

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

\_\_\_\_\_  
VIRGINIA  
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:**

Authority for such services in VIRGINIA is granted under VIRGINIA Government Code § 2.2-4304 *et seq* as amended. These competitively bid cooperative purchasing services are extended to all VIRGINIA State, City and County Government Agencies.

Virginia law also permits cooperative purchasing, VA. CODE.ANN § 2.2-4304, *et seq*. Virginia cooperative procurement law provides that any public body may participate in, sponsor, conduct, or administer a cooperative procurement agreement on behalf of or in conjunction with one or more other public bodies, or public agencies or institutions or localities of the several states, of the United States or its territories, the District of Columbia, or the U.S. General Services Administration, for the purpose of combining requirements to increase efficiency or reduce administrative expenses in any acquisition of goods and services. VA. CODE.ANN § 2.2-4304 (a). "Public Body" means "any legislative, executive or judicial body, agency, office, department, authority, post, commission, committee, institution, board or political subdivision created by law to exercise some sovereign power or to perform some governmental duty, and empowered by law to undertake the activities described in this chapter". VA. CODE.ANN § 2.2-4301. As noted above, a Texas regional education service center is an institution of the state of Texas; thus, a Virginia public body may participate in a cooperative procurement contract administered by such a service center to purchase goods and services.

Virginia cooperative procurement law further provides that a public body may participate in a cooperative purchasing contract, other than for procurement of professional services, even if it did not participate in the request for proposals or bids as long as the request for proposals specified that it was being conducted on behalf of other public bodies. VA. CODE.ANN § 2.2-4304(a)

In terms of construction related contracts for Virginia public bodies, Virginia law provides that all construction contracts must be procured through competitive bidding except in a limited number of circumstances. VA. CODE.ANN § 2.2-4303 ©. Unfortunately, interlocal contracts are not one of the specified exceptions to the competitive bidding requirement. Virginia law defines "construction" as "building, altering, repairing, improving or demolishing any structure building or highway." VA. CODE.ANN § 2.2-4301. However, it may be possible for a public body in Virginia to secure a

construction related contract through a cooperative procurement contract if the contract was procured pursuant to the competitive bidding requirements of the Virginia Public Procurement Act. See VA. CODE.ANN § 2.2-4300, *et seq.*

**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.