

STAFF REPORT



ITEM NO. 5 CITY OF OCEANSIDE

DATE: March 27, 2013

TO: Honorable Mayor and City Councilmembers

FROM: Financial Services Department

SUBJECT: **OPEN PURCHASE ORDER IN AN AMOUNT NOT TO EXCEED \$150,000 FOR THE PURCHASE OF OFFICE SUPPLY PRODUCTS FROM STAPLES CONTRACT AND COMMERCIAL INCORPORATED, OPERATING AS STAPLES ADVANTAGE, PER NATIONAL JOINT POWERS ALLIANCE (NJPA) COOPERATIVE CONTRACT**

SYNOPSIS

Staff recommends that the City Council approve an open purchase order in an amount not to exceed \$150,000 to Staples Contract & Commercial, Inc., operating as Staples Advantage, for the purchase of office supply products pursuant to the National Joint Powers Alliance (NJPA) Contract #031210, and authorize the Financial Services Director to execute the purchase order.

BACKGROUND

A majority of City departments have been using Corporate Express/Staples since 1999. On November 18, 2009, the City Council approved an open purchase order with Corporate Express/Staples pursuant to the National Intergovernmental Purchasing Alliance (NIPA) contract which was effective through June 2012. While the NIPA contract expired, the City has continued to purchase office supplies from Staples which honored prices offered under the NJPA contract.

In January 2013, staff requested pricing proposals from three firms: Staples, Office Max, and Office Depot. Only Staples and Office Max responded. On February 12, 2013, a panel consisting of multiple City departments held interviews to rate the vendors based on customer service, product availability/pricing, on-line ordering process, and green compliance. Both companies rated extremely favorable, with Staples having a slightly higher rate.

The interview panel determined that the City should stay with Staples, who can provide uninterrupted service with the best pricing and quality services. The use of regular reporting from Staples Advantage will allow the City to contain costs for office products now and in the future.

ANALYSIS

The Financial Services Department performed a survey of all City departments to determine the satisfaction level they had with the current vendor. Staff was very happy with the services, pricing, product selection and ease of ordering offered by Staples.

Section 28A.24(b) of the Oceanside Municipal Code allows the City to utilize purchasing agreements maintained by other public agencies for the provision of equipment, supplies or services to such agencies. This is often referred to as "piggy-backing" on another agency's agreement.

Staples Contract and Commercial Incorporated, operating as Staples Advantage, currently holds Contract #031210-SCC with National Joint Powers Alliance (NJPA) for a wide variety of office supplies and accessories to be purchased on an as-needed basis. This contract was publicly solicited, competitively bid and awarded in May 2010 by NJPA using procedures in substantial compliance with the City's formal bidding procedures. Said contract is valid through August 1, 2014, subject to a one-year optional extension.

Pricing for toner and paper related products may be adjusted no more than once a quarter with approval by NJPA. Prices for core items (primarily in-stock office supplies) are fixed each calendar year. Annual price adjustments require approval by NJPA. Under this contract, Staples offers a volume rebate to each member based on the member's annual net sales. For comparative purposes, the City's purchases from Staples the past two years averaged \$125,000 each year. The award of this purchase order will allow the City to continue benefitting from guaranteed pricing.

FISCAL IMPACT

Departments have included office supply appropriations at the business unit level in the fiscal year 2012-2013 adopted budget (XXXXXX.5355 materials & supplies).

COMMISSION OR COMMITTEE REPORT

Does not apply.

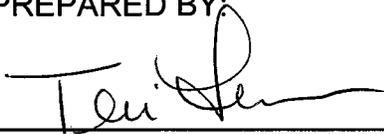
CITY ATTORNEY'S ANALYSIS

The referenced documents have been reviewed by the City Attorney and approved as to form.

RECOMMENDATION

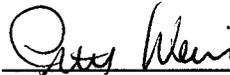
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PREPARED BY:



Teri Ferro
Financial Services Director

SUBMITTED BY:



Peter A. Weiss
City Manager

REVIEWED BY:

Michelle Skaggs Lawrence, Deputy City Manager



ATTACHMENT: NJPA Contract #031210-SCC

NJPA AWARDED CONTRACT



NJPA VENDOR CONTRACT SUMMARY – STAPLES CONTRACT & COMMERCIAL, INC.

