




# City of Arlington Council Agenda Bill

Item:  
WS #2  
Attachment  
B

<b>COUNCIL MEETING DATE:</b>	
February 26, 2018	
<b>SUBJECT:</b>	
Interlocal agreement with Region VIII Education Service Center TIPS (The Interlocal Purchasing System)	
<b>ATTACHMENTS:</b>	
Interlocal Agreement and Resolution	
<b>DEPARTMENT OF ORIGIN</b>	
Finance; Kurt Patterson – 360-403-3454	
<b>EXPENDITURES REQUESTED:</b>	N/A
<b>BUDGET CATEGORY:</b>	N/A
<b>BUDGETED AMOUNT:</b>	0
<b>LEGAL REVIEW:</b>	
<b>DESCRIPTION:</b>	
Council is being asked to give the Mayor authority to sign an interlocal agreement with Region VIII Education Service Center TIPS (The Interlocal Purchasing System) for the purpose of utilizing the program's collaborative purchasing power.	
<b>HISTORY:</b>	
The Central Purchasing Coordinator has found purchasing cooperatives to be a useful tool for purchasing many items used by the City. They offer a wide variety of items that have already been competitively bid thus saving the City time and money.	
<b>ALTERNATIVES:</b>	
Remand back to staff for additional information.	
<b>RECOMMENDED MOTION:</b>	
Workshop; discussion only. To be brought to council at a later date.	

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

\_\_\_\_\_  
WASHINGTON  
EDUCATIONAL OR GOVERNMENT ENTITY

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

and

Region VIII Education Service Center  
Pittsburg, 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 WASHINGTON is granted under WASHINGTON Revised Code § 39.34 *et seq* as amended. These competitively bid cooperative purchasing services are extended to all WASHINGTON State, City and County Government Agencies.

Interlocal contracts in Washington are authorized by the Washington Interlocal Cooperation Act ("WICA") WASH. REV. CODE § 39.34, *et seq*. WICA provides that any power, privileges or authority exercised by a public agency of Washington may be exercised jointly with any other Washington public agency or with any public agency of any other state. WASH. REV. CODE §39.30 (1) "Public Agency" means "any agency, political subdivision, or unit of local government of this state, and any political subdivision of another state." WASH. REV. CODE § 39.34.050 (1). Pursuant to the TICA, a Texas regional education service center is considered an agency of the state of Texas as created by the Texas Legislature and controlled by the Texas Education Code; thus, a Texas regional education service center would be considered a public agency for the purposes of WICA. See TEX.GOV'T CODE § 791.003 (5).

The construction projects have additional requirements. See Powell & Leon letter of May 19, 2009.

**Vision:**

TIPS 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 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) Program.

**Property Co-ownership:**

There shall be no real or personal property acquisition or co-ownership resulting from this agreement.

**Role of the TIPS Purchasing Cooperative:**

1. Provide organizational and administrative structure of the TIPS Program.
2. Provide Administrative and Support Staff necessary for efficient operation of the TIPS Program.
3. Provide marketing of the TIPS 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 training to members and vendors upon request.
10. Collect fees to finance the operation of the cooperative from awarded vendors based on the sales through the cooperative's contracts with the end users.

**Role of the Education or Government Entity:**

1. Commit to participate in the TIPS Program.
2. Designate a Primary and Technology Contact for the entity to be responsible for promoting TIPS within the organization.
3. Commit to purchase products and services from TIPS Vendor Awarded Contracts when in the best interest of the entity. **PURCHASE ORDER MUST ALWAYS BE MARKED TIPS and EMAILED to TIPSPO@TIPS-USA.COM for processing.**
4. Accept shipments of products ordered from Awarded Vendors in accordance with standard purchasing procedures.
5. Pay Awarded Vendors in a timely manner for all goods and services received.
6. Report any vendor issues that may arise to the TIPS Cooperative Coordinator.
7. This Agreement does not contemplate establishment of a separate legal entity to perform the cooperative purchasing services. Accordingly, the manner of financing any goods or services purchased pursuant to this agreement shall be through budgeted funds or other available funds.

**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 Camp County, Texas.

It is the responsibility of the Entity purchasing from TIPS 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) 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

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**Public Entity Contact Information**

\_\_\_\_\_

Primary Purchasing Person's Name

\_\_\_\_\_

Primary Person's Email Address

\_\_\_\_\_

Mailing Address

\_\_\_\_\_

Telephone Number

\_\_\_\_\_

City, State

\_\_\_\_\_

Zip

\_\_\_\_\_

Fax Number

\_\_\_\_\_

Secondary Contact's Name

\_\_\_\_\_

Secondary Contact's Email Address

**Instructions:**

If your entity does not require you to have an Interlocal Agreement, please go to the TIPS website under Membership and take advantage of online registration. The states of Texas and Arizona **do** require all entities to have an Interlocal Agreement. Email completed Interlocal Agreement to [tips@tips-usa.com](mailto:tips@tips-usa.com).

RESOLUTION NO. 2018-XXX

A RESOLUTION OF THE CITY OF ARLINGTON APPROVING THE TERMS AND CONDITIONS OF AN INTERLOCAL AGREEMENT BETWEEN THE REGION VIII EDUCATION SERVICE CENTER, LEAD AGENCY FOR THE INTERLOCAL PURCHASING SYSTEM (“TIPS”) PROVIDING FOR A COOPERATIVE PURCHASING PROGRAM FOR GOODS AND SERVICES; AND DESIGNATING THE CENTRAL PURCHASING COORDINATOR AS OFFICIAL REPRESENTATIVE OF THE CITY OF ARLINGTON RELATING TO THE PROGRAM

WHEREAS, the City Council of the City of Arlington (“City”) has been presented a proposed Interlocal agreement by and between the Region VIII Education Service Center, lead agency for The Interlocal Purchasing System (TIPS), and the City finds said Interlocal to be acceptable and in the best interests of the City and its citizens; and

WHEREAS, the City Council of the City of Arlington, WA, pursuant to the authority granted under RCW Chapter 39.34, desires to participate in the described cooperative purchasing program, whose lead agency is Region VIII Education Service Center, and in the opinion of the City participation in the program will be highly beneficial to the taxpayers through the anticipated savings to be realized;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, AS FOLLOWS:

1. The terms and conditions of the Interlocal Agreement has been reviewed by the City Council of the City of Arlington and found to be acceptable and in the best interests of the City and its citizens and is in all respects approved.
2. The Central Purchasing Coordinator of the City, Kurt Patterson, acting under the direction of the City Council, is hereby designated to act for the City of Arlington in all matters relating to The Cooperative Purchasing Network, including the designation of specific contracts in which the City desires to participate.
3. This resolution shall be effective upon its passage and approval.

APPROVED by the Mayor and City Council of the City of Arlington this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

CITY OF ARLINGTON

\_\_\_\_\_  
Barbara Tolbert, Mayor

ATTEST:

\_\_\_\_\_  
Kristin Banfield, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Steven J. Peiffle, City Attorney