



November 18, 2020  
AGENDA ITEM #9

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Amend Chapter 4, Article 15 of  
the Mobility Authority Policy Code regarding  
the use of Texas Department of Information  
Resources (DIR) Cooperative Contracts  
Services

<b>Strategic Plan Relevance:</b>	Deliver Multi-faceted Mobility Solutions
<b>Department:</b>	Operations
<b>Contact:</b>	Tracie Brown, Director of Operations
<b>Associated Costs:</b>	Not Applicable
<b>Funding Source:</b>	Not Applicable
<b>Action Requested:</b>	Consider and act on draft resolution

**Summary:**

**Background** – In simple terms, cooperative purchasing involves sharing procurement contracts between governments. Cooperative procurement contracts are usually based on the common requirements of multiple governments. Most early cooperative purchasing efforts involved bulk commodities with standard specifications, such as cleaning supplies, gasoline and fuel, or services such as the pick-up and disposal of hazardous waste or used oil. Today, more complicated requirements, including information technology services, software and consulting are candidates for cooperative purchasing contracts. Other examples of cooperative contracts include office supplies and furniture, digital copiers and printers, carpeting, computer hardware, industrial lab supplies, infant formula, pharmaceuticals, electronic defibrillators, hazardous incident response equipment, wireless radios and cell phones, paper, and fleet vehicles.

Chapter 4, Article 4 of the Mobility Authority’s Policy Code contemplates the use cooperative purchasing programs for the procurement of goods and services. The Policy Code specifically notes programs established the Texas Comptroller of Public Accounts. Article 15 also grants authority to participates in local cooperative purchasing programs and interlocal agreements with the Texas Department of Transportation (TxDOT).

**Current Action** – The Texas Department of Information Resources (DIR) provides

statewide leadership and oversight for the management of government information and communications technology. The agency facilitates and supports government use of information and communications technology — everything from computers, Internet service, data storage, online applications, and much more — so that health, education, transportation, and other services are delivered to the citizens and businesses of Texas efficiently, economically, and innovatively.

As a political subdivision, the Mobility Authority is eligible to purchase information technology commodities through DIR Contracts & Services. DIR contracts are established using the following process, which complies with all state purchasing requirements:

- The Request for Offer is posted on the Electronic State Business Daily (ESBD)
- Vendors submit proposals to DIR by the required deadline
- DIR evaluates vendor responses
- Responsive vendors who offer the best value to the state are sent an invitation to negotiate
- After successful negotiations, contracts are awarded for a specified term

#### *Benefits of the DIR Cooperative Purchasing Program*

DIR's Cooperative Contracts program is a streamlined cooperative purchasing program with 750+ Master Contracts (MCs) for technology products and services. MCs cover offerings for hardware, software, staffing services, maintenance, and other services—such as managed services and technology training. Buying through the Cooperative Contracts program is advantageous because it:

- **Saves time.** All Master Contracts awarded by DIR have been competitively bid to meet state purchasing requirements, and all terms have been negotiated to comply with state law. The solicitation process—including evaluating market need; posting a request for offer; evaluating bids; negotiating pricing, terms, and conditions based on unique public-sector needs; and making the award—can take many months. DIR's work in these areas allows agencies to purchase directly through a Master Contract knowing this process is complete. This allows organizations that use this contracting program to focus their efforts on the final steps of the procurement process: seeking several final offers from awarded vendors to secure the lowest possible price for each purchase transaction.
- **Saves money.** DIR Master Contracts offer carefully negotiated minimum discounts on hundreds of products and services. This program leverages the volume buying power of the state to negotiate competitive pricing, which translates into savings for eligible organizations. DIR customers can negotiate even deeper discounts based on individual purchase volumes. This

is accomplished by issuing purchase proposals, statements of work or requests to multiple DIR vendors in order to drive price competition for the final purchase award.

Staff proposes to add the DIR Cooperative Purchasing Program to the Authority's current cache of procurement tools. The proposed Policy Code amendment language is as follows:

***“401.008 State of Texas Department of Information Resources Cooperative Contracts***

*Pursuant to and in accordance with Section 2054.0565, Government Code and procedures established by the Texas Department of Information Resources (DIR), the authority may utilize DIR cooperative contracts to procure goods and services.*

As noted above, the DIR cooperative purchasing program saves time and resources the Mobility Authority would otherwise spend developing procurements and contracts while granting access to a wide range of products, services and vendors. Although DIR contracts are competitively bid and priced, the Authority retains the ability to further vet vendors through a Statement of Work process. This additional benefit provides assurance that the Authority is getting the best vendor for the job, at the best price.

