



PROCUREMENT PROCESS IN COMPLIANCE WITH TEXAS PURCHASING AND CONTRACTING LAWS

Purchasing Cooperative of America (PCA) is administered by Region 3 Education Service Center, an agency of the state of Texas. PCA contracts are awarded and held by Region 3 ESC. The following information was prepared to demonstrate compliance with *Texas Education Code, Section 44. 031. PROCUREMENT PROCESS* and the comprehensive process PCA follows to create, advertise, evaluate and award each legally bid, competitively awarded contract; *Texas Local Government Code, Chapter 271. PURCHASING AND CONTRACTING AUTHORITY*; and *Texas Government Code, Title 7. Intergovernmental Relations, Chapter 791. Interlocal Cooperation Contracts*.

1. *Advertising solicitations.*

Advertising documentation is maintained for all solicitations:

- advertised nationally in *The Washington Post*
- advertised in the Region 3 ESC local newspaper, *Victoria Advocate*
- advertised in Texas' largest city, *Houston Chronicle*
- advertised in other states' newspapers as appropriate
- posted online at the PCA website at www.pcamerica.org
- posted online at the Region 3 ESC website at www.esc3.org
- posted to the Texas Comptroller's Electronic State Business Daily web page
- posted by various online bid announcement providers
- announced directly to prospective responders via phone calls and email invitations sent to encourage response to the solicitation

2. *List of prospective bidders.*

PCA maintains a list of prospective responders. PCA uses a third-party electronic bid system, Bonfire.

3. *Issue solicitations at least 14 days before due date and time set for responses, unless a shorter time was determined necessary?*

Newspaper classified advertisements and online notices are usually posted first on a Friday and subsequently posted a second time on the Sunday of the following week. Opening Days are typically scheduled on a Tuesday at least 3 weeks after the second posting.

4. *Solicitations include all required information.*

PCA solicitations clearly state response instructions, opening day and time, contact information, scope and specifications, required signatures, procurement and contracting statutes, PCA membership, terms and conditions, and the specific evaluation factors that will be followed by the evaluation committee.

5. *Record the time and date responses are received and store the responses unopened until the time and date set for opening?*

PCA uses a third-party electronic bid system, Bonfire. Vendor receives email regarding submission with a confirmation code.

Responses are electronically closed as of the due date and time listed in the submission. The receiving report is compiled by Bonfire automatically and a notice is sent to evaluation committee members to begin their review.

6. *Establish and follow procedures for the use of multiple award contracts.*

Per PCA solicitations: "Region 3 ESC/PCA reserves the right to award contracts to multiple vendors if vendors offer items/services that are unique and have value to members. The decision to award multiple contracts, award only one contract, or to make no awards rests solely with Region 3 ESC/PCA."

PCA awards contracts on a national basis as well as a local basis to meet the needs of Members. In many cases this may require multiple contract awards to meet their diverse needs.

7. *Solicitations include the cooperative's criteria (evaluation factors) for recommending contract award(s).*

The evaluation factors that the evaluation committee will use in its review of the responses are stated in the solicitation, along with the following: "Awards will be made to the successful respondent(s) for the total line of services submitted. Awards will be based on the criteria set forth within this document."

8. *Evaluation Factors listed in the solicitation include points for 'Value Add' items.*

PCA IDIQ contracts encourage vendors to submit 'Value Add' products/services that are adjunct to the solicitation and will benefit PCA Members. PCA awards contracts on a national basis as well as a local basis to meet the needs of Members. In many cases this may require multiple contract awards to meet their diverse needs.

9. *Minimum evaluation points score to win a contract award.*

The Region 3 ESC Board of Directors awards contracts, based on the recommendation of the evaluation committee, to vendors that earn 80 average evaluation points (out of 100). Multiple contractors are often awarded because PCA contracts are national and contract awards are not limited to companies who work in all 50 States and the U. S. Territories. Local companies are encouraged to participate in the solicitation process.

10. *For contracts where only one responsive proposal was received, how does the evaluation committee determine that the price submitted was fair and reasonable and that other prospective offerors had reasonable opportunity to respond. Is there documentation to supported the basis for the determination?*

PCA advertises solicitations online and in a national newspaper. In addition, numerous vendors are directly notified by phone and/or email. Documentation of the advertisements and contacts is kept as due diligence documentation. When only one responsive proposal is received, the proposal is reviewed by the evaluation committee and may hold an oral interview. The committee determines whether recommendation for a single award is sufficient.

