

Legal Committee Meeting
Wednesday, October 2, 2024 12:30 PM
Zoom
6949 South 110th Street
LaVista, NE 68128

1. Call to Order
Committee Chair
2. Roll Call
Committee Chair
3. Consent Agenda Items
Committee Chair
 - 3.1. Coop Contracts
Committee Chair
 - 3.1.1. Special Buy agreement with B&H Foto & Electronics Corp
Committee Chair
4. Agenda Item
Committee Chair
 - 4.1. CEO Report
 - 4.2. Staff Reports
 - 4.2.1. Peterson Report
Committee Chair
 - 4.2.2. Colleen Lentz (Data)
5. Legislative Updates
 - 5.1. Governmental Relations Updates
Curt and Jason Bromm
6. ESUCC Policy Review
CEO
7. Next Meetings Agenda Items
Committee Chair
8. Adjournment
Committee Chair

EXTENSION TO 2021-2024 SPECIAL BUY AGREEMENT BETWEEN ESUCC COOPERATIVE PURCHASING AND B&H PHOTO AND ELECTRONICS CORP.

This Amendment and Extension is made by and between Nebraska ESUCC Cooperative Purchasing ("Cooperative") and ~~B&H Photo and Electronics Corp~~ B&H Foto & Electronics Corp ("Contractor") to the 2021-2024 Special Buy Agreement ("Agreement") signed by the Cooperative on November 26, 2021, and by the Contractor on November 26, 2021. The Addendum is as follows:

The Terms and Conditions of the Agreement are amended as follows:

- 1.** Notwithstanding the effective date of termination of this Agreement, Contractor agrees to comply with Paragraph 2 of this Addendum.
- 2. Duration of Services Purchased.** If this Agreement, for any reason, terminates before the service end date of any agreement or license between a Member and the Contractor, the Contractor shall continue, maintain, and make such Services available to such Member until the agreed upon date between the Contractor and Member or until the term for the service expires. For example, if the Contracted Services allow a Member to purchase or license Services for a certain period of time, but this Agreement expires prior to the end of the service period, the Contractor agrees to maintain such Contracted Services until the expiration of said period of service and in accordance with the terms and provisions of the purchase or license.
- 3. Scrutinized Company.** Pursuant to federal and state law, the Company hereby certifies that: (1) the Company is not a "scrutinized company" (as defined by state and federal law); (2) the Company will not subcontract with any "scrutinized company" for any aspect of the performance of this Agreement; and (3) that any products or services to be provided under this Agreement do not originate with any "scrutinized company."

No Changes to Terms and Conditions Agreement.

Exhibit "A" is amended to add the following goods or services:

No Changes to Exhibit A.

Exhibit "B" is amended to add the following pricing information:

No Changes to Exhibit B.

The Agreement permits amendment and modification by a signed, written agreement by both parties that identifies itself as an amendment. The Cooperative has approved an extension and now desires to extend the Agreement for an additional term of thirty-six (36) months until November 22, 2027. Upon the signature of an authorized officer of the Cooperative and the Contractor, the Agreement is hereby extended.

CONTRACTOR

COOPERATIVE

By: _____

By: _____

Name: Manny Steigman

Name: Larianne Polk

Title: VP Finance

Title: Chief Executive Officer

Date: _____

Date: _____

Coop Directors report to ESUCC Board
submitted by: Craig Peterson
October 2, 2024

1. Coop Strategic Plan

- a. **Purpose:** The purpose is to enhance engagement and boost purchasing activity among ESUCC Cooperative Purchasing members, specifically targeting those who currently make purchases from a single program or vendor.
- b. **2024-2025 Goal:** Increase awareness, engagement and purchasing activity among ESUCC Cooperative Purchasing members who exhibit purchasing from a single program or vendor

2. Consent Agenda Items for Coop

- a. Approve Special Buy agreement with B&H Foto & Electronics Corp
 - i. This is an updated agreement with a company we already contract with.

