

COOPERATIVE PURCHASE CONTRACT

Contract No. 2020-49

This Cooperative Purchase Contract is made and entered into this _____ day of _____, 20____ by and between the City of Flagstaff, Arizona, a political subdivision of the State of Arizona ("City") and Empire Machinery, an Arizona Limited Liability Company ("Contractor").

RECITALS:

- A. The Contractor is a fully authorized dealer of Caterpillar Inc. products;
- B. Caterpillar Inc. holds a Local Government Purchasing Cooperative Contract #161534-01 with the City of Tucson Procurement Department, Public Sector to supply materials and/or services ("Agency Contract"), which was awarded through a competitive and open procurement process; and
- C. 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 Purchased: Contractor shall provide to the City the materials, as specified in the Purchase Order(s) submitted by the City in accordance with the Agency Contract. The materials being purchased through the Agency Contract are as follows:

2019 CATERPILLAR 416F2 4ECP BACKHOE LOADER

2. Specific Requirements of: Contractor shall comply with all specific purchase and delivery requirements and/or options selected by the City for each vehicle, as specified in the Purchase Order(s) submitted to Contractor, and Exhibit A ("Scope of Work and Fee"), attached hereto and incorporated by reference.
3. Payment: Payment to the Contractor for the materials provided shall be one hundred and fifteen thousand, one hundred and ninety-eight dollars (**\$115,198**) made in accordance with the price list and terms set forth in the Agency Contract.
4. Terms and Conditions of Agency Contract Apply: All provisions of the Agency Contract document, including any amendments, are incorporated in and shall apply to this Contract as though fully set forth herein. The Agency Contract documents attached as Exhibit B are incorporated by reference. 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.

EMPIRE POWER SYSTEMS:

By: _____

Title: _____

CITY OF FLAGSTAFF

By: _____

Title: _____

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney's Office

EXHIBIT A

SCOPE OF WORK and FEE (attached)

**EXHIBIT B
AGENCY CONTRACT**

City of Tucson Procurement Department Cooperative Contract #161534-01 (attached)