

INTERLOCAL AGREEMENT
Region VIII Education Service Center
ARIZONA PUBLIC AGENCY
(School, College, University, State, City or County Office)

ARIZONA
EDUCATIONAL OR GOVERNMENT ENTITY

Control Number (TIPS will Assign)
Schools enter County-District Number

and

Region VIII Education Service Center
Mt. Pleasant, Texas

225 - 950
Region 8 County-District Number

The Texas Education Code §8.002 permits Regional Education Service Centers, at the direction of the Commissioner of Education, to provide services to assist school districts, colleges and universities in improving student performance and increasing the efficiency and effectiveness of school, college and university financial operations.

Government Authority:

Arizona law permits school districts to participate in intergovernmental agreements and contracts. ARIZ.REV.STATE §11-951, et seq. Arizona law provides that two or more public agencies by contract or agreement may contract for services or jointly exercise any powers common to the contracting parties and may enter into agreements with one another for cooperative action. ARIZ. REV. STAT §11-952 (A). "Public agencies" are defined as "this state, any other state, counties, school districts... and any other political subdivisions of this state or any other state." ARIZ. REV. STAT §11-951. A Texas regional service center is a political subdivision of the state of Texas. TEX. EDUC. CODE §8.001, et seq. Therefore, because a regional service center is a "public agency" Arizona public school districts or other local governments, have statutory authority to contract with a Texas regional service center to jointly exercise any powers common to the contracting parties or to participate in cooperative action.

The authority for Arizona public school districts to engage in cooperative procurements can be found in the Arizona Administrative Code. ARIZ. ADMIN. CODE §R7-2-1191, et seq. The Arizona Administrative Code provides that a school district may participate in, sponsor, conduct or administer a cooperative purchasing agreement for the procurement of any materials, services, or construction with one or more public procurement units. ARIZ. ADMIN. CODE §R7-2-1001 (68). The definition of public procurement until does not specifically mention political subdivisions of other states; rather it simply mentions "other state."

The Arizona Administrative code further provides that if a public procurement unit administering a cooperative purchase complies with the requirements of Article 10 of the Code, any public procurement unit participating in such a purchase is deemed to have complied. ARIZ. ADMIN. CODE § R7-2-1194. Article 10 of Chapter 2 of Title 7 of the Arizona Administrative Code provides the guidelines for school district procurement, including the competitive bidding requirements for such purchases. Pursuant to § R7-2-1194, it appears that any public procurement unit that administers a cooperative purchasing program must comply with the competitive bidding requirements which TIPS does meet.

Section R7-2-1021 of the Arizona Administrative Code provides that unless otherwise specified in Article 10, all expenditures of public money shall be made through competitive sealed bidding as described in Article 10. ARIZ. ADMIN. CODE § R7-2-1021. Section R7-2-2041 permits a school district to use competitive sealed proposals as a procurement method when the school board determines that competitive sealed proposals are in the best interests of the school district. ARIZ. ADMIN. CODE § R7-2-1041. However, competitive sealed proposals are not permitted for construction contracts. Id. Thus, any construction contract procured by an Arizona School District, or a cooperative purchasing program must be made through competitive sealed bidding.

The Arizona Administrative Code defines “Construction” as “the process of building, altering, repairing, improving or demolishing any public structure or building, or other public improvements of any kind to any public real property.” ARIZ. ADMIN. CODE § Ry-2-1001 (13). Based on the Administrative Code’s definition of “construction”, a performance contract entered into through a cooperative purchasing program such as TIPS would likely be considered for construction. Thus, performance contracts for Arizona Public Schools procured by the cooperative must follow the competitive sealed bidding procedures outlined in ARIZ. ADMIN. CODE § R7-2-1021-1032.

Vision:

TIPS/TAPS will become the premier purchasing cooperative in North America through developing partnerships with quality vendors, school districts, universities, colleges, all governmental entities, and public and private industry.

Mission:

Our mission is to provide a proven purchasing process through quality customer service including timely response, legal support and effective recruitment by providing sufficient resources to include personnel.

Purpose:

The purpose of the TIPS/TAPS program shall be to continue providing substantial savings and best value for participating educational entities or public agencies through cooperative purchasing.

