



*Save Time and Money Buying and Installing Playground Equipment and Playground Surfacing  
By Using H-GAC Purchasing Agreements*

#### PLAYGROUND EQUIPMENT AND SURFACING AVAILABLE FROM MIRACLE RECREATION COMPANY

- **Miracle Recreation Equipment Company**
- **HAGS**
- **Xccent**
- **Fibar Engineered Wood Fiber**
- **Fibar Pour In Place Rubber Surfacing**

#### GENERAL INFORMATION

HGACBuy is a "Government-to-Government" procurement service available nationwide. Governmental entities have been procuring products and services through HGACBuy for over 35 years.

As a unit of local government assisting other local governments, HGACBuy strives to make the governmental procurement process more efficient by establishing competitively priced contracts for goods and services, and providing the customer service necessary to help its members achieve their procurement goals. All contracts available to members of HGACBuy have been **awarded by virtue of a public competitive procurement process compliant with state statutes.**

All units of local government, including non-profits providing governmental services, are eligible to join HGACBuy.

#### USING THE PROGRAM

##### Types of Participating Users

- Municipalities, Cities, Counties and State Agencies
- Councils of Government
- Schools, School Districts, Colleges, Universities
- Hospitals and Hospital Districts
- Emergency Medical Services and Services Districts
- Volunteer Fire Departments and Rural Fire Prevention Districts
- Special Law Enforcement Jurisdictions
- Judicial Courts & Districts
- Emergency Communications Districts
- Utility Districts (MUDs, WCIDs, Irrigation, etc.)
- Special Districts
- Authorities (Airport, Port, River, Water, Toll Road, etc.)
- State Agencies
- Not-for-Profit Corporations [501(c)(3)] providing government functions and services. (Special requirements apply: See Program Info/Executing an Interlocal Contract with HGACBuy)

#### The Texas Interlocal Cooperation Act (ILC)

Most States in the United States have either Interlocal Cooperation or Joint Powers authority to allow local

governments in those states to join and participate in programs like HGACBuy.

In 1971, the Texas Legislature passed the Interlocal Cooperation Act [Texas Government Code, Title 7, Chapter 791] to promote activities among local governments across Texas. Any local government or non-profit providing government services may contract or agree with one or more local governments under the terms of this Act to conduct purchasing and other administrative functions. The following excerpt from the Act states that... "The Interlocal Cooperation Act's purpose is to improve the efficiency and effectiveness of local governments by authorizing the fullest possible range of inter-governmental contracting authority at the local level including contracts between all political subdivisions of the state and agencies of the state.

**State of South Carolina Statutes**  
**Title 11 Public Finance**  
**Chapter 35 South Carolina Consolidated Procurement Code**  
**Article 19 Intergovernmental Relations**

**§ 11-35-4610. Definitions of terms used in this article.**

As used in this article, unless the context clearly indicates otherwise:

- (1) "Cooperative purchasing" means procurement conducted by, or on behalf of, more than one public procurement unit, or by a public procurement unit with an external procurement activity.
- (2) "External procurement activity" means:
  - (a) any buying organization not located in this State which would qualify as a public procurement unit;
  - (b) buying by the United States government.
- (3) "Local public procurement unit" means any political subdivision or unit thereof which expends public funds for the procurement of supplies, services, or construction.
- (4) "Mandatory opting" is the requirement for a local procurement unit to choose whether to utilize a state contract before it is established as prescribed in regulation by the board.
- (5) "Public procurement unit" means either a local public procurement unit or a state public procurement unit.
- (6) "State public procurement unit" means the offices of the chief procurement officers and any other purchasing agency of this State.

**§ 11-35-4810. Cooperative purchasing authorized.**

Any public procurement unit may participate in, sponsor, conduct, or administer a cooperative purchasing agreement for the procurement of any supplies, services, or construction with one or more public procurement units or external procurement activities in accordance with an agreement entered into between the participants. Such cooperative purchasing may include, but is not limited to, joint or multi-party contracts between public procurement units and open-ended state public procurement unit contracts which shall be made available to local public procurement units, except as provided in Section 11-35-4820 or except as may otherwise be limited by the board through regulations.

