



NON-GOVERNMENTAL CONTRACT



Education Service Center Region 20, TEXAS 20 Purchasing Cooperative

Organization: Coastal Bend Council of Governments

Organization Number: Nueces County

General Provisions

This Non-Governmental Agreement is entered into by and between, the TEXAS 20 Purchasing Cooperative, with offices at 1314 Hines, San Antonio, Texas, 78208, Bexar County and the undersigned non-profit, non-governmental organization shown below. The purpose of this Agreement is to participate in processing of USDA Foods and/or Commercial Purchasing.

This agreement shall automatically renew unless either party gives ninety (90) days prior notice of non-renewal. This agreement may be terminated with or without cause by either party upon thirty (30) days written notice.

TEXAS 20 Purchasing Cooperative and the Non-Governmental organization, 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 tax-exempt, non-profit agency.

The Non-Governmental organization agrees to comply, if participating in programs with TDA, 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.

The Non-Governmental organization, if participating in USDA Commodity Processing, 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.

The Non-Governmental organization, if participating in USDA Commodity Processing, 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.

The Non-Governmental organization, if participating in programs with TDA, 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 organizations 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.

The Non-Governmental organization, if participating in USDA Commodity Processing, agrees to communicate with the Co-op coordinator and the USDA approved commodity processor regarding commodity pound transfers, within the co-op, to the same awarded processor. The non-governmental organization must provide justification when requesting to transfer pounds to a different processor



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through TEXAS 20 Purchasing Cooperative for evaluation to determine if notification meets requirement for TDA approval or denial.

The Non-Governmental organization, if participating in USDA Commodity Processing, 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 Non-Governmental organization ensure all initiated request for proposals follow the State and Federal procurement regulations and requirements, which include commodity processing and commercial purchasing.

TEXAS 20 Purchasing Cooperative will provide participants with procurement timeline schedule. The Non-Governmental organization 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 participants. TEXAS 20 Cooperative team provides technical assistance to maximize resources.

The Non-Governmental organization 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 Non-Governmental organization, if participating in USDA Commodity Processing will project June carryover balance to avoid ordering excess pounds for the school year.

The Non-Governmental organization agrees to honor all contracts and is obligated to purchase the products and or services listed on the contract from the awarded contractor. The Non-Governmental organization 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 been legally terminated, the Non-Governmental organization must correctly procure the products and/or services through a new solicitation. Timely payments must be made to vendors who receive proposal awards.



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The TEXAS 20 Purchasing Cooperative reserves the right, but is not obligated, to add additional Non-Governmental Organizations to participate. An organization may not be able to participate if purchases materially change the existing contract(s).

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.

Non-Profit Entity

Education Service Center, Region 20

By [Signature]
Authorized Signature

By _____
Authorized Signature

Executive Director
Title

Executive Director
Title

07/29/2019
Date

Date

Gilbert Guajardo
Contact Person

Telephone

Assistant Director, Area Agency on Aging of the Coastal Bend
Title of Contact Person

Email Address

2910 Leopard Street
Street Address

Corpus Christi, TX 78408
City, State ZIP



TEXAS 20 PURCHASING COOPERATIVE
Education Service Center- Region 20 Participation Commitment for 2019-2020
(Non-Governmental)

Organization: Coastal Bend Council of Governments Organization Number: Nueces County

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 cooperative participants with procurement timeline schedule
- Prepare and combine quantity request forms received from cooperative participants 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 cooperative participants use
- Send award information to vendors
- Develop system for gathering evaluation information from cooperative participants 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 cooperative participants
- 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 participants
- Maintain current website
- Host annual Food, Products and Services showcase
- Includes membership for the participation in PACE Purchasing Cooperative

The Non-Governmental organization 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 participating organization 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
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Participation Options

Please check area(s) of desired participation

COMMODITY PROCESSING: TEXAS 20 supports eligible participants in utilizing their USDA entitlement dollars for commodity processing. Organizations 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: John P. Buckner, Executive Director
 Authorized Signature:  7/29/19
 Organization Contact: Gilbert Guajardo, Area Agency on Aging Assistan Director
Jean Fields, Contracted Dietician
 E-Mail: Gilbert Guajardo - gilbert@cbcogaaa.org
Jean Fields - njfields5@gmail.com
 Phone: Gilbert Guajardo - 361-883-3935
Jean Fields - 361-877-4391

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 Maintain a copy for district file.
 1314 Hines Avenue
 San Antonio, TX 78208-1899

--For ESC-20 Use Only--

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

Distribution: *Business Office* Division: *Business & Human Resources*