DATE August 1, 2010	RFP # 031210
AWARDED CONTRACT NUMBER 031210 - SCC	NJPA RFP TITLE & CATEGORY Office and Classroom Supplies and Related Accessories Office and Classroom Supplies
CONTRACT PERIOD August 1, 2010 through July 31, 2014	PRICING MODEL
DESCRIPTION Comprehensive offering of programs and services for office supplies, classroom supplies, technology, printing, promotional products and other related supplies.	
VENDOR NAME AND ADDRESS Staples Contract & Commercial, Inc., operating as Staples Advantage 500 Staples Drive Framingham, MA 01702	VENDOR CONTACT Jeremy Landis 703-734-8710 ext. 241 jeremy.landis@staples.com

NJPA CONTRACTS CONSIST OF THE FOLLOWING DOCUMENTS Section 2.6 “Contract” as used herein shall mean cumulative documentation consisting of the RFP, and entire Bidder’s Response, and fully executed “Acceptance and Award”. <ul style="list-style-type: none">• <u>Request for Proposal (RFP)</u>• <u>Bid Acceptance & Award</u>• Bidder’s Response and Pricing - Available upon request from the NJPA Contract Manager	RELATED CONTRACT DOCUMENTATION <ul style="list-style-type: none">• <u>Affidavit of Advertisement</u>• <u>Bid Opening Witness Page</u>• <u>Bid Evaluation</u>• <u>Bid Comment & Review</u>• <u>Board Minutes 05/27/10</u>
DOCUMENTATION OF CONTRACT MAINTENANCE <ul style="list-style-type: none">• <u>Renewal Extension 8-1-12</u>• <u>Renewal Extension 8/1/11</u>	ADDITIONAL INFORMATION: <ul style="list-style-type: none">• <u>Staples Advantage Contract Award Announcement</u>

NJPA INFORMATION

NJPA CONTACT David Duhn	TITLE NJPA Lead Contract Manager
PHONE 218-894-5469	EMAIL david.duhn@njpacoop.org
ADDRESS 202 12th Street NE, P.O. Box 219, Staples, MN 56479	WEBSITE www.njpacoop.org

**Proposal Offering
And Acceptance and Award
RFP #031210**

FORM D

OFFICE AND CLASSROOM RELATED SUPPLIES AND ACCESSORIES,

Proposal Offering (To be completed Only by Proposer)

In compliance with the Request for proposal (RFP) for OFFICE AND CLASSROOM RELATED SUPPLIES AND ACCESSORIES, the undersigned warrants that I/we have examined this RFP and, being familiar with all of the instructions, terms and conditions, general specifications, expectations, technical specifications, service expectations and any special terms, do hereby offer and agree to furnish the defined products/services and services in compliance with all terms, conditions of this RFP, any applicable amendments of this RFP, and all Proposer's Response documentation. Proposer further understands they are the sole offeror herein and that the performance of any sub-contractors employed by the Proposer in fulfillment of this offer is the sole responsibility of the Proposer.

Company Name: Staples Contract & Commercial Date: 3-3-10
INC
Company Address: 500 Staples Drive
City: Framingham State: MA Zip: 01702
Contact Person: Jeremy Landis Title: Senior Manager Strategic Alliances
Authorized Signature (ink only): Joseph G. Dorely Joseph G. Dorely President NAD
(Name printed or typed)



Contract Acceptance and Award (To be completed only by NJPA)

Your proposal offering is hereby accepted and awarded. As the awarded Proposer, you are now bound to provide the defined goods and services contained in your proposal offering according to all terms, conditions, and pricing set forth in this RFP, any amendments to this RFP, and the Proposer's Response. The term of the Contract shall commence on the date of this award and continue for four years AND which is subject to annual renewal at the option of both parties.

National Joint Powers Alliance® (NJPA)

NJPA Authorized signature: [Signature]
(Name printed or typed)

Title: Executive Director NJPA

Awarded this 27th day of May Contract Number # 031210

NJPA Authorized signature: [Signature]
(Name printed or typed)

Title: Board Clerk

Executed this 27th day of May Contract Number # 031210

FIRST AMENDMENT TO
PROPOSAL OFFERING AND ACCEPTANCE AND AWARD RFP #031210-SCC (Contract)
For the procurement of
OFFICE AND CLASSROOM RELATED SUPPLIES AND ACCESSORIES
made between
Staples Contract & Commercial, Inc. (Staples)
500 Staples Drive
Framingham, MA 01702
And
The National Joint Powers Alliance® (NJPA)
200 1st ST NE
Staples, MN 56479

Whereas, NJPA and Staples wish to amend certain terms and conditions of the Contract; and

Whereas, NJPA and Staples, for the purposes of correlating the expiration date of NJPA #072005 with the effective date of the Contract, consent to and approve the amendment of the Contract as set forth herein.

