



CITY OF KIRKLAND
Department of Finance and Administration
123 Fifth Avenue, Kirkland, WA 98033 425.587.3000
www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager
From: Barry Scott, Purchasing Agent
Date: February 5, 2015
Subject: REQUEST TO ENTER INTO INTERGOVERNMENTAL COOPERATIVE PURCHASING AGREEMENT WITH THE STATE OF MINNESOTA

RECOMMENDATION:

It is recommended that the City Council authorize the City Manager to execute an Intergovernmental Cooperative Purchasing Agreement with the State of Minnesota's Cooperative Purchasing Venture (CPV) in order to purchase off of their competitively bid contracts when it is determined to be in the best interest of the City to do so.

BACKGROUND:

The City's Microsoft account representative has recommended that the City gain access to the Microsoft products and pricing available from the CPV in order to get the best pricing available for Microsoft's Surface Pro 3 laptop/tablet computer.

The Surface Pro 3 is not available on the Western States Contracting Alliance contract that the City normally uses for Microsoft products.

The agreement with the CPV will also provide the City with access to many other products and services that have been competitively bid and awarded by the State of Minnesota.

The CPV program is very similar to other cooperative purchasing programs that the City participates in (e.g. King County Directors' Association, US Communities, National Joint Purchasing Alliance). Membership in the CPV program will simply provide the City with another tool in its purchasing toolbox.

There are no fees charged to the government entities participating as members of the CPV. Exhibit A is a sample agreement executed by the City of Seattle, which is the same form that the City of Kirkland would execute.

RESOLUTION R-5108

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING PARTICIPATION BY THE CITY IN A COOPERATIVE PURCHASING AGREEMENT WITH THE STATE OF MINNESOTA MATERIALS MANAGEMENT DIVISION AND AUTHORIZING THE CITY MANAGER TO SIGN.

1 WHEREAS, the City of Kirkland and the State of Minnesota seek
2 to enter into a cooperative purchasing agreement enabling the City to
3 purchase goods and services through the State of Minnesota's contracts;
4 and

5
6 WHEREAS, RCW 39.34.030, a section of the Interlocal
7 Cooperation Act, authorizes the City to make purchases through the
8 state contracts of other states; and

9
10 WHEREAS, the City Council has determined it to be in the best
11 interest of the City of Kirkland to enter into such a cooperative
12 purchasing agreement.

13
14 NOW, THEREFORE, be it resolved by the City Council of the City
15 of Kirkland as follows:

16
17 Section 1. The City Manager is authorized to sign on behalf of
18 the City of Kirkland an agreement substantially similar to that attached
19 as Exhibit "A," which is entitled "Cooperative Purchasing Agreement."

20
21 Passed by majority vote of the Kirkland City Council in open
22 meeting this ____ day of _____, 2015.

23
24 Signed in authentication thereof this ____ day
25 of _____, 2015.

MAYOR

Attest:

City Clerk

2014 MAR 24 AM 11:56:07



COOPERATIVE PURCHASING AGREEMENT

Under the Authority of Minnesota Statutes § 16C.03, Subdivision 10
and

Minnesota Statutes § 471.59, Subdivision 1

This Joint Powers Agreement is between the State of Minnesota, through its commissioner of Administration, Materials Management Division ("Division") and

CITY OF SEATTLE ("Authorized Entity").

Pursuant to Minn. Stat. § 16C.03, subd. 10, the Division acquires various supplies, commodities, equipment, and services for state agencies and governmental units (as defined in Minn. Stat. § 471.59, subd. 1) through competitive bidding or requests for proposals. The Division, through Minn. Stat. § 16C.11, and the Authorized Entity wish to combine their purchasing functions, as specifically provided below, so that the Authorized Entity may avail itself of the prices which have been agreed upon by the Division and its vendors.

The parties agree as follows:

- 1. Term.** This joint powers agreement will be effective on the date State obtains all required signatures under Minn. Stat. § 16C.05, subd. 2, and remains in effect until canceled by either party upon 30 days' written notice to the other party.
- 2. Services.** The Division will make its contracts for commodities and services, as listed on the State of Minnesota's Contract Index, available to the Authorized Entity.
- 3. Use of Division Contracts.** To purchase commodities or services from the Division's contracts, the Authorized Entity must issue a purchase order in accordance with the terms and conditions of the Division's contracts and any requirements applicable to the Authorized Entity's governing body. The Authorized Entity must send purchase orders directly to the applicable vendor and will make payments directly to the vendor in accordance with its established procedures and terms of the Division's contract. The Authorized Entity will not use the goods available under the Division's contracts for the purposes of resale. The Authorized Entity must be the end user of the goods purchased.
- 4. Liability.** The Authorized Entity agrees that neither the Division nor its employees personally assume responsibility or liability for any amounts due or claimed to be due pursuant to any purchase order entered issued by the Authorized Entity. The Authorized Entity will indemnify, save and hold harmless the Division and its employees from any loss, damage or



COOPERATIVE PURCHASING AGREEMENT

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expense, including payment of attorney fees allowable by law, which arise or may arise from the Authorized Entity's use of this joint powers agreement and from any dispute or claim arising from any transaction between the Authorized Entity and the Division's vendors, whether or not the loss, damage, dispute or claim arises during or after the period of this cooperative agreement. The Division's liability will be governed by the provisions of Minn. Stat. § 3.736.

CITY OF SEATTLE

"Authorized Entity certifies that the appropriate person(s) have executed this cooperative agreement on behalf of the Authorized Entity as required by applicable articles, bylaws, resolutions or ordinances."

By:

Pam Tokunaga
(Authorized Signature)

Manager
(Title)

PO Box 94687
Seattle WA 98124-4687
(Address)

March 5, 2014
(Date)

STATE OF MINNESOTA

"By Delegation"

By:

[Signature]
Materials Management Division
3-10-14
(Date)

Permit Number/Access Code:

525291

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MATERIALS MGMT
DEPT OF ADMINISTRATION
STATE OF MINNESOTA