

## COOPERATIVE PURCHASE CONTRACT

Contract No. 2019-78

This Cooperative Purchase Contract is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2019 by and between the City of Flagstaff, Arizona, a political subdivision of the State of Arizona ("City") and Caterpillar, Inc., a state of Illinois corporation ("Contractor").

### RECITALS:

- A. Contractor has Contract #161534-01 with the City of Tucson through the National Intergovernmental Purchasing Alliance (National IPA) to supply materials and/or services ("Agency Contract"), which was awarded through a competitive and open procurement process; and
- B. The City has authority to enter into a cooperative purchase contract with Contractor utilizing the Agency Contract.

### AGREEMENT:

NOW THEREFORE, in consideration for the mutual promises contained herein, the parties agree as follows:

1. Materials and or Services Purchased. Contractor shall provide to City the materials and or services, as specified in the Purchase Order(s) submitted by the City in accordance with the Agency Contract. General description of materials and or services being leases/purchased:

#### **One (1) 2018 Caterpillar CC34B Compactor-Utility**

2. Specific Requirements of City. Contractor shall comply with all specific purchase and delivery requirements and/or options of City, as specified in the Purchase Order(s) submitted to Contractor or Exhibit A attached hereto and incorporated by reference.
3. Payment. Payment to the Contractor for the materials and or services provided shall be **\$61,017.00**, made in accordance with the quote provided by the Contractor attached hereto as Exhibit A and the terms set forth in the Agency Contract.
4. Terms and Conditions of Agency Contract Apply. All provisions of the Agency Contract documents, including any amendments, are incorporated in and shall apply to this Contract as though fully set forth herein. The Agency Contract documents are attached as Exhibit B. Contractor is responsible for promptly notifying City in writing of any changes to the Agency Contract.
5. Certificates of Insurance. All insurance provisions of the Agency Contract shall apply, including any requirement to name the City as an additional insured. Prior to commencing performance under this Contract, Contractor shall furnish City with a copy of the current Certificate of Insurance required by the Agency Contract.

6. Term. This Cooperative Purchase Contract shall commence upon execution by both parties and shall continue until expiration or termination of the underlying Agency Contract, unless sooner terminated by City in writing.
7. Renewal. This Cooperative Purchase Contract shall be automatically renewed if the underlying Agency Contract is renewed, for the same renewal period, unless City provides advance written notice to Contractor of its intention to non-renew.
8. Notice. Any notices concerning this Contract shall be in writing and sent by certified mail and email as follows:

To the City:

Jessica Bryson  
Senior Procurement Specialist  
City of Flagstaff  
Purchasing Section  
211 West Aspen Avenue  
Flagstaff, AZ 86001  
[jbryson@flagstaffaz.gov](mailto:jbryson@flagstaffaz.gov)

To the Contractor:

Jason Turner  
Assistant New Machine Inventory Manager  
Empire Machinery, Inc.  
6000 West Caterpillar Trail  
Green Valley, AZ 85614  
[jason.turner@empirecat.com](mailto:jason.turner@empirecat.com)

With a copy to:

Scott Overton  
Streets Section Director  
City of Flagstaff  
Public Works Section  
211 West Aspen Avenue  
Flagstaff, AZ 86001  
[Scott.overton@flagstaffaz.gov](mailto:Scott.overton@flagstaffaz.gov)

9. Authority. Each party warrants that it has authority to enter into this Contract and perform its obligations hereunder, and that it has taken all actions necessary to enter into this Contract.

CONTRACTOR:

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

Title: \_\_\_\_\_

CITY OF FLAGSTAFF

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

Title: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney's Office

**EXHIBIT A  
SPECIFIC REQUIREMENTS OF CITY**

Price: Per Purchase Order

Specifications: Per Purchase Order

Schedule of performance: Per Purchase Order

Delivery location: Per Purchase Order

Notices: All notices to City shall be sent to:

Buyer: Jessica Bryson  
Senior Procurement Specialist  
Purchasing Department  
211 W. Aspen Drive  
Flagstaff, Arizona 86001  
(928) 213-2276

Attach: Certificate of Insurance

**EXHIBIT B**  
**AGENCY CONTRACT**

City of Tucson Contract #161534 through the National Intergovernmental Purchasing Alliance is attached hereto.