

Cameron County Commissioners' Court Agenda Request Form

REF #1380

No. **2-EE**

Date: 02/24/2023 Meeting Date Request: 04/11/2023
Department Name: Purchasing Department Contact Person: Ignacio Amezcua
Phone: 544-0871 Fax: 550-7219
Department Head Name: IGNACIO AMEZCUA Signature: Ignacio Amezcua

Caption: CONSENT ITEM

CONSIDERATION AND AUTHORIZATION TO UTILIZE THE FOLLOWING INTERLOCAL
COOPERATIVE PURCHASING AGREEMENTS FOR: ELEVATOR MAINTENANCE

- a. THYSSEN KRUPP - OMINIA \ NIPA
- b. RIO ELEVATOR COMPANY INC. - TIPS

Background: (Briefly summarize your request, if needed use separate sheet(s) or attach supporting documentation).

(2) ADDITIONAL RENEWAL

**Approved by Commissioners' Court
on 04/11/2023**

**PLEASE FILL IN ALL BLANKS WITH REQUIRED INITIALS AND FISCAL DATA INFORMATION
OR PLACE N/A IF IS NOT APPLICABLE:**

County Judge N/A Auditor N/A Budget N/A Legal N/A Human Resources N/A Purchasing N/A
1295 Form N/A

Fiscal Data:

Dept. Name: N/A Fund No. N/A
Funds Available: Yes No

Funds From:

Department: Yes N/A No N/A Amt. Expended: \$ N/A
General: Yes N/A No N/A Impact on future budget: Yes No
Grant: Yes N/A No N/A

Comments:

Action taken by Commissioners' Court

Approved Tabled Denied Motion made by Seconded Vote

TK Elevator Corporation

Elevator Equipment, Service, Repair and Related Services



Overview

Contract Documentation

Resources

U.S. Communities and National IPA, both wholly-owned subsidiaries of OMNIA Partners, have come together as OMNIA Partners, Public Sector. All public sector participants already registered with National IPA or U.S. Communities continue to have access to all contracts, with certain exceptions, in the portfolio and do not need to re-register to use a legacy National IPA, legacy U.S. Communities, or new OMNIA Partners contract. U.S. Communities and National IPA remain separate legal entities and lead agency contracts completed under each brand are effective and available for use through the contract's approved term. In the event we believe re-registration is necessary for any reason, OMNIA Partners will let you know.

Elevator Industry Equipment, Repair, Related Products and Services

Region 4 ESC - TX

Contract Number: R200502

October 1, 2020 through September 30, 2023

Option to renew for two (2) additional one-year periods through September 30, 2025

Executive Summary

- [Executive Summary](#)
- [Pricing - Unit Pricing 2020-2023](#)
- [Pricing - Billable Rates 2020-20203](#)
- [Due Diligence](#)

Master Agreement Documents

- [Official Signed Contract](#)
- [Disclosure of Investment Activities in Iran, Russia and Belarus](#)
- [Contract Award Documents](#)
- [Notice of Material Change to the Vendor Contract](#)

Response Evaluation

- [Supplier Response to RFP](#)
- [Evaluation Documents](#)

Solicitation Process

- [Original RFP Document](#)

3100 Interstate N Circle SE, Suite 500
Atlanta, GA 30339

[SUPPLIER WEBSITE](#)

Get in Touch

5001 Aspen Grove Drive
Franklin, TN 37067

866-875-3299

info@omniapartners.com

Sign up to receive email updates from OMNIA Partners, Public Sector

By providing email address(es) and/or any other personal information, as defined under applicable law, you represent that you have the authority to provide such information and acknowledge that you are agreeing to OMNIA Partners' use of your information as provided in the Terms of Use and Privacy Notice.

☐ I agree*

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ELEVATOR INDUSTRY EQUIPMENT, REPAIR, RELATED PRODUCTS AND SERVICES
Executive Summary

Lead Agency: Region 4 ESC

Solicitation: 20-05

RFP Issued: February 13, 2020

Pre-Proposal Date: March 3, 2020

Response Due Date: July 14, 2020

Proposals Received: #3

Awarded to: thyssenkrupp Elevator – R200502

The Board of Directors of Region 4 Education Service Center (ESC) issued RFP 20-05 on February 13, 2020, to establish a national cooperative contract for Elevator Industry Equipment, Repair, Related Products and Services.

