

AGREEMENT

THIS AGREEMENT is hereby made and entered into this ____ day of _____, 20__, (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 B&M Marine Construction, Inc., a Florida corporation (hereafter referred to as "Contractor"), whose address is 3500 S.W. 14 Street, Deerfield Beach, Florida 33442.

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. 2019-022, 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. 2019-022, 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 as Exhibit A, 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: B&M Marine Construction, Inc.
3500 S.W. 14 Street
Deerfield Beach, Florida 33442
Attn: Glen Bryant, 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: _____
Neal de Jesus, Interim City Mayor

ATTEST:

By: _____
Katerri Johnson, City Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: _____
Lynn Gelin, City Attorney

CONTRACTOR

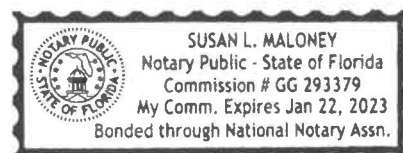
[SEAL]

By: Glen Bryant
Glen Bryant
Printed Name
President
Title

STATE OF FLORIDA
COUNTY OF Palm Beach

The foregoing instrument was acknowledged before me this 13th day of May, 2019, by Robert Glen Bryant, as President (name of officer or agent, title of officer or agent), of B&M Marine Const. 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 #B653767550140 (type of identification) as identification.

Susan L. Maloney
Notary Public – State of Florida



B&M Marine Construction, Inc.

Bid Contact **Mitch Bryant**
mbryant@bm-marine.com
Ph 954-421-1700

Address **3500 sw 14th street**
deerfield beach, FL 33442

Item #	Line Item	Notes	Unit Price	Qty/Unit	Attch. Docs
2019-022-01-01	General Conditions: Mobilization/Demobilization	Supplier Product Code:	First Offer - \$62,200.00	1 / lump sum	\$62,200.00 Y
2019-022-01-02	General Conditions: Contingency	Supplier Product Code:	First Offer - \$348,000.00 <u>\$192,062.23</u>	1 / lump sum	\$348,000.00 <u>\$192,062.23</u> Y <i>26</i>
2019-022-01-03	General Conditions: Maintenance of Traffic	Supplier Product Code:	First Offer - \$28,000.00	1 / lump sum	\$28,000.00 Y
2019-022-01-04	General Conditions: As-Built Record Drawings	Supplier Product Code:	First Offer - \$10,000.00	1 / lump sum	\$10,000.00 Y
2019-022-01-05	General Conditions: NPDES Permit	Supplier Product Code:	First Offer - \$12,500.00	1 / lump sum	\$12,500.00 Y
2019-022-01-06	General Conditions: Video / Photography / Documentation Survey	Supplier Product Code:	First Offer - \$12,000.00	1 / lump sum	\$12,000.00 Y
2019-022-01-07	General Conditions: Project Identification Signs	Supplier Product Code:	First Offer - \$4,000.00	1 / each	\$4,000.00 Y

Lot Total **\$476,700.00**

Item #	Line Item	Notes	Unit Price	Qty/Unit	Attch. Docs
2019-022-02-01	Civil - Grading & Drainage: Clearing and Grubbing	Supplier Product Code:	First Offer - \$8,450.00	1 / lump sum	\$8,450.00 Y
2019-022-02-02	Civil - Grading & Drainage: 60 Round Structure	Supplier Product Code:	First Offer - \$9,890.00	4 / each	\$39,560.00 Y
2019-022-02-03	Civil - Grading & Drainage: 96 Round Structure	Supplier Product Code:	First Offer - \$24,150.00	1 / each	\$24,150.00 Y
2019-022-02-04	Civil -	Supplier	First Offer - \$16,100.00	5 / each	\$80,500.00 Y

Grading &
Drainage:
WaStop Inline
Check Valve**Product
Code:**

2019-022-02-05	Civil - Grading & Drainage: 30R BMP Snout	Supplier Product Code:	First Offer - \$1,840.00	4 / each	\$7,360.00	Y
2019-022-02-06	Civil - Grading & Drainage: 72RTB96 BMP Snout	Supplier Product Code:	First Offer - \$10,350.00	1 / each	\$10,350.00	Y
2019-022-02-07	Civil - Grading & Drainage: 24 RCP	Supplier Product Code:	First Offer - \$880.00	60 / linear foot	\$52,800.00	Y
2019-022-02-08	Civil - Grading & Drainage: 48 RCP	Supplier Product Code:	First Offer - \$1,066.6667	15 / linear foot	\$16,000.0005	Y
2019-022-02-09	Civil - Grading & Drainage: 4 Thick Concrete Slab/Sidewalk	Supplier Product Code:	First Offer - \$6.9474	1900 / square foot	\$13,200.06	Y
2019-022-02-10	Civil - Grading & Drainage: FDOT Guiderail	Supplier Product Code:	First Offer - \$54.00	120 / linear foot	\$6,480.00	Y
2019-022-02-11	Civil - Grading & Drainage: Earthwork	Supplier Product Code:	First Offer - \$20.8571	350 / cubic yard	\$7,299.985	Y
2019-022-02-12	Civil - Grading & Drainage: Imported Fill	Supplier Product Code:	First Offer - \$65.00	225 / cubic yard	\$14,625.00	Y
Lot Total					\$280,775.0455	

