

**STATE OF SOUTH DAKOTA  
CONSULTANT CONTRACT/LETTER OF AGREEMENT  
FOR CONSULTANT SERVICES**

**BETWEEN**

Pennington County HAZMAT Team  
Mr. Mike Holmes, Captain  
10 Main St  
Rapid City, SD 57701-2879  
Referred to as Consultant

SD EMERGENCY MANAGEMENT  
Referred to as State

The State hereby enters into an Agreement for Consultant Services with the Consultant.

I. THE CONSULTANT

- A. The Consultant services on this agreement shall commence on December 2, 2002 and end on December 13, 2002.
- B. Is the Consultant a full or part time employee of the State? YES \_\_\_  
NO X
- C. Will Consultant use State equipment, supplies or facilities? YES \_\_\_  
NO X
- D. The Consultant agrees to: *Joe Tjaden*  
Provide funding for Jim L'esperance and ~~Kevin Kennedy~~, Pennington County Hazmat team member, to attend the 80 hour Advance Technician course at the American Railroad Transportation Center in Pueblo, Colorado. On completion of the training activities, a copy of the agenda and a class participant roster will be provided to the State. The Consultant is responsible to provide a 25% hard or in-kind match share for the funds requested.
- E. The Consultant agrees to hold harmless and indemnify the State of South Dakota, its officers, agents and employees, from and against any and all actions, suits damages, liability or other proceedings which may arise as a result of performing services thereunder. This section does not require the Consultant to be responsible for or defend against claims or damages arising solely from acts or omissions of the State, its officers or employees.

II. THE STATE

- A. The State will make payment for services upon satisfactory completion not to exceed \$5,977.00.
- B. Will the State pay contractor expenses as a separate item? YES \_\_\_ NO X.
- C. TOTAL CONTRACT AMOUNT (Not to Exceed) \$5,977.00.
- D. The State agrees to: None



**DEPARTMENT OF MILITARY  
AND VETERANS AFFAIRS  
EMERGENCY MANAGEMENT**

500 East Capitol  
Pierre, South Dakota 57501-5070  
(605) 773-3231  
FAX: (605) 773-3580

September 23, 2002

Mike Holmes, Chairman  
Pennington County Hazmat Team  
10 Main St.  
Rapid City, SD 57701

Dear Mike:

*Joe Tjaden*

Enclosed is a contract for \$5,977.00 to provide funding for Jim L'esperance and ~~Kevin Kennedy~~, member of the Rapid City-Pennington County Haz Mat Team, to attend training at Pueblo, Colorado. This agreement will be completed by December 13, 2002.

Please sign your name in the Consultant signature block and include your association's identification number. I ask that you return the signed contract to me as soon as possible.

Thank you for your cooperation. If there are any questions regarding this contract, please call me at (605) 773-3231.

Sincerely,

ARDEN R. RAPP  
Hazardous Materials Coordinator

Enclosure

III. OTHER PROVISIONS

- A. AMENDMENT PROVISION: This contract contains the entire agreement between the parties, and is subject to and will be construed under the laws of the State of South Dakota, and may be amended only in writing signed by both parties.
- B. TERMINATION PROVISION: This agreement can be terminated upon thirty (30) days written notice by either party and may be terminated for cause by the State at any time with or without notice.
- C. INSURANCE PROVISION: The State requires the following insurance provision. The consultant agrees, at its sole cost and expense, to maintain adequate general liability, worker's compensation, professional liability and automobile liability insurance during the period of this agreement.
- D. DEFAULT PROVISION: This agreement depends upon the continued availability of appropriated funds and expenditure authority from the Legislature for this purpose. This agreement will be terminated by the State if the Legislature fails to appropriate funds or grant expenditure authority. Termination for this reason is not a default by the State nor does it give rise to a claim against the State.

IV. In witness hereto the parties signify their agreement by affixing their signatures hereto.

<u><i>Mike Helmer</i></u>	<u>9-29-02</u>	_____	_____
Consultant Signature	Date	Authorized State Signature	Date

State Agency Coding Center: \_\_\_\_\_ Account: \_\_\_\_\_

State contact person: Arden R Rapp, 605-773-3231

Consultant social security or employer number: 46-6000 381

SDCL 1-24A-1 states that a copy of all consulting contracts shall be filed by the agency with the State Auditor within five days after such contract is entered into and finally approved by the contracting parties. For further information about consulting contracts, see the State Auditor's policy handbook.