

**AMENDMENT
OF THE
RESTATED AND AMENDED
JOINT POWERS AGREEMENT
TO ESTABLISH AN
EDUCATIONAL COOPERATIVE**

The Restated and Amended Joint Powers Agreement to Establish an Educational Cooperative (hereinafter referred to as the "Joint Powers Agreement") was made the 1st day of July 1984, approved by the Department of Finance and Administration the 18th day of December 1984, and amended the 27th day of September 1985, the 10th day of November 1986, the 12th day of December 1986, the 9th day of May 1989, the 8th day of May 1995, the 19th day of August 1999, the 17th day of April 2000, and the 6th day of September 2002 by and among the signatory parties hereinafter referred to as the "member" or "members."

Now come the members seeking to amend the Joint Powers Agreement as of December 1, 2006 so that Section 1 (h) is changed from:

1. **PURPOSE:** The participating members may cooperate on an equitable cost basis in securing the following services:
 - (h) Purchase of professional services and tangible personal property for local public bodies and state agencies, when so requested and in accordance with the requirements of the Procurement Code.

and now reads as:

1. **PURPOSE:** The participating members may cooperate on an equitable cost basis in securing the following services:
 - (h) Purchase of professional services, construction services and tangible personal property for tax-exempt non-public educational institutions, local public bodies and state agencies within the State of New Mexico, and public educational institutions outside the State of New Mexico when so requested and in accordance with the requirements of the Procurement Code.

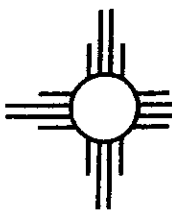
COUNTERPARTS: This Agreement may be executed in several counterparts and each executed counterpart shall constitute one Agreement, binding on all the parties hereto even though all the parties are not signatories to the original or the same counterpart.

WITNESS the signature of the party effective on the day and year first above written.

Gadsden Independent Schools

Signature of Member Representative

Date

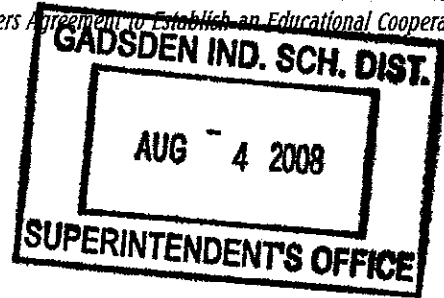


CES

COOPERATIVE EDUCATIONAL SERVICES

CMT

Public Educational Institutions in New Mexico United by a Joint Powers Agreement to Establish an Educational Cooperative



July 29, 2008

Cynthia Nava, Superintendent
Gadsden Independent Schools
P.O. Drawer 70
Anthony, NM 88021

Dear Cynthia:

As this school year begins, I would like to ask for your assistance. As you know Cooperative Educational Services (CES) is the administering agent of a Joint Powers Agreement to Establish an Educational Cooperative (JPA). The Joint Powers Agreement has been amended 8 times since it was approved by the DFA in 1984. The specific items approved by Department of Finance and Administration (DFA) for CES to provide to its members are on the first attachment. In December of 2006, we attempted to provide a 9th amendment that would allow CES (1) to provide construction services through its vendors to local public bodies and state agencies, (2) to provide procurement opportunities to private non-public educational institutions in New Mexico and (3) to provide procurement opportunities to out state educational agencies. DFA denied this amendment last month, June 2008. Their primary concern was that public schools have no authority to provide services to non-public schools so therefore, CES could not do it either. We disagree with this, but would like to temporarily put this on the back burner. We would like to proceed with an amendment that will permit CES to allow its vendors through a cooperative purchasing agreement to provide construction services to local public bodies and state agencies. We believe this is specifically approved in the Procurement Code 13-1-135.

At the CES Executive Committee meeting on Wednesday, July 23, 2008, it was unanimously approved re-submitting Amendment #9. Our existing Joint Powers Agreement specifically permits counter part agreements which says that members may sign an individual document and it will be looked at as if it were part of the entire document. Thus, I am asking for your assistance by your signing the attached counter parts amendment that will enable us to modify Section h to include construction activities for local public bodies and state agencies.

We believe this to be beneficial to other entities in the state and especially beneficial to Cooperative Educational Services, in that general contractors will be able to give CES members a better price when our volume is larger.

Second, Chris Schuler has completed a TV documentary entitled "High." It deals with drugs in the schools and the introductory clip was shown during the NMCSA/PED Summer Workshop. We are distributing a complementary copy of this to all of our members and I believe you have not received one. This program will air on public TV on August 19, 2008. We certainly suggest your students watch the program and discuss it afterwards. A copy of the program is enclosed. You may duplicate this for use in your district.

May this school year be exceptional for you, your staff and your students. I thank you for your immediate assistance in this matter and ask you call me if you have any questions.

Sincerely yours,

COOPERATIVE EDUCATIONAL SERVICES

Max Luft
Executive Director

Cc: Enclosures

Serving New Mexico Education Since 1979

AHERA and TSCA, purchase professional services, construction services, and tangible personal property. The members enter into this Joint Powers Agreement to exercise this common power. They recognize that the terms and conditions of this Joint Powers Agreement shall not be effective until authorized by appropriate resolutions of their respective boards and formal approval by the Secretary of the New Mexico Department of Finance and Administration (DFA).

IN CONSIDERATION OF THE RECITALS AND FOR OTHER VALUABLE CONSIDERATION, IT IS AGREED AS FOLLOWS:

1. **PURPOSE:** The participating members may cooperate on an equitable cost basis in securing the following services:

- (a) Computer Services – Specifically, access to a mainframe computer will be provided enabling participating districts to make more efficient their payroll, inventory, food services, and other administrative systems. In addition, they will be able to have shared access to the Guidance Information System and participate in the purchase of microcomputer hardware and software.
- (b) Cooperative food service purchases.
- (c) Cooperative securing of external funding sources.
- (d) Cooperative employment of special education services.
- (e) Cooperative purchase of insurance coverage.
- (f) Cooperative purchase of services related to compliance with the Asbestos Hazard Emergency Response Act (AHERA) and the Toxic Substance Control Act (TSCA).
- (g) Cooperative purchase of professional services, construction services, and tangible personal property.
- (h) Purchase of professional services and tangible personal property for local public bodies and state agencies, when so requested and in accordance with the requirements of the Procurement Code.

The above services and property shall be purchased in accordance with the requirements of the Procurement Code and of the procedures and guidelines established by the participating members.