

SAMPLE LETTER FROM LEGAL COUNSEL on LETTERHEAD*

DATE

ADDRESSEE (Chief Administrative Officer of Public Jurisdiction)

RE: Solar Power Purchase Agreement - Cooperative Procurement

Dear _____,

Upon review of the Virginia Code and Albemarle County's Request for Proposal for Solar Power Purchase Agreement Services, a separate procurement process to authorize the contract will not be necessary.

Section 2.2-4304 of the Virginia Public Procurement Act provides that "any public body may participate in, sponsor, conduct, or administer a joint procurement agreement on behalf of or in conjunction with one or more other public bodies, or public agencies ... " Albemarle County's RFP included a provision that allowed for cooperative contracting as set forth in Section VIII, Paragraph Q, which is copied below:

Q. COOPERATIVE CONTRACTING: This procurement is being conducted by County of Albemarle in accordance with the provisions of Virginia Code § 2.2- 4304. Except for contracts for architectural and engineering services, if agreed to by the contractor, other public bodies may utilize this contract. The Contractor shall deal directly with any public body it authorizes to use the contract. Albemarle County, its officials and staff are not responsible for placement of orders, invoicing, payments, contractual disputes, or any other transactions between the Contractor and any other public bodies, and in no event shall the County, its officials or staff be responsible for any costs, damages or injury resulting to any party from use of an Albemarle County contract. The County of Albemarle assumes no responsibility for any notification of the availability of the contract for use by other public bodies, but the Contractor may conduct such notification.

Since the RFP language meets the statutory requirements for joint and cooperative procurement, procurement requirements for this contract have been satisfied. The Solar Power Purchase Agreement as presented to _____ conforms with the general terms and conditions of the Albemarle Solar PPA agreement. Should you have any questions, please do not hesitate to contact me.

Sincerely,

Signature
Name

** This sample letter is provided for informational purposes only. This should not be construed as legal advice. You should not act on the information contained herein without seeking the assistance of legal counsel in protecting or enforcing your rights under the law.*