The solicitation included cooperative purchasing language in Sections I. Scope of Work:

NATIONAL CONTRACT

Region 4 ESC, as the Principal Procurement Agency, defined in Appendix D, has partnered with OMNIA Partners to make the resultant contract (also known as the “Master Agreement” in materials distributed by OMNIA Partners) from this solicitation available to other public agencies nationally, including state and local governmental entities, public and private primary, secondary and higher education entities, non-profit entities, and agencies for the public benefit (“Public Agencies”), through OMNIA Partners’ cooperative purchasing program. The Region 4 is acting as the contracting agency for any other Public Agency that elects to utilize the resulting Master Agreement. Use of the Master Agreement by any Public Agency is preceded by their registration with OMNIA Partners (a “Participating Public Agency”). Appendix D contains additional information about OMNIA Partners and the cooperative purchasing agreement.

Notice of the solicitation was sent to potential offerors, as well as advertised in the following:

- Region 4 ESC website
- OMNIA Partners, Public Sector website
- USA Today, nationwide
- Arizona Business Gazette, AZ
- San Bernardino Sun, CA
- Honolulu Star-Advertiser, HI
- The Advocate – New Orleans, LA
- New Jersey Herald, NJ
- Times Union, NY
- Daily Journal of Commerce, OR
- The State, SC
- Houston Community Newspapers, Cy Creek Mirror, TX
- Deseret News, UT
- Richmond Times, VA
- Seattle Daily Journal of Commerce, WA
- Helena Independent Record, MT
- The Herald-News, IL

- Las Vegas Review-Journal, NV

On July 14, 2020 proposals were received from the following offerors:

- Schindler Elevator Corporation
- thyssenkrupp Elevator
- Prestige Elevator Services LLC

The proposals were evaluated by an evaluation committee. Using the evaluation criteria established in the RFP, the committee determined that two (2) companies (Schindler Elevator Corporation and thyssenkrupp Elevator) both demonstrate the ability to provide the services outlined in the solicitation while offering competitive pricing to members.

Region 4 ESC executed agreements with a contract effective date of October 1, 2020.

Contract includes:

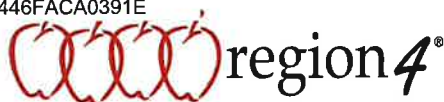
- Includes services and repair of all types and all manufacturers of elevators
- Preventative maintenance, parts repair and replacement, quality assurance, service requests and value add services according to the need

Term:

Initial three-year agreement from October 1, 2020 through September 30, 2023 with the option to renew for two (2) additional one-year periods through September 30, 2025.

Pricing/Discount: Not-to-exceed pricing for maintenance and Billable Rates

OMNIA Partners, Public Sector Web Landing Pages: <https://public.omniapartners.com/suppliers/thyssenkrupp-elevator/contract-documentation#c35650>



Notice of Material Change to the Vendor Contract

Pursuant to the terms of your awarded vendor contract, all vendors must notify Region 4 Education Service Center ("Region 4") when any material change in operations, that may adversely affect members, (i.e. assignment, bankruptcy, change of ownership, merger, etc.) is made. No material change may be made to the contract without the prior written approval of Region 4. Region 4 reserves the right to accept or reject any new party.

thyssenkrupp Elevator Corporation (vendor company name) hereby provides notice of the following material change to contract number: R200502 on this date August 1, 2021.

Instructions: (Vendors must check all that may apply and provide supporting documentation. Place your initials next to each item to confirm that documents are, indeed, included. Be sure to sign the signature page with all required signatures, prior to submitting your notice to Region 4 for approval).

