

AGREEMENT

THIS AGREEMENT is hereby made and entered into this ____ day of _____, 2017, (the "effective date") by and between the City of Delray Beach, a Florida municipal corporation ("City"), whose address is 100 N.W. 1st Avenue, Delray Beach, Florida 33444, and West Construction, Inc. a corporation (hereafter referred to as "Contractor"), whose address is 820 North 4th Street, Lantana, Florida 33462.

WHEREAS, the City desires to retain the services of the Contractor to provide the goods and services in accordance with the City's Invitation to Bid Construction No. 2017-065-2, and the Contractor's response thereto, all of which are incorporated herein by reference.

NOW, THEREFORE, in consideration of the mutual covenants and promises hereafter set forth, the Contractor and the City agree as follows:

ARTICLE 1. INCORPORATION OF INVITATION TO BID CONSTRUCTION

The terms and conditions of this Agreement shall include and incorporate the terms, conditions, and specifications set forth in the City's Invitation to Bid Construction No. 2017-065-2, and the Contractor's response to the Invitation to Bid Construction, including all documentation required thereunder.

ARTICLE 2. DESCRIPTION OF GOODS OR SCOPE OF SERVICES

The Contractor shall provide the goods and/or perform those services identified in the specifications accompanying the City's Invitation to Bid Construction, which are incorporated herein by reference.

ARTICLE 3. COMPENSATION

The City shall pay to the Contractor, in compliance with the Pricing Schedule attached hereto and incorporated herein, according to the terms and specifications of the referenced Invitation to Bid Construction. Contractor specifically acknowledges and understands that funding for this Project comes from an FDOT LAP grant and that the City's obligation to pay Contractor is specifically contingent on the City's ability to receive said funds in accordance with the terms of the LAP agreement.

ARTICLE 4. MISCELLANEOUS PROVISIONS

a. Notice Format. All notices or other written communications required, contemplated, or permitted under this Agreement shall be in writing and shall be hand delivered, telecommunicated, or mailed by registered or certified mail (postage prepaid), return receipt requested, to the following addresses:

- i. As to the City:
City of Delray Beach
100 N.W. 1st Avenue
Delray Beach, Florida 33444
Attn: City Manager

- ii. with a copy to: City of Delray Beach
100 N.W. 1st Avenue
Delray Beach, Florida 33444
Attn: City Attorney
- iii. As to the Contractor: West Construction, Inc.
820 North 4th Street
Lantana, Florida 33462
Attn: President

b. Headings. The headings contained in this Agreement are for convenience of reference only, and shall not limit or otherwise affect in any way the meaning or interpretation of this Agreement.

c. Effective Date. The effective date of this Agreement shall be as of the date it has been executed by both the parties hereto.

ARTICLE 5. CONTRACT TERM

This term of this Agreement shall be from the effective date through the end of construction, unless terminated earlier in accordance with terms set forth in the ITBC.

(Remainder of this page is intentionally left blank.)

IN WITNESS WHEREOF, the parties have executed this Agreement on the dates hereinafter written.

CITY OF DELRAY BEACH, FLORIDA

[SEAL]

By: _____
Cary D. Glickstein, City Mayor

ATTEST:

By: _____
Katerri Johnson, City Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: _____
R. Max Lohman, City Attorney

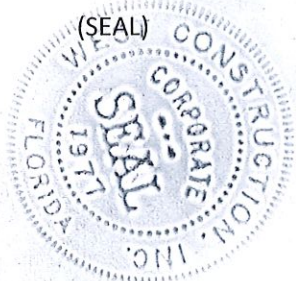
CONTRACTOR

WEST CONSTRUCTION, INC.

By: Martha A. Morgan

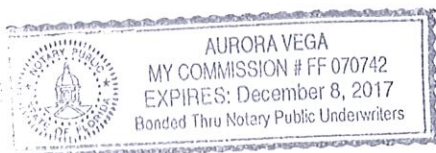
Print Name: Martha A. Morgan

Title: President



STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 27th day of October, 2017, by Martha A. Morgan, as President (name of officer or agent, title of officer or agent), of WEST CONSTRUCTION, INC. (name of corporation acknowledging), a Florida (state or place of incorporation) corporation, on behalf of the corporation. He/She is personally known to me or has produced _____ (type of identification) as identification.



[Signature]
Notary Public – State of Florida

PRICING SCHEDULE

City of Delray Beach
2017-065-2 Phase 1 of Seacrest Beautification
Project No. 17-057
Agreement with West Construction, Inc.

