



Association of Educational Purchasing Agencies, Inc.

(AEPA)

PROCEDURES

Association of Educational Purchasing Agencies, Inc.

(AEPA) PROCEDURES

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Association of Educational Purchasing Agencies, Inc.

(AEPA) Procedures

ADOPTED July 27, 2007

ARTICLE 1. Mission Statement

The mission of the Association of Educational Purchasing Agencies, Inc. (AEPA) is to cooperatively serve our Members through a continuous effort to explore and solve present and future purchasing needs. Our goals include working to secure multi-state volume purchasing contracts with benefits that are measurable, cost-effective and continuously exceed our Members' expectations. AEPA is committed to accomplishing this mission lawfully and ethically, using leading-edge technology and futuristic business practices.

ARTICLE 2. History and Governance of AEPA

SECTION 2.1 The Initial Cooperative, Unincorporated Effort

2.1.1. First Meeting

The Association of Educational Purchasing Agencies (AEPA-U) was formed in May of 2000 as a cooperative, unincorporated effort. There were seven states at the May 2000 meeting that became the founding states. They included Arizona, Indiana, Minnesota, Nebraska, New Mexico, Oregon and Washington. Three additional states (Kansas, Kentucky and Pennsylvania) became Members prior to award of the first AEPA-U bid in December of 2000.

2.1.2. First Solicitation

For its first solicitation, AEPA-U agreed on several principles, including the following: one simultaneous bid would be issued for all participating agencies, each agency would independently advertise the bid, the bid would be available on a web site with each state linking to that site, all questions regarding the bid would be answered in writing by one person, all bids would be received at one central site, bids would initially be approved or rejected by AEPA-U, there would be a one-year contract with three possible one-year extensions, no more than 12 agencies could participate in the first bid, and after AEPA-U approval, each Member would determine if contracts could be awarded in accordance with that state's laws and regulations.

2.1.3. Subsequent Efforts

Since the first bid, additional agencies have become AEPA-U Members by completing a Memorandum of Understanding, and additional bids have been prepared, advertised, distributed and approved in a method similar to the initial model. Bids have been developed and published each year, with bid AEPA-U 007 published in September 2006 with vendor approval granted in December 2006. The term of the bid for the first year is through February 28 (approximately 15

months after Board approval), and the remaining three extensions for one year are through the following February.

SECTION 2.2 Formation of the Corporation

AEPA was incorporated in March of 2007. Two items required for membership are an *Application for Membership* and the *Memorandum of Understanding*.

ARTICLE 3. The Enabling Documents

SECTION 3.1 AEPA Articles of Incorporation

The Articles of Incorporation determine the basic foundations of the Corporation.

SECTION 3.2 AEPA Bylaws

The Bylaws describe the basic organization of the Corporation and include Organization Membership, Board of Directors, Meetings, Quorum, Voting, Elections and Proxies, Corporate Officers, Indemnification, Corporate Seal, Execution of Instruments, Power to Borrow Money, and Amendment of Bylaws.

SECTION 3.3 AEPA Board Policies

The Policy mandates the processes to ensure AEPA retains the tax-exempt status of the Corporation. Key aspects include conflict of interest and disclosure, self-dealing and compensation of key employees.

SECTION 3.4 AEPA Procedures

The Procedures are intended to include items that are necessary for the operation of the corporation. Members are required to comply with the established Procedures.

ARTICLE 4. Definitions

SECTION 4.1 Majority

The *majority* shall be a simple majority of those present and voting at a meeting unless otherwise stated. A majority of total membership shall be required for amendment of Procedures (13.2).

SECTION 4.2 Approved Contract

AEPA approves a contract whose terms and conditions are then extended to AEPA Members.

SECTION 4.3 Awarded Contract

Members award contracts in compliance with the terms and conditions of the applicable AEPA-approved contract.

ARTICLE 5. Organization

SECTION 5.1 Committees

Unless otherwise noted, the President of AEPA with Board approval appoints all committees. At the discretion of the President of AEPA, committees may be added or dissolved as needed for the efficient operation of AEPA. All committees shall be composed of staff from at least two Members. Each committee shall elect a Chair.

