



# Wharton County Junior College

## Proposed Agenda Item Board of Trustees Meeting

Complete this form and submit it to the Office of the President by noon on Friday, 11 days prior to the Tuesday evening meeting of the Board of Trustees. If this form does not provide enough space, you may use an expanded version *as long as you follow the format specified below.*

Date of Board Meeting: October 15, 2019      Date of This Proposal: October 4, 2019

**SUBJECT:**

Approve the Interlocal Agreement & Resolution to join the Region 3 Education Service Center's Purchasing Cooperative of America (PCA).

**RECOMMENDATION:**

Approve the Interlocal Agreement & Resolution to join the Region 3 Education Service Center's Purchasing Cooperative of America (PCA).

**BACKGROUND/RATIONALE:**

The College has used cooperative contracts to save the taxpayers of the District money as well as complete projects within compressed timelines. The College is currently a member of over 10 different cooperatives all authorized by the State of Texas in Government Code 791 and Local Government Code 271.101 & 102. Many of these cooperatives are known for their outstanding contracts in certain industries. Mike Feyen, Director of Facilities for the College, has noted that the air conditioning contracts currently held by the PCA cooperative include some vendors that are located in our service area. It is our recommendation that the College join the PCA cooperative to potentially benefit from these agreements. There are no fees or dues owed by the College for membership. All costs are covered by the current vendors holding contracts.

**Estimated Cost & Budgetary Support (how will this be paid for?): \$0.00**


**RESOURCE PERSON(S) [name(s) and title(s)]:**

Bryce D. Kocian, Vice President of Administrative Services  
Mike Feyen, Director of Facilities  
Philip Wuthrich, Director of Purchasing

**SIGNATURES:**

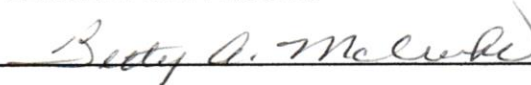
  
\_\_\_\_\_  
Originator

10-4-19 10/7/19  
Date

  
\_\_\_\_\_  
Cabinet-Level Supervisor

10/8/19  
Date

**PRESIDENT'S APPROVAL:**

  
\_\_\_\_\_

10-9-19  
Date

# PCA - Purchasing Cooperative of America

State of Texas

FOR: THE REGION 3  
EDUCATION SERVICE CENTER

WHEREAS, the Board of Directors of Wharton County Junior College District, <sup>Wharton,</sup> Texas  
(Named Public Agency) (City)

Pursuant to the authority granted by TEX. GOV'T Code 791.001, et seq, desires to participate in the Purchasing Cooperative of America (PCA) offered by Region 3 Education Service Center, and in the Opinion that participating in this program will be highly beneficial to the taxpayers through the anticipated savings to be realized.

Therefore, be it RESOLVED that the Wharton Co. Jr. College request a stated need for  
(Named Public Agency)  
participation in Purchasing Cooperative of America (PCA) whereby Betty A. McCrohan is  
(Name of Authorized Person)  
authorized and directed to sign and deliver any and all necessary requests and documents in connection therewith for and on behalf of the Wharton County Junior College District  
(Named Public Agency)

I certify that the foregoing is a true and correct original Resolution duly adopted by the Wharton Co. Jr. College Board and is filed on record at the PCA office.  
(Named Public Agency)

In witness thereof, I have set my hand and signature this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

By: \_\_\_\_\_  
(Authorized Signature)  
\_\_\_\_\_  
(Printed Authorized Name)  
\_\_\_\_\_  
(Title)

This legal document will remain current on file until either party severs the agreement.



Interlocal Contract for Cooperative Purchasing Services



Pursuant to Texas Government Code, Chapter 791, Interlocal Cooperation Act, and Texas Local Gov't. Code, Chapter 271, Subchapter F. Cooperative Purchasing Program, this Interlocal Contract ("ILC") is made and entered into between Region 3 Education Service Center, 1905 Leary Lane, Victoria, Texas 77901, ("Region 3 ESC") and

Wharton County Junior College ("Participating Agency"), located at

COMPLETE ENTITY NAME - PLEASE DO NOT ABBREVIATE

911 Boling Highway Wharton, TX. 77488

ADDRESS - STATE - ZIP CODE

participating in the cooperative purchasing services of Purchasing Cooperative of America ("PCA"). Collectively, Participating Agency and Region 3 ESC will be known as the "Parties".

1. No Membership Fee to Join/Participate in PCA.

- a. There is no fee for PCA Membership.

2. Region 3 Education Service Center - Duties and Responsibilities.

- a. Administer the Purchasing Cooperative of America national cooperative purchasing program, and hold the contracts.
b. The Board of Directors (or designee) will award the PCA contracts which have been competitively bid.
c. Provide service and support to PCA Members.

3. Participating Agency, as PCA Member - Duties and Responsibilities.

- a. Designate a contact person and update the contact information as necessary.
b. Provide an authorized signature on the Interlocal Contract.
c. Work with PCA Awarded Contractors according to the PCA contract.
d. Issue Purchase Orders to Vendors stating "Purchasing Cooperative of America" or "PCA" and "the Contract Number".
e. Send a copy of one of the following: POs or Invoices (state PO# & Contract # on it) or Internet Order Receipts (state PO# & Contract # on it) to pcamerica@pcamerica.org
f. Notify PCA at the address or email shown in paragraph 6 below of any substantial problems in quality of goods or performance of services with an Awarded Contractor under a PCA contract.

4. Payment for Goods and Services.

- a. Payments to Vendors must be made in accordance with state laws and local procedures applicable to PCA Member.

5. Governing Law and Venue.

- a. In Texas. Any issue concerning this Interlocal Contract or PCA Contracts in which Region 3 Education Service Center is involved shall be governed by the laws of the State of Texas, excluding the conflict of law provisions.
b. In Texas. Exclusive Venue for any litigation whatsoever involving Region 3 Education Service Center Purchasing Cooperative of America is the state district court of Victoria County, Texas.
c. Outside Texas. PCA Member's use of PCA Contracts shall be governed by the laws of the State of N/A, excluding the conflicts of law provisions.
d. Outside Texas. Exclusive Venue for litigation arising between PCA Member and PCA Awarded Contractor from use of PCA Contracts is N/A (court jurisdiction).

6. Notification. All notices under this Interlocal Contract shall be sent to designated contact at the respective address indicated below. This contract is effective the date of the final signature and will remain in effect until and unless one (1) of the Parties terminates the agreement in writing with thirty (30) days' notice. Send the signed Interlocal Contract to Purchasing Cooperative of America, 11811 North Freeway, Suite #500, Houston, Texas 77060, or email to Members@pcamerica.org. An email copy of an executed signature shall have the same force and effect as an original signature page.

Wharton County Junior College

Participating Agency

Authorized Signature

Betty A. McCrohan

Printed Name

Title President

Date 10-16-2019

Designated Contact Philip Wuthrich

Title Director of Purchasing

Phone 979-532-6305

email philipw@wcjc.edu

Region 3 Education Service Center

Authorized Signature

Printed Name

Title

Date

Designated Contact

Title

Phone

email