

AGREEMENT

THIS AGREEMENT, made this _____ day of _____, 2019, by and between the City of Warrensburg, Missouri, hereinafter call "CITY" and Emery Sapp & Son's, Inc. hereinafter called "CONTRACTOR".

WITNESSETH: That for and in consideration of the payments and agreements herein after mentioned:

1. The CONTRACTOR will commence and complete the construction of 2019 STREET MAINTENANCE PROGRAM, HOT MIX OVERLAY as fully described in the Contract documents.

2. The CONTRACTOR will furnish all of the materials, supplies, tools, equipment labor, and other services necessary for the construction and completion of the PROJECT described herein, including all excavation, backfill, compaction and barricading.

3. The CONTRACTOR will commence the WORK required by the CONTRACT DOCUMENTS within ten (10) calendar days after the date of the NOTICE TO PROCEED and will complete the same within a period of forty-five (45) calendar days from the NOTICE TO PROCEED unless the period for completion is extended otherwise by the CONTRACT DOCUMENTS.

4. The CONTRACTOR agrees to perform all of the WORK described in the CONTRACT DOCUMENTS and comply with the terms therein for the sum of four hundred sixteen thousand twenty-six dollars and sixty-seven cents (\$416,026.67).

5. The term "CONTRACT DOCUMENTS" means and includes the following:

- A. Advertisement for BIDS
- B. Instructions to BIDDERS and all BID DOCUMENTS, including INVITATION TO BID and REQUEST FOR BID
- C. BID RESPONSE
- D. BID BOND
- E. THIS AGREEMENT
- F. GENERAL CONDITIONS
- G. Payment BOND
- H. Performance BOND
- I. Maintenance BOND
- J. NOTICE OF AWARD
- K. NOTICE TO PROCEED
- L. TECHNICAL SPECIFICATIONS AND DRAWINGS

- M. PREVAILING WAGE ORDER
- N. ALL ADDENDA AND CHANGE ORDERS

The CONTRACT DOCUMENTS will be construed in harmony whenever possible, but in the event of conflict shall be considered in the following hierarchy:

- Change Orders
- Contract Amendments
- Proceed/Field Orders
- Addenda
- General Conditions
- Specifications
- Bid Instructions
- Bid Response

6. The CITY will pay to the CONTRACTOR in the manner and at such times as set forth in the General Conditions such amounts as required by the CONTRACT DOCUMENTS.

7. This Agreement shall be binding upon all parties hereto and their respective heirs, executors, administrators, successors and assigns.

IN WITNESS WHEREOF, the parties hereto have executed or caused to be executed by their duly authorized officials, this Agreement in Three (3) copies each of which shall be deemed an original on the date first above written.

THE CITY OF WARRENSBURG, MISSOURI

By: Harold Stewart, II, City Manager

ATTEST:

Cindy Gabel, City Clerk

CONTRACTOR:

Emery Sapp & Sons, Inc.

By: _____

Address: 2301 I-70 Drive NW

Columbia, MO 65202

Employer Identification Number: 43-1708848

ATTEST:

By: _____

Dan Hoover