

ORDINANCE NO. 2023-94

AN ORDINANCE TO AUTHORIZE A JOINT PURCHASING AGREEMENT BY AND BETWEEN THE CITY OF MADISON AND MADISON COUNTY, ALABAMA

WHEREAS, the City of Madison (hereinafter, “City”) and Madison County, Alabama (hereinafter, “the County”) desire to enter into a Joint Purchase Agreement pursuant to the terms of Alabama Code § 41-16-50(b) to provide for the purchase of labor, services, or work, as well as materials, equipment, supplies, or other personal property for use by the City and/or by the County, respectively; and

WHEREAS, the cooperative joint purchase of such services are for various items necessary for the operations of the City and County and are likely to result in reduced unit price, savings and administrative efficiencies for both parties

NOW, THEREFORE, BE IT ORDAINED that by adoption of this ordinance the City expresses its approval of the agreement set out herein below to provide for joint purchasing by the City and County on the following terms:

1. Either the City or County may, at its option, and on notice to the other party hereto, elect to participate in purchases of any labor, services, or work, or for materials, equipment, supplies or other personal property needed for its operations under a competitive bid for such items issued by the other party; provided, however, that this Agreement shall not apply to contracts for public works required to be bid and awarded under the Alabama Public Works, Law, Alabama Code §39-1-1 *et seq.*
2. The party undertaking to advertise for bids and to award a contract to responsive bidders shall do so in compliance with the Alabama Competitive Bid Law (Ala. Code § 41-16-50 *et seq.*) and shall retain all rights provided by the Alabama Competitive Bid Law to determine the

lowest responsible bidder, to terminate an award to a defaulting bidder and make an award to the next lowest bidder, to determine the applicability of preferences provided by the statute, to reject all bids and re-bid the purchase, and to exercise other rights afforded to agencies making purchases under the statute.

3. The method of payment by each participating party shall be that each party will pay the vendor or supplier for its agreed share of the labor, services, or work provided, or for the number of items, or volume of materials purchased by or for the account of that participating party, unless some other method of payment is agreed by and between the parties, and either set out in the Invitation to Bidders or in correspondence between the parties to this agreement.
4. Neither party to this Agreement shall be obligated to participate in any purchase for which an Invitation to Bidders is issued by the other party unless it chooses to do so by notice to the other party.
5. Each party to this Agreement will be responsible for purchasing and paying for its agreed share of labor, services or work, or any item or materials it chooses to purchase under a contract awarded pursuant to the Alabama Competitive Bid Law and this agreement.
6. Each party will be responsible for its own costs of preparation of bid documents, resolutions awarding contracts and all other expenses or fees, including legal fees associated with its purchases pursuant to this Agreement and the Alabama Competitive Bid Law.
7. This Ordinance, after its adoption and execution, shall be effective to constitute a Joint Purchasing Agreement with Madison County, Alabama under Alabama Code § 41-16-50(b) upon the County's adoption and execution of this Joint Purchasing Agreement, by either resolution or ordinance, including the same terms as set out herein.

READ, PASSED, AND ADOPTED at a regularly scheduled meeting of the City Council

of the City of Madison, on this 13th day of March 2023.

Ranae Bartlett, City Council President
City of Madison, Alabama

ATTEST:

Lisa Thomas, City Clerk-Treasurer
City of Madison, Alabama

APPROVED this _____ day of March, 2023.

Paul Finley, Mayor
City of Madison, Alabama