



INTERLOCAL AGREEMENT



Education Service Center Region 20, TEXAS 20 Purchasing Cooperative

Organization: BURNET COUNTY County District Number: BURNET

General Provisions

This Interlocal Agreement is entered into by and between the Contracting Parties shown below pursuant to authority granted in and in compliance with the *Inter-local Cooperation Act, Chapter 791, Texas Government Code*. Agreement between TEXAS 20 Purchasing Cooperative and members choosing to participate in processing of USDA Foods and/or Commercial Purchasing:

TEXAS 20 Purchasing Cooperative and member agree on building an effective advisory group that can provide support to the TEXAS 20 Purchasing Cooperative team. Education Service Center Region 20, TEXAS 20 Purchasing Cooperative is a non-profit agency.

TEXAS 20 Purchasing Cooperative member agrees to comply with all requirements for receiving, handling, distributing, transporting, storing, and/or using USDA Processed Foods as provided in the TDA policy handbooks, and USDA regulations and instructions, including requirements relating to dry, chilled and frozen product received directly from USDA/TDA approved and TEXAS 20 Purchasing Cooperative awarded processors.

TEXAS 20 Purchasing Cooperative member agrees to effectively manage entitlement dedicated in TDA's electronic system to Commodity Processing and coordinate with the Co-op Coordinator the use of commodity processing balances on a timely basis.

TEXAS 20 Purchasing Cooperative member agrees on a regular basis, to track and manage USDA Foods processing inventory balances in processor's tracking system (e.g., K12, ProcessorLink, etc.); verify for accuracy end products sold through a distributor, including commodity value discounts and pounds used; verify processing option(s); delivery destination; and assigned distributor.

TEXAS 20 Purchasing Cooperative member agrees to verify receipt of end products delivered by the state contracted warehouse, awarded vendors, distributors and manufacturers, back door deliveries or directly to the direct to district warehouse to ensure:

1. End products received match delivery order form
2. End products received match bill of lading prior to signing delivery invoice
3. Damaged cases are not accepted; note damages on the bill of lading and return to driver
4. Report to processing co-op coordinator any issues and/or concerns with USDA Food processing and commercial purchasing products and services. TDA will be notified if applicable.

TEXAS 20 Purchasing Cooperative member agrees to communicate with the Co-op coordinator and USDA approved commodity processor regarding commodity pound transfers, within the co-op, to the same awarded processor. Members must provide justification when requesting to transfer pounds to a different processor through TEXAS 20 Purchasing Cooperative for evaluation to determine if notification meets requirement for TDA approval or denial.

TEXAS 20 Purchasing Cooperative member agrees to utilize processing pounds in a timely manner and comply with federal regulations to not exceed a six-month inventory supply.

TEXAS 20 Purchasing Cooperative and member ensure all initiated request for proposals follow the State and Federal procurement regulations and requirements, which include commodity processing and commercial purchasing.



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Organization: BURNET COUNTY

County/District Number: BURNET

TEXAS 20 Purchasing Cooperative will provide members with procurement timeline schedule. Member agrees to meet all TEXAS 20 Purchasing Cooperative deadlines.

TEXAS 20 Purchasing Cooperative maintains procurement information, files and records for the purpose of ensuring the availability of documentation and compliance with established policies and regulatory guidelines. TEXAS 20 Purchasing Cooperative website provides a source of communication and resources for members. TEXAS 20 Cooperative team provides technical assistance to maximize resources.

TEXAS 20 Purchasing Cooperative member agrees to provide TEXAS 20 Co-op team the description of items and accurate quantity projections to ensure solicitation integrity; which includes commodity processing and commercial purchasing.

TEXAS 20 Purchasing Cooperative will conduct ongoing analysis of velocity reports comparing the estimated quantity provided to the distributor/vendor/manufacturer to the actual quantity of product purchased; which includes commodity processing and commercial purchasing.

TEXAS 20 Purchasing Cooperative shall send request for proposal invitations to all approved USDA/TDA processors. Those processors submitting the RFP by opening deadline and having completed the processing agreements with TDA will be considered. The Co-op Coordinator will negotiate pricing to designate award/non-award processors.

