

1 [Administrative Code - Cooperative Purchasing, Ancillary Installation Services]

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3 **Ordinance amending the Administrative Code to authorize City departments to rely on**
4 **cooperative purchasing when entering into public works contracts of up to \$5,000,000;**
5 **to authorize the Purchaser when procuring commodities or services to rely on all types**
6 **of cooperative purchasing programs conducted by or for the benefit of public entities,**
7 **including such programs that are not sponsored by non-profits; and to authorize the**
8 **Purchaser to procure ancillary installation services when procuring commodities.**

9
10 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
11 **Additions to Codes** are in *single-underline italics Times New Roman font*.
12 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
13 **Board amendment additions** are in double-underlined Arial font.
14 **Board amendment deletions** are in ~~strikethrough Arial font~~.
15 **Asterisks (* * * *)** indicate the omission of unchanged Code
16 subsections or parts of tables.

17 Be it ordained by the People of the City and County of San Francisco:

18 Section 1. Chapter 6, Article IV, of the Administrative Code is hereby amended by
19 adding Section 6.77, to read as follows:

20 **SEC. 6.77. USE OF COOPERATIVE PURCHASING AGREEMENTS.**

21 (a) **Eligible Contracts.** For purposes of this Section 6.77, "Eligible Contract" shall mean a
22 Contract for a Public Work or Improvement with an estimated cost that does not exceed \$5,000,000.
23 Starting as of January 1, 2030, the Controller shall adjust this limit in the same manner as the
24 Controller adjusts the Threshold Amount for Public Works Contracts under Section 6.1 of this Code.

1 (b) **Cooperative Purchasing.** Notwithstanding any other provision of the Municipal Code,
2 Department Heads are authorized to enter into Eligible Contracts for Public Works or Improvements
3 by utilizing competitive procurements conducted by or for the benefit of other public agencies in
4 California or elsewhere, under the terms established in those procurements, upon the Department Head
5 making a written determination that (i) the procurement is for an Eligible Contract, (ii) the
6 procurement was competitive or the result of a sole source award, and (iii) the use of the procurement
7 would be in the City's best interests. If the Award of the Eligible Contract requires approval of a board
8 or commission, then the foregoing written determination of the Department Head shall also be subject
9 to the board or commission's approval.

10 (c) **Contract Terms.** Except as provided in subsection (b), Contracts awarded under this
11 Section 6.77 shall conform to the requirements of this Chapter 6, Administrative Code Chapter 14B,
12 and Labor and Employment Code Division II, as applicable.

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14 Section 2. Chapter 21 of the Administrative Code is hereby amended by revising
15 Sections 21.03 and 21.16, to read as follows:

16 **SEC. 21.03. GENERAL AUTHORITY OF THE PURCHASER OF SUPPLIES.**

17 * * * *

18 (k) **Ancillary Installation Services for Commodities.** The Purchaser is authorized to
19 purchase installation Services ancillary to the purchase of Commodities, including installation Services
20 that must be performed by a licensed contractor and may otherwise be procured pursuant to Chapter 6
21 of the Administrative Code.

22 ~~(l)~~ **Rules and Regulations.** The Purchaser, with the approval of the Director of
23 Administrative Services and the Controller, shall establish rules and regulations for the
24 purpose of implementing the provisions of this Chapter 21.

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2 **SEC. 21.16. USE OF COOPERATIVE PURCHASING AGREEMENTS AND**
3 **PROCUREMENTS CONDUCTED BY OR FOR THE BENEFIT OF OTHER PUBLIC ENTITIES;**
4 **OF AND RECIPROCAL AGREEMENTS WITH OTHER PUBLIC AND NON-PROFIT**
5 **AGENCIES; SOLICITATIONS FOR MULTIPLE DEPARTMENTS.**

6 (a) Notwithstanding any other provisions of ~~the~~^{is} Municipal Code, in cases where the
7 Purchaser deems that it is in the City's best interests to do so, the Purchaser is authorized,
8 subject to the Board of Supervisors' approval by Resolution, to sell to, acquire from,
9 participate in, sponsor, conduct, or administer cooperative purchasing agreements for the
10 benefit of with or made available by any public agency or non-profit made up of multiple public
11 agencies in California or elsewhere, and may enter into reciprocal agreements ~~with such~~
12 ~~agencies~~ for the cooperative use of Commodities or Services or the common use or lease of
13 facilities, under the terms agreed upon between the parties.

14 (b) Notwithstanding any other provisions ~~of the~~^{in this} Municipal Code, the Purchaser
15 may utilize ~~the~~ competitive procurements ~~process conducted by or for the benefit of other of any~~
16 ~~other public agency or non-profit made up of multiple~~ public agencies to make purchases of
17 Commodities or Services for the use of the City, under the terms established in ~~that agency's~~
18 ~~competitive those~~ procurements ~~process and as agreed upon by the City and the procuring agency,~~
19 upon making a determination that (i) the other ~~agency's~~ procurement ~~process~~ was competitive
20 or the result of a sole source award, and (ii) the use of the other ~~agency's~~ procurement would
21 be in the City's best interests.

22 * * * *

23
24 Section 3. Effective Date. This ordinance shall become effective 30 days after
25 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the

1 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
2 of Supervisors overrides the Mayor's veto of the ordinance.

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4 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
5 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
6 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
7 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
8 additions, and Board amendment deletions in accordance with the "Note" that appears under
9 the official title of the ordinance.

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11 APPROVED AS TO FORM:
12 DAVID CHIU, City Attorney

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14 By: /s/
15 MANU PRADHAN
16 Deputy City Attorney
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City and County of San Francisco

Tails Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 240366

Date Passed: June 25, 2024

Ordinance amending the Administrative Code to authorize City departments to rely on cooperative purchasing when entering into public works contracts of up to \$5,000,000; to authorize the Purchaser when procuring commodities or services to rely on all types of cooperative purchasing programs conducted by or for the benefit of public entities, including such programs that are not sponsored by non-profits; and to authorize the Purchaser to procure ancillary installation services when procuring commodities.

June 10, 2024 Rules Committee - RECOMMENDED

June 18, 2024 Board of Supervisors - PASSED ON FIRST READING

Ayes: 11 - Chan, Dorsey, Engardio, Mandelman, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

June 25, 2024 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Chan, Dorsey, Engardio, Mandelman, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

File No. 240366

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 6/25/2024 by the Board of Supervisors of the City and County of San Francisco.

Handwritten signature of Angela Calvillo
Angela Calvillo
Clerk of the Board

Handwritten signature of London N. Breed

London N. Breed
Mayor

7/9/24
Date Approved