

COOPERATIVE PURCHASE CONTRACT

Contract No. 2023-109

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 Balar Holding Corp, DBA Balar Equipment, an Arizona Corporation ("Contractor").

RECITALS:

- A. The Heil Co. has Contract #091219-THC with Sourcewell to supply materials and/or services ("Agency Contract"), which was awarded through a competitive and open procurement process;
- B. Contractor is a dealer of Heil products as described in the Agency Contract; 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 and or Services Purchased: Contractor shall provide to City the materials as specified in the Purchase Order(s) and/or Scope of Work attached as *Exhibit A*, submitted by the City in accordance with the Agency Contract. General description of materials and or services being purchased:

Heil DP5000 Bulky Truck

2. Payment: Payment to the Contractor for the materials and or services provided, will not exceed **three hundred twenty-nine thousand fifty dollars and fifty-six cents (\$329,050.56), plus additional fees and taxes**; in accordance with the price list and terms set forth in the Agency Contract.
3. 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 set forth in *Exhibit B* attached hereto and incorporated by reference. Contractor is responsible for promptly notifying City in writing of any changes to the Agency Contract.
4. 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.
5. Term: This Cooperative Purchase Contract shall commence upon execution by the parties and shall continue until expiration or termination of the underlying Agency Contract, unless sooner terminated by City in writing.

6. 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.

BALAR EQUIPMENT:

By: _____

Title: _____

CITY OF FLAGSTAFF

By: _____

Title: _____

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney's Office

**EXHIBIT A
SPECIFIC REQUIREMENTS OF CITY**

Balar Equipment Quote # Flagstaff DP5000 REL 223227 (Attached)

**EXHIBIT B
AGENCY CONTRACT**

Sourcewell Contract #091219-THC. (Attached)
Heil 091219-THC Pricing (Attached)