

## **AGREEMENT**

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THIS AGREEMENT, made and entered into this \_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between the City of Peoria, an Illinois Municipal Corporation, hereinafter called "OWNER" and Illinois Civil Contractors, Inc. doing business as (an individual) or (a partnership) or (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 the construction of the City of Peoria Combined Sewer Overflow Control Project – Year 1.
2. The CONTRACTOR will furnish all of the material, supplies, tools, equipment, labor and other services necessary for the construction and completion of the PROJECT described herein.
3. The CONTRACTOR will commence the work required by the Contract Documents within 14 calendar days after the date of the NOTICE TO PROCEED and will complete the same within 215 calendar days unless the period for completion is extended otherwise by the CONTRACT DOCUMENTS.
4. The CONTRACTOR agrees to perform all the WORK described in the CONTRACT DOCUMENTS and comply with the terms therein for the sum of \$3,627,117.07, or as shown in the BID schedule.
5. The term "CONTRACT DOCUMENTS" means and includes the following:
  - A. Advertisement for BIDS
  - B. Information for BIDDERS
  - C. BID
  - D. BID BOND
  - E. Agreement
  - F. Payment BOND
  - G. Performance BOND
  - H. NOTICE OF AWARD
  - I. NOTICE TO PROCEED
  - J. CHANGE ORDER
  - K. DRAWINGS and SPECIFICATIONS bearing the title City of Peoria Combined Sewer Overflow Control Project - Year 1
  - L. ADDENDA:
    - No. 1 \_\_\_\_\_, dated January 4 \_\_\_\_\_, 20 22
    - No. 2 \_\_\_\_\_, dated January 25 \_\_\_\_\_, 20 22

No. 3, dated February 2, 20 22

- 6. The OWNER will pay to the CONTRACTOR in the manner and at such times, such amounts as required by the CONTRACT DOCUMENTS.
- 7. No contractor shall discriminate on the basis of race, color, national origin or sex in the performance of this contract. The contractor shall carry out applicable requirements of 40 CFR 33 in the award and administration of contracts awarded under EPA financial assistance agreements. Failure by the contractor to carry out these requirements is a material breach of this contract which may result in the termination of this contract or other legally available remedies.
- 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 (three) each of which shall be deemed an original on the date first above written.

**OWNER:**

**CONTRACTOR:**

City of Peoria \_\_\_\_\_

\_\_\_\_\_

Name \_\_\_\_\_  
(Please Type)

Name \_\_\_\_\_  
(Please Type)

Title \_\_\_\_\_

Title \_\_\_\_\_

(SEAL)

(SEAL)

ATTEST: \_\_\_\_\_

ATTEST: \_\_\_\_\_

Name \_\_\_\_\_  
(Please Type)

Name \_\_\_\_\_  
(Please Type)

Title \_\_\_\_\_

Title \_\_\_\_\_

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

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

**EXAMINED AND APPROVED:**

\_\_\_\_\_  
Corporation Counsel

**NOTICE OF AWARD**

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To: Michael Fehr  
Illinois Civil Contractors, Inc.  
420 Pinecrest Drive  
East Peoria, IL 61611

**PROJECT DESCRIPTION:**

City of Peoria – Combined Sewer Overflow Control Project – Year 1

The OWNER has considered the BID submitted by you for the above-described WORK in response to its Advertisement for Bids dated December 6, 2021 and Information for Bidders.

You are hereby notified that your BID has been accepted for Base Bid in the amount of \$3,627,117.07.

You are required by the Instructions to Bidders to execute the Agreement and furnish the required CONTRACTOR's Performance Bond, Payment Bond and Certificates of Insurance within ten (10) calendar days from the date of this Notice to you.

If you fail to execute said Agreement and to furnish said Bonds within ten (10) days from the date of this Notice, said OWNER will be entitled to consider all your rights arising out of the OWNER's acceptance of your BID as abandoned and as a forfeiture of your Bid Bond. The OWNER will be entitled to such other rights as may be granted by law.

You are required to return an acknowledged copy of this NOTICE OF AWARD to the OWNER.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

City of Peoria  
OWNER

By \_\_\_\_\_

Title \_\_\_\_\_

**ACCEPTANCE OF NOTICE**

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Receipt of the above NOTICE OF AWARD is hereby acknowledged on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

By \_\_\_\_\_

Title \_\_\_\_\_

**NOTICE TO PROCEED**

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To: Michael Fehr Date: \_\_\_\_\_  
Illinois Civil Contractors, Inc. Project: City of Peoria – Combined Sewer Overflow  
420 Pinecrest Drive Control Project – Year 1  
East Peoria, IL 61611 \_\_\_\_\_

You are hereby notified to commence WORK in accordance with the Agreement dated \_\_\_\_\_  
\_\_\_\_\_, 20\_\_\_, on or before \_\_\_\_\_, 20\_\_\_, and you are to complete the  
WORK within 215 consecutive calendar days thereafter.

The date of completion of all WORK is therefore \_\_\_\_\_, 20\_\_\_.

City of Peoria  
OWNER

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

Title: \_\_\_\_\_

**ACCEPTANCE OF NOTICE**

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Receipt of the above NOTICE TO PROCEED is hereby acknowledged on this the \_\_\_\_\_ day of  
\_\_\_\_\_, 20\_\_\_.

By \_\_\_\_\_ Title \_\_\_\_\_