

**THIS IS A DRAFT AND WILL BE REPLACED BY THE FINAL,
SIGNED ORDINANCE ADOPTED BY THE CITY COUNCIL.**

ORDINANCE

AUTHORIZING THE CITY TO CONTINUE TO PURCHASE BIOLOGICAL AND INFLUENZA VACCINES THROUGH THE MINNESOTA MULTISTATE CONTRACTING ALLIANCE FOR PHARMACY (MMCAP) FOR AN ESTIMATED AMOUNT OF \$1.5 MILLION OVER A PERIOD OF FIVE YEARS. FUNDING FOR THE FIRST YEAR IS AVAILABLE IN THE AMOUNT OF \$201,000.00 FROM THE FY 2023 GENERAL FUND BUDGET AND \$250,000.00 IS AVAILABLE FROM THE IMMUNIZATION COVID-19 ROUND 3/ROUND 4 GRANT. FUNDING FOR SUBSEQUENT YEARS IS CONTINGENT UPON COUNCIL APPROVAL OF THE ANNUAL BUDGET.

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WHEREAS, the San Antonio Metropolitan Health District (Metro Health) historically used contracts available through the Texas SmartBuy Program and managed by the Texas Statewide Procurement Division to purchase biological and influenza vaccines; and

WHEREAS, the Texas Statewide Procurement Division ended direct contracting with multiple biological and influenza vaccines manufacturers and joined the Minnesota Multistate Contracting Alliance for Pharmacy (MMCAP) contract as a Statewide Agency; and

WHEREAS, the MMCAP program is operated by the State of Minnesota's Department of Administration and provides vaccines, biologicals, healthcare products and services from multiple manufacturers at discount pricing equal to or greater than the pricing previously realized through the Texas Statewide Procurement Division; and

WHEREAS, the State of Texas's MMCAP Membership, through the Texas Statewide Procurement Division, provides access to competitively bid vaccines and biological products under MMCAP terms and conditions; and

WHEREAS, Texas Local Government Code section 271.102 provides for the City's participation in cooperative purchasing programs and such purchases satisfy any state law requiring competitive bidding; and

WHEREAS, in March 2019 by Ordinance No. 2019-03-21-0209, City Council approved the City's use of the MMCAP contract for an amount up to \$500,000.00 over a period of five years; and

WHEREAS, this ordinance will authorize the City's to continue to purchase biological and influenza vaccines through the MMCAP for an estimated amount of \$1.5 million over a five-year period; **NOW THEREFORE:**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The City is hereby authorized to continue to purchase biological and influenza vaccines through the Minnesota Multistate Contracting Alliance for Pharmacy (MMCAP) for an estimated amount of \$1.5 million over a five-year period. The terms of the MMCAP Membership Application and Facility Agreement are hereby approved and a copy is attached hereto as **Exhibit I**. The City Manager or designee, or the Director of the San Antonio Metropolitan Health District or designee, is hereby authorized to execute the MMCAP Membership Application and Facility Agreement on behalf of the City of San Antonio.

SECTION 2. Funding for this ordinance in the amount of \$201,000.00 is available in Fund 11001000, Cost Center 3616010002 and General Ledger 5304040 as part of the Fiscal Year 2023 Adopted Budget approved by City Council.

SECTION 3. Funding for this ordinance in the amount of \$250,000.00 for this ordinance is available in Fund 2103600008, Internal Order 136000001756 and General Ledger 5304040 as part of the Fiscal Year 2023 Adopted Budget approved by City Council.

SECTION 4. Payment not to exceed the budgeted amount is authorized to the Minnesota Multistate Contracting Alliance for Pharmacy (MMCAP) contract to provide the City with biological and influenza vaccines. All expenditures will be in accordance with the Fiscal Year 2023 and subsequent budgets that fall within the five-year approved by City Council in this ordinance.

SECTION 5. The financial allocations in this ordinance are subject to approval by the Deputy Chief Financial Officer, City of San Antonio. The Deputy Chief Financial Officer may, subject to concurrence by the City Manager or designee, correct allocations to specific SAP Fund Numbers, SAP Project Definitions, SAP WBS Elements, SAP Internal Orders, SAP Fund Centers, SAP Cost Centers, SAP Functional Areas, SAP Funds Reservation Document Numbers, and SAP GL Accounts as necessary to carry out the purpose of this ordinance.

SECTION 6. This ordinance is effective immediately upon passage by eight affirmative votes; otherwise it is effective on the tenth day after passage.

LC
__/__/22
Item No. __

PASSED and APPROVED this __ day of _____, 2022.

M A Y O R
Ron Nirenberg

ATTEST:

APPROVED AS TO FORM:

Debbie Racca-Sittre, City Clerk

Andrew Segovia, City Attorney

DRAFT