CITY OF EL PASO, TEXAS
AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM

CITY CLERK DEPT
07FEB 21 PM 1:34

DEPARTMENT: Financial Services

AGENDA DATE: 02/27/07

CONTACT PERSON/PHONE: Carmen Arrieta-Candelaria (541-4293)

DISTRICT(S) AFFECTED: All Districts

SUBJECT:

A resolution that will allow the City to continue to participate in the State of Texas Department of Information Resources Program ("DIR Program"), the Texas Building and Procurement Commission Program ("BPC Program"), and the U.S. Communities Purchasing Alliance Program and that the City Manager or designee act as the Agent of Record and be authorized to execute any and all documents necessary for the City's participation in these Programs and pay any required participation fees. This resolution will also allow the City expedite the procurement process by authorizing the City Manager or designee to issue, without further City Council action, purchase orders against any contract offered by the DIR Program, the BPC Program, and the U.S. Communities Program in an amount not to exceed One Hundred Thousand Dollars ($100,000.00) per purchase, on an annual basis, and with a term not to exceed five (5) years.

BACKGROUND / DISCUSSION:

Discussion of the what, why, where, when, and how to enable Council to have reasonably complete description of the contemplated action. This should include attachment of bid tabulation, or ordinance or resolution if appropriate. What are the benefits to the City of this action? What are the citizen concerns?

On January 9th, Financial Services had moved forward with a resolution to Council authorizing Purchasing to issue purchase orders against the U.S. Communities contracts. This item was subsequently deleted at the next Council meeting in order to clarify the procurement process with respect to all types of procurement programs that the City was utilizing such as U.S. Communities, fully research how these programs were being used and to clearly determine what legal authority the City administration had with respect to how they were being used/implemented.

Some background information regarding these programs are as follows:

- on April 29, 2003, the City Council approved a resolution authorizing the City's participation in the purchasing programs of the State of Texas Department of Information Resources pursuant to the authority granted by Chapter 271, Sections 271.081-271.083 of the Texas Local Government Code;

- on April 29, 2003, the City Council approved a resolution authorizing the City's participation in the Texas Building and Procurement Commission (the "BPC Program") pursuant to Chapter 271, Section 271.082-271.033 of the Texas Local Government Code; and

- on July 5, 2006, the City Council approved a resolution authorizing the City's participation in the U.S. Communities Purchasing Alliance program (the "U.S. Communities Program") pursuant to Chapter 791 (Interlocal Cooperation Contracts) of the Texas Government Code.

The first two resolutions contained language that was interpreted by City staff to allow purchase orders to be issued so long as departments had the approved budget. There was no restrictions placed on a dollar amount for purchase orders and these purchases were made without further City Council approval. It has been determined that these type of expenditures have been in place as far back as 1997 with a similiar resolution being approved by the Council in place at that time.

All of these programs meet the state of Texas statutes with respect to bidding. In essence, they do the bidding for us and we use their bids in lieu of seeking out formal proposals which can cost the City both time and money.

Given that City staff believes that these program are a good management tool and offer departments the opportunity to purchase goods and services more expeditiously, we are moving forward with a resolution that will:

- Continue to allow us to participate in these programs;
- Set parameters whereby the City Manager or designee is authorized to issue, without further City Council action, purchase orders against any contract offered by the DIR Program, the BPC Program, and the U.S. Communities Program in an amount not to exceed One Hundred Thousand Dollars ($100,000.00) per purchase, on an annual basis, and with a term not to exceed five (5) years.

This resolution also clarifies the Agent of Record whom shall be the City Manager or her designee whom shall then be authorized to execute any and all documents for the City pertaining to its participation in these Programs and pay any required participation fees.

PRIOR COUNCIL ACTION
Has the Council previously considered this item or a closely related one?

Council has approved prior resolutions on February 18, 1997; April 29, 2003; and July 5, 2006.

AMOUNT AND SOURCE OF FUNDING:
How will this item be funded? Has the item been budgeted? If so, identify funding source by account numbers and description of account. Does it require a budget transfer?

There is minimal cost to participate in the programs. Participation fees are budgeted in the Financial Services Department's budget.

BOARD / COMMISSION ACTION:
Enter appropriate comments or N/A

N/A

**********REQUIRED AUTHORIZATION**********

LEGAL: (if required) _____ **FINANCE:** (if required) _____

DEPARTMENT HEAD: Carmen Anita Candelaria

(Example: if RCA is initiated by Purchasing, client department should sign also)
Information copy to appropriate Deputy City Manager

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

CITY CLERK DEPT.
07 FEB 21 PM 1:34

RESOLUTION

WHEREAS, the City Council of the City of El Paso (the "***City***") has previously approved resolutions authorizing the City's participation in procurement programs to expedite the purchasing process by utilizing other government agency's existing contracts that have already satisfied the Texas procurement statute;

WHEREAS, on April 29, 2003, the City Council approved a resolution authorizing the City's participation in the purchasing programs of the State of Texas Department of Information Resources (the "***DIR Program***") pursuant to the authority granted by Chapter 271, Sections 271.081-271.083 of the Texas Local Government Code;

WHEREAS, on April 29, 2003, the City Council approved a resolution authorizing the City's participation in the Texas Building and Procurement Commission (the "***BPC Program***") pursuant to Chapter 271, Section 271.082-271.033 of the Texas Local Government Code;

WHEREAS, on July 5, 2006, the City Council approved a resolution authorizing the City's participation in the U.S. Communities Purchasing Alliance program (the "***U.S. Communities Program***") pursuant to Chapter 791 (Interlocal Cooperation Contracts) of the Texas Government Code;

WHEREAS, in accordance with the requirements of the above mentioned Programs, the *Agent of Record* shall be the City Manager or her designee whom shall be authorized to execute any and all documents for the City pertaining to its participation in these Programs and pay any required participation fees;

WHEREAS, the City has reviewed the benefits of participating in said programs and has concluded that the program benefits the City through procurement efficiencies cost and savings. Consequently, the City desires to continue to participate in and utilize the contracts offered through such programs; and

WHEREAS, the City desires to further expedite the procurement process by authorizing the City Manager or designee to issue, without further City Council action, purchase orders against any contract offered by the DIR Program, the BPC Program, and the U.S. Communities Program in an amount not to exceed One Hundred Thousand Dollars ($100,000.00) per purchase, on an annual basis, and with a term not to exceed five (5) years.

CITY CLERK DEPT.
07 FEB 21 PM 1:34

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the City continue to participate in the DIR Program, the BPC Program, and the U.S. Communities Program and that the City Manager or designee act as the *Agent of Record* and be authorized to execute any and all documents necessary for the City's participation in these Programs and pay any required participation fees; and

THAT the City expedite the procurement process by authorizing the City Manager or designee to issue, without further City Council action, purchase orders against any contract offered by the DIR Program, the BPC Program, and the U.S. Communities Program in an amount not to exceed One Hundred Thousand Dollars ($100,000.00) per purchase, on an annual basis, and with a term not to exceed five (5) years.

ADOPTED ON THIS _____ DAY OF 2007.

CITY OF EL PASO

_____
John Cook, Mayor

ATTEST:

_____
Richarda D. Momsen
Municipal Clerk

APPROVED AS TO FORM:

Jorge Villegas
Jorge Villegas
Assistant City Attorney

APPROVED AS TO CONTENT:

Carmen Arrieta Candelaria
Carmen Arrieta-Candelaria
Chief Financial Officer

07 FEB 21 PM 1:34
CITY CLERK DEPT.

Doc. No. 28414 v1
Doc. Name: Reso – Purchasing Interlocal renewal