

Item # 5-3A

City of Carson City  
Agenda Report

**Date Submitted:** October 9, 2007

**Agenda Date Requested:** October 18, 2007

**Time Requested:** Consent

**To:** Mayor and Supervisors

**From:** Purchasing & Contracts

**Subject Title:** Action to adopt A Resolution Adopting and Approving an Interlocal Agreement between the City of Tucson, Arizona, and Carson City, whereby Carson City will be allowed to utilize the cooperative contracts entered into by the City of Tucson for the purchase of supplies, materials, and equipment and other matters properly related thereto (File 0708-020)

**Staff Summary:** The City of Tucson, Arizona requires that other governmental entities sign their Cooperative Purchasing Agreement in order to utilize their cooperative contracts.

**Type of Action Requested:** (check one)  
 Resolution  Ordinance  
 Formal Action/Motion  Other (Specify)

**Does This Action Require A Business Impact Statement:**  Yes  No

**Recommended Board Action:** I move to adopt A Resolution Adopting and Approving an Interlocal Agreement between the City of Tucson, Arizona, and Carson City, whereby Carson City will be allowed to utilize the cooperative contracts entered into by the City of Tucson for the purchase of supplies, materials, and equipment and other matters properly related thereto (File 0708-020)

**Explanation for Recommended Board Action:** Pursuant to **NRS 332.115 subsection 1 (m) and NRS 332.195**, staff is requesting the Board of Supervisors declare that City of Tucson, Arizona's cooperative contracts are not adapted to award by competitive bidding and authorize all city departments to be able to place orders from these contract providing Carson City's approved funding and purchasing procedures are followed.

**NRS 332.115 Contracts not adapted to award by competitive bidding; purchase of equipment by local law enforcement agency or other local governmental agency; purchase of goods commonly used by hospital.**

1. Contracts which by their nature are not adapted to award by competitive bidding, including contracts for:

(m) Supplies, materials or equipment that are available pursuant to an agreement with a vendor that has entered into an agreement with the General Services Administration or another governmental agency located within or outside this State;

are not subject to the requirements of this chapter for competitive bidding as determined by the governing body or its authorized representative.

**NRS 332.195 Joinder or use of contracts by other governmental entities.**

1. A governing body or its authorized representative and the State of Nevada may join or use the contracts of local governments located within or outside this State with the authorization of the contracting vendor. The original contracting local government is not liable for the obligations of the government entity which joins or uses the contract.
2. A governing body or its authorized representative may join or use the contracts of the State of Nevada or another state with the authorization of the contracting vendor. The State of Nevada or other state is not liable for the obligations of the local government which joins or uses the contract.

**Applicable Statue, Code, Policy, Rule or Regulation:** NRS 332.115 subsection 1 (m) and NRS 332.195


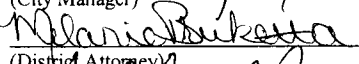
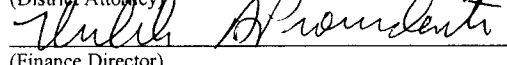
**Fiscal Impact:** Each department will budget their own purchases

**Explanation of Impact:** Each department will budget their own purchases

**Funding Source:** Each department will budget their own purchases

**Supporting Material:** Resolution and Cooperative Purchasing Agreement

**Prepared By:** Cheryl Adams, Purchasing & Contracts Manager

**Reviewed By:**  Date: 10/9/07  
(City Manager)  
 Date: 10-9-07  
(District Attorney)  
 Date: 10/9/07  
(Finance Director)

**Board Action Taken:**

Motion: \_\_\_\_\_

1) \_\_\_\_\_

2) \_\_\_\_\_

Aye/Nay

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
(Vote Recorded By)

**RESOLUTION NO. \_\_\_\_\_**

A RESOLUTION ADOPTING AND APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF TUCSON, ARIZONA, AND CARSON CITY, WHEREBY CARSON CITY WILL BE ALLOWED TO UTILIZE THE COOPERATIVE CONTRACTS ENTERED INTO BY THE CITY OF TUCSON FOR THE PURCHASE OF SUPPLIES, MATERIALS AND EQUIPMENT AND OTHER MATTERS PROPERLY RELATED THERETO.

**WHEREAS**, pursuant to NRS 277.180, any one or more public agencies may enter into interlocal contracts with any one or more other public agencies for the performance of any governmental service, activity or undertaking which any of the public agencies entering into the contract is authorized by law to perform; and

**WHEREAS**, Carson City is a political subdivision of the State of Nevada and the City of Tucson is a political subdivision of the State of Arizona; and

**WHEREAS**, NRS 277.180 provides that every such contract must be ratified by appropriate official action of the governing body of each party to the contract as a condition precedent to its entry into force; and

**WHEREAS**, NRS 277.180 also provides that every such contract must set forth fully the purposes, powers, rights, objectives and responsibilities of the contracting parties; and

**WHEREAS**, the parties to the Interlocal Agreement for the Purchase of Supplies, Materials and Equipment desire to adopt and approve such contract as required by NRS 277.180. A copy of the contract is attached to this Resolution as Exhibit "A;" and

**NOW, THEREFORE, BE IT RESOLVED** that the terms and conditions of the Interlocal Agreement for the Purchase of Supplies, Materials and Equipment is hereby adopted and approved; and

**BE IT FURTHER RESOLVED** that the Interlocal Agreement for the Purchase of Supplies, Material and Equipment shall be spread at large upon the minutes or attached in full thereto as an exhibit, and that a copy of this Resolution shall be sent to the City of Tucson.

