



## SOUTH SAN ANTONIO INDEPENDENT SCHOOL DISTRICT

### Agenda Item Summary

Meeting Date: April 20, 2022

Agenda Section: Consent

Agenda Item Title: Acceptance of electronic bids or proposals

From: Andy A. Rocha - Director of Procurement

The South San Antonio I.S.D. Procurement Department has started the implementation of Ionwave Technologies to allow the district to accept electronic bids and proposals. Training of the Ionwave system is currently ongoing, but before we begin accepting electronic bids and to comply with South San Antonio I.S.D. Board Policy CH (legal), the Board of Trustees must adopt rules to ensure the identification, security, and confidentiality of electronic bids or proposals remain unopened until the proper time.

Ionwave Technologies has acknowledged that their system complies with Texas Education Code section 44.0313 and Local Government Code Section 252.0415. The Ionwave Technologies system will be the only software the district will use to receive electronically sealed bids and has ensured the District the identification, security, and confidentiality requirements have been met. (see attached compliance memo) To ensure all vendors and included, the Procurement will still accept manual paper bids.

**Recommendation:** To allow the Procurement Department to accept electronic bids and proposals using the Ionwave Technologies system.

Funding Budget Code and Amount: N/A



3653 South Avenue • Springfield, MO 65807

January 13, 2022

South San Antonio ISD  
1450 Gillette Blvd.  
San Antonio, Texas 78224

Dear Mr. Rocha,

Ion Wave Technologies Inc. (IWT) confirms that our hosted electronic bidding solution complies with the following Texas Statutes:

- Local Government Code – Section 252.0415 (September 1, 2001).
- Education Code – Section 44.0313 (June 19, 2009).

Identification:

- All activity on the system requires an authenticated user account, clearly identifying the agency user or supplier. All suppliers must complete a registration process and be approved by the agency prior to submitting a response.
- All bid responses require the supplier to electronically 'sign' the response during the submission process, including agreeing to submission language specified by the agency. Agencies can utilize the flexibility of the system to request additional identifying information or forms to confirm the identity of responding suppliers.
- All user accounts require a unique login name and a password. Passwords must meet complexity requirements. All login sessions are audited and login history can be easily viewed by agency end users.

Security:

- We maintain strict administrative, technical, and physical controls to protect information in our applications.
- All data transmitted between end user computers is encrypted using industry standard Transport Layer Security.
- Passwords are encrypted using an industry standard algorithm. User sessions automatically expire after a period of inactivity.
- All data (including backups) is stored in data centers located in the United States. All data is encrypted at rest.
- Key agency and supplier activities are audited, including logs of user logins, supplier response submissions, and agency actions on a solicitation event.
- Our applications are automatically backed up throughout the day, providing us with a variety of recovery options from three discrete backup locations. All backups are encrypted.

Confidentiality of Sealed Bids:

- All supplier sealed bid data is stored in encrypted database fields. Each supplier's data remains encrypted and unavailable to everyone but the responding supplier while the bid is available for responses.
- Once the due date for bid submissions has passed, the system will prevent suppliers from making any further changes to bid response data (including submission of a response still in draft). The system performs automatic time checks on every data update to ensure the integrity of the bid process and that no late submissions are allowed. Our application's clock is automatically synchronized to official GPS time.
- Once the due date for bid responses has passed, authorized agency users can utilize the system's functionality to "unseal" the encrypted bid responses. This function decrypts the sealed bid response data and makes it available to agency users. This unseal action is logged in the audit trail for the bid event.

As a result of the above security measures, our software meets and exceeds the requirements of the identified Texas Statutes for agencies to receive electronic sealed bids or proposals. Our solution provides identification of end users, security of the transmitted information, and confidentiality of all sealed electronic bids or proposals to ensure they remain effectively unopened until the proper time. Please do not hesitate to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink that reads 'Darren C. Henderson'.

Darren C. Henderson  
Chief Executive Officer

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does not apply to the purchase of telecommunications services or information services, as those terms are defined by 47 U.S.C. 153. *Education Code 44.031(b-1)*

**Notice Publication**

Notice of the time by when and place where the bids or proposals, or the responses to a request for qualifications, will be received and opened shall be published in the county in which the district's central administrative office is located, once a week for at least two weeks before the deadline for receiving bids, proposals, or responses to a request for qualifications. If there is not a newspaper in that county, the advertising shall be published in a newspaper in the county nearest the county seat of the county in which a district's central administrative office is located. In a two-step procurement process, the time and place where the second-step bids, proposals, or responses will be received are not required to be published separately. *Education Code 44.031(g)*

**Electronic Bids or Proposals**

A district may receive bids or proposals under Education Code Chapter 44 through electronic transmission if the board adopts rules to ensure the identification, security, and confidentiality of electronic bids or proposals and to ensure that the electronic bids or proposals remain effectively unopened until the proper time.

Notwithstanding any other provision of Education Code Chapter 44, an electronic bid or proposal is not required to be sealed. A provision of Education Code Chapter 44 that applies to a sealed bid or proposal applies to a bid or proposal received through electronic transmission in accordance with the rules adopted by the board.

*Education Code 44.0313*

**Right to Work**

While a district is engaged in procuring goods and services or awarding a contract, or overseeing procurement or construction for a public work or public improvement, a district:

1. May not consider whether a vendor is a member of or has another relationship with any organization; and
2. Shall ensure that its bid specifications and any subsequent contract or other agreement do not deny or diminish the right of a person to work because of the person's membership or other relationship status with respect to any organization.

*Education Code 44.043*

**Contract with Person Indebted to District**

The board by resolution may establish regulations permitting the district to refuse to enter into a contract or other transaction with a person indebted to the district. It is not a violation of Education Code Chapter 44, Subchapter B (Purchases; Contracts) for a district, under regulations adopted under this provision, to refuse to