5.1.1. Bid Acceptance Committee

This committee receives bid documents and initially determines if the bids are responsive by reasonably and substantially conforming to all material requirements of the solicitation, including state laws. Bids must be responsive to receive award consideration. The following reasons are considered non-responsive:

5.1.1.1. Bids received after the deadline

5.1.1.2. Bids that do not contain the proper bid bond

5.1.1.3. Bids that do not contain required items

Bids that do not include the required paper forms, printouts of required digital forms, printouts of all prices, required additional information, and the required forms in digital format.

5.1.1.4. Return of Late Bids

This Committee, upon request, shall return late bids to respondents with a cover letter, and forward responsive bids to the appropriate Contract Oversight Committees.

5.1.2. Bid Committee

Appointed by the Bid Coordinator, the Committee will assist in the development of new bids (including review of AEPA General Terms and Conditions, Agency Terms and Conditions, bid forms, item specifications and general format of the bid). The Bid Committee will work with the Bid Coordinator to ensure the bid is developed, published and monitored during the bidding process and awarded in a timely manner.

5.1.3. Bid Distribution Committee

The Committee maintains a list of all potential bidders that have been notified of the publication of the bid.

5.1.4. Bid Questions and Answers Committee

The Committee receives questions from potential bidders and in concert with the Chairman of AEPA, Contract Oversight Committees and Membership, develops replies to the questions, disseminates the replies and ensures replies are published on the AEPA website.

5.1.5. Bid Utilization Committee

The Committee acts as a clearinghouse for contractor and Member contract awards, contract extensions and volume of sales. Membership utilization expectations, including both percent of contracts signed and volume per student, will be annually determined and disseminated at the spring meeting. Data will be tracked and reported to the membership at least twice a year. The Bid Utilization Committee membership shall include representation from both low-volume and high-volume Members.

5.1.6. Contract Oversight Committee

A Contract Oversight Committee will be established for each bid area. The Committee will develop the commodity specifications for the bid in an open nonrestrictive way to allow numerous bidders to have a chance to respond. They will also develop the bid evaluation criteria to allow for an open and honest competition to select the recommended bidder or bidders if the bid allows for multiple awards. The Contract Oversight Committee provides reasons for not approving bids based on the evaluation criteria as outlined in the bid documents.

The Contract Oversight Committee assists the Bid Questions and Answers Committee answer questions received during the bid process; reviews responsive bids making a recommendation to the membership for approval or rejection; monitors implementation of the contract in each state; receives and analyzes utilization information from the Bid Utilization Committee; and makes recommendations to the membership for contract extensions. The Committee also receives marketing plans from contractors during extension process as required by the membership.

5.1.7. Marketing Committee

The Committee promotes awareness of AEPA to potential Members, bidders, contractors and the general public.

5.1.8. New Member Committee

The Committee solicits new membership from a qualified agency in non-member states. The Committee will also assist Members during their first year of affiliation with AEPA.

5.1.9. Partnerships Committee

The Committee continually evaluates the need for affiliation and partnership with other groups where a strategic alliance would be beneficial to AEPA.

5.1.10. Website Committee

The Committee maintains the AEPA website to be used both by the Members and general public. The website will be used to post information such as bids, meeting information, minutes and other items related to AEPA.

5.1.11. Enabling Documents Committee

The Committee reviews, updates and maintains the AEPA Articles of Incorporation, Bylaws, Board Policies and Procedures, reporting annually to the membership.

5.1.12. Nominating Committee

The Committee solicits nominations for elected officers in advance of the meeting for presentation to membership.

SECTION 5.2 Bid Coordinator

The Bid Coordinator is elected for a one-year term and will serve at the direction of the President of AEPA. Bid Committee members shall be from at least two other Members. The Bid Coordinator shall serve as the Chairman of the Bid Committee and will appoint one member of the committee to serve as Vice Chairman of the Bid Committee, who will assume the duties of the Chairman if the Chairman is unable to fulfill his or her duties. The Bid Committee Chairman and Vice Chairman may not be from the same agency. It shall be the responsibility of the Bid Coordinator to ensure that the bid is developed, published, received and reviewed annually in accordance with AEPA Procedures.