Item #	Line Item	Notes	Unit Price	Qty/Unit	Attch.	Docs
2019-022-03-01	Civil - Water & Wastewater: 2 Polyethylene Water Service	Supplier Product Code:	First Offer - \$79.695	800 / linear foot	\$63,756.00	Y

2019-022-03-02	Civil - Water & Wastewater: 2 Polyethylene Wastewater Vacuum Service	Supplier Product Code:	First Offer - \$28.405	800 / linear foot	\$22,724.00	Y
----------------	--	-------------------------------	-------------------------------	-------------------	--------------------	---

2019-022-03-03	Civil - Water & Wastewater: Vacuum Wastewater System Components	Supplier Product Code:	First Offer - \$106,100.00	1 / lump sum	\$106,100.00	Y
----------------	---	-------------------------------	-----------------------------------	--------------	---------------------	---

Lot Total \$192,580.00

Item #	Line Item	Notes	Unit Price	Qty/Unit	Attch.	Docs
2019-022-04-01	Civil - Other: Decorative Fencing	Supplier Product Code:	First Offer - \$46.875	640 / linear foot	\$30,000.00	Y
2019-022-04-02	Civil - Other: Gazebos, Pergolas, & Flag Pole	Supplier Product Code:	First Offer - \$150,000.00	1 / lump sum	\$150,000.00	Y
2019-022-04-03	Civil - Other: Bicycle Racks	Supplier Product Code:	First Offer - \$5,000.00	1 / lump sum	\$5,000.00	Y

Lot Total \$185,000.00

Item #	Line Item	Notes	Unit Price	Qty/Unit	Attch.	Docs
2019-022-05-01	Landscape & Irrigation - Tree/Palm Relocation: Medium Palm	Supplier Product Code:	First Offer - \$575.00	1 / each	\$575.00	Y
2019-022-05-02	Landscape & Irrigation - Tree/Palm Relocation: Large Palm	Supplier Product Code:	First Offer - \$690.00	8 / each	\$5,520.00	Y
2019-022-05-03	Landscape & Irrigation - Tree/Palm Relocation: Small Tree	Supplier Product Code:	First Offer - \$287.50	2 / each	\$575.00	Y

Lot Total \$6,670.00

Item #	Line Item	Notes	Unit Price	Qty/Unit	Attch.	Docs
2019-022-06-01	Landscape & Irrigation - Trees/Palms: Hibiscus Rosa-Sinensis (Chinese	Supplier Product Code:	First Offer - \$287.60	5 / each	\$1,438.00	Y

Hibiscus)

					Lot Total	\$1,438.00		
Item #	Line Item	Notes	Unit Price	Qty/Unit	Attch.	Docs		
2019-022-07-01	Landscape & Irrigation - Shrub Areas: Dianella Tasmanica Variegata (Flax Lily)	Supplier Product Code:	First Offer - \$20.6983	116 / each	\$2,401.0028	Y		
2019-022-07-02	Landscape & Irrigation - Shrub Areas: Ficus Microcarpa Green Island (Green Island Ficus)	Supplier Product Code:	First Offer - \$20.7007	137 / each	\$2,835.9959	Y		
2019-022-07-03	Landscape & Irrigation - Shrub Areas: Nerium Oleander Dwarf Pink Ice (Pink Oleander)	Supplier Product Code:	First Offer - \$20.7021	94 / each	\$1,945.9974	Y		
2019-022-07-04	Landscape & Irrigation - Shrub Areas: Plumbago Auriculata (Blue Plumbago)	Supplier Product Code:	First Offer - \$20.699	103 / each	\$2,131.997	Y		
2019-022-07-05	Landscape & Irrigation - Shrub Areas: Podocarpus Macrophyllus (Podocarpus)	Supplier Product Code:	First Offer - \$51.80	10 / each	\$518.00	Y		
2019-022-07-06	Landscape & Irrigation - Shrub Areas: Schefflera Arboricola Trinette (Schefflera)	Supplier Product Code:	First Offer - \$20.7022	413 / each	\$8,550.0086	Y		
2019-022-07-07	Landscape & Irrigation - Shrub Areas: Tripsacum Floridana (Dwarf Fakahatchee)	Supplier Product Code:	First Offer - \$20.7143	70 / each	\$1,450.001	Y		
					Lot Total	\$19,833.0027		
Item #	Line Item	Notes	Unit Price	Qty/Unit	Attch.	Docs		
2019-022-08-01	Landscape & Irrigation - Sod: Stenotaphrum Secundatum (St. Augustine Sod)	Supplier Product Code:	First Offer - \$0.7695	13450 / square foot	\$10,349.775	Y		
					Lot Total	\$10,349.775		

Item #	Line Item	Notes	Unit Price	Qty/Unit	Attch. Docs
2019-022-09-01	Landscape & Irrigation - Irrigation System: Mainline Pipe	Supplier Product Code:	First Offer - \$9.92	400 / linear foot	\$3,968.00 Y
2019-022-09-02	Landscape & Irrigation - Irrigation System: Lateral Pipe	Supplier Product Code:	First Offer - \$5.5639	3710 / linear foot	\$20,642.069 Y
2019-022-09-03	Landscape & Irrigation - Irrigation System: Sleeve	Supplier Product Code:	First Offer - \$5.0385	130 / linear foot	\$655.005 Y
2019-022-09-04	Landscape & Irrigation - Irrigation System: Water Meter	Supplier Product Code:	First Offer - \$5,000.00	1 / each	\$5,000.00 Y
2019-022-09-05	Landscape & Irrigation - Irrigation System: Controller and Rain Sensor	Supplier Product Code:	First Offer - \$1,494.00	1 / each	\$1,494.00 Y
2019-022-09-06	Landscape & Irrigation - Irrigation System: Isolation Valve	Supplier Product Code:	First Offer - \$115.00	2 / each	\$230.00 Y
2019-022-09-07	Landscape & Irrigation - Irrigation System: Valve Assembly	Supplier Product Code:	First Offer - \$439.5714	7 / each	\$3,076.9998 Y
2019-022-09-08	Landscape & Irrigation - Irrigation System: Spray Head Assembly	Supplier Product Code:	First Offer - \$29.5517	174 / each	\$5,141.9958 Y
2019-022-09-09	Landscape & Irrigation - Irrigation System:	Supplier Product Code:	First Offer - \$62.5882	17 / each	\$1,063.9994 Y

Rotor
Assembly

2019-022-09-10	Landscape & Irrigation - Irrigation System: Bubbler Assembly	Supplier Product Code:	First Offer - \$31.8652	89 / each	\$2,836.0028	Y
2019-022-09-11	Landscape & Irrigation - Irrigation System: Backflow Preventer	Supplier Product Code:	First Offer - \$662.00	1 / each	\$662.00	Y
2019-022-09-12	Landscape & Irrigation - Irrigation System: Counter Valve - Hydrometer	Supplier Product Code:	First Offer - \$1,581.00	1 / each	\$1,581.00	Y

Lot Total \$46,351.0718

Item #	Line Item	Notes	Unit Price	Qty/Unit	Attch. Docs
2019-022-10-01	Electrical - LED Luminaires: Number of New Poles	Supplier Product Code:	First Offer - \$6,325.00	1 / each	\$6,325.00 Y
2019-022-10-02	Electrical - LED Luminaires: Number of New Luminaires 100W	Supplier Product Code:	First Offer - \$2,167.70	10 / each	\$21,677.00 Y
2019-022-10-03	Electrical - LED Luminaires: Number of New Bollards 25W	Supplier Product Code:	First Offer - \$2,024.00	5 / each	\$10,120.00 Y

Lot Total \$38,122.00

Item #	Line Item	Notes	Unit Price	Qty/Unit	Attch. Docs
2019-022-11-01	Electrical - Trenching, Conduit & Wire: 1 PVC	Supplier Product Code:	First Offer - \$1.8606	4920 / foot	\$9,154.152 Y
2019-022-11-02	Electrical - Trenching, Conduit & Wire: 1-1/4 PVC	Supplier Product Code:	First Offer - \$4.0557	2460 / foot	\$9,977.022 Y
2019-022-11-03	Electrical - Trenching, Conduit & Wire: 3 PVC	Supplier Product Code:	First Offer - \$3.8333	450 / foot	\$1,724.985 Y

2019-022--11-04 Electrical -
Trenching,
Conduit & Wire:
600A Panel
(Includes
Installation)

**Supplier
Product
Code:**

First Offer - \$23,054.50 2 / each

Lot Total \$66,965.159

Item #	Line Item	Notes	Unit Price	Qty/Unit	Attch. Docs
2019-022--12-01	Electrical - Wire Costs (Material & Installation): # 350 MCM	Supplier Product Code:	First Offer - \$12.8317	1200 / foot	\$15,398.04 Y
2019-022--12-02	Electrical - Wire Costs (Material & Installation): # 1	Supplier Product Code:	First Offer - \$5.3747	1225 / foot	\$6,584.0075 Y
2019-022--12-03	Electrical - Wire Costs (Material & Installation): # 1/0	Supplier Product Code:	First Offer - \$4.6405	3700 / foot	\$17,169.85 Y
2019-022--12-04	Electrical - Wire Costs (Material & Installation): # 6	Supplier Product Code:	First Offer - \$1.1358	2460 / foot	\$2,794.068 Y
2019-022--12-05	Electrical - Wire Costs (Material & Installation): Dock Pedstals: (Price Plus Installation)	Supplier Product Code:	First Offer - \$2,545.5714	14 / each	\$35,637.9996 Y

Lot Total \$77,583.9651

Item #	Line Item	Notes	Unit Price	Qty/Unit	Attch. Docs
2019-022--13-01	Electrical - Misc.: Wifi Components	Supplier Product Code:	First Offer - \$63,250.00	1 / lump sum	\$63,250.00 Y

Lot Total \$63,250.00

Item #	Line Item	Notes	Unit Price	Qty/Unit	Attch. Docs
2019-022--14-01	Electrical - Cabinet: SS Rackmount Server Cabinet	Supplier Product Code:	First Offer - \$16,100.00	1 / each	\$16,100.00 Y

Lot Total \$16,100.00

Item #	Line Item	Notes	Unit Price	Qty/Unit	Attch. Docs
2019-022--15-01	Structural:	Supplier	First Offer - \$199,300.00	1 / lump sum	\$199,300.00 Y

Demolition **Product
Code:**

				Lot Total	\$199,300.00		
Item #	Line Item	Notes	Unit Price	Qty/Unit	Attch.	Docs	
2019-022-16-01	Structural -Seawall: Concrete Cap	Supplier Product Code:	First Offer - \$612.50	800 / linear foot	\$490,000.00	Y	
2019-022-16-02	Structural -Seawall: 14 SQ Concrete King Piles	Supplier Product Code:	First Offer - \$62.1773	4455 / linear foot	\$276,999.8715	Y	
2019-022-16-03	Structural -Seawall: 14 SQ Concrete Batter Piles	Supplier Product Code:	First Offer - \$62.1773	4455 / linear foot	\$276,999.8715	Y	
2019-022-16-04	Structural -Seawall: 8 X 14 Long Concrete Sheet Panels	Supplier Product Code:	First Offer - \$3,640.00	100 / each	\$364,000.00	Y	

				Lot Total	\$1,407,999.743		
Item #	Line Item	Notes	Unit Price	Qty/Unit	Attch.	Docs	
2019-022-17-01	Structural - Marginal Docks: Decking and Supports	Supplier Product Code:	First Offer - \$240.00	225 / linear foot	\$54,000.00	Y	
2019-022-17-02	Structural - Marginal Docks: 14 SQ Concrete Dock Piles	Supplier Product Code:	First Offer - \$63.0612	980 / linear foot	\$61,799.976	Y	
2019-022-17-03	Structural - Marginal Docks: 12 Diameter Wood Mooring Piles	Supplier Product Code:	First Offer - \$60.8696	805 / linear foot	\$49,000.028	Y	

				Lot Total	\$164,800.004		
Item #	Line Item	Notes	Unit Price	Qty/Unit	Attch.	Docs	
2019-022-18-01	Structural - Floating Docks: Floating Dock with Gangway	Supplier Product Code:	First Offer - \$64,020.00	10 / each	\$640,200.00	Y	

		Lot Total				
Item #	Line Item	Notes	Unit Price	Qty/Unit	Attch.	Docs
2019-022-19-01	Add Alternate: Lady Atlantic Boat Ramp	Supplier First Offer - Product Code:	\$10,000.00	1 / lump sum	\$10,000.00	Y
2019-022-19-02	Add Alternate: IPE Wood Decking	Supplier First Offer - Product Code:	\$112.00	225 / linear foot	\$25,200.00	Y
2019-022-19-03	Add Alternate: (3) Coats of Class V Finish	Supplier First Offer - Product Code:	\$33.40	800 / linear foot	\$26,720.00	Y

Lot Total \$61,920.00

Supplier Total ~~\$3,955,937.7661~~

\$3,800,000.00

[Signature]