ORDINANCE NO. 19-25

AN ORDINANCE OF MANATEE COUNTY, FLORIDA REGARDING PROCUREMENT; AMENDING AND RESTATING CHAPTER 2-26, SECTION 2-26-46 ON PIGGYBACKING; AUTHORIZING THE ACQUISITION OF GOODS OR SERVICES THROUGH THE USE OF PIGGYBACK AGREEMENTS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Manatee County Board of County Commissioners (Board) desires to seek the maximum value for Manatee County (County) by procuring the best value in obtaining goods and services; and

WHEREAS, to effectuate this desire the Board has determined that it is appropriate to amend and revise the piggybacking authority provided for in Article IV of Chapter 2-26, Section 2-26-46 of the Manatee County Purchasing Code (Code) to include goods and services; and

WHEREAS, the Board finds these amendments to the Section 2-26-46 of the Code to be in the best interests of the County and the entities with whom the County does business.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA:

Section 1. Article IV of Chapter 2-26, Section 2-26-46 of the Code is hereby restated as follows:

Section 2-26-46. Cooperative Procurement, Piggybacking.

(a) Cooperative procurement. Unless otherwise prohibited by law or grant agreement terms, the purchasing official is authorized to negotiate with other public procurement officials for the conduct of a joint procurement on behalf of each participating public agency where, in the judgment of the purchasing official, doing so would leverage the benefits of volume purchases, create clear delivery and/or supply chain advantages, and/or create a demonstrable and substantial reduction of administrative time and expense. Examples of cooperative procurement events can include joint solicitations or use of a third-party aggregator or broker.
(b) *Piggybacking.*

i. In any agreement for the acquisition of *commodities goods or services* between the county and a vendor which has resulted from a competitive solicitation process, the purchasing official is authorized to include a term authorizing the agreement to be utilized by other public agencies to acquire the same *commodities goods or services.*

ii. The purchasing official is authorized to acquire *commodities goods or services* by use of an existing agreement between a vendor and another public agency where such agreement has resulted from a competitive solicitation process. Purchases made in this manner, commonly called *piggybacking,* should not substantially differ in specification, *scope,* quality or price from the terms of the initial agreement. Use of a *piggybacking* agreement must be consistent with its solicitation and the contract parameters, requirements and restrictions of the initial agreement. Requirements must remain substantially the same as the existing *"piggybacked*" contract. For the purposes of this section, the term *commodities* may include a service component such as installation or maintenance, so long as the predominant purpose of the agreement is not the acquisition of the service.

**Section 2.** The publisher of this County's Code, the Municipal Code Corporation, is directed to incorporate the amendments in Section 1 into the Code.

**Section 3.** If any clause, phrase, provision, section or sentence of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

**Section 4.** This Ordinance shall take effect immediately upon filing with the Department of State.
DULY ADOPTED, with a quorum present and voting, this _____ day of _____, 2019.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

By: ____________________________
   Chairperson

ATTEST: ANGELINA COLONNESO
CLERK OF THE CIRCUIT COURT AND COMPTROLLER

By: ____________________________
   Deputy Clerk
ORDINANCE NO. 19-25

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WHEREAS, the Board finds these amendments to the Section 2-26-46 of the Code to be in the best interests of the County and the entities with whom the County does business.

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(b) Piggybacking.

i. In any agreement for the acquisition of commodities goods or services between the county and a vendor which has resulted from a competitive solicitation process, the purchasing official is authorized to include a term authorizing the agreement to be utilized by other public agencies to acquire the same commodities goods or services.

ii. The purchasing official is authorized to acquire commodities goods or services by use of an existing agreement between a vendor and another public agency where such agreement has resulted from a competitive solicitation process. Purchases made in this manner, commonly called piggybacking, should not substantially differ in specification, scope, quality or price from the terms of the initial agreement. Use of a piggybacked contract agreement must be consistent with its solicitation and the contract-parameters, requirements and restrictions of the initial agreement. Requirements must remain substantially the same as the existing piggybacked contract. For the purposes of this section, the term commodities may include a service component such as installation or maintenance, so long as the predominant purpose of the agreement is not the acquisition of the service.

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DULY ADOPTED, with a quorum present and voting, this ___ day of ___, 2019.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA
By: ______________________
    Chairperson

ATTEST: ANGELINA COLONNESO
        CLERK OF THE CIRCUIT COURT AND COMPTROLLER

By: ______________________
    Deputy Clerk