11. *Does the cooperative award the contracts to the lowest responsible and responsive bidder whose bid conformed, in all material respects, to the requirements and evaluation criteria set forth in the solicitation?*

'Low Bid' is not the only criteria for an award of a PCA contract, although pricing is certainly a major consideration. Vendors are encouraged to submit 'Value Add' items with their response. 'Value Add' items are other products/services provided by the vendor that are adjunct to the solicitation and would be beneficial to PCA Members.

Per the contract, the Awarded Contractor may give the Member a discount off the price stated in the proposal based on volume, repeat business or other criteria. If discounts are offered to one PCA Member, that same discount must be extended to all other Members with the same purchasing criteria.

PCA contracts are indefinite delivery indefinite quantity (IDIQ). It is for the Member and the Awarded Contractor to discuss, negotiate and agree upon the project scope and specifications to meet the Member's needs.

12. *The co-op awards contracts to the offeror(s) whose proposal was determined to be most advantageous to PCA's Members based on the factors set forth in the RFP and retains documentation to support the determination?*

The evaluation factors by which the evaluation committee will review the responses are stated in the solicitation. Region 3 ESC awards contracts, per the recommendation of the evaluation committee, that are most advantageous to PCA Members. Summary evaluation reports are created by Bonfire as due diligence documentation.

13. *PCA offers job order contracting contracts.*

PCA has a number of Job Order Contracting contracts that are appropriate for renovations, additions and repairs.

14. *Does the cooperative procure goods and services using reverse auctions or electronic bidding?*

No.

15. *The cooperative has signed conflict-of-interest disclosures filed for evaluation committee members.*

A conflict of interest statement must be signed before the system will allow the evaluation committee member to begin reviewing vendors responses.

16. *The terms and conditions or renewal of multi-term contracts are included in the solicitation.*

Yes. The term of the typical PCA contract is a period of one (1) calendar year with up to four (4) optional one-year renewal terms, at Region 3 ESC/PCA discretion. *TEX. GOV'T. CODE § 2269.409*. The Service Center reserves the right to award a contract to a vendor for a longer initial term period than time period stated in the solicitation, if it is determined to be in the best interest of REGION 3 ESC/PCA/PCA Member.

PCA contracts typically last a maximum of 5 years with Region 3 ESC reserving the right to extend the contract for the benefit of PCA Members.

17. *The cooperative has IDIQ contracts.*

PCA offers indefinite delivery indefinite quantity (IDIQ) contracts. The Member and the Awarded Contractor discuss, negotiate and agree upon the scope of work and specifications for the products/services to be provided, and document the final agreement on the purchase order or in a supplemental contract that becomes part of the contract package.

18. *Where required, the cooperative maintains current cooperative purchasing agreements (Interlocal Contracts) with participating districts.*

Membership does not expire. Region 3 Education Service Center is the government agency administering the PCA purchasing cooperative and holds the PCA contracts. Region 3 ESC Board of Directors awards the contracts upon recommendation of the evaluation committee.

Tex. Local Gov't. Code § 791, Interlocal Cooperation Act, and similar statutes in other states, allows for various public entities to utilize contracts procured by PCA. Texas school districts are required to

execute interlocal contracts with Region 3 ESC to participate as a PCA Member. PCA Members other than Texas school districts (including local, state and federal government agencies, Indian tribal governments, educational institutions and non-taxed, non-profit organizations in all 50 states and the U. S. Territories) are responsible for knowing and following their state statutes or local guidelines for intergovernmental contracting.

Region 3 ESC cooperative purchasing agreements (ILC) have an open-ended termination date. PCA Members complete the procurement justification by including "PCA" and the "Contract Number" on their purchase orders.

19. *Has the cooperative procured goods and services using (a) reverse auctions, or does the Cooperative have any (b) emergency, (c) sole source, or (d) professional contracts?*

(a) No.

(b) PCA has no emergency contracts. PCA has competitively awarded contracts with several disaster recovery companies to cover fire, water and other damage, available for use by PCA Members in the event of any emergency.

(c) No.

(d) No.

20. *PCA is legally authorized to provide services to governmental entities.*

Yes.

Per Texas Local Government Code, Subtitle C, Chapter 271. PURCHASING AND CONTRACTING AUTHORITY; and Texas Government Code, Title 7. Intergovernmental Relations, Chapter 791. Interlocal Cooperation Contracts, Sec. 791.001. PURPOSE. The purpose of this chapter is to increase the efficiency and effectiveness of local governments by authorizing them to contract, to the greatest possible extent, with one another and with agencies of the state.

The preceding statements are true to the best of my knowledge. I welcome you to contact me if you have any questions.

Elaine Nichols

May 7, 2019

Elaine Nichols, Director, PCA

Date

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