

INTERLOCAL AGREEMENT
Region VIII Education Service Center
Missouri Public Agency

Public Agency
State of Missouri

Agency Number
(Assigned by TIPS)

Region VIII Education Service Center
State of Texas

225 - 950
County-District Number

Region VIII Educational Service Center (ESC8) is located in Mt. Pleasant, TX in Titus County. The Purchasing Coop (**TIPS**) is one branch of ESC8 that currently helps school districts in the State of Texas and Arkansas receive the best possible pricing on products and services by bidding various products for school districts in both States. The Missouri Association of Rural Education (MARE) through legal counsel of Tom Mickes, has established a process for the school districts of Missouri to meet the required bid laws of the State of Missouri, while securing quality products at quality prices. This direct interlocal agreement between your governmental entity and Region VIII Educational Service Center provides the legal process for your public agency to participate in The Interlocal Purchasing System (TIPS).

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 in improving student performance and increasing the efficiency and effectiveness of school operations. Authority for local governments (as defined by TEX. GOV'T CODE §791.003) to contract for such services is granted under sections 791.001 to 791.029 of the Texas Government Code; V.T.C.A. as amended.

Missouri Revised Statutes, Chapter 70, governs the power of political subdivisions to cooperate or contract with governmental units. See §§ 70.210-70.320, R.S.Mo. 2000. Section 70.220 specifically permits political subdivisions to contract and cooperate with any other governmental entity or with “[a]ny private person, firm association or corporation, for the planning, development, construction, acquisition or operation of any public improvement or facility, or for a common service; provided, that the subject and purposes of any such contract or cooperative action made and entered into by the political subdivision is within its scope of powers.” *Id.* Sections 70.250 and 70.260 provide authority for the participating entities to finance the joint undertaking. *Id.*¹

Regarding school districts in particular, Chapter 177, which concerns school property and equipment, provides that school districts may enter into agreements with not-for-profit corporations² in order to allow “the acquisition, construction, improvement, extension, repair, remodeling, renovation and financing of sites, buildings, facilities, furnishings and equipment for the use of the educational institution for educational purposes.” § 177.088 Moreover, such agreements must comply with statutory bidding requirements. *Id.*

¹ Although §§ 70.210-70.325 constitute general authority for cooperation, there are numerous statues that authorize specific cooperative efforts. Section 537.620 provides that, notwithstanding any direct or implied prohibition in other statutes, any three or more political subdivisions may form a business entity for the purpose of providing liability insurance. Additionally, other Missouri statues establish government employee retirement systems.

² Such not-for-profit must be formed under the general not for profit corporation law of Missouri, Chapter 355, R.S.Mo.

This Interlocal Agreement (hereinafter the “Agreement”) is effective _____ and shall be automatically renewed 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 cooperative purchasing services to the above-named public school or local government through a Program known as The Interlocal Purchasing System (TIPS) Program.

The purpose of the TIPS Program shall be to obtain substantial savings for participating public schools and local governments through volume purchasing.

Role of the Purchasing Cooperative:

1. Provide for the organizational and administrative structure of the program.
2. Provide staff time necessary for efficient operation of the program.
3. Receive quantity requests from entities and prepare appropriate tally of quantities.
4. Initiate and implement activities related to the bidding and vendors selection process.
5. Provide members with procedures for ordering, delivery, and billing.

Role of the Public Agency or Local Government:

1. Commit to participate in the program by an authorized signature in the appropriate space below.
2. Designate a contact person for the cooperative.
3. Commit to purchase products and services that become part of the official products and services list when it is in the best interest of the member entity.
4. Prepare purchase orders issued to the appropriate vendor from the official award list provided by the Purchasing Cooperative.
5. Accept shipments of products ordered from vendors in accordance with standard purchasing procedures.
6. Pay vendors in a timely manner for all goods and services received.

General Provisions:

The 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 law of the State of Texas and venue shall be in the county in which the administrative offices of ESC VIII are located, which is Titus County, Texas.

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

The Parties to this Agreement expressly acknowledge and agree that all monies paid pursuant to this Agreement shall be paid from budgeted available funds for the current fiscal year of each such entity.

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) Program have entered into an Agreement to provide cooperative purchasing opportunities to public schools and governmental entities.

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

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

Public Agency or Local Government

By: _____
Authorized Signature

Title: _____

Date

Public Agency Purchasing Contact Person

Street Address

City, State Zip

Purchasing Contact's Telephone Number

Purchasing Contact's Fax Number

Purchasing Contact's Email Address

Public Agency Technology Contact Person

Street Address

City, State Zip

Technology Contact's Telephone Number

Technology Contact's FAX Number

Technology Contact's Email Address

Region VIII Education Service Center

By: _____
Mr. Harvey B. Hohenberger, Jr.,

Title: Executive Director Region VIII ESC

Date

Directions - Mail two (2) signed original *Interlocal Agreements* to:

The Interlocal Purchasing System (TIPS)
C/O Region VIII Education Service Center
Harvey Hohenberger Jr., Executive Director
P.O. Box 1894
Mt. Pleasant, Texas 75456

Upon execution, a signed original *Interlocal Agreement* will be returned to the Purchasing Contract listed. A TIPS Welcome Packet with instructions for ordering will also be mailed to the Purchasing Contact. If additional copies of the TIPS Vendor Directory are needed, or any other information is requested, please contact the **TIPS Office** at **866-839-8477**.