4. Bidder will complete the Work for the following prices:

SCHEDULE OF BID PRICES

ITEM NO.	DESCRIPTION	UNIT	EST. QTY.	UNIT PRICE (in words)	UNIT PRICE	EXTENDED TOTAL PRICE
GENERAL CONDITIONS						
1	Site Mobilization	LS	1	Forty-Six Thousand Dollars Zero Cents	\$ 46,000.00	\$ 46,000.00
2	Maintenance of Traffic	LS	1	Fifty-One Thousand Three Hundred Sixteen Dollars Zero Cents	\$ 51,316.00	\$ 51,316.00
3	As-Built Record Drawings	LS	1	Twenty-One Thousand Nine Hundred Thirty-One Dollars Zero Cents	\$ 21,931.00	\$ 21,931.00
4	NPDES Permit	LS	1	One Thousand Two Hundred Twenty-Four Dollars Zero Cents	\$ 1,224.00	\$ 1,224.00
5	Erosion Control	LS	1	Six Thousand Twenty-Six Dollars zero Cents	\$ 6,026.00	\$ 6,026.00
6	Indemnification	LS	1	Ten Dollars Zero Cents	\$ 10.00	\$ 10.00
7	Project Identification Signs	EA	2	One Thousand Seven Hundred Eighty-Five Dollars Zero Cents	\$ 1,785.00	\$ 3,570.00
8	Photo Documentation/Historic Photo Inventory	LS	1	Three Thousand Five Hundred Eighty Dollars Zero Cents	\$ 3,580.00	\$ 3,580.00
9	Unforeseen Condition Allowance	LS	1	Fifty-five thousand Dollars Zero Cents	\$ 55,000.00	\$ 55,000.00
10	Video Allowance	LS	1	Three thousand Dollars Zero Cents	\$ 3,000.00	\$ 3,000.00
DEMOLITION						
11	Clearing and Grubbing	LS	1	Thirteen Thousand Three Hundred Sixty-Two Dollars Zero Cents	\$ 13,362.00	\$ 13,362.00
12	6" Thick Driveway Apron Removal	SY	320	Twenty-Six Dollars Zero Cents	\$ 26.00	\$ 8,320.00
13	Pavement Removal	SY	1,350	Twenty-Four Dollars Fifty Cents	\$ 24.50	\$ 33,075.00

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ITEM NO.	DESCRIPTION	UNIT	EST. QTY.	UNIT PRICE (in words)	UNIT PRICE	EXTENDED TOTAL PRICE
ROADWAY						
14	1" Milling and Resurfacing	SY	4,800	Fifteen Dollars Eighty Cents	\$ 15.80	\$ 75,840.00
15	Variable Depth Milling	SY	55	Twenty-Four Dollars Fifty Cents	\$ 24.50	\$ 1,347.50
16	8" Compacted Limerock Base Incl. Prime Coat	SY	1,428	Fifteen Dollars Fifty Cents	\$ 15.50	\$ 22,134.00
17	1.5" Type SP 9.5 Asphalt Surface Course 2-0.75" lifts Incl. Tack Coat	SY	1,263	Sixteen Dollars Eighty Cents	\$ 16.80	\$ 21,218.40
18	12" Compacted Subgrade	SY	1,628	Two Dollars Sixty Cents	\$ 2.60	\$ 4,232.80
19	Colored Asphalt Coating	SY	1,110	Thirty-Nine Dollars Zero Cents	\$ 39.00	\$ 43,290.00
20	Type "F" Curb	LF	975	Nineteen Dollars Forty Cents	\$ 19.40	\$ 18,915.00
21	Valley Curb	LF	300	Sixteen Dollars Thirty Cents	\$ 16.30	\$ 4,890.00
22	4" Thick Concrete Sidewalk	LF	812	Twenty-Four Dollars Fifty Cents	\$ 24.50	\$ 19,894.00
23	6" Thick Concrete Sidewalk	LF	375	Twenty-Eight Dollars Sixty Cents	\$ 28.60	\$ 10,725.00
24	6" Thick Concrete Driveway Apron	SF	315	Five Dollars Sixty Cents	\$ 5.60	\$ 1,764.00
25	Curb Ramps with Tactile Surface Pavers	SY	368	One Hundred Nineteen Dollars Zero Cents	\$ 119.00	\$ 43,792.00
26	Swale Grading and Sodding	SY	1,300	Twelve Dollars Twenty-Five Cents	\$ 12.25	\$ 15,925.00
27	Pedestrian Signal, LED, Countdown, 1 Direction "Complete"	EA	6	Eight Thousand Eight Hundred Dollars Zero Cents	\$ 8,800.00	\$ 52,800.00

