

To: BECK EXCAVATING, INC.
2903 15TH STREET, PO BOX 348
SPIRIT LAKE IA 51360

Re: 2015 HIGHWAY 86
175TH STREET TO 180TH STREET - TRAIL PAVING IMPROVEMENTS
DICKINSON COUNTY, IOWA
JWA PROJECT NO: E12133

Gentlemen:

The Owners, represented by the undersigned, have considered the proposal submitted by you for the above-referred work in response to its "Notice of Hearing and Letting".

It appearing that it is the best interest of the said Owner to accept your proposal in the amount of \$120,448.50, you are hereby notified that your proposal has been accepted for the construction of the 2015 HIGHWAY 86 – 175TH STREET TO 180TH STREET - TRAIL PAVING IMPROVEMENTS, DICKINSON COUNTY, IOWA.

You are required to execute the formal contract with the undersigned Owner and to furnish the required Contractor's performance and payment bond and certificate of insurance within the terms specified in the Instructions to Bidders.

If you fail to execute said contract and to furnish said bond within fifteen (15) days from the date of delivery of the Notice of Award, said Owner will be entitled to consider all your rights arising out of the Owner's acceptance of your proposal as abandoned and to award the work covered by your proposal to another, or to re-advertise the work or otherwise dispose thereof as the Owner may see fit. Further, your bid bond enclosed with your bid will be forfeited if you neglect or refuse to enter into a contract and to furnish bond within the time specified.

Four (4) copies of the Agreement are enclosed. You are required to return all the copies, together with the required bond and certificate of insurance, after putting your dated signature and attestation at places indicated.

Dated this 12th day of May, 2015.

OWNER DICKINSON COUNTY BOARD OF SUPERVISORS

SIGNED BY 

PRINT NAME David Grittsche

END OF SECTION

CONTRACT CHANGE ORDER

TO: **Beck Excavating Inc.**
2903 15TH STREET, PO BOX 348
SPIRIT LAKE IA 51360

DATE: **May 21, 2015**
 PROJECT: **2015 Highway 86 –**
175th-180th Trail Paving
Improvements
Dickinson County, IA
JWA Project: E12133

You are hereby requested to make the following changes to the contract plans and specifications:

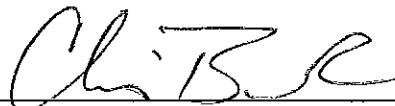

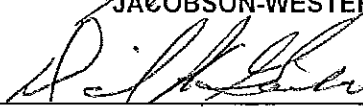
NATURE OF CHANGES: Contractor shall delete Bid Items #2 Earth Shoulder Finishing and #8 Seeding & Fertilizing – Rural from the contract. Contractor shall add Fine Grading to the contract.

<u>DELETE:</u> <u>Earth Shoulder Finishing:</u> 30.00 STA @ \$250/STA	=	-\$ 7,500.00
<u>Seeding & Fertilizing – Rural:</u> 0.70 Acre @ \$3,500/acre	=	-\$ 2,450.00
 <u>ADD:</u> <u>Fine Grading:</u> 1 L.S. @ \$1,500/L.S.	=	+\$ 1,500.00
NET CHANGE	=	-\$ 8,450.00

CONTRACT PRICE PRIOR TO THIS CHANGE ORDER	\$120,448.50
NET DECREASE RESULTING FROM THIS CHANGE ORDER	\$ <u>8,450.00</u>
CURRENT CONTRACT PRICE INCLUDING THIS CHANGE ORDER	<u>\$111,998.50</u>

THE CONTRACT TIME FOR COMPLETION WILL BE UNCHANGED.
 THE DATE OF COMPLETION IS THEREFORE JULY 31, 2015.

THIS DOCUMENT WILL BECOME A SUPPLEMENT TO THE CONTRACT AND ALL PROVISIONS WILL APPLY HERETO.

REQUESTED	 _____ BECK EXCAVATING, INC.	<u>5/21/15</u> DATE
RECOMMENDED	 _____ JACOBSON-WESTERGARD & ASSOCIATES, INC.	<u>5/21/15</u> DATE
ACCEPTED	 _____ DICKINSON COUNTY BOARD OF SUPERVISORS	<u>5.26.2015</u> DATE

AGREEMENT

SECTION 0500

THIS AGREEMENT, made and entered into this 12th day of May, 2015, by and between the DICKINSON COUNTY BOARD OF SUPERVISORS, hereinafter called OWNER, and BECK EXCAVATING, INC, hereinafter called CONTRACTOR.

WITNESSETH: That whereas the OWNER has heretofore caused to be prepared certain plans, specifications and proposal blanks, for the Project generally described as follows: 2015 HIGHWAY 86 - 175TH TO 180TH - TRAIL PAVING IMPROVEMENTS, DICKINSON COUNTY, IOWA, under the terms and conditions therein fully stated and set forth, and,

Whereas, said plans, specifications and proposal accurately and fully describe the terms and conditions upon which the CONTRACTOR is willing to perform the work specified:

NOW, THEREFORE, IT IS AGREED:

1. That the OWNER hereby accepts the proposal of the CONTRACTOR as shown on Bid Form, and shall pay Contractor for completion of all work at the prices stated in Bid Form in the amount of \$120,448.50.
2. With a written Notice to Proceed received by the Contractor within 30 days of Bid opening, all portions of the work shall be completed and accepted as detailed in the Notice of Hearing and Letting by July 31, 2015 (as stated in Addendum #1) subject to any contract time extension granted by the Owner.
3. Owner and Contractor recognize that time is of the essence on this Project and that the Owner may suffer financial loss if the work is not completed by the specified date plus any approved time extensions. Both parties also recognize that it may be difficult to prove actual losses by the Owner should the work not be completed before the Contract completion date. It is further agreed then that the Contractor shall pay the Owner the sum of \$200.00 per day as liquidated damages, not necessarily actual financial loss, for every day after the Contract completion date until the work is completed and accepted.
4. That this Contract consists of the following component parts which are made a part of this Agreement and Contract as fully and absolutely as if they were set out in detail in this Contract:

<ol style="list-style-type: none"> a. Specifications b. Plans c. Notice of Hearing and Letting d. Special Conditions e. General Conditions 	<ol style="list-style-type: none"> f. CONTRACTOR's Bid g. This Agreement h. Performance and Payment Bond i. Addenda Number 1
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Above components are complementary, and what is called for by one shall be as binding as if called for by all.

5. That payments are to be made to the CONTRACTOR in accordance with and subject to the provisions embodied in the documents made a part of this Contract.
6. That this Contract is executed in four copies.
7. In WITNESS WHEREOF, the Owner and Contractor have caused this Agreement to be executed the date first written above.

OWNER: Dickinson County Board of Supervisors
 By [Signature]
 Title Chair - Board of Supervisors
 (SEAL)

CONTRACTOR: Beck Excavating, Inc.
 By [Signature]
 Title Vice President
 (SEAL)

ATTEST: [Signature]
 Title County Auditor

ATTEST: [Signature]
 KENNETH E. BECK
 Title PRES.