

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

CALIFORNIA
Assign)
EDUCATIONAL OR GOVERNMENT ENTITY

Control Number (TIPS will
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:

Interlocal contracts in California are presumably authorized by the Joint Exercise of Powers Act (“JEPA”). CAL.GOV’T. CODE § 6500, et seq. JEPA provides that two or more public agencies by agreement may jointly exercise any power common to the contracting parties, even though one or more of the contracting agencies may be located outside California. CAL. GOV’T. CODE §6502. “Public Agency” includes but is not limited to “the federal government or any federal department or agency, this state, another state or any state department or agency, a county, county board of education, county superintendent or schools, public district of this state or another state.” CAL. GOV’T. CODE §6500. While a public school district is not specifically identified as a public agency under the JEPA, school districts are mentioned in other areas of the Act and §6500 provides that the list is not inclusive. Accordingly, a public school district in California is permitted to participate in a joint powers agreement under the JEPA. Pursuant to the TICA, a Texas regional education service center is considered a political subdivision of the state of Texas; thus a Texas regional education service center would be considered a public agency for the purposes of JEPA. See TEX. GOV’T CODE §791.003 (5).

California law provides that the governing boards of school districts have broad discretion in the expenditure of funds and in the operation of the school districts. CAL. EDUC. CODE §35160.1. The Public Contract Code provides that the governing board of a school district, shall competitively let any contracts involving an expenditure of more than \$50,000 for the purchase of equipment, materials, supplies, services, except for construction, and repairs to the lowest responsible bidder. CAL. PUB. CONT. CODE § 20111 (a) and (b). Accordingly, a school district in California could presumably purchase any of its goods and services from the cooperative as long as the cooperative’s competitive bidding procedures comply with California law or the value of the goods and services is less than \$50,000.

JFEPA provides that any agreements entered pursuant to the Act must state the purpose of the agreement or the power to be exercised and provide for the method by which purpose will be accomplished. CAL. GOV’T. CODE § 6503.

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.