Now therefore, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties hereby agree as follows:

That portion of said "Contract" (RFP #031210, Form D) which previous to this amendment reads:

"The term of the Contract shall commence on the date of this award and continue for four years AND which is subject to annual renewal at the option of both parties"

Shall be amended to read:

"The term of the Contract shall commence on August 1, 2010 and continue for four years AND which is subject to annual renewal at the option of both parties."

IN WITNESS WHEREOF, the Parties have executed this first amendment as of the date of execution.

Staples Contract & Commercial, Inc.

By Joseph G. Doody
Date 7/29/10

JOSEPH G. DOODY
Printed Name



The National Joint Powers Alliance®

By Susan Bonnik
Date 8/5/10

Susan Bonnik
Printed Name

**SECOND AMENDMENT TO
CONTRACT #031210-SCC**

**For the procurement of
OFFICE AND CLASSROOM RELATED SUPPLIES AND ACCESSORIES**

made between

**Staples Contract & Commercial, Inc. (Staples)
500 Staples Drive
Framingham, MA 01702**

And

**The National Joint Powers Alliance ® (NJPA)
200 1st ST NE
Staples, MN 56479**

WHEREAS, NJPA issued a Request for Proposal #031210 ("RFP") for the provision of OFFICE AND CLASSROOM RELATED SUPPLIES AND ACCESSORIES to NJPA and NJPA Members; and

WHEREAS, Staples responded to said RFP committing to the provision of OFFICE AND CLASSROOM RELATED SUPPLIES AND ACCESSORIES to NJPA and NJPA Members, and

WHEREAS, NJPA awarded the contract proposed in the RFP, which is identified as contract # 031210-SCC, as amended by that certain First Amendment, dated August 5, 2010, and various Product and Pricing amendments (collectively, the "Contract") to Staples;

WHEREAS, NJPA and Staples wish to amend certain terms and conditions of the Contract; and

WHEREAS, NJPA and Staples, for the purposes of providing information to NJPA and its Members regarding Staples' transactional systems, consent to and approve the amendment of the Contract as set forth herein.

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereby agree as follows:

1. The effective date of this amendment shall be November 1, 2010 (Effective Date).
2. The Contract shall be amended to add the following provision:

"Transactional Systems. Prior to November 1, 2010, NJPA and NJPA Members could purchase products offered under this Contract through one of Staples' current transactional systems, referred to as Sunrise. As of November 1, 2010, NJPA and NJPA Members may purchase products offered under this Contract through both of Staples' current transactional systems, Sunrise and Invision, or their future equivalents. Certain products offered under this Contract will have SKUs that are available on Sunrise but will be unavailable on Invision. These SKUs are set forth on Exhibit 1 attached hereto and incorporated herein by reference."

[Remainder of page intentionally left blank; signature page to follow]

IN WITNESS WHEREOF, the parties have executed this second amendment as of the Effective Date.

Staples Contract & Commercial, Inc.

By Joseph G. Doady
Date 11/8/10

JOSEPH G. DOADY
Printed Name

The National Joint Powers Alliance ®

By Todd Lysero
Date 11/11/10

TODD LYSERO
Printed Name



ANNUAL RENEWAL OF AGREEMENT

made by and between
Staples Contract & Commercial, Inc. (Vendor)
500 Staples Drive
Framingham, MA 01702

And

National Joint Powers Alliance® (NJPA)
200 First Street NE
Staples, Minnesota 56479
Phone: (218) 894-5482

Whereas:

“Vendor” and “NJPA” have entered into 1) an “Acceptance of Bid and IFB Award #031210-SCC” for Office and Classroom Related Supplies and Accessories, and 2) and a maturity date of August 1, 2014, and which are subject to annual renewals at the option of both parties.

Now therefore:

“Vendor” and “NJPA” hereby desire and agree to extend and renew the above defined contracts for the period of August 1, 2012 through August 1, 2013.

National Joint Powers Alliance®(NJPA)

By: Todd Lyscio, Its: EXECUTIVE DIRECTOR

Name printed or typed: TODD LYSICIO

Date 5/2/12

Staples Contract & Commercial, Inc.

By: Joseph B. Doody, Its: PRESIDENT NAD

Name printed or typed: JOSEPH B. DOODY

Date 4/23/12



If you do not want to extend contract, please sign below and return this agreement.
Discontinue: We desire to discontinue the contract.

Signature: _____ Date: _____