

CONTRACT AGREEMENT

THIS AGREEMENT, made the 24th day of October, 2016, by and between Wise County, Decatur, Texas (hereinafter called County) and ERS of MS, Inc. (hereinafter called Contractor).

WITNESSETH:

THAT WHEREAS: in accordance with law, the County had contract documents prepared and an Invitation for Bids published, for and in connection with the repair of Denton Creek Watershed, Sites 23A & 23B EWP Repair.

WHEREAS, Contractor, in response to the Invitation for Bids, has submitted to the County, in the manner and at the time specified, a sealed bid in accordance with Instructions to Bidders; and

WHEREAS, the County, in the manner prescribed by law, has publicly opened, examined, and canvassed the bids submitted, and has determined Contractor to be the lowest responsible bidder for the work and duly awarded to Contractor a contract therefore, for the sum or sums named in Contractor's bid.

NOW, THEREFORE, in consideration of the compensation to be paid to Contractor and of the mutual agreements herein contained, the parties have agreed and hereby agree, the County for itself and its successors and assigns, and its, his/her, or their executors and administrators, as follows:

ARTICLE I. Contractor shall perform all work, including the assumption of all obligations, duties and responsibilities necessary to the successful completion of the contract and the furnishing of all materials and equipment required to be incorporated in and form a permanent part of the work; tools, equipment, supplies, transportation, facilities, labor, superintendence and services required to perform the work; and bonds, insurance and submittals; all as indicated or specified in the contract documents to be performed or furnished by Contractor for the work included in and covered by the County's official award of this contract to Contractor, such award being based on the acceptance by the County of Contractor's bid.

ARTICLE II. the County shall pay to Contractor for performance of the work embraced in this contract, and Contractor shall accept as full compensation therefore, the sum (subject to adjustment as provided in the contract documents) of Nine Hundred Thirty Two Thousand Nine Hundred Thirty Two Dollars and Zero Cents (\$ 932,932.00) for all work covered by and included in the contract award and designated in the foregoing Article I; payment thereof to be made in current funds in the manner provided in the contract documents.

ARTICLE III. The Contractor shall complete all work within 107 (one hundred seven) calendar days from the date Contractor receives written Notice to Proceed. **Denton 23A & 23B – 1 contract; 2 sites; worked concurrently**

ARTICLE IV. The contract documents that comprise the Contract between the County and Contractor, attached hereto and made a part hereof, consist of the following:

- (1) This Contract Agreement.
- (2) Contractor's Bid: Exhibits A - E.
- (3) Addenda Numbers 1, 2
- (4) Post-bid information and supplementary information submitted by Contractor prior to execution of this Contract Agreement.
- (5) Notice of Award

- (6) PART II – General Conditions.
- (7) PART III – Supplemental Conditions.
- (8) PART IV – Construction Specifications and Material Specifications and Storm Water Pollution Prevention Plans - Contractor and subcontractor Certifications.
- (9) PART V – Drawings, No. TX-EN-0682 and TX-EN-0683 (cover plus 15 sheets).
- (10) PART VI – Prevailing Wage Rates Determination.
- (11) Notice to Proceed.
- (12) Any modifications (change orders) duly delivered or supplemental agreements duly entered into after execution of this Contract Agreement.
- (13) Notices of Final Completion and Acceptance.

IN WITNESS WHEREOF, the parties hereto have executed this Contract Agreement the day and year first above written.

Wise County **OWNER**
 By JD Clark
 County Judge

CONTRACTOR
 ERS of MS, Inc.
 By Todd Roberts
 Title: Todd Roberts, President

(CORPORATE SEAL)

Attest Iva Gerniak
 Address for giving notices:
 Wise County Asset Control
 P.O. Box 952, 400 W Walnut
 Decatur, Texas 76234

Attest Orinda Dond
 Address for giving notices
 4526 Office Park Dr.
 Suite 2
 Jackson, MS 39206

This action authorized at an official meeting
 of the Wise County Commissioners Court
 on October 24, 2016,
 Decatur, State of Texas.

License No.: n/a

If CONTRACTOR is a corporation, attach
 evidence of authority to sign.)

RESOLUTION OF THE BOARD OF DIRECTORS

WHEREAS, the Board of Directors wishes to change the name of the corporation from Environmental Reclamation Services, Inc. to ERS, Inc.;

WHEREAS, the Board of Directors voted at a duly called meeting pursuant to the bylaws of Environmental Reclamation Services, Inc. unanimously to change the name of the corporation from Environmental Reclamation Services, Inc. to ERS, Inc. and to make all changes necessary in its corporate dealings to reflect the change of name and to consummate said change of name by filing same with the Secretary of State of the State of Mississippi.

RESOLVED, that the president of the corporation is hereby authorized to execute all documents necessary to effect a change in name from Environmental Reclamation Services, Inc. to ERS, Inc.

THIS THE 29TH day of JULY, 1994₃

Russell Todd Roberts
RUSSELL TODD ROBERTS,
DIRECTOR

This page conforms with the duplicate original filed with Secretary of State.

Dine Malger

Secretary of State
State of Mississippi

CERTIFICATE OF INTERESTED PARTIES

FORM 1295

1 of 1

Complete Nos. 1 - 4 and 6 if there are interested parties.
 Complete Nos. 1, 2, 3, 5, and 6 if there are no interested parties.

OFFICE USE ONLY CERTIFICATION OF FILING

Certificate Number:
 2016-127853

Date Filed:
 10/24/2016

Date Acknowledged:
 11-1-16

1 Name of business entity filing form, and the city, state and country of the business entity's place of business.
 ERS, INC.
 Jackson, MS United States

2 Name of governmental entity or state agency that is a party to the contract for which the form is being filed.
 WISE COUNTY

3 Provide the identification number used by the governmental entity or state agency to track or identify the contract, and provide a description of the services, goods, or other property to be provided under the contract.
 17-600-013
 Construction - Rehab of Denton Creek Watershed Sites 23A&B

4 Name of Interested Party	City, State, Country (place of business)	Nature of interest (check applicable)	
		Controlling	Intermediary
ERS, Inc.	Jackson, MS United States	X	

5 Check only if there is NO Interested Party.

6 AFFIDAVIT I swear, or affirm, under penalty of perjury, that the above disclosure is true and correct.



Tom Roberts
 Signature of authorized agent of contracting business entity

AFFIX NOTARY SEAL HERE

Sworn to and subscribed before me, by the said TODD ROBERTS, this the 24th day of OCTOBER, 2016, to certify which, witness my hand and seal of office.

Brenda B. Bond Signature of officer administering oath
Brenda B. Bond Printed name of officer administering oath
NOTARY PUBLIC Title of officer administering oath