

THE OKLAHOMA PURCHASING SYSTEM

INTERLOCAL COOPERATION AGREEMENT

This Interlocal Cooperation Agreement (also referred to as "Agreement") is entered into by and between Independent School District No. 15 of Atoka County a/k/a Atoka Public Schools ("APS") and the member public agencies ("Members") listed below, pursuant to § 139 of the Oklahoma Public Competitive Bidding Act ("PCBA"), Okla. Stat. tit. 61 § 101, *et seq.*, and the Interlocal Cooperation Act ("the Act"), Okla. Stat. tit. 74, §§ 1001, *et seq.*

MEMBER:

NAME OF AGENCY: _____

BOARD APPROVAL DATE: _____

AGENCY CONTACT: _____

CONTACT TITLE: _____

CONTACT SIGNATURE: Ken Dyer

APS and Member hereby represent that:

- Both entities are "public agencies," as that term is defined in the Interlocal Cooperation Act; and
- APS is a public school district, acting under the authority granted to it pursuant to § 139 of the PCBA; and
- Member is a public agency within the State of Oklahoma as defined by 74 O.S. § 1003(A), acting under the authority granted to it pursuant to § 139 of the PCBA; OR
- Member is a public agency outside the State of Oklahoma as defined by 74 O.S. § 1003(A)(5);

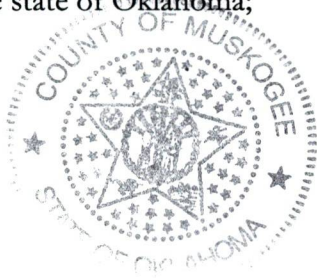
NOW THEREFORE, APS and Member hereby agree as follows:

I. DEFINITIONS

For the purposes of this Agreement:

1. The term "public agency" shall mean any political subdivision of the State of Oklahoma or agency of the state government, or public trust, their respective boards, and public trusts of which they are beneficiaries, or a public agency outside the state of Oklahoma;

10th day of March 2025
Chairman _____
Member Keith [Signature]
Member [Signature]
Attest [Signature]
County Clerk



2. The term “member” shall mean a public agency which has become a party to this Agreement;
3. The term “group” shall mean The Oklahoma Purchasing System;
4. The term “participating agency” shall mean a member or the group;
5. The term “construction-related materials and services” shall mean any materials or services that would or could be required to be subject to public bidding under the PCBA.

II. STATEMENT OF SERVICES OFFERED

APS, as the lead agency for The Oklahoma Purchasing System (TOPS), with Mabe Enterprises, Inc. as the buyer’s agent, has established and will administer a cooperative purchasing program for construction-related materials and services, and other cooperative contract offerings. Authority for such services is granted by Okla. Stat. tit. 61, § 139.

III. PURPOSE

The purpose of TOPS is to reduce the costs associated with construction-related materials and services, and other cooperative contract offerings at market price, budget control, and to increase construction quality.

IV. TERM

This Agreement covers the period July 1 to June 30 of each calendar year.

V. RIGHTS

APS, in cooperation with TOPS and Mabe Enterprises, Inc., is granted the right to issue a cooperative bid/proposal for construction-related materials and services, and other cooperative contract offerings reflective of the needs supplied by the Members initiating their construction, and other cooperative contract offerings bid/proposal through TOPS. APS, as the lead agency, is further granted the right to secure product award(s) for specific construction-related materials and services, and other cooperative contract offerings for a period of one year in cooperation with TOPS.

VI. DUTIES/RESPONSIBILITIES

APS, as the lead agency is responsible for the following:

- Offer appropriate and necessary support to encourage positive vendor/contractor relationships.
- Distribute this Agreement to potential and current members for adoption or update by their Board of Education.
- Present all Agreements to the APS Board of Education for approval.

TOPS, and Mabe Enterprises, Inc., as the buyer's agent, is responsible for the following:

- Provide for the organizational and administrative structure of the program.
- Provide staff time necessary for efficient operation of the program.
- Receive quantity requests from members and prepare appropriate tally of quantities.
- Initiate and implement activities related to the bidding and vendor/contractor selection process in accordance with Oklahoma law, particularly the PCBA.
- Provide members with procedures for ordering, delivery, and billing.

