



## LEGISLATIVE MEMORANDUM

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Suzanne Sherman, City Manager

**THRU:** George Barber, Chief Procurement Officer

**DATE:** October 3, 2024

**RE:** Miscellaneous: 'Other Agency' term contracts utilized for Fiscal Year 2024-2025 'as needed' purchases of equipment, services, materials, and supplies – multiple city departments.

### SUMMARY:

The City of Palm Bay currently utilizes "Other Agency Contracts" to purchase equipment, services, materials and supplies for various Departments to include Fleet Services Division, Public Works Department, Utilities, Recreation, Parks & Facilities, Fire, Police & Information Technology. Commodities and services are utilized to conduct each departments' day-to-day operations. The services, equipment, materials, and supplies are purchased "as needed." All contracts identified on the attached spreadsheet were subject to a competitive solicitation process and were awarded by each agency. Consideration is also requested to continue to utilize these contracts if they are renewed, re solicited, or replaced, which may occur when an existing contract expires. Per the Procurement Manual, cooperative agreements generally expedite procurements and provide competitive pricing for items and services.

Each year the attached list of estimated and budgeted purchases is reviewed and vetted by all departments and compiled by Procurement, who ensures the contract referenced is valid. Purchases will only be made if Council has approved the funds, and they are appropriated in the applicable account and fiscal year in accordance with City policies. Should the department fail to budget funds, or should the contract referenced become unavailable, or should purchases exceed the budgeted and appropriated amount, additional Council approval may be required.

In accordance with the City's Code of Ordinance, Section 38.13(F)(4) Cooperative Purchases: The City may purchase from any cooperative contract, including but not limited to: term contracts by the State of Florida, Federal General Services Administration, and other governmental cooperatives and entities within and outside the State of Florida provided that the cooperative contract is established in compliance with the procurement procedures and requirements of the issuing body, entity, authority, or cooperative. If such other governmental or cooperative contract is utilized, the

public notice requirements and the need to utilize the methods of selection processes included in the Ordinance are obviated. The ability to utilize cooperative contracts shall not be restricted by non-participation in the estimated quantities of the City's needs, nor inaccurate estimates of usage by the City prior to award of the cooperative contract. Any such contracts equal to or in excess of one hundred thousand dollars (\$100,000) shall go to the City Council for approval. The City may utilize (piggyback) a contract entered into by another governmental or public entity and a provider of supplies or services required by the City, if the Chief Procurement Officer determines that it is practicable and advantageous for the City to employ this method of purchase, and such contracts specify that they are cooperative procurements at the time of solicitation or the governmental entity Procurement official otherwise agrees to the use of such contract in writing. Any such contracts equal to or in excess of one hundred thousand dollars (\$100,000) shall go to the City Council for approval.

**REQUESTING DEPARTMENTS:**

Procurement

**FISCAL IMPACT:**

The estimated annual expenditures for FY 2025 are itemized in the list shown on the attached spreadsheet. Because these purchases are "as-needed," estimates are provided but may be less or more based on available budget and need. Purchases will only be made if Council has approved the funds, and they are appropriated in the applicable account and fiscal year in accordance with City policies. Should the department fail to budget funds, or should the contract referenced become unavailable, or should purchases exceed the budgeted and appropriated amount, additional Council approval may be required.

**STAFF RECOMMENDATION:**

Motion to approve the FY 2025 annual purchases of the equipment, services, materials and supplies on an "as needed" basis through utilization of the other agency term contracts listed, to include renewals, resolicitations, and replacement contracts when a contract expires, and only if funds are appropriated by Council.

**ATTACHMENTS:**

1. Other Agency Contract List for FY 2025