Effective:

This Interlocal Agreement (hereinafter referred to as the “*Agreement*”) is effective _____ and shall be automatically renewed annually unless either party gives sixty (60) days prior written notice of non-renewal. This Agreement may be terminated without cause by either party upon (60) days prior written notice, or may also be determined for cause at anytime upon written notice stating the reason for and effective date of such terminations and after giving the affected party a thirty (30) day period to cure any breach.

Statement of Services to be Performed:

Region VIII Education Service Center, by this *Agreement*, agrees to provide competitively bid cooperative purchasing services to the above-named public entity through a Program known as The Interlocal Purchasing System (TIPS/TAPS) Program.

Role of the TIPS/TAPS Purchasing Cooperative:

1. Provide organizational and administrative structure of the TIPS/TAPS Program.
2. Provide Administrative and Support Staff necessary for efficient operation of the TIPS/TAPS Program.
3. Provide marketing of the TIPS/TAPS program to expand membership, awarded contracts and commodity categories.

4. Initiate and implement activities required for competitive bidding and vendor award process including posting, advertising, collecting proposals, scoring proposals, and awarding of vendor contracts.
5. Provide members with current awarded vendor contracts, instructions for obtaining quotes and ordering procedures.
6. Maintain filing system for all competitive bidding procedure requirements.
7. Provide Reports as requested.
8. Maintain active membership database for awarded vendors.
9. Provide TIPS/TAPS training to members and vendors upon request.

Role of the Education or Government Entity:

1. Commit to participate in the TIPS/TAPS Program.
2. Designate a Primary and Technology Contact for the entity to be responsible for promoting TIPS/TAPS within the organization.
3. Commit to purchase products and services from TIPS/TAPS Vendor Awarded Contracts when in the best interest of the entity. **PURCHASE ORDER MUST ALWAYS BE MARKED TIPS/TAPS and FAXED to 866-839-8477 for processing.**
4. Accept shipments of products ordered from Awarded Vendors in accordance with standard purchasing procedures.
6. Pay Awarded Vendors in a timely manner for all goods and services received.
7. Report any vendor issues that may arise to the TIPS/TAPS Cooperative Coordinator.

General Provisions:

Both Parties agree to comply fully with all applicable federal, state, and local statutes, ordinances, rules, and regulations in connection with the programs contemplated under this Agreement. This Agreement is subject to all applicable present and future valid laws governing such programs.

This Agreement shall be governed by the laws of the State of Texas and venue shall be in the county in which the administrative offices of RESC VIII are located which is Titus County, Texas.

It is the responsibility of the Entity purchasing from TIPS/TAPS to insure that the respective State purchasing laws are being followed.

This Agreement contains the entire agreement of the Parties hereto with respect to the matters covered by its terms, and it may not be modified in any manner without the express written consent of the Parties.

If any term(s) or provision(s) of this Agreement are held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remainder of the provisions of this Agreement shall remain in full force and effect.

Before any party may resort to litigation, any claims, disputes or other matters in question between the Parties to this Agreement shall be submitted to nonbinding mediation

No Party to this Agreement waives or relinquishes any immunity or defense on behalf of themselves, their directors, officers, employees, and agents as a result of its execution of this Agreement and performance of the functions and obligations described herein.

This Agreement may be negotiated and transmitted between the Parties by means of a facsimile machine and the terms and conditions agreed to are binding upon the Parties.

Authorization:

Region VIII Education Service Center and The Interlocal Purchasing System (TIPS/TAPS) Program have entered into an Agreement to provide competitively bid cooperative purchasing opportunities to entities as outlined above.

This Interlocal Agreement process was approved by the governing boards of the respective parties at meetings that were posted and held in accordance with the respective STATE Open Meetings Act, for Texas it was Government Code Ch. 551.

The individuals signing below are authorized to do so by the respective parties to this Agreement.

Membership Entity-

Region 8 Education Service Center

By: _____
Authorized Signature

By: _____
Authorized Signature

Title: _____

Title: Executive Director Region VIII ESC

Date

Date

Public Entity Contact Information

Primary Purchasing Person's Name

Primary Person's Email Address

Street Address

City, State Zip

Technology Coordinator's Name

Telephone Number

Technology Coordinator's Email Address

Fax Number

Instructions:

Please send two signed original Interlocal Agreements and one copy of Board Resolution (if required) to

**TIPS/TAPS, Attn: Kim Thompson
C/O Region VIII Education Service Center
P.O. Box 1894, Mt. Pleasant, Texas 75456-1894**

Upon execution, a signed original will be returned to the Purchasing Contact listed above.