



**PUBLIC SERVICE BOARD MEETING
AGENDA ITEM
REGULAR MEETING**

Wednesday, December 13, 2023

SUBJECT

Amendment of the Resolution Delegating the President/CEO the Authority to Purchase from Purchasing Cooperative Programs

BACKGROUND

On November 4, 2020, a resolution was approved by the Public Service Board (PSB) authorizing the President/CEO or designee to purchase from vendors that have an awarded contract with a an approved purchasing cooperative program for an estimated annual contract amount of \$500,000 per individual Master Contract and to sign required documentation, (“Resolution”). Data on increases to the delegated amount for purchasing cooperative contracts presented to the PSB was gathered for the last year and it was determined that the previously authorized delegated amount of \$500,000 was not sufficient to maintain efficiency within departments for the procurement of goods and services due to inflation and an increase in the Utility’s Capital Improvement Program. This agenda item is a request to increase the President/CEO’s delegated authority under the Resolution to approve purchases using cooperative purchasing programs in the annual amount of \$5,000,000.

Purchasing through approved purchasing cooperative programs is a procurement tool used by all EPWater departments. Purchasing cooperative programs competitively bid and award contracts to local, regional, and national vendors in compliance with procurement laws. EPWater satisfies legal requirement for competitive bids for the purchase of goods and services. The use of contracts through purchasing cooperative programs increases efficiency by saving time on bidding out certain items while receiving goods and services at a competitively bid price. Funds for purchases through purchasing cooperative programs are appropriated through EPWater’s budget process and approval.

UTILITY KPI ALIGNMENT

Infrastructure Performance

EVALUATION PROCESS

Currently EPWater participates in the following Buyboards: DIR (Texas Department of Information Resources), GSA (General Services Administration), HCDE (Harris County Department of Education), HGAC (Houston-Galveston Area Council), OMNIA Partners (formerly U.S. Communities and National IPA), ESC Region 19 (Education Service Center-Region19) Sourcwell (Sourcwell Cooperative Purchasing – formerly NJPA), TARRANT County, Texas (Cooperative Purchasing Program), Texas Association of School Boards (TASB), TX.SMARTBUY, TXDOT-Open Market P.O., and State Emergency Management Contingency Contracts.

FINANCIAL IMPLICATIONS

None.

PROPOSED ACTION REQUESTED

Presentation and discussion regarding EPWater’s procurement of goods and services through Cooperative Purchasing Programs and consider and approve the Amended and Restated Resolution, previously approved by the PSB on November 4, 2020, authorizing the President/CEO or Designee to approve purchases from awarded vendors participating in approved Cooperative Purchasing Programs, for an estimated annual contract amount of \$5,000,000 per individual cooperative program awarded vendor, to sign any and all documents necessary to effectuate the purchase and to approve amendments that do not increase the purchase beyond an estimated annual \$5,000,000 and authority to terminate the related purchase contract.

SUPPORTING DOCUMENTATION PROVIDED

- Amended and Restated Resolution

AMENDED AND RESTATED RESOLUTION

AN AMENDED AND RESTATED RESOLUTION AUTHORIZING THE PRESIDENT/CEO OF THE EL PASO WATER UTILITIES PUBLIC SERVICE BOARD OR DESIGNEE TO APPROVE PURCHASES FROM AWARDED VENDORS PARTICIPATING IN APPROVED COOPERATIVE PURCHASING PROGRAMS FOR AN ESTIMATED ANNUAL CONTRACT AMOUNT OF \$5,000,000 PER INDIVIDUAL COOPERATIVE PROGRAM AWARDED VENDOR, TO SIGN ANY AND ALL DOCUMENTS NECESSARY TO EFFECTUATE THE PURCHASE AND TO APPROVE AMENDMENTS THAT DO NOT INCREASE THE PURCHASE BEYOND THE ESTIMATED ANNUAL \$5,000,000 AND TERMINATION OF THE RELATED PURCHASE CONTRACT.