However, thirty days notice of a proposed multi-state solicitation shall be provided through central advertising and such contracts may only be awarded to manufacturers who will be distributing the products to South Carolina governmental bodies through South Carolina vendors.

**Legal Authority**

Governmental entities join HGACBuy by execution of an Interlocal Contract (ILC). By executing the ILC, the End

User represents and warrants to H-GAC that (1) it is eligible to contract with H-GAC under the Act because it is one of the following: a qualifying non-profit corporation, county, municipality, special district, or other political subdivision of the State of Texas, or another state, and (2) it possesses adequate legal authority to enter into this Contract.

### **Scope of H-GAC's Professional Services**

When participating in HGACBuy, members make their purchase orders out to, and directly pay, the HGACBuy contractor. However, H-GAC does act as the designated purchasing agent on behalf of participating End Users by performing specific services including, but not limited to:

- Conducting research and surveys
- Developing specifications for each product/service
- Soliciting vendor participation
- Issuing specifications documents
- Conducting pre-bid/pre-proposal conferences
- Opening bid/proposal responses
- Evaluating responses
- Issuing Vendor Contracts awarded by the H-GAC Board of Directors
- Certifying contract validity
- Contracts Administration

### **Interlocal Contract Renewals**

Provisions of the Interlocal Cooperation Act provide for annual renewal of Interlocal Contracts. The contract document issued by HGACBuy contains a provision for automatic annual renewal. Unless an updated contract document is requested, or statutory change occurs, the initial enactment could remain in effect in perpetuity. A permanent identification number is assigned to each End User contract.

### **Purchasing Statutes Applied to H-GAC Competitive Bid Process**

Products offered through HGACBuy have been subjected to either the competitive bid or competitive proposal format based on Texas statutes for Councils of Governments under the Local Government Code Chapter 252. The 76th Legislature, Regular Session, added language that stipulates Councils of Governments shall specifically use "municipal bidding statutes". As administrator, H-GAC's rules of governance apply. In evaluating bid and proposal responses, HGACBuy takes into account any prospective contractor's ability to meet performance requirements. Factors considered include number and location of sales/service facilities, depth of staff, qualifications of technical support personnel, and business continuity. Contractors are expected to service all End Users participating in the Program wherever possible, practical, and not contrary to franchise or dealership agreements.

### **H-GAC Board of Directors Awards All Contracts**

The Board of Directors composed of 35 elected officials awards all H-GAC cooperative purchasing contracts. As a political subdivision of the State of Texas, Board agenda are publicly posted in advance of public meetings. Board meetings are customarily held on the third Tuesday of each month in H-GAC Conference Room A, Second floor, 3555 Timmons Lane, Houston. The Houston-Galveston Area Council is one of Texas' 24 regional councils of governments.

### **Steps To Placing Purchase Orders Through HGACBuy**

**Step 1: (first time only)** Execute the "Interlocal Contract" (ILC) found on the HGACBuy website under [Program Info](#), and return to H-GAC. H-GAC will sign two copies and return one to the End User for their records. The ILC may be faxed to 713-993-4548 or email to a HGAC Contract Specialist for expedited processing.

**Step 2:** Obtain specific [product details](#) from the HGACBuy website, [www.HGACBuy.org](http://www.HGACBuy.org). Then, contact the contractor's nearest representative for additional assistance and a definitive price quotation. Contractor information can be found at the bottom of each contracts web page under Products Available.

**Step 3:** Prepare and submit your purchase order directly to the relevant HGACBuy contractor, after completing consultation with the contractor's representative. A copy of the order along with a copy of the contractor's written quotation shall be faxed or mailed to HGACBuy at FAX: 713-993-4548. Orders should include specific details regarding the purchase (i.e., name of the End User's contact person, shipping/delivery instructions, and installation details, if any). HGACBuy contractors will then invoice End User for all purchases, and End User will pay the contractor directly following delivery and acceptance.

