

**ITEM 158-1503-R0313: Attachment**

**Summary of Montana Tech Turf Project Agreement and Lease**

State law allows for the lease of an athletic facility to a related nonprofit foundation to make facility improvements. The Board of Regents must approve the lease agreement and certify to the budget director that the conditions of 20-25-309, MCA, have been satisfied. The terms of the proposed lease between Montana Tech and the Montana Tech Foundation are summarized below.

Joint Planning and Budgeting. The Foundation will oversee the project planning, programming and design. All documents will be submitted to Tech for review and approval. The Foundation will accept and manage all funds for the Turf Project and no state appropriated funds will be used to finance any part of the project.

Responsibilities of Foundation. The Foundation will: (1) coordinate and direct the project planning, design and construction; (2) make all contracts needed for project design and construction; (3) accept and manage funds and be responsible for all project financial obligations; (4) be the stadium lessee during the project; (5) acquire required permits and inspections, give required notices and pay applicable taxes and fees; (6) carry necessary insurance on the project; and, (7) transfer all premises and improvements back to the Tech free of any encumbrances upon completion of the project.

Responsibilities of the Tech. Tech will review and approve all planning documents.

Lease provisions. The Foundation will use the leased premises solely for the purposes of the Turf Project. Tech personnel will at all times have access to the leased premises. The Foundation will allow use of the premises by Tech for public events and activities.

Claims Provisions. The parties indemnify each other against their respective negligence and other tortious acts or omissions, as well as each other's material breaches of the Agreement.

Funding. The Foundation has the responsibility for accepting and managing the Turf Project Funds and construction contracts will not be awarded until sufficient funds have been identified.

Compliance with laws and policies. The Foundation will comply with all applicable laws, ordinances, lawful orders and rules, regulations of applicable public authorities, federal and state non-discrimination laws, and all federal and state health and safety standards.

Project construction. The Foundation will protect the university's property, shoulder the entire risk for the project, and make reasonable efforts to minimize disruption of the campus during construction.