

**CITY OF EL PASO, TEXAS
AGENDA ITEM
DEPARTMENT HEAD'S SUMMARY FORM**

AGENDA DATE: March 29, 2022

PUBLIC HEARING DATE: Not Applicable

CONTACT PERSON(S) NAME AND PHONE NUMBER:

Claudia A. Garcia, Interim Director of Purchasing & Strategic Sourcing, (915) 212-1218

DISTRICT(S) AFFECTED: All

STRATEGIC GOAL: No. 6 – Set the Standard for Sound Governance and Fiscal Management

SUBGOAL: 6.7 Deliver effective and efficient processes to maximize value in obtaining goods and services

SUBJECT:

Discussion and action on a resolution approving authority to the City of El Paso's Department of Purchasing & Strategic Sourcing to accept electronic submission and receipt of bids and proposals, in accordance with the City's procurement policies and procedures, and adopting rules in accordance with Chapter 252 of the Texas Local Government Code to ensure identification, security, and confidentiality in the electronic bidding and proposal process.

BACKGROUND / DISCUSSION:

Local Government Code 252.0415 allows municipalities to receive electronic bids and proposals; provided that the governing body approves 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. The City will use Ion Wave Technologies, Inc. to post solicitations for bids and proposals. Suppliers will be able to receive immediate bidding opportunity notifications, review, download and respond electronically to all City bidding opportunities. Upon approval of this resolution with attached rules for electronic receipt of bids or proposals, the City would still continue to receive hard copies. Letter of certification is attached as part of the backup.

SELECTION SUMMARY:

N/A

CONTRACT VARIANCE:

N/A

PROTEST

N/A

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? YES NO

PRIMARY DEPARTMENT: Purchasing & Strategic Sourcing

*****REQUIRED AUTHORIZATION*****

DEPARTMENT HEAD:

Claudia A. Garcia

Claudia A. Garcia – Interim Director of Purchasing and Strategic Sourcing

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO, STATE OF TEXAS, APPROVING RULES FOR THE ELECTRONIC RECEIPT OF BIDS OR PROPOSALS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 252, Section 252.0415(a) of the Texas Local Government Code provides authority for a municipality to receive bids or proposal through electronic transmission; and

WHEREAS, prior to receiving bids or proposals through electronic transmission, the Local Government Code requires the governing body of the municipality to adopt rules ensuring the identification, security, and confidentiality of electronic bids or proposal; and

WHEREAS, said rules must further ensure that the electronic bids or proposal remain effectively unopened until the proper time.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO, STATE OF TEXAS:

SECTION ONE: The facts and recitations contained in the preamble of this resolution are hereby found and declared to be true and correct, and are incorporated by reference herein and expressly made a part hereof, as if copied verbatim.

SECTION TWO: The City Council of the City of El Paso, Texas, in accordance with the Texas Local Government Code 252.0415 hereby approves the rules attached hereto as Exhibit "A" for ensuring the identification, security, and confidentiality of electronic bids or proposals and further ensuring that the electronic bids or proposal remain effectively unopened until the proper time.

SECTION THREE: If any provision of this Resolution or application thereof to any person or circumstance, shall be held invalid, such invalidity shall not affect the other provisions, or application thereof, of this Resolution which can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are hereby declared to be severable.

SECTION FOUR: The Mayor is hereby authorized to sign this Resolution and the City Clerk to attest. This Resolution shall become effective upon its adoption.

PASSED AND APPROVED on the _____ day of _____, 2022.

ATTEST:

CITY OF EL PASO, TEXAS

Laura Prine,
City Clerk

By: _____
Oscar Leeser,
Mayor

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Russell Abeln

Russell T. Abeln
Assistant City Attorney

Claudia A. Garcia

Claudia A. Garcia, Interim Director
Purchasing and Strategic Sourcing

EXHIBIT A

CITY OF EL PASO RULES FOR THE ELECTRONIC RECEIPT OF BIDS OR PROPOSALS

Pursuant to the Texas Local Government Code, Section 252.0415 “Procedures for Electronic Bids or Proposals”, the City of El Paso adopts the following 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.

