

INTERLOCAL AGREEMENT
Region VIII Education Service Center
NEW MEXICO PUBLIC AGENCY

Public Agency

_____ - _____

Agency Number
(Assigned by TIPS)

Region VIII Education Service Center

225 - 950

County-District Number

The Region VIII Education Service Center is a political subdivision of Texas. TEX. EDUC. CODE §8.001 *et seq.* Texas Education Code §8.002(a) 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 such services is granted under sections 791.001 to 791.029 of the Local Government Code; V.T.C.A. as amended ("TICA"). TICA also expressly states that a party to an interlocal contract may contract with a similar agency of another state. TEX. GOV'T CODE §791.011(b)(2).

New Mexico law also permits state agencies and local public bodies to participate in cooperative purchasing agreements. N.M. STAT. ANN. § 13-1-135. New Mexico law provides that a local public body, such as a school district, may participate in, sponsor, or administer a cooperative procurement agreement for the procurement of any services, construction or items of tangible personal property with any other state agency, local public body or external procurement unit.. *Id.* The definition of "cooperative procurement" is procurement conducted by or on behalf of more than one state agency or local public body, or by a state agency or local public body with an external procurement unit. N.M. STAT. ANN. § 13-1-44. The definition of "external procurement unit" is "any procurement organization not located in this state which, if in this state, would qualify as a state agency or a local public body." N.M. STAT. ANN. § 13-1-56. . A "local public body" includes, among other things, every public subdivision of the state and the agencies thereof. N.M. STAT. ANN. § 13-1-67. . 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 would be considered a "local public body" if it were located in the state of New Mexico, New Mexico public school districts, or other local governments, have statutory authority conduct cooperative purchasing with a Texas regional service center.

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 schools or institution of higher learning through a Program known as the The Interlocal Purchasing System (TIPS) Program.

The purpose of the TIPS Program shall be to obtain substantial savings for participating public schools and institutions of higher learning 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 in accordance with Texas and New Mexico law.
5. Provide members with procedures for ordering, delivery, and billing.

Role of the Public Agency:

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.

It is the sole responsibility of each Member Agency to follow their state procurement statutes as it pertains to cooperative purchasing, or joint power agreements, with in-state or out-of-state public agencies.

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 RESC 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 applicable laws.

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

Public Agency

Region VIII Education Service Center

By: _____
Authorized Signature

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

Title: _____

Title: Executive Director Region VIII ESC

Date

Date

Public Agency Purchasing Contact Person

Public Agency Technology Contact Person

Street Address

Street Address

City, State Zip

City, State Zip

Purchasing Contact's Telephone Number

Technology Contact Telephone No.

Purchasing Contact's Fax Number

Technology Contact Fax Number

Purchasing Contact's Email Address

Technology Contact's Email Address

Please send two signed original Interlocal Agreements to the Region VIII ESC, Attn: Mr. Harvey B. Hohenberger, Jr., Executive Director, Region VIII Education Service Center, PO Box 1894, Mt. Pleasant, Texas 75456-1894. Upon execution, a signed original will be returned to the Purchasing Contact listed above.