- | | |
|---|--|
| <input type="checkbox"/> Assignment | <input checked="" type="checkbox"/> <i>MDH</i> Change in ownership (sale/purchase) |
| <input type="checkbox"/> Indicate if you are assigning to your own subsidiary | <input type="checkbox"/> Asset Purchase Agreement |
| <input type="checkbox"/> Assumption Agreement | <input type="checkbox"/> Other supporting documentation |
| <input type="checkbox"/> Other supporting documentation | |
| <input type="checkbox"/> Bankruptcy | <input type="checkbox"/> Acquisition |
| <input type="checkbox"/> Official legal Notice of Bankruptcy Proceedings | <input type="checkbox"/> Asset Purchase Agreement |
| <input type="checkbox"/> Other supporting documentation | <input type="checkbox"/> Other supporting documentation |
| <input type="checkbox"/> Merger | <input type="checkbox"/> Other |
| <input type="checkbox"/> Share Exchange Agreement | <input type="checkbox"/> Supporting documentation |
| <input type="checkbox"/> Merger and Acquisition Agreement | |
| <input type="checkbox"/> Asset Purchase Agreement | |
| <input type="checkbox"/> Other supporting documentation | |

Notes: Vendor may include any other notes regarding the material change here: (attach another page if necessary).

Upon approval of this notice, the awarded contract holder and/or subsequent assignee agree to and understand the following principles:

- i. **Contract holder reference.** If the contract holder undergoes a merger, acquisition, or partial assignment, in which case they still maintain the contract, then all transactions made under the existing contract number (including purchase orders) must reference the name of the awarded contract holder. The exception to this requirement is if the contract holder no longer holds the contract or if the company has been acquired by another company and undergone a name change. Notice of the authorized name change, to the existing contract, must be provided and approved by Region 4.



In instances where the contract holder has acquired a separate and distinct company, and it is necessary to designate those certain purchases facilitated by the non-contract holder, then this designation may be made if, and only if, the contract holder is also referenced on the transaction.

ii. **Maintenance of records.** Both the awarded contract holder and subsequent assignee agree to remain responsible for maintaining all auditable records, including documents kept in the ordinary course of business and sales invoices, related to OMNIA Partners, Public Sector and/or contract number pursuant to the statutory requirements identified in the vendor contract.

iii. **Payments.** Both the awarded contract holder and subsequent assignee agree that all payments made by participating entities must be made directly to the contract holder, unless otherwise approved by Region 4. Accordingly, both parties acknowledge that in instances where it is necessary to designate the purchases facilitated by assignee, that the contract holder must also be referenced on the purchase order.

iv. **Handling of Proprietary and/or Confidential Information.** In accord with the terms of the contract, both awarded vendor and assignee agree that at all times it will hold in strict confidence and not disclose to any third party Confidential and/or Proprietary information of Region 4, except as approved in writing by Region 4, and will use the Confidential Information for no purpose other than providing services under the contract. Both awarded vendor and assignee shall only permit access to Confidential Information to those of its employees or authorized representatives having a need to know and who have signed confidentiality agreements or are otherwise bound by confidentiality obligations at least as restrictive as those contained herein.

This document is to be construed in strict accordance with the terms and conditions outlined in the Region 4/vendor master agreement referenced herein. Both awarded vendor and assignee agree to uphold the vendor obligations set forth in the vendor agreement. This Agreement will become effective when signed by all parties.

AGREED AND ACCEPTED AS OF THE DATE FIRST SET FORTH ABOVE:

Company name of awarded vendor

thyssenkrupp Elevator Corporation

BY: Mark Hintz

NAME: Mark Hintz

TITLE: VP Contracts

Official name of assigned or added company

TK Elevator Corporation

BY: Mark Hintz

NAME: Mark Hintz

TITLE: VP Contracts

Region 4 Education Service Center

DocuSigned by:
BY: Robert Zingelmann

NAME: Robert Zingelmann

TITLE: CFO

DATE: 8/9/2021 | 1:19 PM CDT

Delaware

The First State

Page 1

I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF AMENDMENT OF "THYSSENKRUPP ELEVATOR CORPORATION", CHANGING ITS NAME FROM "THYSSENKRUPP ELEVATOR CORPORATION" TO "TK ELEVATOR CORPORATION", FILED IN THIS OFFICE ON THE SEVENTEENTH DAY OF FEBRUARY, A.D. 2021, AT 2:46 O`CLOCK P.M.