1. All users of the system shall be assigned a unique user name and password.
2. Access to the system by authorized users shall be logged and tracked for audit purposes in order to record when any user has accessed the system and what data the user accessed.
3. Transmittal of data through the internet shall be encrypted. All sensitive data (sealed bid responses, passwords, etc.) within the system shall be encrypted at the database level.
4. All bids or proposals submitted shall be protected using a time-sensitive mechanism that allows the data to be decrypted only after the due date and time.
5. The system shall be synchronized to an atomic clock (U.S. Nuclear Time) to ensure exact recording of the due date and time, and the receipt of date and time, of each submission.
6. The contents of supplier response submissions are not available during the bidding process.
7. Only Purchasing staff, with an authorized user account and password, and only on or after the established due date and time, can open the electronic bids or proposals. The system shall provide an audit trail of who unsealed the proposals and a corresponding time stamp.
8. The City of El Paso will determine when and what information is released to the public pursuant to Texas law.

The Purchasing & Strategic Sourcing Director is responsible for ensuring that any system used for the electronic receipt of bids or proposals with an estimated value of more than \$50,000, or as defined by current State law, complies with the aforementioned rules and all other statutory requirements for competitive bids or proposals.



3653 South Avenue • Springfield, MO 65807

April 21, 2020

City of El Paso
300 North Campbell
El Paso, TX 79901

Dear Mr. Bruce Collins, Purchasing Director,

Ion Wave Technologies Inc. certifies that our electronic bidding application, IWT Sourcing, complies with Section 252.0415 of the Local Government Code by providing the following security steps and/or features:

- All electronic sealed bid data is stored in encrypted database fields while the solicitation is still available for supplier responses.
- Identity authentication: Each buyer and supplier user is required to use a unique user account and password. Further, the City may request additional identity information within an electronic bid event.
- The system provides options for dictating password requirements/complexity for City staff. The system also requires complex passwords for all supplier users.
- All data transmitted between end users and the system is encrypted using standard Secure Sockets Layer technology.
- Passwords are stored in an encrypted format using a one-way hash. This ensures that passwords cannot be recovered by system administrators or by the system itself.
- User sessions are validated to prevent hijacking and expire after a period of inactivity.
- Key buyer and supplier activities are audited, such as supplier response submission or unsealing of solicitation data.
- The application will not allow for late bid submissions by suppliers after the closing date and time. System time is synchronized with U.S. Nuclear Time.

Two primary levels of security exist to ensure bidders can only access their own electronic bid data:

First, all electronic sealed bid data is encrypted at the database level utilizing a security key uniquely generated for each bidding event.

Second, the application includes security checks on every page that displays bid data to ensure that only the vendor who entered the electronic sealed bid data can view their own electronic sealed bid data. All other users are denied access to electronic sealed bid data by these security checks.

As a result of the above mentioned security measures, electronic sealed bid information is sealed in an electronic "lockbox" and unavailable to all City users until after a bid's due date and time passes. Electronic bid responses are time-stamped upon submission by the supplier. Time-stamps are reported in the audit logs available to both suppliers and City staff. Authorized City users, as established by system roles, may "Unseal" a bid at the appropriate time to begin bid evaluation and review.

IWT's systems are configured to perform multiple backups throughout the day, both within our hosting center as well as to a secure offsite location. These offsite backups are encrypted prior to transfer. IWT performs full transaction logging and backup, allowing for recovery to a specific point in time as needed.

Currently, IWT does not enforce any data retention limits on our customers. For customers with an active license agreement, all system generated procurement data is retained and available on demand. Customers also have the ability to download copies of documents loaded into or generated by the application. Clients have the right to retain a copy of all downloaded documents in perpetuity.

Sincerely,

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

Darren C. Henderson
Chief Executive Officer