

COPY

COUNTY OF POLK

STANDARD FORM OF AGREEMENT
FOR OWNER-CONTRACTOR PROJECTS

STATE of TEXAS }

POLK COUNTY }

THIS AGREEMENT, made and entered into this ____ day of _____, A.D. 200____, by and between
Polk County of the STATE OF TEXAS,
 thereunto duly authorized so to do, Party of the First Part, hereinafter termed OWNER; and
Absolute Industries, Inc. County of Angelina and the State of Texas, Party of the
 Second Part, hereinafter termed CONTRACTOR.

WITNESSETH: That for and inconsideration of the payments and agreements hereinafter mentioned, to be made and performed by the Party of the First Part (OWNER) and under the conditions expressed in the bond bearing even date herewith, the said Party of the Second Part (CONTRACTOR), hereby agrees with the said Party of the First Part (OWNER) to commence and complete the construction of certain improvements described as follow:

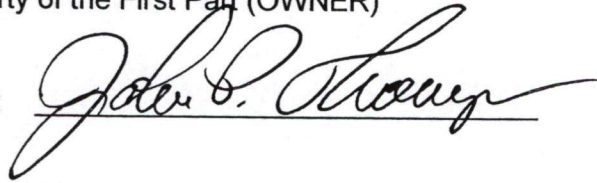
and all extra work in connection therewith, under the terms as stated in the General Conditions of the Agreement and at his (or their) own proper cost and expense to furnish all materials, supplies, machinery, equipment, tools, superintendence, labor, insurance, and other accessories and services necessary to complete the said construction, in accordance with the Notice to Contractors, General and Special Conditions of Agreement, Plans and other drawings and printed or written explanatory matter thereof, and the Specifications and addenda therefore, as prepared by Klotz Associates, Inc. herein entitled the ENGINEER, each of which has been identified by the CONTRACTOR and the ENGINEER, together with the CONTRACTOR'S written proposal, the General Conditions of the Agreement, the Performance and Payment Bonds hereto attached; all of which are made a part hereof and collectively evidence and constitute the entire contract.

The CONTRACTOR hereby agrees to commence work within ten (10) calendar days after the dated written notice to do so shall have been given to him, and to substantially complete with 90 consecutive calendar days after issuance of the "Notice to Proceed" and to be at Final Completion within 120 consecutive calendar days after the issuance of the "Notice to Proceed", subject to such extensions of time as are provided by the General and Special Conditions.

The OWNER agrees to pay the CONTRACTOR in current funds the price or prices shown in the proposal, which forms a part of this contract, such payments to be subject to the General and Special Conditions of the contract.

IN WITNESS WHEREOF, the parties to these presents have executed this Agreement in the year and day first above written.

Polk County, Texas
Party of the First Part (OWNER)

By: 

ATTEST:

Absolute Industries, Inc.
Party of the Second Part (CONTRACTOR)

By: _____

ATTEST:

COPY

NOTICE OF AWARD

VOL. 55 PAGE 3220

TO: Absolute Industries, Inc..
2794 Ted Trout
Lufkin, Texas 75904

PROJECT DESCRIPTION: FY 2007 Sewer Improvements Project – TCDP Contract No. 728340.

You are hereby notified that your BID has been accepted in the amount of \$ 164,757.00.

You are required to execute the Agreement and furnish the required CONTRACTOR'S Performance Bond, Payment Bond and Certificates of Insurance within fifteen (15) calendar days from the date of this Notice to you.

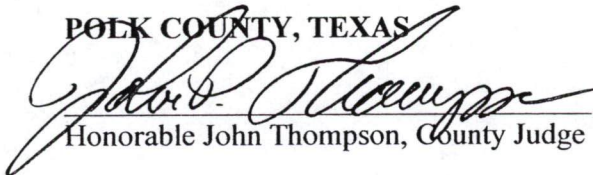
If you fail to execute said Agreement and to furnish said Bonds and Insurance within fifteen (15) days from the date you receive this Notice, said OWNER will be entitled to consider all your rights arising out of the OWNER'S acceptance of your BID as abandoned and as a forfeiture of your BID BOND. The 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 AND ENGINEER.

Dated this _____ day of _____, 2009.

OWNER:

POLK COUNTY, TEXAS


Honorable John Thompson, County Judge

ACCEPTANCE OF NOTICE

Receipt of the above **NOTICE OF AWARD** is hereby acknowledged by

CONTRACTOR: Absolute Industries, Inc.

Signature

Printed Name & Title

Dated this _____ day of _____, 2009.