



398 State Ave, Dickinson, North Dakota 58601
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www.dickinsonstate.edu/bac

FACILITIES USE AGREEMENT (FUA)

Dickinson State University

In consideration for being allowed to use the **Biesiot Activities Center (BAC)**, described herein as the "Event," on the date and times specified below, _____ agrees to assume all risk of and liability for and hereby indemnifies, saves and holds harmless the state of North Dakota and its agencies, officers, and employees of, from and against any and all claims of any nature including all costs, expenses and attorney's fees, which may in any manner arise out of, or result from the Event.

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.

Additionally, when the event sponsored by user includes providing alcohol, _____ also agrees to assume all risk and liability and to release, indemnify and hold harmless the State of North Dakota, its agencies, officers and employees against any and all claims, suits, or actions of whatsoever nature resulting from or arising out of the activities of the User or its contractors, agents, or employees.

As such, Event Sponsor must 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 based on the vicarious liability of the Event Sponsor arising out of this agreement, naming the state of North Dakota and its agencies, officers, and employees (State) as additional insured's, and furnish a certificate of insurance showing the endorsement naming the State as additional insured's. 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(s) of Biesiot Activities Center to be used: _____

Date and Start/End Time(s) of event: _____

Facility Rental Fee: _____. (The facility rental fee does not include catering costs and other entertainment fees).

Event Sponsor: _____

By: Ben Shroyer, BAC Coordinator

Date Signed: _____

By: _____

Title: _____

Date Signed: _____

**Event Sponsor agrees to pay a \$100 cancellation fee, if the event is cancelled after signing this FUA.