

## AGREEMENT

Division 00500

THIS AGREEMENT is made by and between the COUNTY OF MONTEREY, a political subdivision of the State of California, hereinafter called "COUNTY," and THE DON CHAPIN COMPANY, INC., hereinafter called "CONTRACTOR." For reference purposes, the date of this Agreement is APRIL 22, 2014.

THE COUNTY AND THE CONTRACTOR hereby agree as follows:

### ARTICLE 1. SCOPE OF WORK.

CONTRACTOR shall, within the time stipulated, perform the contract as herein defined and shall furnish all work, labor, equipment, transportation, material, and services to construct and complete in a good, expeditious, workmanlike, and substantial manner, the project: CHUALAR SANITARY SEWER REHABILITATION, PROJECT NO. 093-45, BID NO. 10479.

All work shall be completed in strict conformance with the plans, specifications, and working details prepared by CONSULTING CIVIL ENGINEERS SCHAAF & WHEELER, and the provisions of the documents listed in Article 6 below, and to the satisfaction of COUNTY.

### ARTICLE 2. TIME FOR START AND COMPLETION.

CONTRACTOR shall commence the work on the starting date established in the Notice to Proceed and shall complete the bid work within the overall project duration of 30 working days as it pertains to CONTRACTOR's scope of work as defined by the contract documents. Additionally, CONTRACTOR shall coordinate their work with all other contractors whose work is affected by the scope of work defined in this Agreement. CONTRACTOR expressly agrees to provide appropriate labor, materials, and equipment in response to adjustments in the Project Schedule made by the Monterey County Director of Public Works or his/her designee during the course of the project in order to maintain the required progress.

### ARTICLE 3. CONTRACT PRICE.

COUNTY shall pay CONTRACTOR as full consideration for the performance of the contract, inclusive of Base Bid and Additive Alternate 1, subject to any additions or deductions as provided in the contract documents, the contract sum of:

FIFTY-NINE THOUSAND, NINE HUNDRED DOLLARS,

*numerical \$ amount: \$ 59,900.00.*

### ARTICLE 4. LIQUIDATED DAMAGES.

THE PARTIES AGREE THAT IN CASE ALL THE WORK CALLED FOR UNDER THE CONTRACT IN ALL PARTS AND REQUIREMENTS IS NOT COMPLETED WITHIN THE TIME SPECIFIED IN THE CONTRACT DOCUMENTS, DAMAGE WILL BE SUSTAINED BY THE COUNTY, AND THAT IT IS AND WILL BE IMPRACTICABLE AND EXTREMELY DIFFICULT TO DETERMINE THE ACTUAL DAMAGE WHICH THE COUNTY WILL THEREBY SUSTAIN. THE PARTIES THEREFORE AGREE THAT THE

CONTRACTOR WILL PAY TO THE COUNTY THE SUM SET FORTH IN THE **SPECIAL CONDITIONS**, IF ANY, FOR EACH CALENDAR DAY OF DELAY UNTIL THE WORK IS COMPLETED AND ACCEPTED. CONTRACTOR AND HIS SURETY SHALL BE LIABLE FOR THE TOTAL AMOUNT THEREOF. CONTRACTOR AGREES TO PAY SAID LIQUIDATED DAMAGES ESTABLISHED HEREIN, AND FURTHER AGREES THAT THE COUNTY MAY DEDUCT THE AMOUNT THEREOF FROM ANY MONIES DUE OR THAT MAY BECOME DUE THE CONTRACTOR UNDER THE CONTRACT.

ARTICLE 5. NOTIFICATION OF THIRD-PARTY CLAIMS.

COUNTY shall notify CONTRACTOR of the receipt of any third-party claim relating to the contract and is entitled to recover its reasonable costs incurred in providing the notification as provided in Public Contract Code Section 9201.

ARTICLE 6. COMPONENT PARTS OF THIS CONTRACT.