3. Annual/Paper Buy

- a. **Definition of the Annual Buy:** This is a line item bid where vendors are awarded by line item. If there is a tie for the bid price then a Nebraska vendor wins over an out of state vendor, otherwise it goes to a coin flip. Bids are sent to registered vendors nation-wide in October. Bid Awards announced in December and January, catalogs with over 4,200 items are published and distributed to schools/members in February. The orders are then aggregated by address (all teacher/staff orders for items are aggregated into one line item per address) and sent to vendors in March and April and merchandise is delivered to the Cooperative members during May through July. The product categories offered are as follows: Electronics and Related Supplies, General Supplies, Furniture, Copier Paper, Maintenance-Shop Supplies, Health & Safety Supplies, Athletic Equipment & Supplies, Hot Lunch Equipment & Supplies, Science Equipment & Supplies, and Art Equipment & Supplies.
- b. **Annual Buy Terms & Conditions**
 - i. Bid is published to vendors on October 2, 2024 at 9:00 a.m.
 - ii. Time has been spent on updating Bid Event Details, Attachments (Terms & Conditions, 2024 shipping locations, 2024 Final Order Quantities, and Section Template), Attributes (Questions to be asked of each vendor) and updating/adding of specifications for line items.
 - iii. Major clean up on Attribute order was done across all bid sections. We recognized a bug in the sourcing software where the order these attributes was displayed in the user interface was not the way they were extracted and imported back into IonWave. Director Peterson worked with the software company over a period of a month to correct this and clean up the order. Changes were finalized with a week left before issuing the bid.
- a. **2025 Annual Buy Timeline, Bolded items are ones you can share with your schools**
 - i. Public Announcement of IFB - October 2, 2024 9:00 a.m. CST
 - ii. IFB Due Date & Time - December 11, 2024 3:00 p.m. CST (Sections 200, 300, 400, 500, 600, 700, 800, 850, 900)

- iii. Awards Finalized - January 9, 2025 (Sections 200, 300, 400, 500, 600, 700, 800, 850, 900)
- iv. RFP Due Date & Time - January 3, 2025 3:00 p.m. CST (100 Electronics Section)
- v. Awards Finalized - January 14, 2025 (100 Electronics Section)
- vi. **Paper Buy Catalog Opens - February 3, 2025**
- vii. **Annual Buy Catalog Opens - February 19, 2025**
- viii. **Paper Buy Order Deadline Schools/Members – March 7, 2025**
- ix. Paper Orders sent to vendors - March 17, 2025
- x. First Day for 400 Paper delivery - April 10, 2025
- xi. **Annual Buy Teacher/Staff deadline – April 4, 2025**
- xii. Annual Buy orders sent to Vendors - April 28, 2025
- xiii. First Day for Annual Buy delivery - May 23, 2025
- xiv. **Delivery Deadline for 400 Paper - June 13, 2025**
- xv. **Delivery Deadline Annual Buy Items - July 23, 2025**
- xvi. Overages picked up by Vendors - October 1, 2025
- xvii. Shareable List for Schools
 - 1. **Paper Buy Catalog Opens - February 3, 2025**
 - 2. **Annual Buy Catalog Opens - February 19, 2025**
 - 3. **Paper Buy Order Deadline Schools/Members – March 7, 2025**
 - 4. **Annual Buy Teacher/Staff deadline – April 4, 2025**
 - 5. **Delivery Deadline for 400 Paper - June 13, 2025**
 - 6. **Delivery Deadline Annual Buy Items - July 23, 2025**

4. **Definition of AEPA:** The Association of Educational Purchasing Agencies (AEPA) is a group of Educational Service Agencies/political subdivisions organized through a Memorandum of Understanding between all participating states for the purpose of securing combined volume purchasing contracts based on potential sales by qualifying customers in participating states. Of the many advantages to this unique purchasing group, are the combined human resources representing purchasing/bidding expertise, current and past vendor relationships, past experience and overall vision with regard to the needs of the qualified customers within each represented state. Nebraska is a founding member of AEPA, which started with ten states in 2000 and now has grown to 29 states. AEPA is a voluntary run organization and asks for volunteers from the membership to complete work in Bid Oversight, Administrative Committees, Marketing, Website management, Reporting and other areas as required.

b. 2024 AEPA Sales/Revenue (Q1-Q2 January 1 to June 30, 2024)

- 1. \$495 Million across all 30 states. It appears we may be tracking higher sales for the current year, \$70 Million more than this time last year.
 - a. ESUCC Sales for Q1-Q2 are \$3,999,105.90 compared to \$3,853,678.64 for the same period last year.
 - i. Revenue generated off these sales is \$71,834 compared to \$72,006.11 for the same period last year.
- 2. **2024 Top 5 AEPA Vendors (Q1-Q2 All States Sales)**
 - a. CDW-G \$190,107,573.12
 - b. WTI/Tremco - \$121,253,153.91
 - c. Field Turf - \$46,856,788.86

