

Mayor and Council Communication

DATE: 06/25/24

M&C FILE NUMBER: M&C 24-0534

LOG NAME: 04TESTFORCE COOPERATIVE PURCHASE AGREEMENT AMENDMENT CSC 57302

SUBJECT

(ALL) Authorize an Amendment to City Secretary Contract No. 57302 with Testforce USA, Inc. to Increase the Annual Amount by \$110,000.00 for a New Annual Amount Up to \$210,000.00 for Fiscal Year 2024 Only Using Cooperative Contract Texas Department of Information Resources DIR - CPO-4422 for the Information Technology Solutions Department

RECOMMENDATION:

It is recommended that the City Council authorize an amendment to City Secretary Contract No. 57302, a purchase agreement with Testforce USA, Inc. to increase the fiscal year 2024 annual amount by \$110,000.00 for a new fiscal year 2024 annual amount up to \$210,000.00 using cooperative contract Texas Department of Information Resources DIR -CPO-4422 for the Information Technology Solutions Department.

DISCUSSION:

The Information Technology Solutions (ITS) Department will use the purchase agreement to purchase replacement test equipment, software and provide onsite training for Fiscal Year (FY) 2024 ITS Radio Test Equipment project (City Project No. 105453) using Cooperative Contract Texas Department of Information Resources (DIR) DIR-CPO-4422 in an annual amount up to \$210,000.00 for FY2024. Subsequent contract terms will return to an annual amount not to exceed \$100,000.00.

Texas DIR cooperative agreements are authorized to offer the Cooperative Purchasing Program to state agencies, public institutions of higher learning, public school districts and local governments. Pursuant to state law, a local government that purchases goods or services under the Interlocal Cooperation Act satisfies otherwise applicable competitive bidding requirements.

COOPERATIVE PURCHASE: State law provides that a local government purchasing an item under a cooperative purchase agreement satisfies State laws requiring that the local government seek competitive bids for purchase of the item. Cooperative contracts have been competitively bid to increase and simplify the purchasing power of local government entities across the State of Texas.

SUCCESSOR CONTRACTS: The City will initially use the cooperative contract to make purchases authorized by this M&C. The Cooperative Contract is set to expire on August 22, 2024. If DIR-CPO-4422 is extended, this M&C authorizes the City to purchase similar equipment and supplies under the extended contract. If DIR-CPO-4422 is not extended but the DIR executes a new cooperative contract with Testforce USA, Inc. and with substantially similar terms, this M&C authorizes the City to purchase the equipment and supplies under the new DIR contract. In the event the DIR agreement is not renewed, staff would cease purchasing at the end of the last purchase agreement coinciding with a valid DIR agreement. If the City Council were to not appropriate funds for a future year, staff would stop making purchases when the last appropriation expires, regardless of whether the then-current purchase agreement has expired.

BUSINESS EQUITY: A goal is not assigned when purchasing from an approved purchasing cooperative or public entity.

ADMINISTRATIVE CHANGE ORDER: An administrative change or increase may be made by the City Manager up to the amount allowed by relevant law and the Fort Worth City Code and does not require specific City Council approval as long as sufficient funds have been appropriated.

AGREEMENT TERM: Upon City Council's approval, the initial term of the agreement will become effective once executed by the Assistant City Manager and will expire on August 22, 2024, in accordance with the DIR contract. The Agreement may be renewed in accordance with the extended DIR-CPO-4422 cooperative agreement or its successor but will not be renewed without seeking Council approval.

RENEWAL OPTIONS: This agreement may be renewed for additional terms, in accordance with the underlying DIR, at the City's options to renew. This action does not require specific City Council approval provided that the City Council has appropriated sufficient funds to satisfy the City's obligations during the renewal term. Staff anticipates the cost for renewal years will be approximately the same as for the first year.

Funding is budgeted in the ITS Capital Fund for the Information Solutions Department for the purpose of funding the FY24 ITS Radio Test Equipment project.

FISCAL INFORMATION / CERTIFICATION:

The Director of Finance certifies that funds are available in the current capital budget, as previously appropriated, in the ITS Capital Fund for the FY24 ITS Radio Test Equipment project to support the approval of the above recommendation and execution of the amendment. Prior to any expenditure being incurred, the Information Technology Solutions Department has the responsibility to validate the availability of funds.

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