Members are responsible for the following:

- Approving the Interlocal Cooperation Agreement with APS.
- Commit to participate in the program by an authorized signature in the appropriate space within this Agreement.
- Designate a contact person.
- Commit to purchase construction-related materials and services that become part of the official materials and services list when it is in the best interest of the Cooperative Member.
- Prepare purchase orders issued to the appropriate vendor/contractor from the official award list provided by TOPS.
- Accept shipments of products ordered from vendor/contractors in accordance with standard purchasing procedures.
- Pay vendor/contractors in a timely manner for all goods and services received.
- Providing notice of intent to terminate this agreement, in writing, to Jay McAdams, Director of TOPS, at least thirty (30) days in advance of the intent to terminate. Advance notice of termination is waived in the event a participating public agency is dissolved or consolidated or a participating school district is consolidated, annexed, designated as fiscally distressed, or managed by the State Department of Education.
- Providing local purchasing estimates to TOPS by the specified deadline for all items to be purchased under contract. The public agency agrees to establish estimates with the intent to purchase said quantities.
- Refraining from initiating bids/proposals for purchasing contracts that conflict with those being solicited by TOPS and for which the Member has enrolled for participation until such time as those solicitations by TOPS are closed.
- Seeking resolution of all problems regarding purchasing, delivery, receiving, and billing, with the appropriate vendor/contractor.

- Understanding and agreeing that participating in this Agreement does not relieve the Members from obligations to comply with all applicable procurement laws.

VII. DISSOLUTION AND DISPOSITION OF PROPERTY

The title to all property, real and personal, acquired by TOPS shall be vested in TOPS. In the event of termination of TOPS, such property shall belong to the then-members of TOPS in pro-rata shares. Upon partial or complete termination of this Agreement, the majority vote of APS's Board of Education, as the lead agency, shall be binding in all respects as to the disposition of the property and dissolution of TOPS. The APS Board of Education shall serve as trustees for the disposition of property or funds, payment of obligations, dissolution, and winding up of affairs of TOPS.

VIII. FINANCING

The cooperative undertaking in this Agreement shall be financed by requiring vendors/contractors to pay a 2% commission based upon the total value of services and materials provided by such participating vendor/contractor. **No costs shall be incurred by Cooperative Members.**

IX. ACCEPTANCE

APS and the Members who have approved this Agreement enter into this Agreement for cooperative purchasing of construction-related materials and services, and other cooperative contract offerings from any or all awarded contracts in which it chooses to actively participate.

Member Contact Information:

Address: _____
 City: _____
 State: _____ Zip: _____
 Phone: _____ Fax: _____

Primary Contact Name: _____
 Primary Contact Title: _____
 Primary Contact Email: _____
 Primary Contact Phone: _____

Approved by APS Board of Education:

David Lassiter, Director of TOPS

Date

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information
www.tops-usa.org



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THE Oklahoma PURCHASING SYSTEM

Free to Join.
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procurement needs.**

About Us

Our Lead Agency is the Atoka Public Schools Board of Education in Atoka, Oklahoma. All construction contracts are awarded to the lowest responsible bidder per the requirements of the Oklahoma Public Competitive Bidding Act ("OPCBA"), Title 61 O.S. § 101.

Meet our Team

David Lassiter
Cooperative Director
david.lassiter@tops-usa.org
(580) 559-9184

Jay McAdams
jay.mcadams@tops-usa.org
(580) 775-0768

> Preferred

We understand the value of compliant cooperative contracts and build mutually beneficial partnerships.

> Personal

We deliver a simple procurement process with a personal touch. Our team of experts are here to help every step of the way.

> Procurement

We help vendors grow their public sector business and provide members with compliant contracts in the state of Oklahoma.

info@tops-usa.org





OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

Justin C. Cliburn
The Center for Education Law, P.C.
900 N. Broadway, Suite 300
Oklahoma City, Oklahoma 73102

Re: Proposed Interlocal Cooperation Agreement Between Independent School District No. 15 of Atoka County a/k/a Atoka Public Schools and Independent School District No. 3 of Marshall County a/k/a Kingston Public Schools-- **AG # ICA-22-0024**

LETTER OF APPROVAL

The above referenced Agreement has been reviewed by the office of the Oklahoma Attorney General and was found to be in compliance with the provisions of the Interlocal Cooperation Act, 74 O.S. §§ 1001-1008 ("Act"). Therefore, pursuant to Section 1004(F) of the Act, the aforementioned Agreement is hereby officially **APPROVED** as of the date set forth herein below.

