

BILL NO. 2023-23

RESOLUTION 2023-23

A RESOLUTION OF THE CITY OF WEST PLAINS, MISSOURI, TO APPROVE THE CITY PURCHASING AGENT TO PARTICIPATE THROUGH MEMEBERSHIP IN THE REGION VIII EDUCATION SERVICE CENTER FOR THE INTERLOCAL PURCHASING SYSTEM (TIPS) A NATIONAL COOPERATIVE PURCHASING PROGRAM.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WEST PLAINS, MISSOURI AS FOLLOWS:

Section 1: The City of West Plains approves the City Purchasing agent to participate through membership in the Region VIII Education Service Center for the Interlocal Purchasing System (TIPS), a national cooperative purchasing program.

Section 2: This Resolution shall be in full force and effect from and after the date of its passage and approval.

PASSED AND APPROVED THIS 21st DAY OF AUGUST 2023.

CITY OF WEST PLAINS, MISSOURI

BY: Michael Topliff  
MAYOR MICHAEL TOPLIFF

ATTEST:

Allison Skinner  
CITY CLERK ALLISON SKINNER

## MISSOURI AUTHORITY

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.*<sup>1</sup> 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 corporations<sup>2</sup> 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.*

### **State of Missouri**

### **Title VI County, Township & Political Subdivision Government**

### **Chapter 70 Powers of Political Subdivisions to Cooperate or Contract with Governmental Units**

#### § 70.210: Definitions.

As used in sections 70.210 to 70.320, the following terms mean:

- 1) "Governing body", the board, body or persons in which the powers of a municipality or political subdivision are vested;
- 2) "Municipality", municipal corporations, political corporations, and other public corporations and agencies authorized to exercise governmental functions;
- 3) "Political subdivision", counties, townships, cities, towns, villages, school, county library, city library, city-county library, road, drainage, sewer, levee and fire districts, soil and water conservation districts, watershed subdistricts, county hospitals, and any board of control of an art museum, and any other public subdivision or public corporation having the power to tax.

#### § 70.220: Political subdivisions may cooperate with each other, with other states, the United States or private persons

- 1) Any municipality or political subdivision of this state, as herein defined, may contract and cooperate with any other municipality or political subdivision, or with an elective or appointive official thereof, or with a duly authorized agency of the United States, or of this state, or with other states or their municipalities or political subdivisions, or with any 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 such municipality or political subdivision shall be within the scope of the powers of such municipality or political subdivision.
- 4) If any contract or cooperative action entered into under this section is between a municipality or political subdivision and an elective or appointive official of another municipality or political subdivision, such contract or cooperative action shall be approved by the governing body of the unit of government in which such elective or appointive official resides.

---

<sup>1</sup> Although §§ 70.210-70.325 constitute general authority for cooperation, there are numerous statutes 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

RESOLUTION

STATE OF MISSOURI ) TO THE REGION VIII EDUCATION  
 ) SERVICE CENTER  
 ) MOUNT PLEASANT, TEXAS

WHEREAS, the Board of Directors of \_\_\_\_\_, \_\_\_\_\_ Missouri,  
(Named Public Agency) (City)  
pursuant to the authority granted by Missouri Revised Statutes, Chapter 70, who 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.*<sup>1</sup>

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 corporations<sup>2</sup> 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.*

Be it RESOLVED that we request a stated need for participation in TIPS/TAPS whereby \_\_\_\_\_, is authorized and directed to sign and deliver all or any necessary  
(Name of Authorizing Person)  
requests and other documents in connection therewith for and on behalf of \_\_\_\_\_  
(Named Public Agency)  
located in the state of Missouri.

I certify that the foregoing is a true and correct copy of the Resolution duly adopted by the Board of Directors of \_\_\_\_\_ School District and that the same now appears of record in  
(Named Public Agency)  
my office.

In witness thereof, I have hereunto set my hand and affixed my official seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

By: \_\_\_\_\_  
(Authorizing Signature)  
\_\_\_\_\_  
(Printed Authorizing Name)  
\_\_\_\_\_  
(Title)

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

entity for the purpose of providing liability insurance. Additionally, other Missouri statues establish government employee retirement systems. <sup>2</sup> Such not-for-profit must be formed under the general not for profit corporation law of Missouri, Chapter 355, R.S.Mo.

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

\_\_\_\_\_  
MISSOURI EDUCATIONAL OR GOVERNMENT ENTITY

\_\_\_\_\_  
Control Number (TIPS will Assign)

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:**

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.*<sup>1</sup>

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 corporations<sup>2</sup> 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.*

<sup>1</sup> Although §§ 70.210-70.325 constitute general authority for cooperation, there are numerous statutes 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 statutes establish government employee retirement systems.

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

**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.

**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.

**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](mailto: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 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

**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

\_\_\_\_\_  
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.