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C-8880
04/22/2014

AGREEMENT
BETWEEN
THE CITY OF GLENDALE, ARIZONA
AND
Cox Arizona Telcom, LLC d/b/a COX BUSINESS

THIS AGREEMENT (this "Agreement") is entered into as of April 24, 2014, between the City of Glendale, an Arizona municipal corporation (the "City"), and Cox Arizona Telcom, LLC d/b/a Cox Business ("Contractor"), collectively, the "Parties."

RECITALS

A. After a bid solicitation on April 1, 2010, the State of Arizona entered into Telecommunications Carrier Services Agreement ADSPO10-000400 with Contractor (the "TCS Agreement"), which is incorporated in the Agreement by this reference.

B. The City is permitted to purchase the Services under the TCS Agreement without further public bidding, and the TCS Agreement permits its cooperative use by other governmental agencies, including the City.

C. Section 2-149 of the City's Procurement Code permits the Materials Manager to authorize procurements through the use of a contract initiated by another governmental entity when that government entity's procurement actions complied with the intent of the City's purchasing procedures in City Code Sections 2-145 and 2-146 and such purchase is in the best interest of the City. The City believes these conditions are met for purposes of the TCS Agreement.

D. The City desires to contract with Contractor for supplies, goods or services that are described and priced under the TCS Agreement and that Contractor is eligible to provide the State of Arizona under the TCS Agreement. Pursuant to the terms of the TCS Agreement, Contractor consents to the City's utilization of the TCS Agreement as the basis of this Agreement.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing recitals, which are incorporated in the Agreement by reference, and the covenants and promises contained in this Agreement, the parties agree as follows:

1. Term of Agreement. This Agreement is effective as of the date first set forth above and expires on December 1, 2018, or the termination of the TCS Agreement, whichever occurs first.

2. Scope of Work; Terms, Conditions, and Specifications.

a) Contractor shall provide City the supplies, goods or services Contractor is eligible to provide the State of Arizona under the TCS Agreement, subject to its terms, conditions and pricing.

b) Each party agrees to comply with all the terms, conditions and specifications of the TCS Agreement applicable to the respective parties for the purposes of this Agreement, and the terms, conditions, and specifications of the TCS Agreement are incorporated in the Agreement by this reference. The "City of Glendale" is substituted for "State of Arizona" or similar reference to the State of Arizona throughout the TCS Agreement.

3. Compensation. City shall pay Contractor the same compensation the State of Arizona pays Contractor under the TCS Agreement under Attachment 14, titled Prices and Pricing, as amended, in the TCS Agreement. In addition, the total purchase price for the Services described in Exhibit A to this Agreement is not to exceed Ninety Four Thousand Dollars ($94,000). In addition, the City may from time to time elect to purchase additional goods and services from Contractor pursuant to the TCS Agreement, and the City will make such purchases using Contractor's "carrier service order" form or similar documents, and the City will comply with all applicable laws regarding procurement and approval of such purchases.

4. Payments. The City shall pay Contractor in the name of Cox Business.

5. Cancellation. This Agreement may be cancelled pursuant to ARIZ. REV. STAT. § 38-511.

6. E-verify. Contractor complies with ARIZ. REV. STAT. § 23-214 and agrees to comply with the requirements of ARIZ. REV. STAT § 41-4401.

[SIGNATURES ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date and year set forth above.

"City"

City of Glendale, an Arizona

municipal corporation

By: _____
Brenda S. Fischer, City Manager

"Contractor"

Cox Arizona Telcom, LLC d/b/a Cox Business,
an Arizona corporation

By: _____

Name: Hyman Sukiennik

Title: Vice President, Cox Business Arizona

Approved as to Form:

_____
Michael D. Bailey, City Attorney

ATTEST:

_____
City Clerk

Exhibit A
[Cox Optical Internet Upgrade Proposal]

City of Glendale
6835 N. 57th Drive
Acct 1481956-01

Cox Business

Cox Optical Internet Upgrade Proposal
November 15, 2013
Per Terms & Conditions of State Contract ADSPO10-000400

Proposal

Services	Select	Qty	Unit Install	Total Install	Unit MRC	Total MRC
Cox Optical Internet (Fiber)						
Additional local loop and access charges not needed						
50Mbps	☑	1	$0 00	$0 00	$1,400 00	$1,400 00
TOTAL						$1,400 00

Additional Notes

Term 5 year term

City of Glendale	Cox Business
Organization Name	Organization Name
Authorized Signature	Authorized Signature
Brenda S. Fisher	Hyman Sukyennik
Type or write name	Type or write name
4/23/14	3-26-14
Date	Date

Please return signed form to melissa.dus@cox.com or fax to 877.873.2075