### **NOTE: Performance Bond**

HGACBuy's contractual requirements no longer include a Performance Bond, and bid pricing should reflect this cost saving. However, Contractor must be prepared to offer a Performance Bond to cover any specific order, if so requested by End User. Contractor shall quote a price to End User for provision of any requested Performance Bond. If Performance Bond is requested by End User for a particular order, Contractor agrees to furnish the Performance Bond within ten (10) days of receipt of End User's purchase order.

### **HGACBuy Order Confirmation**

On most contracts, when a copy of a purchase order is received (see Step 3 above), HGACBuy staff prepares an Order Confirmation which is then sent to the Member and the Contractor - authorizing the Contractor to proceed with the order. This Order Confirmation indicates that the Contractor does have a valid contract with HGACBuy for the products contained on the order. Actual pricing is not verified on the Order Confirmation. For pricing verification prior

to issuing the purchase order, contact HGACBuy staff.

### **Remitting End User Payments for Products and Services Rendered**

The prompt payment requirements for products and services rendered through cooperative purchasing states that "...upon delivery of the goods and services purchased, and presentation by HGACBuy contractor of a properly documented invoice, the End User shall promptly, and in any case within thirty (30) days, pay the HGACBuy contractor the full amount of the invoice.

All contracts between HGACBuy and its contractors require prompt payment upon delivery of products/services to an End User.

### **Ownership Passes Directly From Miracle Recreation to End Users**

HGACBuy does not at any time take title to any product. Contractors assign ownership directly to End Users.

### **Reimbursement of HGACBuy's Operational Costs**

The HGACBuy program is solely funded through the assessment of an administrative fee paid by the contractor on each order.

### **End Users Invited to Attend Pre-Bid Conferences**

HGACBuy schedules publicly announced pre-bid/pre-proposal specification conferences with manufacturers, distributors, representatives, and dealers for the various product categories offered. These conferences, held throughout each year, are widely attended by the various industry groups represented in the Program. End Users are invited to attend these conferences also.

### **3-Way Partnership at Work**

The three-way partnership between HGACBuy, Program End Users, and Contractors is a very important relationship that provides vital links to ensure effective cooperative results. Clear, concise communication is essential to making the partnership effective and successful. The contact path includes all three parties: HGACBuy, End User, and Contractor.

### ***H-GAC's Role:***

HGACBuy's role is to conduct product research and surveys, write technical specifications, conduct pre-bid conferences, open bids, and evaluate responses. After contracts are awarded by the H-GAC Board, HGACBuy certifies contract validity, and administers contracts.

***The End User's Role:*** End Users are expected to consult with Contractors' representatives for the purpose of determining the exact requirements needed to serve constituents. End Users work with Contractor's representatives to detail and complete all documentation required when submitting purchase orders.

***Miracle Recreation's Role:***

HGACBuy relies upon its Contractors to quickly respond to End User inquiries that provide detailed product information and pricing, including priced options for specific products. Contractors' representatives work closely with each End User to meet specific constituent needs.

**H-GAC's Bid Notices**

The Program's Coordinator for Specifications & Bids directs the bid/proposal cycle for products and services that HGACBuy desires to place under contract on behalf of its Members. The near term schedule of procurements is posted on the HGACBuy website under Bid Notices. □□

**Distribution of H-GAC Product Specifications**

Product/service specifications and Invitations to Submit Competitive Bids/Proposals are distributed by email to all prospective responders that HGACBuy is aware of. The documents are also posted on the HGACBuy website, and the legally required notices are posted in newspapers, including minority-emphasis publications.

**End User Benefits**

HGACBuy offers significant benefits to participating End Users whether large, medium, or small size.