AND I DO HEREBY FURTHER CERTIFY THAT THE EFFECTIVE DATE OF THE AFORESAID CERTIFICATE OF AMENDMENT IS THE TWENTY-FIFTH DAY OF FEBRUARY, A.D. 2021.



A handwritten signature in black ink, appearing to read "JBullock", is written over a horizontal line. Below the line, the text "Jeffrey W. Bullock, Secretary of State" is printed.

2045231 8100
SR# 20210496210

You may verify this certificate online at corp.delaware.gov/authver.shtml

Authentication: 202536868
Date: 02-17-21

**STATE OF DELAWARE
CERTIFICATE OF AMENDMENT
OF CERTIFICATE OF INCORPORATION**

THYSSENKRUPP ELEVATOR CORPORATION

a corporation organized and existing under and by virtue of the General Corporation Law of the State of Delaware.

DOES HEREBY CERTIFY:

FIRST: That by Unanimous Consent of the Board of Directors of thyssenkrupp Elevator Corporation resolutions were duly adopted setting forth the following proposed Amendment of the Certificate of Incorporation of said corporation, declaring said Amendment to be advisable and directing that the Amendment be submitted to the sole shareholder for consideration thereof. The resolution setting forth the proposed amendment is as follows:

RESOLVED: That the Certificate of Incorporation of this corporation be amended by changing the Article therefor numbered "1" so that, as amended, said Article shall read as follows:

"The name of the corporation is TK Elevator Corporation."

SECOND: That thereafter, pursuant to resolution of its Board of Directors, the holder of all of the outstanding stock of said corporation having a right to vote consented in writing to the aforesaid Amendment in accordance with Section 228 of the General Corporation law of the State of Delaware.

THIRD: That said Amendment was duly adopted in accordance with the provisions of Section 242 of the General Corporation Law of the State of Delaware.

FOURTH: That the capital of said corporation shall not be reduced under or by reason of said amendment.

FIFTH: That said Amendment is to become effective on February 25, 2021.

IN WITNESS WHEREOF, said Corporation, thyssenkrupp Elevator Corporation, has caused this Certificate to be signed by Steve Wedge, an Authorized Officer, this 5th day of February, 2021.

By: Steve P. Wedge
Authorized Officer

Name: Steve Wedge

Title: Treasurer and Chief Financial Officer

The Interlocal Purchasing System

Purchasing Made Personal



Printed 23 March 2023

www.rioelevator.com



Rio Elevator Company Inc

EMAIL PO & VENDOR QUOTE TO: TIPSPO@TIPS-USA.COM PO AND QUOTE MUST REFERENCE VENDOR TIPS
CONTRACT NUMBER ATTACH PO AS A PDF - ONLY ONE PO (WITH QUOTE) PER ATTACHMENT

	<u>PAYMENT TO</u>	<u>TIPS CONTACT</u>
ADDRESS	113 W Madison Ave.	NAME Charlie Martin
CITY	Harlingen	PHONE (866) 839-8477
STATE	TX	FAX (866) 839-8472
ZIP	78550	EMAIL tips@tips-usa.com

DISADVANTAGED/MINORITY/WOMAN BUSINESS ENTERPRISE: N

HUB: N

SERVING STATES

TX

Overview

Rio Elevator Company, Inc.

AWARDED CONTRACTS "View EDGAR Doc" on Website

Contract	Comodity	Exp Date	EDGAR
22050201	Elevators and Servicing	07/31/2025	See EDGAR Certification Doc.
22050202	Elevators and Servicing JOC	07/31/2024	See EDGAR Certification Doc.

CONTACTS BY CONTRACTS

22050201			
Amanda Hill	Estimator	(956) 423-6576	amanda@rioellevator.com
Tracy Curry	Service Manager	(956) 423-6576	service@rioellevator.com
22050202			
Amanda Hill	Estimator	(956) 423-6576	amanda@rioellevator.com
Tracy Curry	Service Manager	(956) 423-6576	service@rioellevator.com