

INTERLOCAL JOINT PURCHASING AGREEMENT

THIS AGREEMENT is between the CITY OF TACOMA, a political subdivision of the State of Washington, and the Port of Tacoma, a political subdivision under the laws of the State of Washington.

WITNESSETH:

WHEREAS, the Interlocal Cooperation Act, as amended, and codified in Chapter 39.34 of the Revised Code of Washington provided for interlocal cooperation between governmental agencies; and

WHEREAS, Chapter 39.33 of the Revised Code of Washington provides for intergovernmental disposition of property; and

WHEREAS, the parties desire to utilize each other's procurement agreements when it is in their mutual interest; --

NOW, THEREFORE, the parties agree as follows:

1. PURPOSE: The purpose of this agreement is to acknowledge the parties' mutual interest to jointly bid the acquisition of goods and services where such mutual effort can be planned in advance and to authorize the acquisition of goods and services and the purchase or acquisition of goods and services under contracts where a price is extended by either party's bidder to other governmental agencies.
2. ADMINISTRATION: No new or separate legal or administrative entity is created to administer the provisions of this agreement.
3. SCOPE: This agreement shall allow the following activities:
 - A. Purchase or acquisition of goods and services by each party acting as agent for either or both parties when agreed to in advance, in writing;
 - B. Purchase or acquisition of goods and services by each party where provision has been provided in contracts for other governmental agencies to avail themselves of goods and services offered under the contract and/or where either party's bidder is willing to extend prices to other governmental agencies.
4. DURATION AGREEMENT - TERMINATION: This agreement shall remain in force until canceled by either party in writing.
5. RIGHT TO CONTRACT INDEPENDENT ACTION PRESERVED: Each party reserves the right to contract independently for the acquisition of goods or services without notice to the other party and shall not bind or otherwise obligate the other party to participate in the activity.

ORIGINAL

6. COMPLIANCE WITH LEGAL REQUIREMENT: Each party accepts responsibility for compliance with federal, state or local laws and regulations including, in particular, bidding requirements applicable to its acquisition of goods and services.

7. FINANCING: The method of financing of payment shall be through budgeted funds or other available funds of the party for whose use the property is actually acquired or disposed. Each party accepts no responsibility for the payment of the acquisition price of any goods or services intended for use by the other party.

8. FILING: Executed copies of this agreement shall be filed as required by Section 39.34.040 of the Revised Code of Washington prior to this agreement becoming effective.

9. INTERLOCAL COOPERATION DISCLOSURE: Each party may insert in its solicitations for goods a provision disclosing that other authorized governmental agencies may also wish to procure the goods being offered to the party and allowing the bidder the option of extending its bid to other agencies at the same bid price, terms and conditions.

10. NON-DELEGATION/NON-ASSIGNMENT: Neither party may delegate the performance of any contractual obligation, to a third party, unless mutually agreed in writing. Neither party may assign this agreement without the written consent of the other party.

11. HOLD-HARMLESS: Each party shall be liable and responsible for the consequence of any negligent or wrongful act or failure to act on the part of itself and its employees. Neither party assumes responsibility to the other party for the consequences of any act or omission of any person, firm or corporation not a party to this agreement.

12. SEVERABILITY: Any provision of this agreement, which is prohibited or unenforceable, shall be ineffective to the extent of such prohibition or unenforceability, without invalidating the remaining provisions or affecting the validity or enforcement of such provisions.

APPROVED:

Port of Tacoma
Agency Name

APPROVED, CITY OF TACOMA:

[Signature] 5/28/04
City Manager Date

[Signature] 5/11/04
Signature Date

Director, Contracts & Risk Management
Title

APPROVED AS TO FORM:

[Signature] 5/19/04
Assistant City Attorney Date

Signature (if needed) Date

[Signature] 5/24/04
Director of Finance Date

Title

ATTEST:
[Signature] 6-2-04
City Clerk Date

Tacoma City Council Resolution No. 36140

ORIGINAL



RESOLUTION NO. 36140

1 WHEREAS the City has complied with all applicable laws governing the
2 acquisition of those supplies, and/or the procurement of those services,
3 inclusive of public works, set forth in the attached Exhibit "A," which Exhibit is
4 incorporated herein as though fully set forth, and

5 WHEREAS the Board of Contracts and Awards has reviewed the
6 proposals and bids received by the City, and the Board has made its
7 recommendation as set forth in Exhibit "A," and

