

PLANNED LIGHTING MAINTENANCE AGREEMENT

AGREEMENT to be effective October 1, 2004 between LIGHTING MAINTENANCE COMPANY and the CITY OF RAPID CITY 300 SIXTH ST, RAPID CITY, SD hereinafter called CUSTOMER.

- 1. a. LIGHTING MAINTENANCE COMPANY AGREES to render lighting maintenance service for the number and type of lamps as listed below and upon the terms herein set forth.

QTY	TYPE
62	MP450/PS/CL
12	LU400

- b. LIGHTING MAINTENANCE COMPANY AGREES to repair any defective lighting fixture and to furnish and install necessary replacement items, promptly upon notice from the CUSTOMER.
  - c. LIGHTING MAINTENANCE COMPANY AGREES to carry in full force and effect liability and property damage insurance and to abide by the South Dakota Workers' Compensation law.
  - d. LIGHTING MAINTENANCE COMPANY will not be responsible for the condition of any wiring or electrical equipment other than that within the lighting fixture itself, under contract.
  - e. LIGHTING MAINTENANCE COMPANY shall not be required to make any replacement or repair, to any lighting fixture, by reason of damage from a source outside the fixture itself under contract.
  - f. LIGHTING MAINTENANCE COMPANY shall not be held liable for non-performance of any obligations herein set forth, provided such failure of performance is due to strike, accident, acts of GOD, or other causes beyond its control.
- 2. a. CUSTOMER AGREES to pay LIGHTING MAINTENANCE COMPANY the sum of \$3.32 per month per fixture in advance for the regular maintenance service specified herein, beginning October 1, 2004. Default in any payment will render the charges of the entire unexpired term of this agreement, due and payable forthwith.
  - b. CUSTOMER AGREES to pay LIGHTING MAINTENANCE COMPANY, in the event of cancellation of this agreement by the CUSTOMER, the unpaid balance due on lamps, washing, and applicable state and local taxes at the time of cancellation.
- 3. This Agreement shall begin October 1, 2004 and remain in full force and effect for a period of twenty-six (26) months, from beginning date.

APPROVED \_\_\_\_\_  
 TITLE \_\_\_\_\_  
 DATE \_\_\_\_\_

SUBMITTED BY *Boyd Gray*  
 TITLE *Sales*  
 DATE *3/5/05*