

## **CONTRACT AGREEMENT**

This Agreement, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2019, between the CITY OF OREGON CITY ("CITY"), acting by and through the City Commission and CANBY EXCAVATING, INC. ("CONTRACTOR").

Witnesseth, that the CONTRACTOR and the CITY, for the considerations stated herein, agree as follows:

### **ARTICLE I - Scope of Work**

The CONTRACTOR hereby agrees to furnish all of the materials, equipment and labor necessary, and to perform all of the work for the project entitled: **MEYERS ROAD EXTENSION PROJECT (CI 17-001)** in accordance with the contract documents which are hereby made a part of this agreement.

The contract documents consist of:

Invitation to Bid Scope of Work Instructions to Bidders Bid Proposal and Bid Schedule Compliance with ORS 279C.840 Resident Bidder Status Certification of Drug Testing Program Non-Collusion Statement Asbestos Certification Registrations Certification of Non-Discrimination Certification of Compliance with Tax Law Bidder Responsibility Form Bid Bond First Tier Subcontractor Disclosure Form Customer Service Acknowledgment Form Contract Agreement Qualification of Bidder Form Oregon City Public Improvement Standard Conditions	Statutory Conditions to Contract Agreement Performance Bond Payment Bond State of Oregon Statutory Public Works Bond General Conditions Prevailing Wage Rates for Public Works Contracts in Oregon, dated January 1, 2019 Prevailing Wage Rate Amendment dated April 1, 2019 Prevailing Wage Apprenticeship Rates dated April 1, 2019 Definitions of Covered Occupations for Public Works Contracts in Oregon dated July 1, 2018 Special Provisions Contract Drawings City of Oregon City Standard Details Technical Specifications 2018 Oregon Standard Specifications for Construction (ODOT and APWA) as referenced by these documents All items included within these Contract Documents
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The order of items cited above does not constitute an order of precedence different than that established in the special or standard specifications. Equivalent titles, which may be substituted for the above listed items, are included as if specifically named.

### **ARTICLE II - Time of Completion**

The Contractor shall complete all Work to be done under the Contract, except for seeding establishment and plant establishment, before the elapse of **530 Calendar Days**, or **not later than June 30, 2021**, whichever occurs first.

### **ARTICLE III – Contract Amount**

The Contract Amount for the work covered by this Agreement is estimated to be **seven million, two hundred and eighteen thousand, seven hundred and eighty-six and 00/100 dollars (\$7,218,786.00)**

**ARTICLE IV - Warranty and Quality of Work**

In addition to all other warranties, express or implied, that are part of this Agreement, the Contractor expressly warrants to the City for a period of one year from acceptance of the work by the City that all materials and equipment furnished under this contract will be new, unless otherwise specified, and that the work will be of good quality, free from faults and defects and in conformance with the City's specifications. Work that does not conform to these standards shall be considered defective.

Contractor shall, at its own expense, make good and repair any and all defects arising from faulty workmanship or materials, if the defective work is discovered within the one-year warranty period and notice thereof is given to the Contractor within 60 days after the expiration of the warranty period. If required by the City, the Contractor shall furnish satisfactory evidence as to the kind and quality of materials and equipment used to repair the defect.

In witness whereof, the parties hereto have executed this agreement, the day and year first above written.

**CITY OF OREGON CITY**

**CANBY EXCAVATING, INC.**

by: \_\_\_\_\_  
Anthony J. Konkol III  
City Manager

\_\_\_\_\_  
Printed Name

by: \_\_\_\_\_  
Authorized signature

by: \_\_\_\_\_  
John M. Lewis, P.E.  
Public Works Director

\_\_\_\_\_  
Title

Federal Taxpayer ID Number:  
\_\_\_\_\_  
\_\_\_\_\_

Approved as to Legal Sufficiency:

Address:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

By: \_\_\_\_\_  
City Attorney

City Commission Award Date:  
\_\_\_\_\_  
\_\_\_\_\_