

**INTERLOCAL COOPERATION AGREEMENT  
BETWEEN  
TEXAS A & M AGRILIFE EXTENSION SERVICE  
AND  
THE CITY OF CORPUS CHRISTI**

**REGARDING SOIL TESTING PROGRAM**

**WHEREAS**, Texas A & M AgriLife Extension Service and the City of Corpus Christi ("City") are authorized by Chapter 791 of the Texas Government Code to enter into an interlocal cooperation contract;

**WHEREAS**, Section 791.035 of the Texas Government Code states that a local government and an institution of higher education or university system may contract with one another to perform any governmental functions and services;

**WHEREAS**, Section 791.035 provides that if the terms of the contract provide for payment based on cost recovery, any law otherwise requiring competitive procurement does not apply to the functions and services covered by the contract;

**WHEREAS**, in 2009, the City received its Texas Pollution Discharge Elimination System (TPDES) Permit No. WQ0004200000 from the Texas Commission on Environmental Quality with respect to the discharge from the City's Municipal Separate Storm Sewer System (the "MS4 Permit");

**WHEREAS**, the City is in the process of renewing its MS4 Permit;

**WHEREAS**, in accordance with its MS4 Permit, and in connection with the City's management of the Municipal Separate Storm Sewer System, the City developed a Storm Water Management Program (the "SWMP");

**WHEREAS**, in accordance with the SWMP, the City developed the Storm Water Education and Outreach Plan, a public education program to promote and publicize the proper use, application, and disposal of pesticides, herbicides, and fertilizers by public, commercial, and private applicators and distributors;

**WHEREAS**, the City's Storm Water Public Education and Outreach Plan provides that the City coordinate with the Texas A & M AgriLife Extension Service to sponsor soil testing for City of Corpus Christi residents

**NOW, THEREFORE**, the parties hereto agree as follows:

**1. PURPOSE.** The purpose of this Agreement is for Texas A & M AgriLife Extension Service to provide Routine Analysis Soil Testing services for City of Corpus Christi residents as further described in Exhibit A.

**2. STATEMENT OF WORK.** Texas A & M AgriLife Extension Service agrees to perform all services as outlined in Exhibit A.

**3. PERIOD OF PERFORMANCE.** The work described in Exhibit A shall be conducted during the City fiscal year. This agreement shall be effective from the latest date of signatures below and continue until December 31, 2017, unless earlier terminated in accordance with Section 5 below.

**4. PRICE AND PAYMENT.**

A. As compensation for the performance of services and work performed under this Agreement, the City agrees to pay Texas A & M AgriLife Extension Service \$7.00 per soil test analysis, not to exceed \$3,150 per City fiscal year, which Texas A & M AgriLife Extension Service acknowledges is full cost recovery of all services provided by or thru Texas A & M AgriLife Extension Service under this Agreement.

B. The parties agree that all expenditures under this agreement shall be paid with current revenues of the paying party.

C. The parties acknowledge that continuation of this agreement beyond City's current fiscal year is subject to annual budget process and appropriation of funds.

D. Invoices for compensation shall be submitted to the following address:

City of Corpus Christi  
Attn: Storm Water Division  
P.O. Box 9277  
Corpus Christi, TX, 78469-9277

**5. TERMINATION.** Performance under this agreement may be terminated by either party with or without cause upon 90 days written notice.

**7. NOTICES.** All notices to parties under this Agreement shall be in writing and sent to the names and address stated below. Either party to the Agreement may change the name and address by notice to the other in accordance herewith, and any change shall take effect immediately upon receipt of the notice.

Texas A&M AgriLife Extension Service  
2147 TAMU  
College Station, Texas 77843

CITY

City of Corpus Christi  
Attn: Storm Water Division  
P.O. Box 9277  
Corpus Christi, TX, 78469

**8. AMENDMENTS AUTHORIZED.**

The representatives who were authorized to sign this agreement are authorized to execute minor amendments to this agreement, to extend deadlines or minor changes in the scope of work.

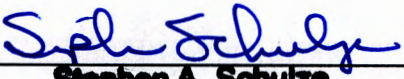
**9. SEVERABILITY.** If any of the provisions of the agreement in the application thereof to any person or circumstance, is rendered or declared illegal for any reason, or shall be invalid or unenforceable, the remainder of the agreement and the application of the provision to other persons or circumstances shall not be affected thereby, but shall be enforced to the greatest extent by applicable law. The City and Texas A & M AgriLife Extension Service agree that this agreement shall be reformed to replace the stricken provision or part thereof with a valid and enforceable provision that comes as close as possible to expressing the intention of the stricken provision.

**10. DISPUTE RESOLUTION PROCESS.** To the extent applicable, the dispute resolution procedures provided in Chapter 2260 of the Texas Government Code will be used to resolve contract claims under this contract

**11. MISCELLANEOUS.** This agreement constitutes the entire agreement between the parties relative to the subject matter, and may only be modified or amended by a written agreement signed by both parties. It shall be construed in accordance with the laws of the State of Texas.

**IN WITNESS WHEREOF,** the parties have caused this agreement to be executed by their authorized representative.

Texas A&M AgriLife Extension Service

By:   
Name: **Stephen A. Schulze**  
Title: **Asst. Vice Chancellor for Administration**  
Date: **Texas A&M AgriLife**  
3/6/17

CITY OF CORPUS CHRISTI

ATTEST

\_\_\_\_\_  
Rebecca Huerta  
City Secretary

By:

\_\_\_\_\_  
Margie C. Rose  
City Manager

APPROVED AS TO FORM:

This 7 day of March, 2017

Lisa Aguilar  
Lisa Aguilar, Assistant City Attorney  
For City Attorney

## EXHIBIT A

### Description of Routine Soil Test Analysis to be Performed by Texas A&M AgriLife Extension Service

The Soil, Water and Forage Testing Laboratory, Department of Soil and Crop Sciences, Texas A&M AgriLife Extension Service will conduct a routine analysis of each soil sample submitted. A Routine analysis checks for pH, nitrate, nitrogen, phosphorus, potassium, calcium, magnesium, sodium, sulfur and Conductivity.