

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS AUTHORIZING THE CITY
MANAGER TO EXECUTE THE SOURCEWELL PROGRAM AGREEMENT WITH STAPLES CONTRACT &
COMMERCIAL, LLC, FOR OFFICE SUPPLIES THROUGH A COOPERATIVE PROCUREMENT
CONTRACT WITH SOURCEWELL**

WHEREAS, the City requires office supplies for the day-to-day operation of all City departments; and

WHEREAS, Municipal Code Section I-2-3.08 (“Cooperative Procurement”) specifically authorizes the Purchasing Agent to make such purchases based on an agreement or cooperative purchasing program entered into by a public agency, as defined by Government Code Section 6500, regardless of whether the City is a named party to the agreement or an actual participant in such a program, provided that the underlying purchase was made using competitive negotiation or bidding procedures at least as restrictive as the City’s, and that the supplies or general services purchased must be the same and be offered at the same price as the supplies and general services subject to the agreement or program; and

WHEREAS, the City of Milpitas became a member of the National Joint Powers Alliance (NJPA) cooperative purchasing organization effective January 11, 2008, and is assigned member number 17931; and

WHEREAS, on March 18, 2015, the NJPA solicited on behalf of its current and potential member agencies, and on behalf of the Lodi Unified School District, Request for Proposal (RFP) No. 010615 for “Office, School, and Other Workplace-Related Supplies and Services.” As a result, on August 1, 2015, NJPA awarded contract No. 010615-SCC to Staples Contract and Commercial, Inc. (operating as Staples Business Advantage); and

WHEREAS, on June 6, 2018, the NJPA changed its organization’s name to Sourcewell, while confirming that all prior agreements entered into with NJPA continue in full force and effect in accordance with their respective contract terms and conditions; and

WHEREAS, Sourcewell is a municipal contracting agency that operates as a public entity under legislative authority through Minnesota Statute 123A.21.Feb 24, 2017, which meets the definition of a public agency as defined by California Government Code section 6500. Sourcewell was established with the statutory purpose to assist its members in meeting specific needs which are more effectively delivered cooperatively than by an individual entity. Sourcewell cooperative purchasing contracts are made available to its members through the Minnesota joint exercise of powers law. Sourcewell members outside of Minnesota may use its cooperative contracts under authority of joint powers or intergovernmental cooperation laws; and

WHEREAS, when the City enters into the Sourcewell Program Agreement (the “Agreement”) based on contract No. 010615-SCC with Staples Contract and Commercial, Inc., which runs from August 1, 2015 to August 1, 2020, the Agreement will extend beyond the termination of contract No. 010615-SCC per Section 2.0 Term, which states “Staples agrees to honor all terms and conditions set forth under the awarded contract even if at some time during the contract term Staples no longer holds a current contract with Sourcewell.”; and

WHEREAS, Sourcewell has made contract No. 010615-SCC for “Office, School, and Other Workplace-Related Supplies and Services” available through its cooperative purchasing organization to all of its public agency members; and

WHEREAS, pursuant to the Sourcewell Program Agreement between the City of Milpitas and Staples Contract and Commercial, Inc., the initial term of the Agreement is for one year from November 1, 2019 to October 31, 2020, with four (4) one (1) year options to renew thereafter, subject to annual operations. The first-year cost of the Agreement is not to exceed \$145,000.00 and the maximum 60-month (5 year) contract amount is \$725,000.00; and

WHEREAS, the Purchasing Agent has reviewed all the documentation related to RFP #010615 and contract No. 010615-SCC and has determined that the underlying purchase was made using competitive bidding procedures at least as restrictive as those of the City of Milpitas, and that the supplies and general services purchased are the same and are offered at the same price as the supplies and general services as that offered in the original contract.

NOW, THEREFORE, the City Council of the City of Milpitas hereby finds, determines, and resolves as follows:

1. The City Council has duly considered the full record before it, which may include but is not limited to such things as the City staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.
2. The City Manager is authorized to execute the Sourcewell Program Agreement between the City of Milpitas and Staples Contract and Commercial, Inc., for the initial period of November 1, 2019 through October 31, 2020 for the not-to-exceed amount of \$145,000.00, a copy of which is attached hereto as **Exhibit A**.
3. The City Council hereby authorizes the Purchasing Agent to exercise option years 1 through 4 of the Sourcewell Program Agreement without further action by City Council, except for appropriation of funds.

PASSED AND ADOPTED this _____ day of _____, 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Mary Lavelle, City Clerk

Rich Tran, Mayor

APPROVED AS TO FORM:

Christopher J. Diaz, City Attorney