**Previous Actions** – The Mobility Authority's Policy Code was approved by the CTRMA Board of Directors in February 2012. Numerous amendments have been made since the Policy Code's adoption.

**Action Requested / Staff Recommendation** – Staff recommends amending Chapter 4, Article 5 of the Mobility Authority Policy Code to utilize contractors and vendors procured by the Department of Information Resources (DIR) without the need for any further procurement process, and may engage such contractors or vendors through a Statement of Work or other means of identifying goods and services to be provided to the Mobility Authority and terms associated therewith.

**Backup Provided** - Draft Resolution  
Proposed Policy Code amendment

**GENERAL MEETING OF THE BOARD OF DIRECTORS  
OF THE  
CENTRAL TEXAS REGIONAL MOBILITY AUTHORITY**

**RESOLUTION NO. 20-0XX**

**AMENDING MOBILITY AUTHORITY POLICY CODE CHAPTER 4, ARTICLE 15,  
REGARDING THE USE OF TEXAS DEPARTMENT OF INFORMATION RESOURCES  
COOPERATIVE CONTRACTS**

WHEREAS, by Resolution No. 12-016 dated February 29, 2012, the Central Texas Regional Mobility Authority (“Mobility Authority”) Board of Directors (“Board”) adopted the Mobility Authority Policy Code (“Policy Code”); and

WHEREAS, subsequent to its initial adoption, the Board has amended the Policy Code from time to time in order to modify existing policies and incorporate new policies beneficial to the operation of the Mobility Authority; and

WHEREAS, Chapter 4, Article 15, of the Policy Code sets forth policies for utilization of state cooperative purchasing programs and intergovernmental agreements; and

WHEREAS, the Texas Department of Information Resources (“DIR”) has established a cooperative contracting program under which political subdivisions, such as the Mobility Authority, may utilize master contracts procured by DIR to obtain goods and services; and

WHEREAS, utilization of DIR cooperative contracts would benefit the Mobility Authority by saving the time and expense of undergoing lengthy procurement processes while providing access to advantageous pricing discounts by leveraging the volume purchasing of the DIR cooperative contracts; and

WHEREAS, the Executive Director recommends amending Chapter 4, Article 15, of the Policy Code to utilize DIR cooperative contracts as shown in Exhibit A.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby amends Chapter 4, Article 5, of the Policy Code to allow the use of DIR cooperative contracts, as shown in Exhibit A attached hereto.

Adopted by the Board of Directors of the Central Texas Regional Mobility Authority on the 18th day of November 2020.

Submitted and reviewed by:

Approved:

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Geoffrey Petrov, General Counsel

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Robert W. Jenkins, Jr.  
Chairman, Board of Directors

**Exhibit A**

## **ARTICLE 15. STATE COOPERATIVE PURCHASING PROGRAMS AND INTERGOVERNMENTAL AGREEMENTS**

### **401.007 State of Texas CO-OP Purchasing Program.**

Pursuant to and in accordance with Section 2155.204, Government Code, and Subchapter D, Chapter 271, Local Government Code, the authority may request the Texas Comptroller of Public Accounts to allow the authority to participate on a voluntary basis in the program established by the comptroller by which the comptroller performs purchasing services for local governments.

### **401.008 State of Texas Department of Information Resources Cooperative Contracts.**

Pursuant to and in accordance with Section 2054.0565, Government Code and procedures established by the Texas Department of Information Resources (DIR), the authority may utilize DIR cooperative contracts to procure goods and services.

### **401.009 Catalog Purchase of Automated Information Systems.**

Pursuant to and in accordance with Chapter 2157, Government Code, the authority may utilize the catalogue purchasing procedure established by the comptroller with respect to the purchase of automated information systems.

### **401.010 Cooperative Purchases.**

Pursuant to and in accordance with Subchapter F, Chapter 271, Local Government Code, the authority may participate in one or more cooperative purchasing programs with local governments or local cooperative programs.

### **401.011 Interlocal Agreements with TxDOT.**

Subject to limitations imposed by general law, the authority may enter into inter-local agreements with TxDOT to procure goods and services from TxDOT.

### **401.012 Effect of Procurements under this Article.**

Purchases made through the comptroller, the Texas Department of Information Resources, a cooperative program or by interlocal agreement shall be deemed to have satisfied the procurement requirements of this chapter and shall be exempted from a procurement requirement contained in another article of this chapter.

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### 401.008 State of Texas Department of Information Resources Cooperative Contracts.

Pursuant to and in accordance with Section 2054.0565, Government Code, the authority may utilize a cooperative contract procured by the Department of Information Resources to obtain goods and services by following any procedure or process allowed by the State Department of Information Resources.

### 401.0089 Catalog Purchase of Automated Information Systems.

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