

ORDINANCE #65884
Board Bill No. 85

An ordinance pertaining to the purchase of supplies, recommended by the Board of Standardization, and authorizing the Supply Commissioner, on behalf of the City of St. Louis, to participate in cooperative or joint purchasing with other governmental entities for the purchase of supplies and to enter into agreements, as necessary, with other governmental entities and to execute other documents as necessary for the joint or cooperative purchase of supplies, and containing a severability clause.

WHEREAS, political subdivisions of the State of Missouri are authorized pursuant to Section 67.360 R.S. Mo. to utilize services provided by the State Division of Purchasing and to delegate to state agencies purchasing functions for purchases covered by cooperative purchase agreements of state agencies, as implemented by the State of Missouri Cooperative Procurement Program established by the State Commissioner of Administration.

WHEREAS, local governments are authorized under Section 211 of the Electronic Government Act of 2002 to use federal supply schedules of the General Services Administration to purchase information technology products;

WHEREAS, it is in the best interests of the City to participate in joint or cooperative purchasing programs established and administered by other governmental entities, including but not limited to the State of Missouri Cooperative Procurement Program and the federal General Services Administration supply schedules as authorized by the Electronic Government Act of 2002.

NOW THEREFORE BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

SECTION ONE. Subject to the applicable provisions of the Charter of the City of St. Louis, the Supply Commissioner, on behalf of the City of St. Louis, is hereby authorized to participate in cooperative or joint purchasing programs of other governmental entities, including but not limited to the State of Missouri Cooperative Procurement Program and the federal General Services Administration supply schedules authorized by the Electronic Government Act of 2002, for the purchase of supplies under and in accordance with purchase agreements established by other governmental entities, and to enter into cooperative purchase memberships and cooperative purchase agreements with other governmental entities as may be required for such purchasing.

SECTION TWO. Notwithstanding the provisions of any other ordinance, the Supply Commissioner, with the approval of the Board of Standardization and subject to the provisions of Section Three of this Ordinance, is authorized to participate in the joint or cooperative purchasing programs of other governmental entities, including but not limited to the State of Missouri Cooperative Procurement Program and the federal General Services Administration supply schedules authorized by the Electronic Government Act of 2002, as follows: 1) to utilize purchase agreements established by other governmental entities under their joint or cooperative purchase programs as separate bids for the purchases of specific items in bidding processes conducted by the Supply Commissioner; and 2) to purchase City supplies directly from purchase agreements established by other governmental entities under their joint or cooperative purchasing programs for which advertising and bidding has been conducted through such governmental entities.

Bid deposits and separate purchase contracts shall not be required for supply purchases by the Supply Commissioner under joint or cooperative programs of other governmental entities as authorized herein.

SECTION THREE. The Supply Commissioner is authorized to utilize purchase agreements established by other governmental entities under cooperative or joint purchasing programs as authorized by this Ordinance only if the following requirements are met: 1) the purchase agreement was established in accordance with the bidding and advertising requirements of the Charter of the City of St. Louis; 2) the purchase agreement was established in accordance with the laws and regulations applicable to the establishing governmental entity; and 3) the purchase agreement provides for the lowest and best price.

SECTION FOUR. Nothing contained herein shall require the Supply Commissioner or the Board of Standardization to participate in any joint or cooperative purchasing program of another governmental entity or to utilize any cooperative agreement to purchase supplies. The Supply Commissioner is authorized to reject any and all bids received through the participation in any cooperative or joint purchase program.

SECTION FIVE. The sections of this Ordinance shall be severable. In the event that any section of this Ordinance is found by a court of competent jurisdiction to be invalid, the remaining sections of this Ordinance are valid, unless the court finds the valid sections of the Ordinance are so essential and inseparably connected with and dependent upon the void section that it cannot be presumed that this Board would have enacted the valid sections without the void ones, or unless the court finds that the valid sections standing alone are incomplete and are incapable of being executed in accordance with the legislative intent.

Approved: June 12, 2003