERKS COUNTY COOPERATIVE PURCHASING COUNCIL  
(Revised April, 2010)**

1. Purpose

The purpose of the Berks County Cooperative Purchasing Council is to provide a forum for governmental, education, and other local public procurement entities to join together to purchase goods, supplies, and/or services; and to share information and expertise on purchasing related matters.

2. Representatives

Each participating entity shall designate in writing the name or title of one individual to serve as its representative on the Council and may designate an alternate to participate in activities of the Council when the representative is unable to attend. If the representative changes, the entity shall give the Council written notice of the change.

3. Meetings

A quorum is necessary for conducting business at all Council meetings and will require **twenty percent (20%)** of the total membership to be present. The Council will hold at least four (4) general meetings each year, with the meetings being advertised in conformance with state regulations at the start of each calendar year.

Other general and special meetings shall be called by the President as and when needed or at the request of at least 20% of the Council members. Written notice shall be given to all Council members at least 48 hours prior to the meeting. Representatives shall meet as outlined to make decisions relative to the work of the Council.

4. Officers

The officers of the Council shall be the President, Vice-President and Secretary. Their term of office shall be for one year and the President and Vice-President may be re-elected for no more than two consecutive terms. If a vacancy occurs in the office of Vice-President or Secretary, the President shall appoint a member of the Council to serve in this position until the next regular election. If a vacancy occurs in the office of President, the Vice-President shall assume this position until the next regular election.

5. Election of Officers

A Nominating Committee shall be appointed by the President at the third quarterly meeting. Officers shall be elected at the fourth quarterly meeting by a majority vote of the Council members present.

6. Executive Committee

The Executive Committee of the Council shall be comprised of the officers plus three\_at-large members appointed by the President plus the immediate past President. The Committee will conduct the business of the Council, as necessary, between general meetings, including the assurance that bid procedures have been adhered to by the lead agency and participating entities

7. Statement of Operating Procedures

The Council shall adopt and revise, as necessary, a Statement of Operating Procedures that includes the procedures for undertaking a cooperative purchase, for opening and awarding bids, for rejecting a bid, for allocating expenses, and other related matters.

8. Minutes

The Secretary or designated representative shall record and transcribe the minutes of all meetings of the general membership and of the Executive Committee. These minutes shall be kept in a book to be retained by the Secretary or designated representative.

9. Amendments

The proposed amendment(s) shall be presented to Council members at a meeting prior to the vote. Amendments to these By-Laws must be approved by two-thirds of the total Council members. The vote shall take place by mail ballot or electronic means.

10. New Members

The participation of additional entities will be subject to approval by a majority vote of the Council membership present at a regular or special meeting and the receipt of a resolution in form prescribed by the Council.

11. Membership and Dues

Membership in good standing is based on the payment of the annual dues by the established invoice date. Membership dues shall be set annually at the third quarterly Council meeting based on a recommendation from the Executive Committee. Said recommendation shall be based on the administrative costs including, but not limited to, expenses incurred by the Center for Excellence in Local Government.

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Date

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Secretary

**Resolution # \_\_\_\_\_**  
**Cooperative Purchasing Agreement**

This AGREEMENT made this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by and between the \_\_\_\_\_ of \_\_\_\_\_ and the Berks County Cooperative Purchasing Council, an unincorporated association of public entities organized and existing under the applicable provisions of P.L. 526 of April 29, 1937 (53 P.S. section 5431 et seq.), as amended, and Act 57 of May 15, 1998, as amended, (Title 62 Pa C.S. 1902) known as the Commonwealth Procurement Code for the purpose of joint purchases of materials, equipment, supplies, services, and/or construction.

WHEREAS, the Berks County Cooperative Purchasing Council was created by agreement dated February 1, 1999; and

WHEREAS, the \_\_\_\_\_ of \_\_\_\_\_ and the Berks County Cooperative Purchasing Council have now agreed that the \_\_\_\_\_ of \_\_\_\_\_ shall join the Berks County Cooperative Purchasing Council;

NOW, THEREFORE, pursuant to the authority granted by the Assembly of the Commonwealth of Pennsylvania providing for cooperative purchasing in accordance with the applicable provisions of P.L. 526 of April 29, 1937 (53 P.S. section 5431 et seq.), as amended, and Act 57 of May 15, 1998, as amended, (Title 62 Pa C.S. 1902) known as the Commonwealth Procurement Code, the parties hereto, in consideration of the premises and the mutual promises contained herein, agrees as follows:

1. It is hereby understood that in order to carry out this joint purchasing plan a Joint Purchasing Council will be established, to be known as the BERKS COUNTY COOPERATIVE PURCHASING COUNCIL, hereafter called the "Council". The membership of the Council will consist of one (1) voting representative from each member entity participating in the plan. Such representative shall be designated, in writing, by the governing body of each respective entity.
2. Said Council shall formulate and adopt such rules and regulations for said organization and procedures as it may deem suitable for the conduct of its business.
3. The duties of the Council shall be to meet periodically as shall be agreed upon for the purpose of preparing specifications for the various types of materials, equipment, supplies, services, and/or construction which may be jointly purchased, and to discuss other problems and exchange ideas pertinent to the area of public procurement.
4. It is understood that each of the participating entities shall have the privilege of either joining or not joining in the purchase of any items upon which joint purchasing bids are to be secured and no entity shall be required to pay or contribute for items not purchased by said entity. Each representative shall designate, in writing, prior to advertising, the items to be purchased, the quantities and terms of shipment for their respective entity.
5. A designated lead agency shall assume the responsibility for preparing the Invitation to Bid and advertising for bids in accordance with the By-Laws of the Council. The lead agency shall also be designated to assume the following responsibilities:
  - a. receive and open all bids at the time and in a manner acceptable to the participants;
  - b. submit a complete tabulation of all bids to the appropriate authority of each participating agency;and

- c. reject any and all bids, or parts thereof, where deemed appropriate, and shall furnish participating agencies with an explanation and a report on its actions along with tabulations of all bids received.
- 6. Joint purchasing shall be carried out by complying with the applicable provisions of State Law pertaining thereto; if required, competitive bidding shall be undertaken in writing, advertisement of which shall be inserted in newspapers in accordance with the law.
- 7. Each participant shall be responsible for issuing its own purchase orders, receiving shipments, inspecting goods, verifying and paying invoices.
- 8. Payment on all purchases will be made by each individual participating entity and under no circumstances shall any entity be responsible for payment on account of another entity's purchase hereunder.
- 9. It is agreed that any expenses directly arising for the operation of the Council shall be shared by the various entities in proportion to their participation in each bidding procedure.
- 10. This AGREEMENT shall take effect upon execution by each of the parties noted above. Thereafter, additional entities may, from time to time, become parties to this AGREEMENT upon approval by a two-thirds vote of the Council and the execution of the AGREEMENT as prescribed by the Council.

IN WITNESS WHEREOF, the parties hereto have caused this AGREEMENT to be executed by the authorized officers the day and year written above.

ATTEST: (seal)

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BY: \_\_\_\_\_

ATTEST:

BERKS COUNTY COOPERATIVE PURCHASING COUNCIL

\_\_\_\_\_

Secretary

BY: \_\_\_\_\_

President