

# CONSTRUCTION CONTRACT

**THIS AGREEMENT** made this the 22nd day of December, 2023 by and between Pheonix Fabricators and Erectors, Inc. hereinafter called the "*Contractor*", and Polk County hereinafter called the "*County*."

**WITNESSETH**, that the Contractor and the County for the considerations stated herein mutually agree as follows:

**ARTICLE 1. Statement of Work.** The Contractor shall furnish all supervision, technical personnel, labor, materials, machinery, tools, equipment and services, including utility and transportation services, and perform and complete all work required for the construction of the Improvements embraced in the Project; namely, Onalaska WSC Plant 3 E.S.T. - 2021 ARPA-SLFRF, all in strict accordance with the contract documents including all addendum thereto, numbered 1 dated November 27, 2023, all as prepared by GLS acting and in these contract documents preparation, referred to as the "*Engineer*".

**ARTICLE 2. The Contract Price.** The City will pay the Contractor for the performance of the Contract in current funds, for the total quantities of work performed at the *unit prices* stipulated in the Bid for the several respective items of work completed subject to additions and deductions as provided in Section 00320 hereof.

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**ARTICLE 3. The Contract.** The executed contract documents shall consist of the following components:

- |                            |  |
|----------------------------|--|
| a. This Agreement          | f. General Conditions, Part I                                |
| b. Addenda                 | g. Special Conditions  |
| c. Invitation for Bids     | h. Technical Specifications                                  |
| d. Instructions to Bidders | i. Drawings ( <i>as listed in the Schedule of Drawings</i> ) |
| e. Signed Copy of Bid      |  |

**ARTICLE 4. Performance.** Work, in accordance with the Contract dated \_\_\_\_\_, shall commence as specified in the Notice to Proceed.

This Agreement, together with other documents enumerated in this ARTICLE 3, which said other documents are as fully a part of the Contract as if hereto attached or herein repeated, forms the Contract between the parties hereto. In the event that any provision in any component part of this Contract conflicts with any provision of any other component part, the provision of the component part first enumerated in this ARTICLE 3 shall govern, except as otherwise specifically stated.

**IN WITNESS WHEREOF**, the parties hereto have caused this Agreement to be executed in Four (4) original copies on the day and year first above written.

Phoenix Fabricators and Erectors, LLC

(Contractor)

By: Dallas Green  
Title: Dallas Green, Chief Executive Officer

Sydney Murphy, Polk County Judge

(Owner)

By: Sydney Murphy  
Title: County Judge

### Corporate Certifications

I, Kurt T. Fuller P.E., certify that I am the Corporate Secretary of the corporation named as Contractor herein; that Dalls Green, who signed this Agreement on behalf of the Contractor, was then Chief Executive Officer of said corporation; that said Agreement was duly signed for and in behalf of said corporation by authority of its governing body, and is within the scope of its corporate powers.

Corporate  
Seal



K.T. Fuller  
(Corporate Secretary)

**SECTION 00510**  
**NOTICE OF AWARD**

To: Phoenix Fabricators and Erectors, Inc. LLC  
182 South County Road 900 East  
Avon, Indiana 46123

Date: December 22, 2023

**Project Description: Polk County**  
**Onalaska WSC Plant 3 E.S.T.**  
**2021 ARPA-SLFRF**

The OWNER has considered the BID submitted by you for the above described WORK in response to its Advertisement for Bids dated November 2, 2023, and Information for Bidders.

You are hereby notified that your BASE BID AND ADDITIVE ALTERNATE 1 BID have been accepted for items in the amount of \$ 1,536,734.00.

You are required by the Information for Bidders to execute the Agreement and furnish the required CONTRACTOR'S Payment BOND and certificate 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 22 day of December, 2023.

OWNER: Polk County

BY: Sydney Murphy

TITLE: County Judge

SIGNED: 

**ACCEPTANCE OF NOTICE**

Receipt of the above NOTICE OF AWARD is hereby acknowledged by Phoenix Fabricators and Erectors, LLC  
this the 3rd day of January, 2024.

BY: Dallas Green

TITLE: Chief Executive Officer

SIGNED: 