- Expedited procurement
- Volume purchasing discounts
- On-duty professional staff assistance
- Research and development of technical specifications
- Contract administration

**Contacting HGACBuy**

3555 Timmons Ln, Suite 120  
Houston, TX 77027  
Phone: 800-926-023  
Fax: 713-993-4548  
Web: [www.HGACBuy.org](http://www.HGACBuy.org)

Individual staff phone numbers and emails may be found on the HGACBuy website under Program Staff.

## **JOINING HGACBUY BY EXECUTING AN INTERLOCAL CONTRACT (ILC)**

In order to participate in HGACBuy, you must:

1. Be a state agency, county, municipality, special district, or other political subdivision of a state, or a qualifying non-profit corporation (providing one or more governmental function or service); and
2. Possess legal authority to enter into the Contract.

End User warrants that both requirements are fulfilled by execution of an ILC.

### **Steps for Completion and Processing:**

#### **Step 1:**

Print two copies of the appropriate HGACBuy ILC Form and fill in all required information, including the date your governing body authorized the ILC.

#### **Step 2:**

Secure signature by an individual with authority to contractually bind your entity.

#### **Step 3:**

Send both documents **with original signatures** to HGACBuy at the address indicated on the ILC Form. The ILC may also be faxed to 713-993-4548 or email to a HGAC Contract Specialist for expedited processing.

#### **Step 4:**

HGACBuy will execute both copies of the contract and return one to you.

### **Special Requirements For Non-Profit Corporations:**

Qualifying non-profit corporations providing one or more government services (e.g. Volunteer Fire Departments, Emergency Medical Services) must also submit the following items together with the ILC documents:

Copy of 501(c)(3) Form

Copy of Charter and By-Laws highlighting section(s) demonstrating that your organization performs a governmental service.

A letter describing the governmental service(s) that your organization performs. (This requirement does not apply

to Volunteer Fire Departments or organizations providing Emergency Medical Services).

Fax copies of Interlocal Contracts will be accepted and processed subject to the same requirements as original documents.

## **FREQUENTLY ASKED QUESTIONS**

### **Q: What is H-GAC?**

A: The Houston-Galveston Area Council (H-GAC) is a regional council of governments operating under the laws of the State of Texas and governed by a board comprised of 35 elected officials from the 13 county regions. The H-GAC Board awards all contracts, which can then be made available to local governments nationwide thru HGACBuy.

### **Q: How does HGACBuy work?**

A: Government entities join by executing an Interlocal Contract to participate in HGACBuy. This document sets out the conditions, requirements and processes through which an entity's purchase orders are received, confirmed to contract and processed.

### **Q: Can my entity purchase through HGACBuy?**

A: The Texas Interlocal Cooperation Act permits joint participation by local governments, states, state agencies, and certain non-profit corporations. Most states have interlocal cooperation authority or other joint power provisions that allow participation in cooperative activities.

### **Q: I have to advertise for bids therefore I can't purchase thru HGACBuy.**

A: HGACBuy uses mass circulation, minority emphasis print media, and Internet services to post legal notices and bid solicitations. Therefore, posting of public notices to solicit bids and the formal competitive bid process are satisfied thru HGACBuy procedures.

### **Q: What other services are offered through the HGACBuy program?**

A: Researching products, writing specifications, holding pre-bid conferences, assisting with order placement, contacting vendor reps, helping to resolve order issues, and reviewing and certifying purchase orders to confirm compliance with any specific HGACBuy contract.

### **Q: What is the difference between HGACBuy and some other cooperatives?**

A: HGACBuy is a unit of local government and a political subdivision of the State of Texas. The HGACBuy Program is over 35 years old and specializes in high ticket, capital intensive, products and services that require technical,

detailed specifications and extensive professional skills to evaluate bid responses. All products offered through HGACBuy have been awarded by virtue of a public competitive process. There is no annual membership dues required to purchase thru HGACBuy.

