

**INTERLOCAL AGREEMENT
Education Service Center Region 10**

Contracting Parties

Education Service Center Region 10 (ESC Region 10)

and

Brackett **Independent School District (the "Employer")**

This agreement is effective 10/1/2009 ("Effective Date") and shall remain in effect for the period beginning with the Effective Date and twelve (12) months thereafter ("Term"). This agreement shall continue unchanged for successive twelve month periods following the Term unless either party gives written notice to the other party of the intent to terminate prior to ninety (90) days before the end of the Term

Statement of Services to be Performed: Provide 403(b) Third Party Administration Services ("403(b) TPA Services") to the Employer through the ESC Region Retirement Asset Management Services.

The Employer hereby delegates to ESC Region 10 and its designated 403(b) TPA the responsibility for the 403(b) Plan functions (a) in accordance with Section 403(b) of the Internal Revenue Code and other applicable federal and state rules as may be amended from time to time and (b) as listed under "Role of ESC Region 10" below.

Authority for such services is granted under sections 791.001 through 791.015 and 791.025 of the Government Code, V.T.C.A. as amended.

Role of ESC Region 10

1. Provide for the organizational and administrative structure of the program, including the following 403(b) TPA Services:
 - (a) Assist Employer to develop written 403(b) Plan rules, including providing a Written Plan that meets the requirements of applicable 403(b) regulations under Section 403(b) of the Internal Revenue Code of 1986, as amended.
 - (b) Obtain agreements from vendors to comply with the Employer's Plan rules
 - (c) Screen new vendors for compliance
 - (d) Provide 403(b) Plan website and Plan data base
 - (1) All Plan transaction requests from participants (enrollment, distributions, etc.) go through the TPA via a website
 - (2) TPA monitors and implements processes for compliance with all Plan rules; all federal laws and regulations applicable to 403(b) plans; and State laws and regulations applicable to 403(b) plans, including the processes listed below
 - i. Eligibility
 - ii. Enrollment
 - iii. Contributions
 - iv. Distributions
 - v. Loans
 - vi. Transfers and Rollovers

vii. Any other services mutually agreeable to the Employer, TPA and ESC Region 10

- (e) Transactions transmitted electronically to vendors
- (f) Vendors process transactions and send electronic records to TPA
- (g) TPA (not vendors alone) maintains records of transactions to facilitate Plan audits
- (h) TPA website also used to educate employees on need for retirement savings
- (i) TPA provides common remitter of all payroll deduction contributions to vendors and ensures that contributions are remitted to employees' accounts timely and in accordance with federal and state regulations
- (j) TPA submits all employees' contributions received from Employer to all 403(b) vendors in a timely manner and in accordance with applicable state and federal regulations
- (k) TPA provides training for Employer staff and assists Employer in communicating aspects of the Plan to employees
- (l) TPA provides support for Employer in assuring that the Plan meets the "universal eligibility" requirements of Section 403(b) of the Internal Revenue Code and other applicable federal rules as may be amended from time to time
- (m) TPA provides any other services required by the final 403(b) regulations issued by the Internal Revenue Service
- (n) TPA provides reports to the Employer necessary for Plan compliance as needed and requested, including payroll and vendor account reports, distribution/account transaction reports, reports of who is participating in the 403(b) Plan and any other reports mutually agreeable to the Employer, the TPA and ESC Region 10.

3. Provide staff time necessary for efficient operation of the program.
4. Initiate and implement activities related to the TPA vendor(s) selection process.
5. Facilitate the delivery of the services purchased at an initial fee of \$1.50 per month per participant in the Employer's 403(b) Plan. This fee may be adjusted by ESC Region 10 with one hundred twenty (120) days notice prior to the end of the Term.
6. ESC Region 10 will ensure that a conflict of interest does not exist between the TPA's duties as defined herein, applicable state law and the interests of the Employer and its employees. Specifically, Region 10 will ensure that the TPA will not sell 403(b) voluntary products to employees of the Employer either directly or indirectly.

Role of the Member Employer:

1. Commitment to participate in the program as indicated by an authorized signature in the appropriate space below
2. Designate a contact person for the cooperative.
3. Commit to purchase the services designated herein when it is in the best interest of the Employer.
4. Accept the services from TPA vendor(s) in accordance with standard procedures of the Employer.
5. Pay TPA and/or ESC Region 10 in a timely manner for all goods and services received

- 6 Supply payroll data in good order to the TPA for distribution to the vendor(s) and forward participating employees' payroll deduction contributions to the TPA in a timely manner for distribution to the 403(b) vendors in the Employer's 403(b) Plan
- 7 Provide electronic data exchanges to the TPA in accordance with the TPA's specifications to facilitate timely and efficient processing of Plan transactions. Employer and Region 10 agree that the TPA's data specifications must be mutually agreeable to the Employer and TPA or the services listed under "Role of ESC Region 10" will not be provided and no fees will be assessed to the Employer
- 8 Require the use of the 403(b) TPA's Internet Website by employees to conduct all 403(b) Plan transactions.

Authorization:

Please send a signed Interlocal Agreement to ESC Region 10, Attn: Gordon Taylor, Administrative Services, Education Service Center Region 10, 400 E Spring Valley, Richardson, TX 75083-1300, TX.

Employer: Brackett ISD

Education Service Center Region 10

By _____
Authorized Signature

By _____
Authorized Signature

Superintendent
Title

ASSOCIATE DIRECTOR
Title

August 20, 2009
Date

Date

Marci Resendez
Contact Person

GORDON TAYLOR
Contact Person

Payroll Clerk
Title of Contact

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