8
9 WHEREAS the Board of Contracts and Awards has also made its
10 recommendations as to entering into purchasing agreements with those
11 governmental entities identified in Exhibit "A"; Now, Therefore,

12 BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

13 That the Council of the City of Tacoma does hereby concur in the
14 findings and recommendations of the Board of Contracts and Awards set forth
15 in the attached Exhibit "A," and does hereby approve and authorize the:

16
17 () A. Procurement of those supplies, services, and public works
18 recommended for acceptance in the attached Exhibit "A";

19 () B. Rejection of those bids and/or proposals that are recommended
20 for rejection in the attached Exhibit "A";

21 (X) C. Entry into the proposed purchasing agreement with those
22 governmental entities identified in the attached Exhibit "A," which proposed
23 agreement is on file in the office of the City Clerk;
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() D. Waiver of competitive bidding procedures in those instances, as set forth in Exhibit "A," in which it is impracticable to obtain supplies or public works improvements by competitive bid, or in those instances in which supplies and/or public works are available from a single source.

Adopted APR 6 2004

William W. Bowman
Mayor

Attest:

Louis Sorum
City Clerk

Approved as to form and legality:

[Signature]
Chief Assistant City Attorney

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EXHIBIT "A": _____
RESOLUTION NO.: 38140
DATE: April 6, 2004
PAGE: 1 of 1

ITEM #1

INTERLOCAL: APPROVAL OF INTERLOCAL AGREEMENTS WITH THE PORT OF TACOMA AND CENTRAL VALLEY SCHOOL DISTRICT #356

DEPT. & BOARD RECOMMENDATION: PORT OF TACOMA AND CENTRAL VALLEY SCHOOL DISTRICT #356

EXPLANATION: The Port of Tacoma and Central Valley School District #356 have requested that the City of Tacoma enter into interlocal cooperative purchasing agreements. Interlocal cooperative purchasing agreements enable one public agency to purchase materials and equipment based on another agency's competitive bids and contracts. No funding issues are involved.

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Resolution No. 38140

Adopted: APR 6 2004

Maker of Motion: Evans

Seconded: Phelps

Roll Call Vote:

MEMBERS	AYES	NAYS	ABSTAIN	ABSENT
Ms. Anderson				✓
Mr. Evans	✓			
Mr. Ladenburg	✓			
Dr. Lonergan	✓			
Mr. Manthou	✓			
Mr. Phelps	✓			
Mr. Stenger	✓			
Mr. Talbert	✓			
Mayor Baarsma	✓			

MEMBERS	AYES	NAYS	ABSTAIN	ABSENT
Ms. Anderson				
Mr. Evans				
Mr. Ladenburg				
Dr. Lonergan				
Mr. Manthou				
Mr. Phelps				
Mr. Stenger				
Mr. Talbert				
Mayor Baarsma				



City of Tacoma
Finance Department

C & A	Date <u>3/24/04</u>
Council	Date <u>4/16/04</u>
Council Res. #	<u>36140</u>
PO #'s	_____

DATE: March 11, 2004

TO: Board of Contracts & Awards

SUBJECT: Approval to Enter into an Interlocal Agreement

RECOMMENDATION: The Finance Department/Purchasing Division requests approval to enter into an interlocal cooperative purchasing agreement with the **Port of Tacoma**.

EXPLANATION: The City of Tacoma has requested cooperative use of Port of Tacoma contracts in accordance with Chapter 39.34 RCW and Tacoma Municipal Code Section 1.06.246. Interlocal cooperative purchasing agreements enable one public agency to purchase materials and equipment based on another agency's competitive bids/ contracts. The agreement is reciprocal, allowing the City of Tacoma to access the Port of Tacoma's contracts. The Port of Tacoma has already executed the agreement.

COMPETITIVE BIDDING: Competitive bidding is not applicable to entering the proposed Interlocal agreement. Subsequent purchases by the City of Tacoma departments will be from competitively bid contracts only.

CONTRACT HISTORY: Not applicable

FUNDING: Not applicable

HUB/LEAP COMPLIANCE: Not applicable

Sincerely,

Helen Small DATE 4-1-04
BUDGET APPROVAL

Helen Small
Purchasing Manager

cc: Steve Marcotte
Joseph Delaney
Kim Kerner

O.M.B.A.
MAR 26 2004
Received