Please be further advised that, before the Agreement enters into force, the Agreement, along with a copy of this Letter of Approval, must be filed with the appropriate County Clerk(s) and the Oklahoma Secretary of State.

Signed this 19th day of October, 2022.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Karl F. Kramer", with a long horizontal line extending to the right.

Karl F. Kramer
Assistant Attorney General
Karl.Kramer@oag.ok.gov

Enclosure: Submitted Agreement



801 S. Greathouse Dr., Atoka, OK 74525

TOPS COMPETITIVE PROCUREMENT PROCESS

The Oklahoma Purchasing System (“TOPS”) is a Cooperative Purchasing Program established under the Oklahoma Interlocal Cooperation Act, Title 74 O.S. § 1001, *et seq.* It is utilized by member schools, colleges, universities, cities, counties, and other government entities as authorized by each’s jurisdictional legal requirements. Atoka Public Schools, located in Atoka, Oklahoma, is the lead government agency for the cooperative. The Oklahoma Attorney General’s office approved TOPS as a valid interlocal cooperative agency on October 19, 2022 (AG# ICA-22-0024), and the Secretary of State duly filed the letter of approval on December 28, 2022. The primary procurement statute for the lead agency is the Oklahoma Public Competitive Bidding Act (“OPCBA”), Title 61 O.S. § 101, *et seq.*, although other state and federal statutes and regulations may apply as well.

TOPS PROCURES AND AWARDS ALL VENDOR CONTRACTS ACCORDING TO OKLAHOMA STATUTES AND OTHER APPLICABLE FEDERAL “EDGAR” REGULATIONS, 2 C.F.R. PART 200, AS INTERPRETED BY THE US DEPARTMENT OF EDUCATION.

All solicitations are drafted by TOPS, and notices are posted on the web at <https://tops.ionwave.net>. The solicitations are currently advertised locally in two consecutive editions, per Oklahoma law, in the Atoka County Times (Atoka, Oklahoma) and in The Journal Record (Oklahoma City, Oklahoma, an In-State Trade Publication). Please e-mail info@tops-usa.org to request the specific advertising performed for any TOPS Contract. The advertising affidavit or tear sheets, along with the corresponding proposal documents, may be accessed on the TOPS website from any vendor profile. To comply with transparency statutes, pricing and information declared confidential by proposers are available to all Members upon request, but TOPS does not post the information on its public website. Proposals are posted for a minimum of 21 days (most are posted for five or six weeks to provide ample opportunity for vendors to respond) and scored by TOPS in accordance with the OPCBA. State law requires TOPS to award contracts to the “lowest responsible bidder.” 61 O.S. § 103(A). To determine the lowest responsible bidder, TOPS considers the bidder’s experience, reputation, and financial stability, as well as other factors, in addition to the total sum of the amount bid.

Each solicitation lists the evaluation criteria and its corresponding point value. The awarded vendor must obtain the highest score as specified in the solicitation to be considered the Lowest Responsible Bidder. Solicitation scoring can be provided upon request. The proposals received are sealed until the opening date and time and the opening is open to anyone that desires to attend. Vendor agreement/contract awards are made when scoring is completed pursuant to a delegation of authority by the Atoka Public Schools Board of Directors and reported to the Board at regular scheduled monthly meetings held in compliance with the Oklahoma Open Meeting Act (Title 25 O.S. § 301, *et seq.*) found at <https://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=73425>. The Board may rescind an award based on the termination for convenience included in all TOPS Vendor agreements. Vendor Contracts are awarded for a term of years and may be renewed for an additional term if specified in the solicitation. Vendor award compliance with Federal Regulations 2 CFR Part 200 for expenditure of certain Federal Grant Funds (EDGAR) are noted with the vendor award information provided by TOPS at the vendor’s page at www.tops-usa.org. For additional information please contact:

The TOPS Team at info@tops-usa.org or (800) 243-0256.

NOTE: IT IS ALWAYS THE TOPS MEMBER ENTITY’S RESPONSIBILITY TO REVIEW ANY TOPS CONTRACT AWARD FOR COMPLIANCE WITH THE TOPS MEMBER’S JURISDICTIONAL PROCUREMENT REQUIREMENTS.

REV. 2.17.23 DM