



MT. DIABLO UNIFIED SCHOOL DISTRICT GOVERNING BOARD

**RESOLUTION 24/25-31
ADOPTING AND APPROVING THE JOINING OF THE
PARTICIPATION AGREEMENT WITH SOURCEWELL,
JOINT POWER AUTHORITY**

WHEREAS, Government Code §§ 6500 *et seq.* provides that public agencies, including cities, counties, school districts, the federal government, and public agencies outside of the State, may enter into joint powers agreements to exercise powers common to them, including the power to procure equipment, materials, and supplies;

WHEREAS, Sourcewell is a public agency that operates under the legislative authority of the Minnesota State Legislature's Service Cooperative Statute that follows procurement procedures for products and services in accordance with Minnesota Uniform Municipal Contracting Law, Minnesota Statute § 471.345, and is permitted to engage in cooperative purchasing pursuant to Minnesota Statute § 123A.21 Subd. 7(23) to serve all government, education, and non-profit agencies nationally;

WHEREAS, the District has determined that it may reduce its costs of procurement by utilizing the competitively bid contracts available through Sourcewell, as a lead public agency; and

WHEREAS, the District wishes to become a participating public agency of Sourcewell and thereby have the option to utilize the cooperative purchasing contracts available through Sourcewell, in accordance with Government Code §§ 6500 *et seq.*

NOW, THEREFORE, BE IT RESOLVED by the Board of Education of the Mt. Diablo Unified School District hereby finds, determines, declares, orders, and resolves as follows:

1. That the foregoing recitals are true.
2. That the Board hereby declares its membership in Sourcewell and instructs its duly authorized agent to execute and deliver on its behalf any necessary or appropriate documents to carry-out the intent of this Resolution.
3. That the Board approves the Cooperative Purchasing Program Participation Agreement, attached hereto as Exhibit A.

That the Board hereby authorizes the District's Superintendent and/or the designee of either of them, each acting alone, to take any action which is necessary to carry out, give effect to, and comply with the terms and intent of this Resolution.

AYES: NOES: ABSENCES: ABSTENTIONS:

Erin McFerrin, Board President

Linda Mayo, Board Vice President

Cherise Khaund, Board Member

Debra Mason, Board Member

Keisha Nzewi, Board Member

Dr. Adam Clark, Superintendent

Resolution 24/25-31

Adopted at the meeting of the MDUSD Governing Board of Education on 10/23/2024

Sourcewell Cooperative Purchasing Program Participation Agreement

This Participation Agreement is between Sourcewell and Participating Entity to provide access to Sourcewell's Cooperative Purchasing Program. Sourcewell's Board of Directors has approved these terms and conditions through operation of this intergovernmental Participation Agreement. Participating Entity approves this Agreement upon registration with Sourcewell.

Section 1: Authority

1.1 Sourcewell is a service cooperative established by Minn. Stat. § 123A.21 as a local unit of government pursuant to the Minn. Const. art. XII, sec. 3.

1.2 Sourcewell is authorized to provide a Cooperative Purchasing Program by Minn. Stat. § 123A.21, subd. 7(23) to Participating Entities.

1.3 Sourcewell's cooperative purchasing master agreements are offered through Minn. Stat. § 471.59 and this Participation Agreement. The Sourcewell Board of Directors has approved these participation terms, and Sourcewell is authorized to enter this interlocal or joint powers agreement with an eligible Participating Entity through this Participation Agreement.

1.4 Participation in Sourcewell's Cooperative Purchasing Program is open to eligible Participating Entities. A Participating Entity is any eligible entity registering with Sourcewell, including: any government unit, including a state, city, county, town, village, school district, political subdivision of any state, federally recognized Indian tribe, any agency of the United States, any instrumentality of a governmental unit, any other entity as defined in Minn. Stat. § 471.59 Subd. 1(b).

1.5 Participating Entity and Sourcewell agree this Participation Agreement is for the purpose of allowing access to available Sourcewell Cooperative Purchasing Program master agreements with awarded Suppliers.

1.6 Participating Entity represents, through an authorized signatory, it is eligible for participation as defined in this Agreement.

Section 2: General Terms

2.1 Sourcewell will make its Cooperative Purchasing Program available to Participating Entity. Sourcewell master agreements are provided to Participating Entity "as is." Sourcewell makes no representation as to warranties of quality, merchantability, or fitness for a particular purpose for any purchase through a Supplier. Participation in the Program is voluntary and non-exclusive.

2.2 To purchase from Sourcewell master agreements, Participating Entity and Supplier will execute a Transaction Document(s) as mutually agreed. Participating Entity will be responsible for all aspects of its purchase, including ordering, inspecting, acceptance, payment, and any other

material terms as negotiated directly with Supplier.

2.3 The Parties to this Agreement will adhere to all applicable laws concerning the procurement in its respective jurisdiction.

2.4 Access to the Cooperative Purchasing Program is effective upon the date of Participating Entity's completed registration. The Agreement will remain in effect until canceled by either party upon thirty (30) days written notice to the other party.

2.5 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.

2.6 There will be no financial remunerations by or obligations upon Participating Entity for participation in Sourcewell Cooperative Purchasing Program.

2.7 Sourcewell's Cooperative Purchasing Program master agreements will be procured in compliance with Minnesota law and the Sourcewell Cooperative Purchasing Program.

2.8 The records and documents related to this this Agreement are subject to the Minnesota Data Practices Act, Minnesota Statutes Chapter 13.

Section 3: Approval

The Sourcewell Board of Director has approved this Policy effective January 1, 2024.

Sourcewell:

DocuSigned by:
By Greg Zylka
Authorized Signature – Signed

By Greg Zylka
Name – Printed
Title Sourcewell Board of Directors Chair
Date 1/22/2024 | 8:34 PM CST

DocuSigned by:
By Linda Arts
Authorized Signature – Signed

By Linda Arts
Name – Printed
Title Sourcewell Board of Directors Clerk
Date 1/23/2024 | 2:01 PM CST

Participating Entity:

By [Signature]
Authorized Signature – Signed

By Adrian Vargas
Name – Printed
Title CBO
Date 10/15/24

Organization Information

Indicate an address to which correspondence may be delivered.

Organization Name* _____

Address* _____

City* _____

State Code* _____ Zip Code* _____

Country* _____

Employer Identification Number _____

Website _____

Contact person* (First, Last) _____

Job Title* _____

Email completed agreement to:
service@sourcewell-mn.gov

You may also mail the completed agreement to:

Sourcewell
202 12th Street NE
P.O. Box 219
Staples, MN 56479

Job Role

Administrator
Department Head
Department Purchaser
Human Resources
Procurement Officer
Teacher
Other

Department

Administration
Dining/Food Service
Facilities/Operations
Fleet/Transportation
Human Resources
Information Technology
Parks, Recreation & Athletics
Public Safety/Security
Public Works/Utilities
Purchasing & Finance

Email* _____

Phone* _____

Organization Type:

Government

- County
- Federal
- Municipality
- Province/Territory
- Special District
- State
- Township
- Tribal

Education

- Local Education Agency (Public K-12 and Pre-K)
- Private Local Education Agency (Private K-12)
- Private Higher Education
- Public Higher Education

Nonprofit

Documentation demonstrating nonprofit status is required when submitting application.

- Church
- Medical Facility
- Other

Referred by

- Advertisement
- Colleague/Friend
- Conference/Trade Show _____
- Supplier
- Search Engine/Web Search
- Sourcewell Employee

**Denotes required information*