- d. School Specialty - \$18,479,599.58
 - e. Quill - \$17,868,909.87
 - 3. **2024 Q1-Q2 Top 5 AEPA Vendors for ESUCC**
 - a. CDW-G \$1,560,152.35
 - b. School Specialty \$1,023,045.78
 - c. Hillyard \$638,074.15
 - d. Quill \$213,300.07
 - e. Mackin \$184,218.29
 - 4. ESUCC has 72 signed contracts with AEPA vendors
 - 5. We have had almost as many sales in the first 2 quarters of 2024 that we had for the entire year for 2016 – 2020 with the highest of those years being \$4.4 million.
- i. **Winter Meeting** – December 2-4, 2024 – Orlando, FL
- ii. **Future AEPA Meetings**
 - 1. Annual Meeting - April 7-9, 2025 – Chattanooga, TN
- c. **IFB #025 Solicitations September 17th bids were opened.** Vendors that were responsive (39 Total) will move forward to the appropriate bid committees for evaluation of proposals and recommendations for awards at the AEPA Winter meeting in 7 categories. One category Portable & Modular Classrooms did not have any vendors respond to the solicitation.
 - i. IFB #025- A - Athletic Field Lighting (Rebid of current category)
 - 1. 6 vendors qualified to move forward to committee for evaluation and recommendation for award.
 - ii. IFB #025-B - B - Hardwood & Synthetic Flooring (Rebid of current category)
 - 1. 1 vendor qualified to move forward to committee for evaluation and recommendation for award.
 - iii. IFB #025-C - Copiers, MFPs, Printers, Managed Print Services (Rebid of current category).
 - 1. 2 vendors qualified to move forward to committee for evaluation and recommendation for award.
 - iv. IFB #025-D - Roofing and Related Services (Rebid of current category)
 - 1. 2 vendors qualified to move forward to committee for evaluation and recommendation for award.
 - v. IFB #025-E - Security Solutions (Rebid of current category) Craig Peterson is a committee member
 - 1. 9 vendors qualified to move forward to committee for evaluation and recommendation for award.
 - vi. IFB #025-F - Cybersecurity & Training (New category) Craig Peterson is a committee member
 - 1. 17 vendors qualified to move forward to committee for evaluation and recommendation for award.
 - vii. IFB #025-G - Portable & Modular Classrooms (New category)
 - 1. No vendor submissions received
 - viii. FP #025-H - Playground Equipment (Rebid of current category)

1. 3 vendors qualified to move forward to committee for evaluation and recommendation for award.

5. Marketing

- a. 11 Campaigns have been sent since the last meeting –Please share the list with your Superintendents and other appropriate groups.
 - i. [Best Plumbing - September 2024 New Items](#)- 44% open rate
 - ii. [Voss Lighting - December Complete Lighting Solutions Partner September 2024](#)- 41% open rate
 - iii. [AEPA Vendor - FMX - Facilitating Dreams](#)- 46% open rate
 - iv. [Demco - September 2024 Five Things You Didn't Know About Working with Demco](#)- 44% open rate
 - v. [Quill - Paper Pallet & Case Reduced Pricing - September 2024](#)- 44% open rate
 - vi. [Busch Systems - Ready for School Reopening Classroom Favorites September](#)- 42% open rate
 - vii. [deledao - September 2024 The Smartest Web Filter for K-12](#)- 43% open rate
 - viii. [CDWG - Networking Webinar - Wireless 7](#)- 42% open rate
 - ix. [SchoolsPLP - September Knowledge byte](#)- 60% open rate
 - x. [AEPA Webinar Series 10/16/24 Featuring Blink Charging](#)- 43% open rate
- b. If users have previously unsubscribed from receiving these emails, then they can re-subscribe or have other staff subscribe by visiting the following link <http://eepurl.com/gTsUCv>, choose the District-Building Contacts to receive Cooperative Purchasing emails about order deadlines and vendor announcements. After submitting your subscription request, check your email, you may receive email from MailChimp requiring you to confirm this submission.