ARTICLE 6. Financial

SECTION 6.1 Fees and Dues

There are no fees or dues currently required by AEPA. However, Members will be expected to share in the costs of AEPA operations.

SECTION 6.2 Financial Report

The Treasurer for AEPA will provide the membership with a listing of all financial transactions at the annual and regular meeting, and at other times when requested by a majority of membership.

ARTICLE 7. Membership

SECTION 7.1 Minimum Level of Contract Participation

It is the responsibility of the Member to actively promote the use of AEPA contracts. Each Member shall complete the *Annual AEPA Member Report Card*. Any Member whose use falls below one-half of the bids which the Member is legally allowed to use, shall present a report to the membership on the status of the AEPA contracts by their member agencies and the potential for future use. The Board shall suggest corrective action to the Member and monitor further usage of contracts by the Member. Action by the Board could include termination of membership.

SECTION 7.2 State Law Compliance

It is the responsibility of each Member to ensure that the AEPA solicitation process and contracts are in compliance with its state laws. Members will make every effort to make their agency Terms and Conditions consistent with the Terms and Conditions of the majority of the Member states.

SECTION 7.3 Contract Usage Reports

Contracts must be monitored for use by the Member and the Member must provide contract usage information as authorized by AEPA.

SECTION 7.4 Meeting Participation

Each Member is expected to send at least one authorized representative to each of two required meetings. Not more than two representatives from each Member will be seated at the meeting table. The Presiding Officer may waive this procedure if space permits.

SECTION 7.5 Active Participation

Each Member will actively participate in AEPA committees.

SECTION 7.6 Member Conflict of Interest

7.6.1. Member Individual Bid

An AEPA Member may market and provide AEPA contracts in another Member state provided that both Members mutually agree in writing and the agreement is forward to the AEPA President.

AEPA Members that market or make available AEPA contracts in "non-AEPA" states will submit in writing to the AEPA President the following information: name of the state, name of the vendors, and the volume generated by the AEPA contracts.

Re-bidding AEPA contracts for use in other AEPA states is prohibited. Any alleged infraction must be documented and brought to the Board for review and action.

7.6.2. Financial Benefit

A Member that will or may receive any financial benefit from a vendor or potential vendor beyond the stated administrative fee shall not participate in prohibited activities, including:

- 7.6.2.1. Drafting Solicitations to which the vendor might respond,
- 7.6.2.2. Contract Oversight Committee membership for any bid that includes or could include the vendor,
- 7.6.2.3. Discussions regarding the vendor or potential vendor, or
- 7.6.2.4. Voting on approval or any other action related to the vendor or potential vendor.

7.6.3. New Member Use

AEPA encourages new Members to avail themselves of all AEPA contracts which they have the legal authority to perform.

ARTICLE 8. Awarded Contractor Responsibilities

SECTION 8.1 Marketing

Each AEPA-approved contractor is expected to have a proactive marketing plan in place. If there is more than one contract for a vendor in the state of a Member, and the AEPA contract is more advantageous to the Member, then the vendor shall market the AEPA contract as the solution of choice.

SECTION 8.2 Reporting

Each contractor will report sales by state to the AEPA Bid Utilization Committee.

SECTION 8.3 Minimum Levels of Participation

It is the responsibility of the AEPA-approved contractor to actively promote the use of its AEPA-approved contracts. Each vendor shall complete the Annual AEPA Vendor Report Card. Any vendor whose use falls below sales to one-half to the Members shall present a report to the membership on the status of the use of their AEPA contracts and the potential for future use.

SECTION 8.4 Contract Term Length

AEPA contracts are awarded for an initial term of up to 15 months. Up to three annual extensions are available. Ending dates for all contracts awarded by individual Members shall coincide with the AEPA ending dates.

SECTION 8.5 Contract Extensions

Approved contractors can only extend the AEPA contract to current AEPA Members. If membership by a Member is terminated, extensions of the contract will not be available to that Member.

ARTICLE 9. Bid Process

SECTION 9.1 Bid Development

Bid development will be the overall responsibility of the Bid Coordinator. The bid will contain five major parts that will be drafted by various people and/or committees as listed below.

