

RESOLUTION NO. 2011-88

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, ARIZONA [“CITY”] RATIFYING, APPROVING AND ADOPTING THE COOPERATIVE PURCHASE AGREEMENT WITH STRATEGIC ALLIANCE FOR VOLUME EXPENDITURES [“S.A.V.E.”] FOR THE PURPOSE OF UTILIZING THE COOPERATIVE PROCUREMENT UNIT TO MAKE PURCHASES FOR THE CITY AND AUTHORIZING THE MAYOR TO EXECUTE THIS RESOLUTION AND DECLARING AN EMERGENCY TO EXIST.

WHEREAS, the CITY and the S.A.V.E. have the authority to enter into agreements for cooperative procurement services pursuant to A.R.S. Section 11-952 and Section 41-2632 et seq. if authorized by their legislative or governing bodies; and

WHEREAS, A.R.S. Section 41-2631 et seq. defines “cooperative purchasing” as procurement conducted by, or on behalf of, more than one public procurement unit; and

WHEREAS, A.R.S. Section 41-2632 et seq. provides that any public procurement unit may either participate in, sponsor, conduct or administer a cooperative purchasing agreement for the procurement of any materials, services, or construction with one or more public procurement units in accordance with an agreement pursuant to this section if one or more of the parties involved is a public procurement unit; and

WHEREAS, A.R.S. Section 41-2632 et seq. provides that this section does not abrogate the responsibility of each public procurement unit to ensure compliance with procurement laws that apply to the particular public procurement, notwithstanding the fact that the cooperative purchase is administered by a non-profit corporation operating under this section; and

WHEREAS, the Mayor and Council of the City of Willcox desires to enter into the S.A.V.E. Cooperative Purchase Agreement as presented; and

WHEREAS, it is the desire of the CITY to formally Adopt and Approve the S.A.V.E. Cooperative Purchase Agreement at its Meeting on November 7th, 2011; and

WHEREAS, the S.A.V.E. Agreement provides for mutual responsibilities in carrying out mutual promises and mutual benefits to result there from; and

WHEREAS, the IGA may be cancelled as provided by A.R.S. Section 38-511; and

WHEREAS, the Mayor and Council have determined that formal action on this Resolution is in the best interest of the CITY, its citizens and its affected taxpayers; and,

WHEREAS, it is necessary for the preservation of the peace, health, and safety of the City of Willcox, Cochise County, Arizona, that an emergency be declared to exist to assure timely implementation of this Agreement, and that this Resolution shall be effective immediately upon its passage and adoption.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF WILLCOX, COCHISE COUNTY, ARIZONA, AS FOLLOWS:

Section 1: That the CITY formally approves Resolution 2011-88 for the purpose of approving and adopting the S.A.V.E Cooperative Purchase Agreement.

Section 2: That the immediate operation of the provisions of this Resolution is necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, and this Resolution shall be in full force and effect from and after its passage by the City of Willcox, Cochise County, Arizona.

Section 3: That the Mayor is authorized and empowered to execute this Resolution and the S.A.V.E. Cooperative Purchase Agreement as may be required.

PASSED AND ADOPTED BY MAYOR AND COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, ARIZONA this 7th day of November, 2011.

APPROVED/EXECUTED:

/S/ GERALD W. LINDSEY
MAYOR, GERALD W. LINDSEY
Signed: 11-09-2011

ATTEST:

APPROVED AS TO FORM:

/s/ Cristina Garcia Whelan, CMC
Cristina G. Whelan, CMC, City Clerk

/s/ Hector M. Figueroa
Hector M. Figueroa, Esq., City Attorney

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