

PMT Service Contract
ERATE Spin #143002521

AGREEMENT #MCSD16

THIS AGREEMENT is entered into between **Minidoka School District #331** herein termed the "SUBSCRIBER" and the PROJECT MUTUAL TELEPHONE COOPERATIVE ASSOCIATION, INC. herein termed the "COMPANY" with an effective date of **July 1, 2016**.

The SUBSCRIBER and the COMPANY agree as follows:

1. That the COMPANY shall provide **Fiber Wide Area Network (WAN) consisting for services as outlined in Attachment 1 and 1GB Full Duplex WAN Connectivity, Internet Access** in the places of business of the SUBSCRIBER at the locations outlined in Attachment 1.

2. The SUBSCRIBER will pay for services to the COMPANY in the sum of **\$8,875.00** per month (plus applicable taxes and surcharges), due and payable on or before the 10th day of each month commencing with the month of July, 2016. Subsequent to the minimum term provided in paragraph 3 of this Agreement, the COMPANY may, upon giving thirty (30) days advance notice, change the monthly service charge for such services. Such notice shall be in writing to the SUBSCRIBER, and shall constitute a modification of this agreement unless the SUBSCRIBER gives notice to the COMPANY of its intent to terminate this Agreement within thirty (30) days of the mailing of such notice.

3. a. This Service Contract shall be effective as of July 1, 2016 and shall continue in full force and effect until canceled by either the COMPANY or the SUBSCRIBER pursuant to the provisions hereof. The minimum term of this agreement shall be **36** months. Notice of cancellation by either party shall be made in writing not less than thirty (30) days prior to the effective date of such termination. This agreement has an option for renewal for two (2) one (1) year extensions unless either party provides the other party with a Notice of Termination as hereinabove provided.

b. SUBSCRIBER represents and warrants: that it has appropriated and budgeted the necessary funds to make all payments required pursuant to this agreement for the remainder of SUBSCRIBER'S fiscal year of the effective date hereof and that it intends to make payments for the entire term of this Agreement as scheduled and provided for herein so long as funds are appropriated in each fiscal year by SUBSCRIBER'S Governing Body. If SUBSCRIBER'S Governing Body fails to appropriate sufficient funds in any fiscal year for services provided for herein and SUBSCRIBER does not have other available funds for the payment provided for herein then a "Non-Appropriation Event" shall be deemed to have occurred. If such Non-Appropriation Event occurs, SUBSCRIBER shall give COMPANY immediate written notice and this Agreement shall terminate without penalty or expense to SUBSCRIBER.

4. It is further agreed that the said SUBSCRIBER will abide by all of the rules and regulations of the Federal Communications Commission as are promulgated by said regulatory body, and that the SUBSCRIBER shall abide by all of the rules and regulations and by-laws of the PROJECT MUTUAL TELEPHONE COOPERATIVE ASSOCIATION, INC.

5. The SUBSCRIBER and COMPANY agree that neither party shall be liable to the other for lost profit, incidental or consequential damages resulting from a breach of this Agreement, and that the COMPANY'S liability hereunder shall be limited by amounts payable by the SUBSCRIBER hereunder for service of such equipment.

6. It is expressly understood and agreed that changes to the Services and Equipment to be provided herein may result in additional charges that may change the monthly charges provide for herein or may result in a one-time charge to be determined at the discretion of the COMPANY.

IN WITNESS WHEREOF, the parties by their duly authorized agents have executed this Agreement this ____ day of _____, 2016.

"SUBSCRIBER"

PMT

By _____

By _____

Print Name: _____

Print Name: _____

Minidoka County Schools
WAN Proposal Summary
4/28/2016

Firm Name	SPIN #	Monthly Cost	Annual Cost	One-Time Cost
PROJECT MUTUAL TELEPHONE	14300521	\$ 8,875.00	\$ 106,500.00	\$ 5,000.00

Note: Current cost is \$8900 per month. To increase to 1G there will be no increase in monthly charges