9.1.1. Bid Overview

Bid Coordinator

9.1.2. General Terms and Conditions

Membership

9.1.3. State Terms and Conditions

Each Member

9.1.4. Commodity Specifications

Contract Oversight Committee

9.1.5. Forms

Bid Coordinator

SECTION 9.2 Advertising, Publication and Distribution

Each AEPA Invitation for Bid (IFB) will be a single issue simultaneously bid by all Members. Bids will be advertised and published by each Member and evidence of the publication sent to the AEPA Secretary. The Contract Oversight Committee will ensure that national vendors receive the bid. The Bid Distribution Committee will track prospective bidders that are notified of the bid availability.

SECTION 9.3 Questions

Only the Bid Questions and Answers Committee will answer questions concerning the bid.

SECTION 9.4 Receiving Bids

The Bid Acceptance Committee will receive bids and initially determine the responsive bidders.

SECTION 9.5 Commodity Selection for Potential Bids

Board will approve the commodity categories to be advertised for bids.

SECTION 9.6 Term of Contracts

Unless otherwise agreed to by majority vote, all bids will result in initial contracts for up to fifteen (15) months with three possible one-year extensions.

SECTION 9.7 State Terms and Conditions

Each Member will provide the Bid Coordinator with State Terms and Conditions that it requires in addition to the General Terms and Conditions.

SECTION 9.8 Bid Publication

Each Member will actively promote AEPA bids to prospective bidders and assist in the bid publication as outlined by AEPA.

SECTION 9.9 Prospective Bidders

9.9.1. Bid Distribution

The Contract Oversight Committees are responsible for distributing the bid to nationally qualified prospective bidders.

9.9.2. Member Prospective Bidders Distribution

Each Member will make timely notification to their prospective bidders of Invitation for Bid (IFB) availability.

9.9.3. Member Prospective Bidders List

At least two weeks prior to the bid opening, the Member will submit a report to the Bid Distribution Committee containing contact information of prospective bidders that have been notified of the Invitation for Bid (IFB).

9.9.4. Web Link

Members will provide a link from their website (if one exists) to the AEPA website to enable prospective bidders to obtain the bid documents.

SECTION 9.10 Questions Concerning the Invitation for Bid (IFB)

All questions concerning the Invitation for Bid (IFB) will be addressed to the Bid Questions and Answers Committee. The Bid Questions and Answers Committee will issue all responses after review by Members.

SECTION 9.11 Bid Receiving and Opening

Bids will be received and opened by the Bid Acceptance Committee. Any late bids will be returned to the bidder unopened with a letter of explanation.

ARTICLE 10. Evaluation Process

SECTION 10.1 Bid Acceptance Distribution

Once the bids are opened and tabulated by the Bid Acceptance Committee, documents required for evaluation will be distributed to the appropriate Contract Oversight Committee. During the evaluation process, the Contract Oversight Committee may recommend to the Board that certain bids be rejected. Committee actions will be included in the evaluation report to the general membership.

SECTION 10.2 Oversight Committee Recommendations

The recommendation by the Contract Oversight Committee will present the bid responses ranked in cost order.

SECTION 10.3 Approval Meeting

The Contract Oversight Committee evaluation will be presented on the approved AEPA form and the recommendations will be available to the Board at least 24 hours prior to the approval meeting.

ARTICLE 11. Approval and Award Process

SECTION 11.1 Presentation Order

Recommendations by the Contract Oversight Committees will be considered by the Board in the order of evaluation points by each category in the solicitation.

SECTION 11.2 Approval Vote

AEPA contracts are approved by a majority vote.

SECTION 11.3 Line Item or Catalog Determination

Each AEPA contract will be identified as either a line item bid or a catalog bid. Line item bids allow price and item modification as permitted in the bid document upon scheduled extension. Catalog bids allow price and item modification as permitted in the bid document upon change of the catalog.

SECTION 11.4 Approved Contractor Contacts Members

Once a contractor is approved by AEPA, the contractor is responsible for initiating communication to finalize the contract documents and complete any additional paperwork required by the Member.