Upon motion by Supervisor \_\_\_\_\_, seconded by  
Supervisor \_\_\_\_\_, the foregoing Resolution was passed and adopted  
this 18th day of October, 2007 by the following vote:

AYES: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

NAYS: \_\_\_\_\_  
\_\_\_\_\_

ABSENT: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

\_\_\_\_\_  
Marv Teixeira, Mayor  
Carson City, Nevada

ATTEST:

\_\_\_\_\_  
Alan Glover, Clerk  
Carson City, Nevada



## CITY OF TUCSON COOPERATIVE PURCHASING AGREEMENT

This Agreement entered into this \_\_\_\_\_ day of \_\_\_\_\_ between the City of Tucson hereinafter called the "City" and City and County of Carson City, Nevada, a public procurement unit, hereinafter called "eligible procurement unit," to permit the eligible procurement unit to purchase materials and services from vendors at the prices and terms contained in contracts between the City of Tucson and those vendors. Any eligible procurement unit may enter into an Agreement with the City of Tucson Department of Procurement for the purpose of utilizing their respective cooperative contracts. (Arizona Revised Statutes Section 41-2632).

In consideration of the mutual promises contained in this Agreement, and of the mutual benefits to result thereof, the parties agree as follows:

1. The City shall make available certain contracts to the eligible procurement units.
2. For those contracts awarded by the City, specifications for the materials and services will be determined by the City of Tucson Department of Procurement.
3. City procurement processes shall be conducted in accordance with the City's Charter (Chapter 28), the City Procurement Code and City Department of Procurement administrative policies and procedures. The eligible procurement unit will insure that its own legal requirements are met and shall be responsible for any additional actions that may be necessary to meet those requirements.
4. The City may invite an eligible procurement unit to participate in any solicitation.
5. The eligible procurement unit shall:
  - a. Insure that purchase orders issued against eligible City contracts are in accordance with the terms and prices established in the City contract.
  - b. Make timely payments to the vendor for all materials and services received in accordance with the terms and conditions of the City contract. Payment for materials or services and inspection and acceptance of materials or services ordered by the eligible procurement unit shall be the exclusive obligation of such unit.
  - c. Not use a City contract as a method for obtaining additional concessions or reduced prices for contracted materials or services. The eligible procurement unit shall not advertise or market City contracts without the City's prior written consent.
  - d. Be responsible for ordering materials or services under this agreement. The City shall not be liable in any fashion for any violation by eligible procurement unit of this agreement, and the eligible procurement unit shall be responsible for any liability which may arise from action or inaction of the eligible procurement unit relating to this agreement or its subject matter.
6. The exercise of any rights or remedies by the eligible procurement unit shall be the exclusive obligation of such unit; however, the City, as the contract administrator and without subjecting itself to any liability, may join in the resolution of any controversy should it so desire.
7. The City may terminate this Agreement if the eligible procurement unit fails to comply with the terms of a City contract.

8. This Agreement shall take effect upon execution by the parties and shall continue until it is terminated in accordance with its terms. This Agreement supersedes any and all previous cooperative purchase agreements.
9. Either party may terminate this Agreement with at least thirty- (30) days written notice to the other party.
10. Failure of the eligible procurement unit to secure performance from the contractor in accordance with the terms and conditions of its purchase order does not necessarily require the City to exercise its own rights or remedies.
11. This Agreement may be cancelled pursuant to the provisions of A.R.S. 38-511.
12. This Agreement is exempt from the provisions of A.R.S. 11-952, Subsections D and F under provision of A.R.S. 41-2632.
13. The City and the eligible procurement unit agree not to discriminate against any employee or applicant for employment in violation of the terms of Federal Executive Order 11246 and State Executive Order No. 99-4, A.R.S. 41-1461 et. seq.
14. Appropriate action by ordinance, resolution or otherwise pursuant to the laws applicable to the eligible procurement unit shall be necessary before this agreement becomes effective.

IN WITNESS WHEREOF, the parties of this Agreement have caused their names to be affixed hereto by their proper officers on the dates indicated.

**FOR THE ELIGIBLE PROCUREMENT UNIT:**

**FOR THE CITY OF TUCSON:**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Title

Dated this \_\_\_ day of \_\_\_\_\_, 2007

Dated this \_\_\_ day of \_\_\_\_\_, 2007

**APPROVED AS TO FORM:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Attorney for Eligible Procurement Unit

\_\_\_\_\_  
Attorney for City of Tucson

Dated this \_\_\_ day of \_\_\_\_\_, 2007

Dated this \_\_\_ day of \_\_\_\_\_, 2007