

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS APPROVING THE PURCHASE OF CITY-WIDE OFFICE SUPPLIES BY PIGGYBACKING THE CITY OF SAN JOSE’S CONTRACT WITH OFFICE MAX

WHEREAS, Section I-2-3.07 of the Milpitas Municipal Code authorizes the City Council to enter into contracts without competitive bid when the Purchasing Agent determines that a piggyback purchase is in the City’s best interest of the City; and

WHEREAS, the City of San Jose’s solicitation that resulted in the contract with Office Max was obtained and reviewed for compliance with the City’s Purchasing Ordinance by the Purchasing Agent; and

WHEREAS, there are no local suppliers or contractors who could provide the same range of office supplies at competitive rates; and

WHEREAS, the City’s specifications for city-wide office supplies are the same as those listed in San Jose’s solicitation; and

WHEREAS, the price for Office Max office supplies under the San Jose contract is estimated to be lower than if the City made the purchase pursuant to the City’s Purchasing Ordinance; and

WHEREAS, the price the City will pay for the office supplies from Office Max will be the same price as in the San Jose contract.

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

1. The City Council has considered the full record before it, which may include but is not limited to such things as the 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 a separate contract with Office Max for city-wide office supplies, which references the solicitation by San Jose and the terms, conditions and prices in the San Jose contract, for a not-to-exceed amount of \$95,000.00.

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

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Mary Lavelle, City Clerk

Robert Livengood, Mayor

APPROVED AS TO FORM:

Michael J. Ogaz, City Attorney



PIGGYBACK AGREEMENT

This AGREEMENT is effective the 15th day of October 2010, by and between the City of Milpitas, a municipal corporation of the State of California (hereafter referred to as "CITY") and **Office Max, Inc**, (hereafter referred to as "VENDOR").

RECITALS

WHEREAS, VENDOR and the City of San Jose originally entered into an agreement for the purchase of office supplies, on 12/04/08; and

WHEREAS, the parties aforementioned desire to open the use of their agreement to other municipalities; and

WHEREAS the practice of "Piggyback" procurement is specifically authorized by the City Municipal Code Sec. I-2-3.07 "Piggyback Procurement".

NOW THEREFORE, in consideration of the mutual covenants and conditions herein contained, the CITY agrees to enter into a separate agreement with VENDOR and hereby incorporates by reference the solicitation, terms, conditions, and pricing of the original aforementioned agreement. The term of the new agreement shall be for one (1) year effective October 15, 2010 with two (2) additional one (1) year options, and shall be set at the annual not-to-exceed amount of \$95,000.00.

This agreement is executed as of the date written above.

APPROVED BY:

CITY OF MILPITAS

VENDOR

Thomas C. Williams, City Manager

Office Max Inc.

APPROVED AS TO FORM:

Michael J. Ogaz, City Attorney

Signature of Authorized Representative

PREPARED BY:

Christopher Schroeder, Purchasing Agent

Name & Title of Authorized Representative

ATTESTED BY:

Mary Lavelle, City Clerk