**Q: Where do I find information on products offered through HGACBuy?**

A: Access HGACBuy's web site at [www.hgacbuy.org](http://www.hgacbuy.org) for a complete listing of products with descriptions and prices and/or contractors and contacts.

**Q: What products are available thru HGACBuy?**

A: Primarily, products that are utilized in Public Safety, Public Works, and Communications, in addition to professional consulting, personnel and financing services. A wide variety of capital equipment is under contract, and thru a unique feature of HGACBuy it can be customized through the use of published and unpublished options to fit your specifications and requirements.

**Q: Can I purchase on-line?**

A: Because of the nature of most of the products and services we have under contract, we prefer that you speak with a contractor's representative and get a detailed price quote before placing an order. This is to insure that you get what you want, configured like you want it. Use the HGACBuy website to for basic information and to get the contractor's telephone and email address. After you receive your written quotation and have reviewed it, prepare your purchase order to the Contractor and fax a copy to HGACBuy.

**Q: What does it cost to join HGACBuy? How is HGACBuy funded?**

A: HGACBuy is a self-funded "Enterprise Fund" government agency, self-supported thru an administrative fee assessed to the contractor. An "Order Processing Charge" (Administrative Fee) will appear on quotation forms for purchases of motor vehicles in the State of Texas in accordance with State of Texas, Department of Transportation - Division of Motor Vehicles requirements.

**Q: What are the benefits of HGACBuy? I want to inform my elected officials and staff:**

A: We give you access to volume purchasing and discounts. • We put over 200 years of combined purchasing experience to work on your behalf. • We write technical specifications eliminate the need to hire consultants for that purpose. • We absorb the costs associated with publishing legal notices. • We offer you an expedited procurement process so you need not be delayed for months preparing specifications and satisfying all of the other requirements for competitive bids and proposals.

## CURRENT USERS OF H-GAC

### PARK AND PLAYGROUND EQUIPMENT CONTRACT INFORMATION

**Contract No.:** PR11-08

**Effective Date:** Nov 1, 2008 to Oct 31, 2010

RE: Playground and safety surfacing equipment:

- (1) Equipment shall be in compliance with CPSC safety standards as expressed in CPSC Publication No. 325: Handbook for Public Playground Safety (most recent version) and ASTM F1487: Standard Consumer Safety Performance Specification for Playground Equipment for Public Use (or most current version).
- (2) Playground equipment manufacturers possess IPEMA certification. Surfacing manufacturers shall possess IPEMA certification OR shall provide evidence of compliance to the following ASTM standards: for wood surfacing: F2075: Standard Specification for Engineered Wood Fiber for Use as Playground Safety Surface Under and Around Playground Equipment and F1292: Standard Specification for Impact Attenuation of Surface Systems, Under and Around Playground Equipment (most current versions).
- (3) Dealers shall have capability of passing a formal NPSI-CPSI audit if required by HGAC member (by dealer's in-house CPSI certified staff or by third party CPSI-certified auditor).

PRODUCT CODE	MANUFACTURER - CATALOG/PRICE SHEET	CONTRACTOR	DISCOUNT
PR20	Fibar Systems (The Fibar Group, LLC): Fibar Systems Playground Surfacing Systems Catalog - Engineered wood fiber systems - Pour In Place Rubber Surfacing	Miracle Recreation	5%
PR25	Hags Aneby AB: Hags USA Catalog	Miracle Recreation	5%
PR36	Miracle Recreation Equip. Co.: Recreation and Playground Catalog	Miracle Recreation	15%
PR87	Xccent, Inc.: Xccent Catalog	Miracle Recreation	5%

### PRODUCTS AND SERVICES AVAILABLE

#### Services in Contract

Installation of Miracle Hags or Xccent – 30% of list price  
Freight and Tax added based on dollars, weight and distance  
Installation of Fibar Engineered Wood Fiber – quoted per job  
Installation of Pour In Place Rubber Surfacing – Included in price above

**Related Extra Services**

Can be added to contract up to 25% of the list price of the Products and Services in Contract.