



**RDC ORTHOPHOTOGRAPHY
CONSULTANT AGREEMENT FOR ELECTRONIC FILES**

Pima Association of Governments

177 N. Church Ave, Suite 405, Tucson, AZ 85701 (520) 792-1093 [tel] (520) 620-6981 [fax]

1. In consideration of the payment (reproduction cost) of \$_____ to PAG, PAG grants the Consultant undersigned (the Consultant) a non-exclusive, nontransferable license to use the PAG files listed below, and any related documentation, (hereafter "Files") for the specified project ("the Project") only. This License shall commence as of the date hereof and continue until the Consultant has completed the project, or until this License is terminated by PAG, whichever occurs first. The Consultant agrees that the requested information is only for the purpose of the project as stated below.
2. PAG retains ownership of the Files, and the items supplied by PAG with this Licensing Agreement are for the sole use of the Consultant. The Consultant agrees to use the Files solely for the Project. The Consultant specifically agrees not to assign, license, distribute or transfer the Files, in part or in whole, to any other person, firm, corporation or other organization without the prior written consent of PAG. PAG reserves the right to terminate this license at any time.
3. The Files are provided on an as-is-basis, and there are no warranties, express or implied, including, but not limited to, any warranties of merchantability or fitness for a particular purpose. The Consultant shall be solely responsible for the selection, installation, use, efficiency and suitability of the Files. PAG shall have no liability therefore. In no event shall PAG be liable to the Consultant for any damages resulting from or related to any failure of the Files, including, but not limited to, loss of data.
4. PAG provides the requested information in good faith and has endeavored to create and maintain accurate data. The Consultant is advised to use the data with caution and to independently verify accuracy.
5. Recipient may not Web enable any PAG data sets, without written approval from PAG. Recipient may use the dataset for presentations, (hardcopies and electronic formats for public presentations and reports). Consultant may use PAG's orthophotography and elevation data sets on other related projects, however, the Consultant specifically agrees not to assign, license, distribute or transfer the data sets, in part or in whole, to any other person, firm, corporation or other organization without the prior written consent of PAG.
6. The undersigned has completed the CONSULTANT LICENSING AGREEMENT FOR ELECTRONIC FILES and hereby agrees to the terms and conditions outlined in the CONSULTANT LICENSING AGREEMENT FOR ELECTRONIC FILES, and agrees to be bound by all of the provisions of A.R.S. ' 39-121.03 (D).

Caution: Arizona Revised Statutes '39-121.03(D) provides:

"A person who obtains public records for a commercial purpose without indicating the commercial purpose or who obtains a public record for a noncommercial purpose and uses or knowingly allows the use of such public record for a commercial purpose or who obtains a public record for a commercial purpose and uses or knowingly allows the use of such public record for a different commercial purpose or who obtains a public record from anyone other than the custodian of such records and uses them for a commercial purpose shall in addition to other penalties be liable to the state or the political subdivision from which the public record was obtained for damages in the amount of three times the amount which would have been charged for the public record had the commercial purpose been stated plus costs and reasonable attorneys' fees or shall be liable to the state or the political subdivision for the amount of three times the actual damages if it can be shown that the public record would not have been provided had the commercial purpose of actual use been stated at the time of obtaining the records."

Files Requested: _____

Classification of Purpose: Commercial Non-Commercial

Purpose(s) for Files Requested: (Please note that Files may be used only for the purposes stated.)

Requestor Information (please print):

Consultant Organization _____

PAG Member Agency Requesting Information _____

Consultant Address _____ City _____

State _____ Zip _____

Telephone: _____ Email: _____

DATED this day of _____, 20_____

Consultant Name (print) _____ Signature: _____