



Legislation Details (With Text)

File #: 2022-0945 **Version:** 1
Type: Resolution **Status:** Passed Finally
File created: 11/10/2022 **In control:** Committee on Finance and Law
On agenda: 12/14/2022 **Final action:** 12/19/2022
Enactment date: 12/19/2022 **Enactment #:** 732
Effective date: 12/27/2022

Title: Resolution authorizing the City of Pittsburgh to participate in applicable cooperative purchasing agreements for goods, materials, equipment, supplies, services, or construction, as authorized by the Commonwealth Procurement Code and the Pennsylvania Intergovernmental Cooperation Law for the 2023 Fiscal Year.

Sponsors:

Indexes: BUDGET

Code sections:

Attachments: 1. 2022-0945 Cover Letter Cooperative - Letter_JP_Signed, 2. Summary 2022-0945

| Date | Ver. | Action By | Action | Result |
|------------|------|---------------------|---------------------------|--------|
| 12/27/2022 | 1 | Mayor | Signed by the Mayor | |
| 12/19/2022 | 1 | City Council | Passed Finally | Pass |
| 12/14/2022 | 1 | Standing Committees | Affirmatively Recommended | Pass |
| 11/21/2022 | 1 | Standing Committees | Held in Committee | Pass |
| 11/14/2022 | 1 | City Council | Read and referred | |

Resolution authorizing the City of Pittsburgh to participate in applicable cooperative purchasing agreements for goods, materials, equipment, supplies, services, or construction, as authorized by the Commonwealth Procurement Code and the Pennsylvania Intergovernmental Cooperation Law for the 2023 Fiscal Year.

Whereas, 62 Pa.C.S.A. § 1902 (the Commonwealth Procurement Code) permits a municipality to “participate in, sponsor, conduct, or administer a cooperative purchasing agreement for the procurement of any supplies, services or construction with one of more public procurement units or external procurement activities” as defined therein “in accordance with an agreement entered into between the participants;” and

Whereas, 53 Pa.C.S.A. § 2309 (the Pennsylvania Intergovernmental Cooperation Act) permits a municipality to make direct purchases from vendors or suppliers of goods, materials or equipment without compliance with existing and otherwise applicable statutory requirements governing competitive bidding and execution of contracts, so long as permitted by the County, and

Whereas, the Intergovernmental Cooperation Act requires that municipalities desiring to participate file with the County purchasing agency and with the County Solicitor a certified copy of an ordinance or resolution of its governing body requesting that it be authorized to participate in purchase contracts of the County and agreeing that it will be bound by the terms and conditions as the County prescribes and that it will be responsible for payment directly to the vendor under each purchase contract, and

Whereas, it is in the interest of intergovernmental cooperation and for the benefit of the residents of the City of Pittsburgh that the City has the opportunity to participate in or purchase off such contracts, and

Whereas, per Section 161.02(a)(7) of the City Code, applicable purchases of materials, supplies, equipment, and general maintenance and services are exempt from the requirements of the lowest responsible bidder if purchased through “intergovernmental or cooperative purchasing plans, established pursuant to applicable law,” and

Whereas, it is the will of the Council of the City of Pittsburgh to review this authorization to participate in applicable cooperative purchasing agreements on an annual basis.

Be it resolved by the Council of the City of Pittsburgh as follows:

Section 1. This Resolution authorizes the City of Pittsburgh to request of the Commonwealth of Pennsylvania and any Commonwealth of Pennsylvania County, City, Township, Municipality, Borough, Authority, Public Procurement Unit and the Pittsburgh School District that the City be authorized to make purchases from contracts for supplies, services or construction entered into by the U.S. General Services Administration, the Commonwealth of Pennsylvania and any Commonwealth of Pennsylvania County, City, Township, Municipality, Borough, Authority, Public Procurement Unit, Public Sector Procurement Cooperative, and the Pittsburgh School District pursuant to the Commonwealth Procurement Code, and approved for use by the Office of Management and Budget.

Section 2. Insofar as the applicable cooperative purchasing agreements of entities including the U.S. General Services Administration, the Commonwealth of Pennsylvania, and any Commonwealth of Pennsylvania County, City, Township, Municipality, Borough, Authority, Public Procurement Unit, Public Sector, Procurement Cooperative, and the Pittsburgh School District are intended for use by other public procurement units as defined in 62 Pa.C.S.A. § 1901, the City of Pittsburgh agrees to be bound by such terms and conditions of the applicable cooperative purchasing agreement(s) with regard to its purchases thereunder.

Section 3. The City of Pittsburgh shall be responsible for direct payment to vendors for its purchases made under applicable cooperative purchasing agreements.

Section 4. If a cooperative purchasing agreement is entered into, and the funds have been authorized for appropriation for that purpose, The City Controller is hereby authorized to make payment directly to the vendor under the applicable cooperative purchasing agreement.

Section 5. This authorization shall expire on December 31, 2023 at the end of the 2023 fiscal year. Any encumbrances of any above covered contracts made prior to December 31, 2023, shall continue to be honored until those encumbrances are cleared per the City’s Encumbrance Policy for Departmental Contracts.