SECTION 11.5 Member Review

It is the responsibility of the Members to review each AEPA-approved bid and determine if a contract is to be awarded for that Member.

SECTION 11.6 Beginning Date

The beginning date of the contract is the date of the "award" by the Member. The ending date of the contract will coincide with the AEPA ending date.

ARTICLE 12. Contract Management

SECTION 12.1 Contract Award

12.1.1. First Year

Once a contract is awarded by the Member, it is valid through February 28, approximately 15 months following AEPA initial approval.

12.1.2. Additional Volume Discount

If an approved AEPA vendor provides an additional volume discount through the AEPA contract, the terms of the discount must be provided in writing to the Member. The Member will notify the AEPA President who will notify the AEPA membership.

SECTION 12.2 Contract Extensions

12.2.1. Oversight Recommendation

The Contract Oversight Committees are responsible for reviewing bids and contracts and making extension recommendations, in writing, to the membership.

12.2.2. Extension Vote

A majority of those in attendance that have signed the contract, and have it as a current offering in their agency, must approve all contract extensions, terminations and modifications.

12.2.3. Member Extension

Once AEPA approval is made, each Member is responsible for determining if it will extend an AEPA-approved contract renewal for its state.

12.2.4. Use of Only Approved Extensions

It is the responsibility of the Member to allow only the use of an AEPA vendor offering that is currently approved by AEPA.

SECTION 12.3 Contract Appeal Process

12.3.1. Initial Contact With Oversight Committee

A contractor, bidder or prospective bidder desiring appeal of a decision regarding a bid or a contract, shall first address the appropriate Contract Oversight Committee.

12.3.2. First Appeal to President

If the issue is not satisfactorily resolved, it may be submitted to the President of AEPA.

12.3.3. Final Appeal to Board

If the issue is not satisfactorily resolved, it may be submitted to the Board.

SECTION 12.4 Contract Modifications

AEPA recommends a contract with the vendor, and then each Member has the option to award the contract. If a vendor or a Member requests a change in the contract, such change must be referred to the appropriate Contract Oversight Committee. The appropriate Contract Oversight Committee will make a recommendation to the President for action by the AEPA membership. The contract can only be modified by a vote of the AEPA membership. The appropriate vendor having a contract with a Member may adopt any approved changes in the contract.

ARTICLE 13. Adoption, Amendments and Precedence

SECTION 13.1 Adoption

These Procedures are adopted on the 27th of July 2007.

SECTION 13.2 Amendments

The Procedures may be amended by a majority vote of the total membership.

SECTION 13.3 Precedence

The Articles of Incorporation, Bylaws and Board Policies take precedence over the Procedures.

ARTICLE 14. Attachments

Certain documents need to be maintained by AEPA to ensure good management.

- SECTION 14.1 Articles of Incorporation
- SECTION 14.2 Bylaws
- SECTION 14.3 Board Policy
- SECTION 14.4 Procedures
- SECTION 14.5 Memorandum of Understanding (MOU) between Members
- SECTION 14.6 AEPA Application for Membership
- SECTION 14.7 Annual AEPA Member Report Card
- SECTION 14.8 Annual AEPA Vendor Report Card
- SECTION 14.9 Bid Evaluation and Contract Recommendation Form
- SECTION 14.10 Committee List, Responsibilities and Membership
- SECTION 14.11 Current and Archived Invitations for Bids
- SECTION 14.12 Minutes of AEPA Meetings
- SECTION 14.13 Organizational Chart
- SECTION 14.14 Recommendation for Contract Extension Form

I hereby certify that the foregoing Procedures of the Association of Educational Purchasing Agencies, Inc., a Nevada Corporation, consisting of 16 pages, are the Procedures of this Corporation, adopted by its Board of Directors on July 27, 2007.

Secretary

ATTEST:

President

STATE OF INDIANA)
)
COUNTY OF CLARK)

On this _____ day of _____ in the year 2007 before me personally appeared Max Luft and Pam Clover, to me known to be (or proven to me on the basis of satisfactory evidence) the persons named in, and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

Notary Public

My Commission Expires:
