

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. 2017-038, 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. 2017-038, 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.

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 completion of work and full acceptance by the City, 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:

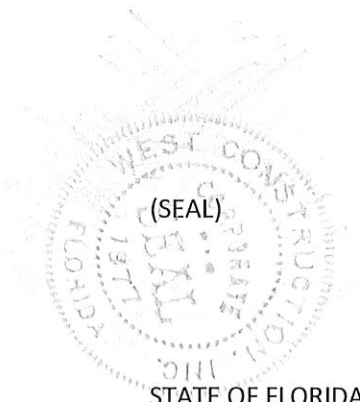
By: _____
Katerri Johnson, City Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: _____
R. Max Lohman, City Attorney

CONTRACTOR: WEST CONSTRUCTION, INC.

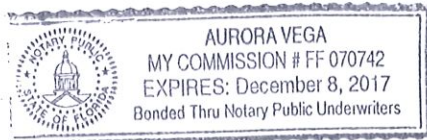
By: Martha A. Morgan
Martha A. Morgan
Printed Name
President
Title



STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 13 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
2017-038 Atlantic Dunes Pavilion and Deck
Agreement with West Construction, Inc.

Article 4. CONTRACT PRICES

4.1 OWNER shall pay CONTRACTOR for completion of the work in accordance with the Contract Documents in the current funds as follows:

SCHEDULE OF BID PRICES

ITEM NO.	DESCRIPTION	UNIT	EST. QTY.	UNIT PRICE (In words)	UNIT PRICE	EXTENDED TOTAL PRICE
Atlantic Dunes Park Pavilion & Deck, Delray Beach Florida						
BID ITEMS						
1	MOBILIZATION / DEMOBILIZATION (MAX 2% Base Bid)	LS	1	FIVE THOUSAND SIX HUNDRED TWENTY Dollars NO Cents	\$ 5,620.00	\$ 5,620.00
2	BONDS AND INSURANCE	LS	1	SEVEN THOUSAND TWENTY-SEVEN Dollars NO Cents	\$ 7,027.00	\$ 7,027.00
3	GENERAL CONDITIONS	LS	1	FORTY-NINE THOUSAND EIGHT HUNDRED EIGHTY-NINE Dollars NO Cents	\$ 49,889.00	\$ 49,889.00
4	INDEMNIFICATION	LS	1	TEN Dollars NO Cents	\$ 10.00	\$ 10.00
5	CONTINGENCY (10% OF BASE BID)	LS	1	THIRTY-TWO THOUSAND Dollars NO Cents	\$ 32,000.00	\$ 32,000.00
6	AS-BUILT RECORD DRAWINGS	LS	1	FOUR THOUSAND FOUR HUNDRED EIGHTY Dollars NO Cents	\$ 4,480.00	\$ 4,480.00
7	PROFESSIONAL VIDEO/PHOTOGRAPHY/DOCUMENTATION SURVEY (ALLOWANCE)	LS	1	ONE THOUSAND Dollars NO Cents	\$ 1,000.00	\$ 1,000.00
8	PROJECT IDENTIFICATION SIGN	LS	1	TWO THOUSAND Dollars NO Cents	\$ 2,000.00	\$ 2,000.00

PRICING SCHEDULE

City of Delray Beach
2017-038 Atlantic Dunes Pavilion and Deck
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ITEM NO.	DESCRIPTION	UNIT	EST. QTY.	UNIT PRICE (in words)	UNIT PRICE	EXTENDED TOTAL PRICE
Atlantic Dunes Park Pavilion & Deck, Delray Beach Florida						
9	DEMOLITION OF EXISTING PILE AND DECK REMNANTS PER PLANS AND SPECIFICATIONS (Above & below ground)	LS	1	EIGHT THOUSAND FIVE HUNDRED FIFTY Dollars NO Cents	\$ 8,550.00	\$ 8,550.00
10	UNFORSEEN SITE CONDITIONS (Utility Relocations)	LS	1	FIVE THOUSAND Dollars Cents	\$ 5,000.00	\$ 5,000.00
11	INSTALLATION OF DRIVEN TIMBER PILES PER PLANS AND SPECIFICATIONS (Complete and in Place)	LS	1	FIFTY-NINE THOUSAND ONE HUNDRED THIRTY-SIX Dollars NO Cents	\$ 59,136.00	\$ 59,136.00
12	INSTALLATION OF DECK (Complete and in Place)	LS	1	NINETY-SEVEN THOUSAND ONE HUNDRED EIGHTY-TWO Dollars NO Cents	\$ 97,182.00	\$ 97,182.00
13	INSTALLATION OF PAVILION ROOF (Complete and in Place)	LS	1	FORTY-EIGHT THOUSAND ONE HUNDRED SIX Dollars NO Cents	\$ 48,106.00	\$ 48,106.00
TOTAL EVALUATED BASE BID BID ITEMS 1 through 13 (in numbers)						\$ 320,000.00
				THREE HUNDRED TWENTY THOUSAND Dollars NO Cents		