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ITEM NO.	DESCRIPTION	UNIT	EST. QTY.	UNIT PRICE (in words)	UNIT PRICE	EXTENDED TOTAL PRICE
28	Stop Conditions/Striped Crosswalks/Pavement Markings Traffic Signage at Intersections	LS	1	Thirty-Five Thousand Two Hundred Five Dollars Zero Cents	\$ 35,205.00	\$ 35,205.00
29	Irrigation Modification (George Bush Blvd & NE 2nd Avenue)	LS	1	Four Thousand One Hundred Eighty Dollars Zero Cents	\$ 4,180.00	\$ 4,180.00
30	Full Depth Pavement Crack Removal and Restoration (Incl. Tack Coat and Prime Coat)	SY	75	Twenty-Four Dollars Fifty Cents	\$ 24.50	\$ 1,837.50
TOTAL EVALUATED BASE BID				Six Hundred Twenty-Four Thousand Four Hundred Four Dollars Twenty Cents	\$	624,404.20
BID ITEMS 1 through 30 (in numbers)						

ADD ALTERNATE

31 DECORATIVE PAVER BRICK CROSSWALKS

31.1	Brick Pavers	SF	3,600	Twelve Dollars Zero Cents	\$ 12.00	\$ 43,200.00
31.2	12" Header Curb	LF	960	Nineteen Dollars Ten Cents	\$ 19.10	\$ 18,336.00
31.3	Pavement Removal (DEDUCTION)	SY	400	Zero Dollars Zero Cents	\$ 0.00	\$ 0.00
31.4	1" Milling and Resurfacing (DEDUCTION)	SY	540	Ten Dollars Zero Cents	\$ (10.00)	\$ (5,400.00)
31.5	8" Compacted Limerock Base (DEDUCTION) Incl. Prime Coat	SY	400	Ten Dollars Zero Cents	\$ (10.00)	\$ (4,000.00)
31.6	1.5" Type SP 9.5 Asphalt Surface Course (DEDUCTION) 2-0.75" lifts Incl. Tack Coat	SY	400	Ten Dollars Zero Cents	\$ (10.00)	\$ (4,000.00)
31.7	12" Compacted Subgrade (DEDUCTION)	SY	400	One Dollars Seventy-Five Cents	\$ (1.75)	\$ (700.00)
TOTAL EVALUATED ADD ALTERNATE				Forty-Seven Thousand Four Hundred Thirty-Six Dollars Zero Cents	\$	47,436.00
BID ITEM 31 (in numbers)						

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ITEM NO.	DESCRIPTION	UNIT	EST. QTY.	UNIT PRICE (in words)	UNIT PRICE	EXTENDED TOTAL PRICE
32	SIDEWALK REMOVAL AND REPLACEMENT					
32.1	4" Thick Sidewalk Removal	LF	1,620	Twelve Dollars Zero Cents	\$ 12.00	\$ 19,440.00
32.2	6" Thick Sidewalk Removal	LF	375	Fourteen Dollars Ninety Cents	\$ 14.90	\$ 5,587.50
32.3	4" Thick Concrete Sidewalk	LF	1,620	Twenty-Four Dollars Fifty Cents	\$ 24.50	\$ 39,690.00
32.4	6" Thick Concrete Sidewalk	LF	375	Twenty-Eight Dollars Sixty Cents	\$ 28.60	\$ 10,725.00
TOTAL EVALUATED ADD ALTERNATE BID ITEM 32 (in numbers)						\$ 75,442.50
				Seventy-Five Thousand Four Hundred Forty-Two Dollars Fifty Cents		
33	ASPHALT RUBBER MEMBRANE INTERLAYER (ARMI)					
33.1	2.5" Milling	SY	3,650	Five Dollars Sixty Cents	\$ 5.60	\$ 20,440.00
33.2	ARMI Layer Incl. No. 6 Aggregate	SY	3,650	Fifteen Dollars Sixty Cents	\$ 15.50	\$ 56,575.00
33.3	1.5" Type SP 9.5 Asphalt Surface Course	SY	3,650	Fifteen Dollars Sixty Cents	\$ 15.50	\$ 56,575.00
33.4	1" Milling and Resurfacing (DEDUCTION)	SY	3,650	Twelve Dollars Twenty-Five Cents	\$ (12.25)	\$ (44,712.50)
33.5	Full Depth Pavement Crack Removal and Restoration Incl. Tack Coat and Prime Coat (DEDUCTION)	SY	75	Twenty-Five Dollars Fifty Cents	\$ (25.50)	\$ (1,912.50)
TOTAL EVALUATED ADD ALTERNATE BID ITEM 33 (in numbers)						\$ 86,965.00
				Eighty-Six Thousand Nine Hundred Sixty-Five Dollars Zero Cents		

(Amounts are to be shown in both words and figures. In case of discrepancies, the amount shown in words will govern for each bid item, unit price, and total bid. Extended unit price shall prevail over total price for bid items based upon unit price.)