



JIMMY H. BAKER
Chancellor

MEMORANDUM#2023-FIS-043

DATE: October 1, 2023
TO: Presidents and Chief Financial Officers, Alabama Community College System
FROM: Sara Calhoun, Chief Financial Officer 
RE: Fiscal Year 2024 Approved National Purchasing Cooperatives

In accordance with Act No. 2021-496 and Alabama Community College System Board Policy 309.01: Purchasing, the Alabama Community College System (hereinafter System) has evaluated the competitive bid process of the following National Purchasing Cooperatives (hereinafter Cooperatives):

1. Omnia Partners Public Sector (Omnia) - Contracts were awarded by various governmental entities in accordance with the competitive bid laws in the state of the awarding authority.
2. National Association of State Procurement Officials (NASPO) - Contracts were awarded by various governmental entities in accordance with the competitive bid laws in the state of the awarding authority.
3. NPPGov - Contracts were awarded by various governmental entities in accordance with the competitive bid laws in the state of the awarding authority.
4. The Interlocal Purchasing System (TIPS) - Contracts were awarded in compliance with Texas competitive bid laws.
5. Buy Board - Contracts were awarded in compliance with Texas competitive bid laws.
6. Sourcewell - Contracts were awarded in compliance with Minnesota competitive bid laws.

The System's review did not find any matters that were contrary to proper purchasing or procurement policies, procedures, or practices.

Based on the System's review, the competitive bid process used by the Cooperatives is approved for use through December 31, 2024. This approval authorizes the purchase, lease, or lease purchase of certain goods or services, other than voice or data wireless communication services.

Government Services Administration (GSA) Contracts are available for use in procuring goods or services, except for wireless communication services, voice or data. Purchases must be made through current and valid contracts awarded by the GSA. The contract purchases must comply with the terms and conditions outlined in the GSA contract. Prices paid for authorized goods and services shall not exceed the amounts specified in the said contract.

Each institution should ensure that the goods or services to be purchased, leased, or lease purchased are reasonably priced to ensure prudent use of public funds. Additionally, these purchases should be made through a participating Alabama vendor with an Alabama business license, if such vendor exists.

Please be advised, this memo authorizes the purchase of materials or equipment (including of HVAC equipment) that are otherwise part of a contract for "public works" as defined in Section 39-2-1(6), Ala. Code 1975 from the approved cooperatives. The remaining portion of the public works project is subject to the requirements of Title 39, even if the remaining portion of the project would involve an amount less than \$100,000 as a result of the exclusion of the purchase of materials or equipment. See Section 39-2-2(l)(1) and (2), Ala. Code 1975, as amended by Act 2023-497.

Code of Alabama Section 39-2-2(d)(2), HVAC Exemptions for Examiners of Public Accounts Approved Contracts

The System is allowed to contract for purchasing air conditioning and heating units and systems, as defined under the provisions of Section 39-2-2(d)(2), Code of Alabama, as amended by Act No. 2021-282. The provisions do not authorize installation, labor, or services related to the purchase, which must be bid in compliance with Title 39. The Examiners of Public Accounts have published cooperative contract authorizations related to these provisions at <https://alison.legislature.state.al.us/epa-purchasing-coops>.

These approvals authorize the purchase of air conditioning or heating units and systems from an Alabama vendor who has been granted approved vendor status as part of the following contract awards:

1. Omnia Partners- HVAC
 - a. Trane (RFP#15-JLP-023)
 - b. Daikin Applied Americas, Inc. (RFP#20-04)
 - c. Johnson Controls, Inc. (RFP#20-04)
 - d. TDindustries, Inc. (RFP#20-04)
2. Sourcewell HVAC RFP #070121
3. NCPA (now Omina) – HVAC
 - a. Johnson Controls, Inc. (#02-55)
 - b. Midwest Mechanical (#02-91)
4. TIPS – Comprehensive HVAC Contract #22010601

Prior to utilizing these agreements, each governmental entity must verify that the air conditioning or heating units and systems to be purchased are either not at the time available on the state purchasing program or are available at a price equal to or less than that on the state purchase program. See Section 39-2-2(d)(2)b, Ala. Code 1975. Further, upon request, the vendor is required to provide the governmental entity with a report of sales made during the previous 12-month period. See Section 39-2-2(d)(2)d, Ala. Code 1975.

Should the Examiners of Public Accounts receive notice that any of these cooperative organizations, its awarding authorities, or its awarded vendors are allowing Alabama governmental entities to make unauthorized purchases or other unlawful business transactions, The cooperative's competitive bid process approval will subject to immediate revocation by the Examiners of Public.