The contract entered into by this Agreement consists of the following documents, all of which are component parts of the contract as if herein set out in full or attached hereto:

- Notice to Contractors
- Information for Bidders
- Bid, as accepted
- Workers' Compensation Certificate
- Affidavit Concerning Employment of Undocumented Aliens
- 12A Disclosure of Lobbying Activities
- 12B Local Agency Bidder DBE Commitment
- 12C Bidder List of Subcontractors Part I & II
- 12D Debarment & Suspension Certificate
- 12E Non-Collusion Affidavit
- 12F DBE Information - Good Faith Efforts
- Written Plan to Recruit Monterey Bay Area Residents, when applicable
- Bid Bond or Bidder's Security Agreement
- Performance Bond
- Payment Bond
- Insurance Certificate
- Division 00710 General Conditions, Bid No. 10479
- Division 00730 Special Conditions, Bid No. 10479
- Technical Specifications, Plans and Working Details as Prepared by Consulting Civil Engineers Schaaf & Wheeler
- Exhibits: Exhibit 1 Project Schedule & Exhibit 2 CDBG Federal Terms & Conditions
- As issued, Project Addenda Nos: 1 & 2

All of the above-named contract documents are intended to be complementary. Work required by one of the above-named contract documents and not by others shall be done as if required by all.

IN WITNESS WHEREOF, the parties have duly executed four (4) identical counterparts of this instrument, each of which shall be for all purposes deemed an original thereof, on the dates set forth below.

**COUNTY OF MONTEREY**

By: [Signature]

Name: Robert K. Murdoch, P.E.

Title: Director of Public Works

Date: APRIL 22, 2014

**APPROVED AS TO FORM**

**CONTRACTS/PURCHASING**

By: \_\_\_\_\_

Name: Mike Derr

Title: Contracts/Purchasing Officer

Date: APRIL \_\_\_\_\_, 2014

**APPROVED AS TO FORM & LEGALITY**

**COUNTY COUNSEL**

By: [Signature]

Name: Cynthia Hasson

Title: Deputy County Counsel

Date: APRIL 18, 2014

**APPROVED AS TO FISCAL TERMS**

**COUNTY AUDITOR-CONTROLLER**

By: [Signature]

Name: Gary Giboney

Title: Chief Deputy Auditor-Controller

Date: APRIL 18, 2014

**APPROVED AS TO INDEMNITY/INSURANCE LANGUAGE**

**RISK MANAGEMENT MONTEREY**

By: [Signature]

Name: Steven F. Mauck

Title: Risk Manager [Signature]

Date: APRIL 18, 2014

**CONTRACTOR: THE DON CHAPIN COMPANY, INC**

By: [Signature]

Principal Name: DONALD D. CHAPIN, JR.

Title: PRESIDENT

Date: APRIL 17, 2014

By: [Signature]

Principal Name2: DAVID T. NELSON

Title: SECRETARY

Date: APRIL 17, 2014

**COMPANY ADDRESS:**

THE DON CHAPIN COMPANY, INC.

560 CRAZY HORSE CANYON RD, SALINAS CA 93907

Contractor's License Type: A, B, C-12, C42, HIC, HAZ

License Number: 406512

License Expiration Date: 06/30/2015

**NOTE:** CONTRACTORS ARE REQUIRED TO BE LICENSED AND REGULATED BY THE CONTRACTORS' STATE LICENSE BOARD. ANY QUESTIONS CONCERNING A CONTRACTOR MAY BE REFERRED TO THE REGISTRAR, CONTRACTORS' STATE LICENSE BOARD/P O BOX 26000/ SACRAMENTO CA 95826

**INSTRUCTIONS:** If bidder is a corporation, the full legal name of the corporation shall be set forth above together with the signatures of authorized officers or agents and the document shall bear the corporate seal; if bidder is a partnership, the full name of the firm shall be set forth above together with the signature of the partner or partners authorized to sign contracts on behalf of the partnership; and if bidder is an individual, his signature shall be placed above.