

RESOLUTION

(Please check)

Governing Board

Commissioners Court

STATE OF FLORIDA COUNTY OF MIAMI - DADE

THE REGION VIII EDUCATION SERVICE CENTER for THE INTERLOCAL PURCHASING SYSTEM

And

CITY OF DORAL

(Name of Entity applying for Membership in TIPS)

WHEREAS, the entity listed above, pursuant to the authority granted by the applicant's state purchasing Requirements, desires to participate in The Interlocal Purchasing System (TIPS). TIPS is a National Cooperative Purchasing Program offered by Region VIII Education Service Center, located in Pittsburg, Texas, (Camp County). Participation, through membership and utilization of competitively bid and awarded vendor contracts in a cooperative purchasing program specializing in the management of high quality cooperative procurement solutions will be beneficial to the taxpayers through the anticipated savings to be realized by such entity listed above.

Therefore, be it RESOLVED, that the entity listed above has identified a stated need for participation in The Interlocal Purchasing System (TIPS) whereby Albert P. Childress is

(Name of Authorized Person)

authorized and directed to sign and deliver any and all necessary documents herewith for and on behalf of above named entity requesting membership in TIPS. I certify that the foregoing is a true and correct original Resolution duly adopted by the CITY OF DORAL

(Name of Entity applying for Membership in TIPS)

and is filed on record with TIPS.

In witness thereof, I have set my hand and signature this 18 day of Oct., 20 19.

By:


(Authorized Signature for Entity)

Albert P. Childress
(Printed Name)

CITY MANAGER
(Title or Position)

albert.childress@cityofdoral.com
(email address)

This legal document will remain current on file until either party severs the agreement.

AN INTERLOCAL AGREEMENT
Between Texas Education Service Center, Region 8
and
a Florida Public Agency
(School, College, University, State, City, County or other Agency)

CITY OF DORAL

(Insert Name) A Florida Public Agency

FL992576

Control Number (TIPS will Assign)

and

Region 8 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:

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). A school district is a public agency in Florida. FLA. STAT. ANN. § 163.01 (3) (b). Therefore, an interlocal purchasing cooperative in Texas has statutory authority to contract or agree with a Florida public school district or other local government of Florida.

Authority for such services in Florida is granted under Florida Government Code §§ 163.01 *et seq* as amended. These competitively procured cooperative purchasing services are extended to all Florida state, city, county and other governmental public agencies.

Interlocal contracts are authorized by the Florida Interlocal Cooperation Act of 1969 (FICA). FLA. STAT. ANN. § 163.01 *et al.* FICA provides, among other things, that a public agency of Florida may exercise jointly with any other public agency of the state, or of any other state, and power, privilege, or authority which such agencies share in common and that could exercise separately. See STAT. ANN. § 163.01 (4). "Public Agency" includes but is not limited to a political subdivision, agency or officer of Florida or of any other State, including counties, cities and school districts. *Id* at . § 163.01 (3) (b). 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 FICA. See TEX. GOV'T CODE . § 791.003 (5).

FICA further provides that a joint exercise of power shall be made by contract in the form of an interlocal agreement. See FLA. STAT. ANN. § 163.01 (5). School districts are generally permitted to procure goods and services in accordance with Florida law. See FLA. ADMIN.CODE ANN. 6A-1.012, *et al.* Accordingly, as long as the cooperative follows the Florida procurement rules, a Florida school district or other governmental entity can make purchases through the cooperative's contracts.

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: 10/18/2019

This Interlocal Agreement (hereinafter referred to as the "Agreement") is effective *as the date last signed* 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 any time 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 8 Education Service Center, by this *Agreement*, agrees to provide competitively procured cooperative purchasing services to the above-named public entity through a Program known as The Interlocal Purchasing System (TIPS) Program.

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 procurement and vendor award process including posting, advertising, collecting proposals, scoring proposals, and awarding of vendor contracts according to Texas law.
5. Provide members with current awarded vendor contracts, instructions for obtaining quotes and ordering procedures.
6. Maintain filing system for all competitive procurement 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.

Role of the Education or Government Entity:

1. Commit to participate in the TIPS Program.
2. Designate a Primary and Technology Contact within the Member 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 include the contract number and EMAILED to TIPSPO@TIPS-USA.COM 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 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 8 are located which is Camp County, Texas.

It is the responsibility of the Florida public agency purchasing through TIPS contracts to ensure that the respective State purchasing laws are being followed and that use of the Interlocal agreement is appropriate for the Member entity.

