

COTTONWOOD HEIGHTS

RESOLUTION No. 2020-39

A RESOLUTION APPROVING AND RATIFYING A BID AND AWARDING
A CONSTRUCTION CONTRACT TO BLACK FOREST PAVING LLC
(EAST JORDAN CANAL TRAIL PROJECT)

WHEREAS, the city council (the "Council") of the city of Cottonwood Heights (the "City") met on 18 August 2020 to consider, among other things, (a) approving and ratifying the City's acceptance of a \$124,067.00 bid from Black Forest Paving LLC ("Contractor") for construction work involving the East Jordan Canal trail under the City's project no. CHC.303 (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. 2020-39, shall take effect immediately upon passage.

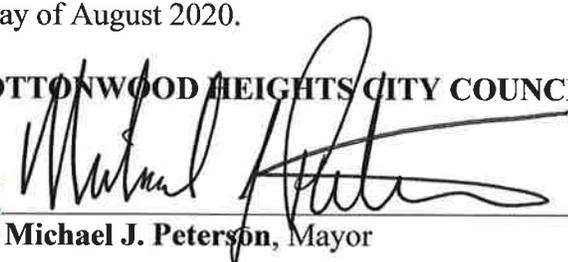
PASSED AND APPROVED this 18th day of August 2020.

ATTEST:

By: 
Paula Melgar, Recorder



COTTONWOOD HEIGHTS CITY COUNCIL

By: 
Michael J. Peterson, Mayor

VOTING:

Michael J. Peterson	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Douglas Petersen	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
J. Scott Bracken	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Tali C. Bruce	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Christine Watson Mikell	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>

DEPOSITED in the office of the City Recorder this 18th day of August 2020.

RECORDED this 18th day of August 2020.

SECTION 00500

AGREEMENT

THIS AGREEMENT, made this 18th day of August 2020 by and between the city of **COTTONWOOD HEIGHTS**, a Utah municipality, hereinafter called the “**OWNER**,” and **BLACK FOREST PAVING LLC**, a Utah limited liability company 9524 Feulner Park Road, West Jordan, UT 84081, hereinafter called the “**CONTRACTOR**.”

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

1. The **CONTRACTOR** will commence and complete construction of the “**EAST JORDAN CANAL TRAIL**” --- PROJECT # CHC.303.

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 **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 sixty (60) 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

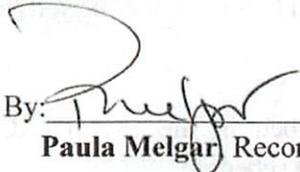
- (L) SECTION 00540 - NOTICE TO PROCEED
- (M) SECTION 00560 - CHANGE ORDER
- (N) SECTION 00570 - NOTICE OF SUBSTANTIAL COMPLETION
- (O) SECTION 00580 - NOTICE OF COMPLETION
- (P) GENERAL CONDITIONS
- (Q) SUPPLEMENTAL GENERAL CONDITIONS
- (R) SPECIFICATIONS prepared and issued by Gilson Engineering, Inc., Consulting Engineers, dated July 2020.
- (S) DRAWINGS prepared by Gilson Engineering, Consulting Engineers
(See enumeration in Supplemental General Conditions)
- (T) ADDENDUM NO. 1 dated July 30, 2020.

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.

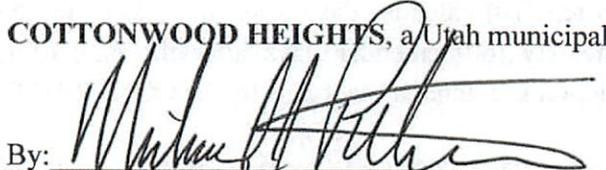
IN WITNESS WHEREOF, the parties hereto have executed, or caused to be executed by their duly authorized officials, this Agreement in three (3) copies, each of which shall be deemed an original on the date first above written.

ATTEST:

By: 
Paula Melgar Recorder

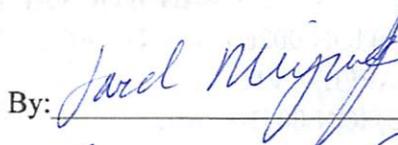
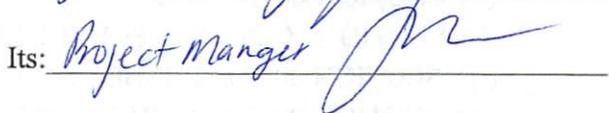


OWNER:

COTTONWOOD HEIGHTS, a Utah municipality
By: 
Michael J. Peterson, Mayor

CONTRACTOR:

BLACK FOREST PAVING, LLC, a Utah limited liability company

By:  Jared Miyamoto
Its:  Project Manager