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City Council Document Tracking Sheet

Meeting Date: 9/8/2011
Sponsor(s): Emanuel, Rahm (Mayor)
Type: Ordinance
Title: Amendment of Section 2-92-605 of Municipal Code
regarding joint purchase agreements
Committee(s) Assignment: Committee on Budget and Government Operations

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SUBSTITUTE
ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

SECTION I. Section 2-92-600 of the Municipal Code of Chicago is hereby repealed in its entirety and replaced with the following

2-92-600 Joint procurement.

(a) For purposes of this section,

- (1) "Governmental entity" means the federal government or any agency thereof, any state, county, municipality, township, special district, school district, or any other governmental entity created by law
- (2) "Joint procurement agreement" means any agreement duly executed between the city and one or more governmental entities in order to jointly procure
- (3) "Multi-party purchasing agreement" means a purchasing agreement duly executed among the city, one or more other governmental entities, and a selected vendor
- (4) "Procure" means to obtain personal property, supplies and services, or otherwise to undertake other procurement functions, including, but not limited to, issuing requests for proposals and requests for qualifications

(b) The chief procurement officer is authorized to execute joint procurement agreements with one or more governmental entities

(c) When in her judgment it would benefit the City, the chief procurement officer is authorized to procure in conjunction with one or more governmental entities. All such procurements shall be pursuant to a competitive procurement process or other applicable procurement procedure conducted by the city or another governmental entity consistent with their normal procurement practices, any applicable joint procurement agreement executed pursuant to subsection (b) of this section, and the applicable requirements of the Governmental Joint Purchasing Act, 30 ILCS 525/0 01, et seq, as amended, provided, however, if there is a conflict between the joint procurement agreement and the Act, the former shall prevail. The chief procurement officer may procure by either

- (1) Executing multi-party purchasing agreements, subject to the approval of the mayor, the comptroller and the corporation counsel as to form and legality. Each multi-party purchasing agreement must provide that the city

will not be responsible for any liabilities incurred by other governmental entities arising therefrom, and shall contain such other terms and conditions as the chief procurement officer deems necessary or appropriate

The chief procurement officer may allow other governmental entities to subsequently become parties to already-executed multi-party purchasing agreements. The chief procurement officer is authorized to require these governmental entities to execute agreements binding them to the terms and conditions of the multi-party purchasing agreements in a form acceptable to the chief procurement officer, or require these governmental entities to satisfy any other condition or term set forth in the multi-party purchasing agreements, or

- (2) Issuing an order under a contract previously awarded by another governmental entity, if such contract was awarded pursuant to that governmental entity's applicable procurement procedures. Such order shall contain terms that the chief procurement officer deems necessary or appropriate, but need not contain provisions imposed by city ordinances or State law, unless such provisions are mandatory and preempt the city's home rule authority. Any such order must be executed by the chief procurement officer, the comptroller, and the contractor

(d) Before entering any agreement pursuant to this section, the chief procurement officer first shall evaluate the legal feasibility of, and practical potential for, MBE/WBE participation, and shall, if such participation is legally feasible and appropriate, make all reasonable efforts to include such participation, at the levels contemplated by this Chapter, in such agreement

(e) The chief procurement officer is authorized to adopt rules and regulations for the proper administration and enforcement of the provisions of this section.

(f) Nothing in this section shall be construed to diminish the authority and powers of the chief procurement officer under the Municipal Purchasing Act for Cities of 500,000 or more population, 65 ILCS 5/8-10-1, et seq

SECTION II. This ordinance shall take effect upon passage and approval.