WHEREAS, the El Paso Water Utilities Public Service Board, a component unit of the City of El Paso, Texas, a Texas Home Rule Municipality (hereinafter “Board” or “PSB”), pursuant to the authority expressly granted by the State of Texas in its Texas Government Code, Title 7, Chapter 791 Interlocal Cooperation Contracts, Subchapter B and C, and the Texas Local Government Code, Title 8, Chapter 271, Subchapter F, Section 271.101 and Section 271.102, participates in purchasing cooperative programs to obtain substantial cost savings for member public entities through volume purchasing; and

WHEREAS, on June 28, 1995, the Board approved a Resolution authorizing the participation in the General Services Commission purchasing cooperative program; and

WHEREAS, on August 11, 2011, the Board approved a Resolution authorizing the participation in the Texas Association of School Boards (TASB Buyboards) and The Houston-Galveston Area Council (HGAC Buy) purchasing cooperative programs; and

WHEREAS, on April 9, 2014, the Board approved a Resolution authorizing the President/CEO to participate in the Omnia Partners purchasing cooperative program (formerly U.S. Communities /TCPN and National IPA) and to sign any required documents to participate in other purchasing cooperative programs that are determined to be in the best interest of the El Paso Water Utilities Public Service Board; and

WHEREAS, EPWater participates in sixteen (16) purchasing cooperative programs; and

WHEREAS, in accordance with Chapter 791 of the Texas Government Code and Subchapter F, Section 271.102 of the Texas Local Government Code, EPWater satisfies any state law requiring competitive bids for the purchase of goods or services; and

WHEREAS, on November 4, 2020, the Board approved a Resolution authorizing the President/CEO or Designee to issue, without further Board approval, Master Contracts with awarded vendors participating in approved purchasing cooperative programs for an estimated annual contract amount of \$500,000 per individual Master Contract and to sign any and all documents to effectuate the purchase; and

WHEREAS, considering the benefits of participating in purchasing cooperative programs for the purpose of fulfilling and executing EPWater’s governmental purpose, functions and goals and in order to increase the efficiency of procurements through such purchasing cooperative programs, the Board desires to approve this amended and restated resolution to authorize the President/CEO or Designee to approve, without further Board approval, purchases with awarded vendors participating in approved

cooperative purchasing programs for an estimated annual contract amount of \$5,000,000 per individual cooperative program awarded vendor and to sign any and all documents to effectuate the purchase.

NOW, THEREFORE, BE IT RESOLVED BY THE EL PASO WATER UTILITIES PUBLIC SERVICE BOARD OF THE CITY OF EL PASO, TEXAS:

Section 1. That the findings and recitations set out in the preamble to this Resolution are found to be true and correct and are hereby adopted by the El Paso Water Utilities Public Service Board (PSB) and made a part of this Resolution for all purposes.

Section 2. That the PSB authorizes the President/CEO or designee to approve, without further Board approval, purchases with awarded vendors participating in approved cooperative purchasing programs for an estimated annual contract amount of \$5,000,000 per individual cooperative program awarded vendor.

Section 3. That pursuant to this Resolution the President/CEO or designee is authorized to take any and all related actions, such as sign any and all documents to effectuate the purchase, the approval of amendments that do not increase the annual contract amount above the \$5,000,000 amount and termination of contracts.

Section 4. This Resolution shall become effective immediately upon its adoption and passage.

PASSED AND APPROVED at the regular meeting of the Public Service Board, this 13th day of December 2023 at which meeting a quorum was present, held in accordance with the provisions of Texas Government Code, Sections 551.001, et. seq.

EL PASO WATER UTILITIES
PUBLIC SERVICE BOARD

Ivonne Santiago, Chair

ATTEST:

Charlie Intebi, Secretary-Treasurer

APPROVED AS TO FORM:

Daniel Ortiz,
General Counsel

APPROVED AS TO CONTENT:

Arturo Duran,
Chief Financial Officer