COTTONWOOD HEIGHTS

RESOLUTION NO. 2014-57

A RESOLUTION APPROVING AND RATIFYING A BID AND AWARDING A CONSTRUCTION CONTRACT TO MILLER PAVING, INC. (PARK-N-RIDE LOT)

WHEREAS, the city council (the "*Council*") of the city of Cottonwood Heights (the "*City*") met on 9 September 2014 to consider, among other things, (a) approving and ratifying the City's acceptance of a $1,123,512.56 bid from Miller Paving, Inc. ("*Contractor*") for storm drain, park-n-ride lot and trail projects under the City's project no. CHC.279-275 (the "*Project*"); and (b) authorizing the City's entry into an agreement for such construction services (the "*Agreement*") with Contractor on such terms and conditions as may be approved by the City's mayor and manager in consultation with the City's director of public works, the City engineer and the City attorney, a draft copy of which is annexed as an exhibit hereto; and

WHEREAS, after careful consideration, the Council has determined that it is in the best interests of the health, safety and welfare of the citizens of the City to approve and ratify the City's acceptance of Contractor's bid for the Project and to authorize the City's entry into the Agreement with Contractor as proposed;

NOW, THEREFORE, BE IT RESOLVED by the city council of Cottonwood Heights that the Council hereby (a) approves and ratifies the City's acceptance of Contractor's bid for the Project, and (b) authorizes the City's entry into the Agreement with Contractor on such terms and conditions as may be approved by the City's mayor and manager in consultation with the City's director of public works, the City engineer and the City attorney.

This Resolution, assigned no. 2014-57, shall take effect immediately upon passage.

PASSED AND APPROVED this 9th day of September 2014.

COTTONWOOD HEIGHTS CITY COUNCIL

By _____
Kelvyn H. Cullimore, Jr., Mayor

ATTEST:

_____
Kory Solorio, Recorder

VOTING:

Kelvyn H. Cullimore, Jr.	Yea ✓	Nay ___
Michael L. Shelton	Yea ✓	Nay ___
J. Scott Bracken	Yea ✓	Nay ___
Michael J. Peterson	Yea ✓	Nay ___
Tee W. Tyler	Yea ✓	Nay ___

DEPOSITED in the office of the City Recorder this 9th day of September 2014.

RECORDED this 10 day of September 2014.

SECTION 00500

AGREEMENT

THIS AGREEMENT, made this 9th day of September 2014, by and between the CITY OF COTTONWOOD HEIGHTS, hereinafter called "OWNER" and Miller Paving, Inc. doing business as A Corporation, hereinafter called "CONTRACTOR".

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

1. The CONTRACTOR will commence and complete construction of the "STORM DRAIN, PARK-N-RIDE LOT, AND ACCESS TRAIL PROJECTS ALONG FORT UNION BOULEVARD AND BIG COTTONWOOD CANYON ROAD, WEST & EAST OF WASATCH BOULEVARD --- PROJECT NO. CHC.279-275".

2. The CONTRACTOR will furnish all of materials, supplies, tools, equipment, labor and other services necessary for the construction and completion of the PROJECTS described herein.

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; unless the period for completion is extended otherwise by the CONTRACT DOCUMENTS.

4. The CONTRACTOR will commence the total 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 NINETY (90) calendar days after the date of the NOTICE TO PROCEED; unless the period for completion is extended otherwise by the CONTRACT DOCUMENTS.

5. The CONTRACTOR agrees to perform all of the WORK described in the CONTRACT DOCUMENTS and comply with the terms therein for the sum as shown in the BID schedule.

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

(A) SECTION 00100 - INVITATION TO BID
(B) SECTION 00200 - INSTRUCTIONS TO BIDDERS
(C) SECTION 00250 - ADDITIONAL INSTRUCTIONS TO BIDDERS
(D) SECTION 00260 - CONTRACTOR'S QUALIFICATION AND EXPERIENCE AFFIDAVIT
(E) SECTION 00410 - BID
(F) SECTION 00420 - BID SCHEDULE

(G) SECTION 00450 - BID BOND
(H) SECTION 00500 - AGREEMENT
(I) SECTION 00510 - PAYMENT BOND (100 PERCENT)
(J) SECTION 00520 - PERFORMANCE BOND (100 PERCENT)
(K) SECTION 00530 - NOTICE OF AWARD
(L) SECTION 00540 - NOTICE TO PROCEED
(M) SECTION 00560 - CHANGE ORDER
(N) SECTION 00570 - NOTICE OF SUBSTANTIAL COMPLETION
(O) SECTION 00580 - NOTICE OF COMPLETION
(P) GENERAL CONDITIONS
(Q) SUPPLEMENTAL GENERAL CONDITIONS
(R) SPECIFICATIONS prepared and issued by GILSON ENGINEERING, INC. Consulting Engineers, dated JULY, 2014.
(S) DRAWINGS prepared by Gilson Engineering, Consulting Engineers (See enumeration in Supplemental General Conditions)
(T) ADDENDA:
No. 1 , dated August 12 , 2014.
No. 2 , dated August 18 , 2014.
No. 4 , dated August 19 , 2014.
No. 3 , dated August 25 , 2014.
No. 5 , dated August 26 , 2014.

7. The OWNER 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.

8. 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 five (5) copies, each of which shall be deemed an original on the date first above written.

OWNER:

CITY OF COTTONWOOD HEIGHTS

BY _____

NAME Kelvyn H. Cullimore, Jr.
(Please Type)

TITLE Mayor

(SEAL)

ATTEST:

_____

NAME Kory Solorio
(Please Type)

TITLE CITY RECORDER

CONTRACTOR:

Miller Paving, Inc.

BY _____

NAME David O. Harrison
(Please Type)

ADDRESS PO Box 57139

Murray, Utah 84157

(SEAL)

ATTEST:

_____

NAME _____
(Please Type)

TITLE _____