

CONTRACT AGREEMENT

THIS AGREEMENT, made the 24TH day of OCTOBER, 2016, by and between Wise County, Decatur, Texas (hereinafter called County) and FX5 CONSTRUCTION & EXCAVATION, 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, Site 16 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 TWO HUNDRED TEN THOUSAND EIGHT HUNDRED TWENTY TWO DOLLARS AND SIXTY ONE CENTS Dollars (\$ 210,822.61) 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 51 (fifty one) calendar days from the date Contractor receives written Notice to Proceed.

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-0684 (cover plus 7 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.

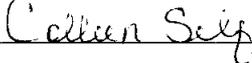
OWNER

Wise County
 By 
 JD Clark
 County Judge

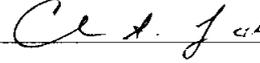
CONTRACTOR

FX5 CONSTRUCTION & EXCAVATION, INC.
 By 
 Title PRESIDENT & CEO

(CORPORATE SEAL)

Attest 

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

Attest 

Address for giving notices
PO BOX 1297
DECATUR, TX 76234

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.)

Authorization to Sign

David Fuller is the President & CEO. David is the sole shareholder of FX5 Construction & Excavation, Inc. and has legal authority to bind the corporation.

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

1 Name of business entity filing form, and the city, state and country of the business entity's place of business.
FX5 Construction & Excavation, Inc.
Decatur, TX United States

Certificate Number:
2016-128754

Date Filed:
10/25/2016

Date Acknowledged:
10-28-16

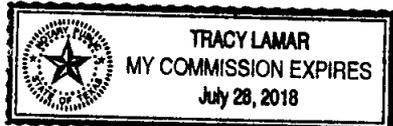
2 Name of governmental entity or state agency that is a party to the contract for which the form is being filed.
Wise Soil and Water Conservation District

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.
17-600-014
Repair on Watershed Dam

4	Name of Interested Party	City, State, Country (place of business)	Nature of interest (check applicable)	
			Controlling	Intermediary

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.



Candy Janopoulos
Signature of authorized agent of contracting business entity

AFFIX NOTARY STAMP / SEAL ABOVE

Sworn to and subscribed before me, by the said Candy Janopoulos, this the 22th day of Oct, 2016, to certify which, witness my hand and seal of office.

Tracy Lamar Tracy Lamar Notary
Signature of officer administering oath Printed name of officer administering oath Title of officer administering oath