

**FACILITY USE AGREEMENT**

In consideration for being allowed to use \_\_\_\_\_ (example, the gymnasium at a state facility) described herein as the "Event," on the date and times specified below, \_\_\_\_\_ (hereinafter referred to as "Event Sponsor") agrees to assume all risk of and liability for and hereby defends, indemnifies, and holds harmless the state of North Dakota and its agencies, officers, and employees, from and against any and all claims of any nature including all costs, expenses and attorneys' fees, which may in any manner arise out of, or result from the Event noted herein.

Event Sponsor represents that its activities, pursuant to this agreement, will be supervised by adequately trained personnel, and that Event Sponsor will observe, and cause the participants in the activity to observe, all safety rules for the facility and the activity. Event Sponsor acknowledges that the State has no duty to and will not provide supervision of the activity.

Event Sponsor shall also secure and keep in force during the entire term of the Event, from an insurance company, government self-insurance pool or government self retention fund authorized to do business in North Dakota, commercial general liability insurance covering claims arising out of this agreement, naming the state of North Dakota and its agencies, officers, and employees (State) as additional insureds, and furnish a certificate of insurance showing the endorsement naming the State as additional insureds. The limits of liability required of the liability insurance coverage are at least \$250,000 per person and at least \$1,000,000 per occurrence. The endorsement to the policy will provide that the policy may not be canceled without 10 days' written notice to the State, shall contain a "Waiver of Subrogation" waiving any right of recovery the insurance company may have against the State and provide that any attorney who represents the State under this policy must first qualify as and be appointed by the North Dakota Attorney General as a Special Assistant Attorney General as required by N.D.C.C. Section 54-12-08. Event Sponsor will deliver said certificate of insurance and endorsement to the undersigned at least 10 days prior to the Event.

Event: \_\_\_\_\_

Area of and facilities to be used: \_\_\_\_\_

Date and time of event: \_\_\_\_\_

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Event Sponsor:

State of North Dakota Facility

By: \_\_\_\_\_

By \_\_\_\_\_

Its: \_\_\_\_\_

Its: \_\_\_\_\_