

SECTION 00500

**AGREEMENT FORM**

**CUMBERLAND AVENUE LANDSCAPE PLANS PHASE I**

This agreement, made this 21<sup>st</sup> day of December, 2009 at West Lafayette, Indiana, by and between the Board of Public Works and Safety for the City of West Lafayette, Indiana (hereinafter referred to as the "City") and Roudebush Grading, Inc. (hereinafter referred to as the "Contractor").

**WITNESSETH:**

That in consideration of the mutual covenants hereinafter set forth, the City and the Contractor agree as follows:

**Article 1: SCOPE OF WORK**

The Contractor shall furnish all labor and tools and equipment and do all things required for complete installation and maintenance of the landscape plantings in accordance with the plans and specifications. The plans and specifications shall be on file in the office of the City Engineer.

**Article 2: PAYMENT**

The City shall pay to the Contractor, in full and complete payment for all performance of the Contract, in current funds. The estimated sum of \$214,595.62 defined as the contract price, and computed from the Contractors Bid included herein. The final contract price will be the result of the actual installed quantities of materials multiplied by the corresponding contract unit prices. Variance from the estimated plan quantities will be done by change order for any additions or deletions to the contract as determined by the work and approved by the West Lafayette Board of Public Works and Safety.

Said contract price shall be paid to the Contractor in installments in the manner provided in, and under conditions of, the General Conditions.

If litigation is commenced to enforce any term of this contract, the prevailing party is entitled to receive litigation costs including reasonable attorney fees.

**Article 3: CONTRACT DOCUMENTS**

The contract documents include this agreement, current wage rate table, the General Conditions, Special Conditions, Materials Specifications, the Contractor's maintenance bond, and the Contractor's certification of insurance, together with plans and any subsequent addenda.

Said documents are hereby incorporated into and made a part of this agreement the same  
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as if herein fully set forth.

**Article 4: SEVERANCE**

The intent of the parties is that this agreement be deemed entire in the sense that its purpose is to establish one price for the doing of the whole work, and that it be deemed severable in the sense that the voidance of any part or portion shall not void the remainder.

It is understood and agreed that partial payments may be made for the mutual convenience of the City and Contractor but shall not be construed as the City's acceptance of a part or portion of the work. Acceptance is to only in the manner prescribed in the General Conditions.

**Article 5: RECORDS**

The Contractor will maintain proper records for review by the City.

**Article 6: DATE OF COMPLETION**

The Contractor agrees that he will have the work contained in this contract substantially complete by October 1, 2010 except for landscape maintenance.

**IN WITNESS WHEREOF** we have set our hands the day and year first above written.

**CONTRACTOR:**

**BOARD OF PUBLIC WORKS AND SAFETY**

\_\_\_\_\_  
Name, Title  
Company Name

\_\_\_\_\_  
John R. Dennis, Mayor

\_\_\_\_\_  
Bradley W. Marley, Member

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Sana G. Booker, Member

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ATTEST: Judith C. Rhodes, Clerk-Treasurer

END OF SECTION

Roudebush Grading, Inc.  
Cumberland Ave. Ph. 1 - Landscaping  
Supplier / Subcontractor List  
December 16, 2009

Subcontractor	Address	Description
Lawn & Shrub	3721 N. 500 E. Lafayette, IN 47905	Irrigating System & Lawn Maintenance
Tree Movers	9846 Gulf Stream Ct. Fishers, IN 46037	Tree Moving
Supplier	Address	Description
Ameri-Turf	4238 E. County Rd. 100 S Anderson, IN 46017	Sod
John Deere Landscapes	24110 Network Place Chicago, IL 60673-1241	Landscape Material
Tiffany Lawn & Garden Supply	4931 Robison Rd. Indianapolis, IN 46268	Landscape Stone
JFNew	PO Box 893 South Bend, IN 46624	Wetland Plantings
The Cisco Companies	602 North Shortridge Rd. Indianapolis, IN 46219	Seed
Otto's Parking Marking Co.	2449 E. Main St. Greenwood, IN 46143	Native Signage