6. Additional Information & Meetings

- i. **Communications with the following vendors/organizations since last board meeting:** AEPA Solicitations Committee, AEPA 025: Cybersecurity & Training Committee, AEPA Website Committee, AEPA 025: Security Committee, AEPA Marketing Committee, CDW-G, Securly, Softchoice, IonWave, Larianne Polk, CPC Minnesota, Flinn Scientific, Britannica Education
- ii. **Conferences/Webinars/Trainings:**
 1. MARKETING SUCCESS SEASON 2024 – MailChimp Webinar

October 2024 Coop Committee Report- Colleen

2023-24 Final Sales Summary

YOY Sales/ Revenue	2022-23	2023-24	Change	% Change
YTD Sales	28,863,734.69	26,205,018.81	-2,658,715.88	-9.21%
YTD Revenues	649,802.47	537,253.88	-112,548.59	-17.32%

Summary of Sales Increase/ Decrease:

AEPA: down \$3.4M

Special Buys: down \$490K

Custodial- HD Supply: up 242K

Food-Sysco: up 1.1M

Annual Buy: down 162K

Paper Buy: down 51K

SIMPL- 6 years sales data available to schools & ESU's

Individual ESU's Sales & Savings reports by school, vendor & program were sent to administrators September 10, 2024

2024-25 Food Program Participation Summary

- **2024-25 Participants:** 143 (+10 from last year)
- **Spend Commitment:** \$15,989,897.77 (up 5,267M from last year)
- **2023-24 1% Rebate:** \$35,645.17 (44 of 133 schools hit commit amount)
- **Non-Renewals:** 6
 - Crawford Public Schools
 - Creek Valley Public Schools
 - Fillmore Central Public Schools
 - Holy Cross Catholic Schools
 - Kearney Catholic High School
 - Our Lady of Lourdes School
- **New Participants:** 21
 - Chadron Public Schools
 - Leyton Public Schools
 - Medicine Valley Public Schools
 - Sumner-Eddyville Public Schools

- Sutherland Public Schools
- Plainview Public Schools
- Wilcox-Hildreth Public Schools
- Brady Public Schools
- Schuyler Community Schools
- Fremont Public Schools
- Aquinas St Mary's- David City
- Cambridge Public Schools
- Kearney Public Schools
- Scotus Central Catholic- Columbus
- Amherst Public Schools
- Morrill Public Schools
- Stapleton Public Schools
- Heartland Community Schools
- Louisville Public Schools
- St Margaret Mary- Omaha
- Holy Trinity Lutheran- Hartington

Previous Years

- **2023-24 Participants: 133**
 - **Spend Commitment:** \$10,723,084.91
 - **Actual Total Sales:** \$8,047,696.91
 - **Number of purchasing schools:** 120
 - **1% Rebate Paid:** \$35,645.17
 - **Total # Schools Qualified for rebate:** 40

- **2022-23 Participants: 126**
 - **Spend Commitment:** \$8,964,136.94
 - **Actual Total Sales:** \$6,931,651.34
 - **Number of purchasing schools:** 115
 - **1% Rebate Paid:** \$38,840.02
 - **Total # Schools Qualified for rebate:**
- **2021-22 Participants: 120**
 - **Spend Commitment:** \$7,792,210.77
 - **Actual Total Sales:** \$6,662,538.69
 - **Number of purchasing schools:** 115
 - **1% Rebate Paid:** \$38,161.28
 - **Total # Schools Qualified for rebate:** 58

- **2020-21 Participants: 111**
 - **Spend Commitment:** \$7,101,491.30
 - **Actual Total Sales:** \$6,492,727.97
 - **Number of purchasing schools:** 108
 - **1% Rebate Paid:** \$39,371.26
 - **Total # Schools Qualified for rebate:** 52

- **2019-20 Participants: 113**
 - **Spend Commitment:** \$7,121,155.26

- **Actual Total Sales:** \$5,630,776.46
- **% of sales/ commit:** 79%

- **2018-19 Participants:** 114
 - **Spend Commitment:** \$7,507,251.19
 - **Total Sales:** \$5,351,985.00
 - **% of sales/ commit:** 71%

- **2017-18 Participants:** 114
 - **Spend Commitment:** \$7,101,278.38
 - **Total Sales:** \$5,392,099.59

- **2016-1 Participants:** 111
 - **Spend Commitment:** \$6,892,280.20
 - **Total Sales:** \$5,017,842.73