

ELGIN/MIDDLESEX/OXFORD/PURCHASING CO-OPERATIVE

Constitution and Terms of Reference

FORMATION

The participating Purchasing Department representatives/designates of the agencies listed as Appendix A, agree to engage in cooperative purchasing ventures.

NAME

The name of the group shall be the Elgin/Middlesex/Oxford Purchasing Cooperative hereinafter referred to as EMOP or Cooperative.

PURPOSE

The purpose of the Cooperative shall be to promote efficiency, economy and effectiveness in the purchasing management field by:

jointly inviting tenders, proposals and/or quotations;
encouraging standardization of specifications;
encouraging standardization of terms and conditions in tenders and quotations;
exchanging market information;
encouraging professional development;
discussing any other issues as agreed upon by resolution of the members.

MEMBERS

The membership will consist of the agencies listed in Appendix "A" and one voting member will represent each agency.

Consideration will be given at any time to extending the membership to include other publicly funded agencies within the geographic area of Elgin, Middlesex and Oxford Counties.

The expansion is to be agreed upon by resolution of the Cooperative.

Breach of the Constitution may result in termination of membership by an agency upon vote by a two-thirds (2/3) of the membership.

Any member may cancel membership at anytime through written notification from the Agency to the Chairperson.

ELECTION OF OFFICERS

Officers of the Cooperative shall be Chairperson, First Vice-chairperson and Second Vice-chairperson.

The Chairperson shall hold office for a period of two (2) years. Each Vice-chairperson shall move up at the conclusion of the two (2) year period, and an election shall be held to fill the position of Second Vice-chairperson. The election shall be held every two years in September on odd calendar years.

The Officers shall seek nominees from the geographic area of the out-going Chairperson.

ELECTED DUTIES

The Chairperson shall preside over EMOP meetings; shall have the right to call such meetings; shall act as the procedural officer for the transaction of business; shall be empowered to conduct correspondence on behalf of EMOP and may appoint such committees as are considered necessary.

The two Vice-chairpersons shall assist the Chairperson and assume the duties of, and acts for, the Chairperson at any function or for any business, in the event of the Chairpersons inability to perform the duties of the position.

MEETING PLACE

A permanent meeting place for the Cooperative shall not be established, it being the intent that members act as the host and Recording Secretary for the meetings of the Group. The meetings shall be held on a rotating basis between the three geographic areas.

MEETINGS

There will be five (5) scheduled meetings annually, one (1) of which shall be designated as an annual general meeting.

QUORUM

A quorum is constituted when nine (9) members including one (1) Officer are present.

PRINCIPLES

To carry out the aims and objectives of the Cooperative, it shall be understood that a major function will be co-operative ventures as a means of reducing costs of goods and services by permitting purchasing in larger volumes and at lower unit prices; and by avoiding possible duplication of effort.

TERMS OF REFERENCE

The following terms shall apply to EMOP's program for co-operative purchasing ventures:

only those goods and services that lend themselves to cost reduction because of volume and/ or methods will be considered;

it is understood that the interests of the representative's agency will at all times govern an individual decision as to whether or not that agency will participate in a particular activity;

no one member of the Cooperative shall be responsible for all activities, and it will be expected that all participants will take part in activities as agreed by the members;

it is recognized that, having regard to the varying policies and procedures governing purchasing for the participating agencies, the specific policy applying to the representative who calls the co-operative bid shall govern except as outlined in Section f) below;

once the Cooperative has agreed to issue a particular bid, it will be expected that the participating members will maintain their commitment to the Cooperative;

it is recognized that any acceptance of a bid for the benefit of any member agency, whether or not it is the "calling" agency, must be authorized, where required, by its governing body which has the sole discretion of accepting or rejecting any bid for the member's benefit;

bids, unless dictated by the "calling" agency's policy, shall be opened by the calling agency, or by the Cooperative representatives collectively;

sealed bids will be issued, as far as possible, in a document form agreed upon by the Cooperative as to conditions, etc., and it is understood that individual specifications, delivery points, terms of payment, etc. may vary;

a standard "EMOP" clause, revised from time to time, shall be inserted into the calling agency's document. A copy of the standard clause shall be posted on the EMOP website;

contract management including the control of ordering, receiving and paying for co-operatively bid items will remain the responsibility of the individual agency for its portion of the co-operative bid total.

ENVIRONMENTAL UNDERTAKING

The Elgin/Middlesex/Oxford Purchasing Co-Operative members, in conjunction with their respective purchasing staff and user departments, shall review their contracts and tender specifications for goods and services, to ensure that wherever possible and economical, specifications are amended to provide for expanded use of environmentally friendly products and services, and also products that contain post-consumer recyclable waste and/ or recyclable content to the maximum level allowable, without significantly affecting the intended use or performance of the product or service. It is recognized that in carrying out this policy, those responsible will commit to actions designed to conserve and protect the environment while complying with their respective agency's policies, financial controls, and conflicts of interest.

AMENDMENTS

Any amendments to the constitution and terms of reference must be adopted by a two-thirds (2/3) majority of the member agencies present at a regularly scheduled meeting. All member agencies will be advised of any such proposed amendments prior to the meeting. A member may submit a proxy vote prior to the meeting to the current Chairperson.

CONCLUSION

Membership shall, at all times, be recognized as being entirely voluntary in nature but beneficial in practice for achieving savings and efficiency in the best interests of purchasing for the participating agencies.

REVISED

September 2002

January 2005

September 2008

September 15, 2015