

Resolution No. 17-70

A RESOLUTION AUTHORIZING A JOINT POWERS AGREEMENT BETWEEN THE VILLAGE OF VILLA PARK AND THE NATIONAL JOINT POWERS ALLIANCE FOR A COOPERATIVE PURCHASING PROGRAM

WHEREAS, the Village of Villa Park (the “Village”) is a duly organized and validly existing non home-rule municipality created in accordance with the constitution of the State of Illinois of 1970 and the laws of the State of Illinois; and,

WHEREAS, the Village and the National Joint Powers Alliance (the “NJPA”) are units of local government and the Constitution of the State of Illinois, 1970, Article VII, Section 10, authorizes units of local government, including those in other states, to contract or otherwise associate among themselves by entering into intergovernmental agreements; and,

WHEREAS, the Intergovernmental Cooperation Act (5 ILCS 220/1, *et seq.*) authorizes public agencies, which include public agencies of other states, to jointly enjoy and/or exercise powers, privileges, functions, or authority with other public agencies; and,

WHEREAS, the President and Board of Trustees of the Village find that it is in the best interest of the health, safety and welfare of the citizens of the Village to enter into an intergovernmental agreement to participate in a cooperative purchasing program with NJPA and appoint NJPA as the Village’s purchasing agent for the purchase of certain products and services through the cooperative purchasing program.

NOW THEREFORE, BE IT RESOLVED, by the President and Board of Trustees of the Village of Villa Park, DuPage County, State of Illinois, as follows:

Section 1: That the *NATIONAL JOINT POWERS ALLIANCE JOINT POWERS AGREEMENT*, between the Village of Villa Park and the Nationally Joint Powers Alliance, a copy of which is attached hereto as Exhibit A, be and the same is hereby approved and the

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Village Manager is hereby authorized and directed to execute the Agreement on behalf of the Village of Villa Park.

Section 2: This Resolution shall be in full force and effect upon its passage and approval according to law

PASSED this 9th day of October, 2017, pursuant to a roll call vote as follows:


AYES: 6

NAYS: 0

ABSENT: 1

APPROVED this 9th day of October, 2017

Attest: 
Village Clerk


Village President



**NATIONAL JOINT POWERS ALLIANCE®
JOINT POWERS AGREEMENT**

This Agreement, made effective on the date hereof, is between the National Joint Powers Alliance® (hereinafter referred to as “NJPA”) and _____ (hereinafter referred to as “Governmental Unit”).

Recitals

NJPA is a Service Cooperative whose creation was authorized by Minn. Stat. § 123A.21; and

NJPA is a political subdivision and government unit of the state of Minnesota. Minn. Stat. § 471.59 authorizes NJPA to enter into agreements with other governmental units in the United States and Canada to jointly or cooperatively exercise any power common to the contracting powers or similar powers, as deemed necessary; and

Governmental Unit asserts it is authorized by its statutes to utilize contracts competitively solicited by another governmental unit; and

Governmental Unit and NJPA desire to enter into a “Joint Exercise of Powers Agreement” for the purpose of Governmental Unit accessing available contracts for goods and services from NJPA Awarded Vendors.

NJPA and the Governmental Unit hereby agree as follows:

Agreement

1. NJPA will make its contracts for goods and services and/or other NJPA services available to the Governmental Unit. The Governmental Unit will be a Participating Member.
2. The Governmental Unit may utilize the contracts or services procured or offered through NJPA to purchase supplies, equipment, materials and services.
3. The Parties to this Agreement will adhere to any and all applicable laws pertaining to the procurement of goods and services as they pertain to the laws of their state or nation.
4. This Agreement will become effective on the date hereof and shall remain in effect until canceled by either party upon thirty (30) days’ written notice to the other party.
5. Each party agrees that it is responsible for its acts and the results thereof, to the extent authorized by law, and will not be responsible for the acts of the other party and the results thereof. The Governmental Unit will be responsible for all aspects of its purchase, including ordering its goods and services, inspecting and accepting the goods and services, and paying the Vendor who will have directly billed the Governmental Unit placing the order.
6. Both Parties to this Agreement agree to strict accountability of all public funds disbursed in connection with this joint exercise of powers as required by each party’s respective laws.
7. To purchase goods and services from NJPA contracts, the Governmental Unit must enter into a purchase order or other subsequent agreement in accordance with the terms and conditions of NJPA contracts and any requirements applicable to the Governmental Unit’s governing body. The Governmental Unit must send purchase orders directly to the applicable Vendor and will make payments directly to the Vendor in accordance with its established procedures and terms of the NJPA contract. The Governmental Unit will not use the goods available under NJPA contracts for purposes of resale.

8. Pursuant to Minn. Stat. § 471.59, Subd. 5, if applicable, the Parties shall provide for the disposition of any property acquired as the result of such joint or cooperative exercise of powers, and the return of any surplus moneys in proportion to contributions of the several contracting parties after the purpose of the Agreement has been completed.
9. There shall be no financial remunerations by the Governmental Unit to NJPA for the use of NJPA procurements, contracts or agreements or the payment of any fees to NJPA.
10. Both Parties to this Agreement acknowledge their individual responsibility to gain ratification of this agreement through their governing body as required by law.
11. The NJPA contracts utilized by the Governmental Unit through this Agreement were procured or will be procured through the Uniform Municipal Contracting law, Minn. Stat. § 471.345.

The Parties have executed this Agreement effective the date hereof.

Governmental Unit

National Joint Powers Alliance®

By Albert Bultman
AUTHORIZED SIGNATURE

Its PRESIDENT
TITLE

10-9-2017
DATE

AUTHORIZED SIGNATURE

TITLE

DATE

GOVERNMENTAL UNIT INFORMATION

Indicate an address to which correspondence may be delivered.

Name* _____

Address* _____

City, State, ZIP code* _____

Employer Identification Number _____

Contact person* _____

Title* _____

E-mail* _____

Phone* _____

Website _____

ORGANIZATION TYPE*

- K-12 (Public or non-profit)
- Government or municipality (Specify: _____)
- Higher education (Public or non-profit)
- Other (Specify: _____)

REFERRED BY

- Advertisement _____
- Current NJPA member _____
- Vendor representative _____
- Trade show _____
- NJPA website _____
- Other _____

Return completed agreement to

National Joint Powers Alliance ®
 202 12th Street NE
 Staples, MN 56479

Duff Erholtz

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

**Denotes required information*