There shall be no jointly held property or other assets pursuant to this agreement.

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.

TIPS operations are funded by fees assessed to awarded vendors on sales to members.

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 electronic means and the terms and conditions agreed to are binding upon the Parties.

Authorization:

Region 8 Education Service Center and The Interlocal Purchasing System (TIPS) Program have entered into an Agreement to provide competitively procured 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

Albert P. Childress

By: David Wayne Fitts

By: [Signature]
Authorized Signature

By: [Signature]
Authorized Signature

Title: City Manager

Title: Executive Director Region 8 ESC

Oct. 18, 2019
Date

10/18/2019
Date

Public Entity Contact Information

Tanya Donigan
Primary Purchasing Person's Name

tanya.donigan@cityofdoral.com
Primary Person's Email Address

8401 NW 53rd Terrace
Street Address

Doral, Florida 33166
City, State Zip

Kevin Salazar
Secondary Coordinator's Name

305-593-6725
Telephone Number

Kevin.salazar@cityofdoral.com
Secondary Coordinator's Email Address

305-593-6613
Fax Number

Florida Authority

Interlocal contracts in Florida are authorized by the Florida Interlocal Cooperation Act of 1969 (FICA). FLA. STAT. ANN. § 163.01, *et al.* Specifically, FICA provides that a public agency of Florida may exercise jointly with any other public agency of the state or of any other state, any power, privilege, or authority which such agencies share in common. *Id* at § 163.01 (4). Such powers shall be exercised by contract in the form of an interlocal agreement. *Id* at § 163.01 (5).

RESOLUTION No. 19-244

A RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AUTHORIZING THE CITY MANAGER TO SIGN ALL NECESSARY DOCUMENTS REQUESTING A MEMBERSHIP IN THE INTERLOCAL PURCHASING SYSTEM (TIPS) COOPERATIVE PROGRAM FOR EQUIPMENT, SUPPLIES AND SERVICES FOR THE CITY OF DORAL DEPARTMENTS ON AN AS NEEDED BASIS, PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Doral (the "City") seeks the access to The Interlocal Purchasing System (TIPS) cooperative program for equipment, supplies and services, for the City of Doral Departments on an as needed basis; and

WHEREAS, section 2-322 of the City Code of Ordinances provides that the City may enter into contracts competitively entered into by other governmental entities; and

WHEREAS, the use of cooperative procurement contracts is in the best interest of the City as its usually based on the common requirements of multiple governments. Most cooperative purchasing efforts involved bulk commodities with standard specifications, such as office supplies and furniture, digital copiers and printers, computer hardware, audio visual equipment, electronic defibrillators, hazardous incident response equipment, wireless radios, cell phones, and more complicated requirements, including information technology services, software; and

WHEREAS, staff respectfully recommends the Mayor and City Council adopt The Interlocal Purchasing System (TIPS) cooperative program for Equipment, Supplies and Services in an amount not to exceed budgeted funds, for the period set forth and any approved additional subsequent extensions; and

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

Section 1. Recitals. The foregoing recitals are confirmed, adopted, and incorporated herein and made a part hereof by this reference.

Section 2. Authorization. The City Council hereby authorizes the City Manager to sign any and all necessary documents requesting membership in TIPS including An Interlocal Agreement. The Interlocal Purchasing System (TIPS) cooperative program for Equipment, Supplies and Services in an amount not to exceed budgeted funds, for the period set forth and any approved additional subsequent extensions.

Section 3. Implementation. The City Manager and the City Attorney are hereby authorized to take such further action as may be necessary to implement the provisions of this Resolution.

Section 4. Effective Date. This Resolution shall become effective immediately upon adoption.

The foregoing Resolution was offered by Councilmember Cabrera who moved its adoption. The motion was seconded by Councilmember Cabral and upon being put to a vote, the vote was as follows:

Mayor Juan Carlos Bermudez	Not Present at Time of Vote
Vice Mayor Claudia Mariaca	Yes
Councilwoman Digna Cabral	Yes
Councilman Pete Cabrera	Yes
Councilwoman Christi Fraga	Yes

PASSED AND ADOPTED this 8 day of October, 2019.



JUAN CARLOS BERMUDEZ, MAYOR

ATTEST:



CONNIE DIAZ, MMC
CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
FOR THE USE AND RELIANCE OF THE CITY OF DORAL ONLY:



LUIS FIGUEREDO, ESQ.
CITY ATTORNEY