

**INTERGOVERNMENTAL COOPERATIVE AGREEMENT BETWEEN  
WHEATON PARK DISTRICT AND REGION 4 ESC**

THIS INTERGOVERNMENTAL COOPERATIVE AGREEMENT is made and entered into as of the Effective Date below, by and between the Wheaton Park District, DuPage County, Illinois (the "Park District"), and Region 4 Education Service Center ("Region 4 ESC"), established under Section 8.001 of the Texas Education Code.

**Section 1. Recitals.**

A. TCPN is a national governmental purchasing cooperative established under Texas State law in 1997, tasked with assisting other public agencies to optimize efficiency when procuring goods and services.

B. On September 18, 2013, the Park District entered into a Region 4 ESC membership agreement outlining the terms and conditions of accessing contracts awarded through TCPN.

C. In 2012, Region 4 ESC, in accordance with Texas law, issued a request for proposals for turf products. Region 4 ESC awarded one of the turf product contracts (the "Region 4 ESC /FieldTurf Sport Surfaces Contract") to FieldTurf USA, Inc. ("FieldTurf"). The Region 4 ESC /FieldTurf Sport Surfaces Contract has been renewed in successive years and remains in effect.

D. One of the products FieldTurf agreed to provide to other governmental entities at a set price under the Region 4 ESC/FieldTurf Sport Surfaces Contract is FieldTurf Classic Series Synthetic Turf ("Product").

E. The Park District is interested in purchasing a turf surface for its facilities at its Central Athletic Center Upper Gym.

F. The Park District desires to place a purchase order with FieldTurf for the purchase of the Product at the price and under the terms set forth in the Region 4 ESC/FieldTurf Sport

Surfaces Contract.

G. Pursuant to Article VII, Section 10 of the Illinois Constitution of 1970, the Illinois Intergovernmental Cooperation Act [5 ILCS 220/1 *et seq.*] and the Illinois Park District Code [70 ILCS 1205/1-1 *et seq.*], the Park District has the power and authority to enter into this Agreement.

**Section 2. Assignment.** As a member, Region 4 ESC grants and transfers privileges to the Park District whereby the Park District would have the right to procure from FieldTurf the purchase of the Product materials and related installation under the same terms and amount Region 4 ESC procured from FieldTurf under the Region 4 ESC /FieldTurf Sport Surfaces Contract.

**Section 3. Authority to Execute.** Each individual signing this Agreement on behalf of the entity that constitutes the Park District and Region 4 ESC, as the case may be, represents and warrants that the individual is duly authorized to execute and deliver this Agreement on behalf of the entity, and that this Agreement is binding on the Park District and Region 4 ESC, as the case may be, in accordance with its terms.

**Section 4. Amendment.** No amendment, revision, or modification hereof shall be effective unless it is in writing and signed by all parties hereto.

**Section 5. Entire Agreement.** This Agreement, together with the Region 4 ESC membership agreement entered into by the Park District and attached as Exhibit 1 to this Agreement, constitutes the entire agreement between the parties and is intended as a complete and exclusive statement of the terms of the parties' agreement, and supersedes all prior and concurrent promises, representations, proposals, negotiations, discussions, and agreements that may have been made in connection with the subject matter hereof.

**Section 6. Effective Date.** This Agreement shall be deemed dated and become effective on the date the last of the parties signs as set forth below the signature of their duly authorized representatives.

BOARD OF COMMISSIONERS OF  
WHEATON PARK DISTRICT,  
DUPAGE COUNTY, ILLINOIS

By: \_\_\_\_\_

*Executive Director / Secretary*

Dated: \_\_\_\_\_

*10/16/13*

REGION 4 EDUCATION SERVICE  
CENTER

By: \_\_\_\_\_

*[Signature]*

Dated: \_\_\_\_\_

*10/31/13*

**Exhibit 1**  
**Membership Agreement**