TEXAS 20 Purchasing Cooperative shall enter awarded processing request into TDA's electronic system (e.g. TX-UNPS, etc.) by required TDA deadline. When ordering for a new school year, TEXAS 20 Co-op member will project June carryover balance to avoid ordering excess pounds for the school year.

TEXAS 20 Purchasing Cooperative member- Direct Ship Schools only: Update TDA's electronic system (e.g. TX-UNPS, etc.) with receipt information for end products delivered directly by awarded processors. (TDA designates the Direct Ship Schools that meet required guidelines.)

TEXAS 20 Purchasing Cooperative member agrees to submit in writing the request approval to use the Direct to District option. Schools that wish to receive end product deliveries by-passing their assigned commodity warehouse and/or their assigned distributor utilizing NOI, must obtain approval, known as "Direct to District". The Direct to District option is approved by a co-op coordinator, not the State. The co-op coordinator will verify that a requesting school can meet minimum case drop loads from a processor and have a designated receiving area authorized to properly accept deliveries. If the co-op coordinator approves this option, then they, along with the school, accept the responsibility in verifying deliveries, reconciling drawdowns, resolving issues with shorts, overages, and damages, and any other issues that may arise directly with the processor. Direct to District deliveries do not require Inbound Shipments to be created into TDA's electronic system (e.g. TX-UNPS, etc.).

TEXAS 20 Purchasing Cooperative member is expected to honor all contracts and is obligated to purchase the products and or services listed on the contract from the awarded contractor. The member cannot buy these items from another vendor unless the quantity described in the contract has been exhausted, or the contract has been legally terminated. When the quantity is exhausted or the contract has



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been legally terminated, the member must correctly procure the products and/or services through a new solicitation. Timely payments must be made to vendors who receive proposal awards.

Authorization

By execution and delivery of this Agreement, the undersigned individuals warrant that they have been duly authorized by all requisite administrative action required to enter into and perform the terms of this Agreement.

School District or Public Entity

Education Service Center, Region 20

By 
Authorized Signature

By _____
Authorized Signature

COUNTY JUDGE
Title

Executive Director
Title

April 28, 2020
Date

Date

KARIN SMITH
Contact Person

Telephone

COUNTY AUDITOR
Title of Contact Person

Email Address

133 E JACKSON ST.
Street Address

BURNET, TX 78611
City, State ZIP



RESOLUTION

WHEREAS, it is the intent of BURNET COUNTY
(Name of Entity)

to join and participate in the TEXAS 20 Purchasing Cooperative, Education Service Center, Region 20.

WHEREAS, authority for this commitment is authorized by Article 791.011 Inter-local Cooperation Act as amended and would allow for substantial savings to be realized by volume purchasing of specific commercial and/or USDA commodity items.

BE IT RESOLVED, that BURNET COUNTY
(Name of Entity)

Board of Trustees hereby joins in and elects to participate in the TEXAS 20 Purchasing Cooperative being organized and administered by the Education Service Center, Region 20.

BE IT FURTHER RESOLVED, that BURNET COUNTY
(Name of Entity)

Board of Trustees hereby authorizes its CEO/Authorized Representative to execute such documents as are appropriate and necessary to implement the Entity's participation in said TEXAS 20 Purchasing Cooperative.

We certify the foregoing is a true and correct copy of the resolution duly adopted by

BURNET COUNTY, of BURNET, Texas. In
(Name of Entity) (City)

witness thereof, I/we have hereunto set my/our hand(s) this _____ day of _____, (yr.) _____.

CEO/AUTHORIZED REPRESENTATIVE SIGNATURE: _____

CEO/AUTHORIZED REPRESENTATIVE PRINTED NAME AND TITLE: JUDGE JAMES OAKLEY,

BURNET COUNTY JUDGE

Name of person in charge of Food Service: MATT KIMBLER

E-Mail: mkimbler@burnetsheriff.com

Phone: 512-715-8600

Address: 900 COUNTY LANE, BURNET, TX 78611



TEXAS 20 PURCHASING COOPERATIVE
Education Service Center- Region 20 Participation Commitment for 2019-2020

Organization: BURNET COUNTY

County: BURNET

Education Service Center, Region 20 (Center) and the above named organization enter into the following cooperative service agreement effective July 1, 2019 through June 30, 2020:

The Center will:

- Provide a resolution to be approved by the organization's governing body for ESC -20 to act on its behalf in soliciting proposals
- Revise specifications each year
- Provide members with procurement timeline schedule
- Prepare and combine quantity request forms received from members for each proposal
- Request pricing for food service related items meeting the specified quantity
- Conduct Award Meetings
- Abide by all procurement laws
- Enter proposals for tabulation and evaluation
- Assist in sampling required bid items following award meeting
- Develop award information forms for member use
- Send award information to vendors
- Develop system for gathering evaluation information from members on vendor performance and product quality
- Provide comparison information with previous awards to evaluate effectiveness of proposals
- Provide order guides with awarded items
- Provide technical assistance to coop members
- Provide customized trainings
- Coordinate Fall cluster meetings
- Provide technical assistance with USDA Commodity Processing pre-order requests (if applicable)
- Develop an advisory group among cooperative members
- Maintain current website
- Host annual Food, Products and Services showcase
- Includes membership for the participation in PACE Purchasing Cooperative

The Member will:

- Ensure an approved resolution to participate in Cooperative is on file with ESC-20
- Designate an organization employee to serve as a liaison with ESC-20 for each of the selected options below
- Ensure compliance with participation in the TEXAS 20 Purchasing Cooperative
- Provide release time for meetings, proposal openings, and testing assistance as needed
- When requested and agreed, provide work space and additional employees to assist with testing
- Identify delivery location within organization on purchase orders
- Prepare purchase orders for items awarded on proposals
- Ensure timely payments to vendors who receive proposal awards
- Provide ESC-20 with evaluation forms regarding vendor and product concerns
- Purchase awarded items for current school year
- Utilize the TEXAS 20 website for the most current information
- Evaluate purchased velocity of items and commit to quantities for upcoming bid term
- Maintain confidentiality of all information discussed in bid award meetings.
- Follow TDA/USDA procurement regulations and practice ongoing Contract Management (if applicable)
- Attend two meetings annually if selected to participate in the Advisory Group
- Complete and submit FND-101 (TDA Certificate of Authority) form to allow coop access to view contract in TX-UNPS (if applicable)

Contract Service Fees: There is no direct fee to participate in the TEXAS 20 Purchasing Cooperative. The TEXAS 20 Purchasing Cooperative is a totally self-funded entity through a Vendor Administration Fee. Fees are used to cover expenses related to the Administration and operation of TEXAS 20. The fee is collected from awarded vendors on a quarterly basis at a flat rate of .0085 cents per \$1 purchased. Each member entering into this agreement authorizes the TEXAS 20 Purchasing Cooperative to collect all Vendor Administration Fees on their behalf.



TEXAS 20 PURCHASING COOPERATIVE
Education Service Center- Region 20 Participation Commitment for 2019-2020

Organization: BURNET COUNTY

County: BURNET

Participation Options

Please check area(s) of desired participation

☐ **COMMODITY PROCESSING:** TEXAS 20 supports eligible members in utilizing their USDA entitlement dollars for commodity processing. Members must be participating in the School Nutrition Programs (SNP). The Cooperative will solicit proposals, coordinate and facilitate the distribution of USDA commodity food products that are allocated to each entity. Delivery of commodity-processed product is for the 2020-2021 bid term.

☒ **COMMERCIAL FOOD SERVICE PURCHASING:** The Cooperative will solicit proposals, coordinate and facilitate the award of food service items and the distribution of these items. Delivery of commercial product is for the 2019-2020 bid term. Also included is participation in PACE Purchasing Cooperative and its associated solicitations.

Authorized Printed Name: JUDGE JAMES CARKLEY

Authorized Signature: [Signature]

Organization Contact: KARIN SMITH

E-Mail: ksmith@burnetcountytx.org

Phone: 512-756-5495

ESC-20 Contact Person:

Jaclyn Perez

E-mail: jaclyn.perez@esc20.net

Fax: (210) 503-6474

Phone: (210) 370-5207

Please return by June 1, 2019 to: ESC-20 Business Office
1314 Hines Avenue
San Antonio, TX 78208-1899

Maintain a copy for district file.

—For ESC-20 Use Only—

Revenue Code: Food Purchasing 199-00-5729-00-493-900

Distribution: Business Office

Division: Business & Human Resources