

**CITY OF SAN ANTONIO  
INTERDEPARTMENTAL MEMORANDUM  
PUBLIC WORKS DEPARTMENT**

**CONSENT AGENDA  
ITEM NO. 10**

**TO:** Mayor and City Council

**FROM:** Thomas G. Wendorf, P.E., Director of Public Works

**THROUGH:** J. Rolando Bono, Interim City Manager

**COPIES:** Melissa Byrne Vossmer, Andrew Martin, Peter Zanoni, Milo D. Nitschke, and file

**SUBJECT:** Larkspur – West Avenue to Baltic

**DATE:** October 21, 2004

**SUMMARY AND RECOMMENDATIONS**

This ordinance accepts the low responsive bid and awards a construction contract in the amount of \$1,281,228.05 payable to E-Z Bel Construction, Ltd., authorizes \$99,719.07 for construction contingency expenses, \$69,803.35 for expense recovery, and \$1,934.78 for advertising expenses for an overall total of \$1,452,685.25 in connection with Larkspur–West Avenue to Baltic project, an authorized 1999-2004 General Obligation Street Improvement Bond project located in Council District 9. Of the total amount of \$1,452,685.25, funds in the amount of \$1,168,647.88 are available from General Obligations of the City and Certificates of Obligation. Funds in the amount of \$284,037.37 are available from the San Antonio Water System (SAWS).

Staff recommends approval of this ordinance.

**BACKGROUND INFORMATION**

This project will provide for the reconstruction of Larkspur to a 30-foot width from Baltic to West Avenue and will include parkway improvements such as new curbs, sidewalks, and driveway approaches. Necessary storm sewer and utility improvements will also be provided. Project construction will begin in November of 2004 and be completed by August of 2005.

This project was advertised for construction bids in the Commercial Recorder, the San Antonio Informer, and La Prensa in July of 2004. In addition, the bid announcement was made on TVSA through the Small Business Economic Development Advocacy (SBEDA) Office and Dodge Report. Plans were also available for review by potential bidders in the Public Works Office.

Bids for the project were opened on August 18, 2004 with three (3) bidders responding. Of these, EZ Bel Construction, Ltd., submitted the lowest responsive bid. A matrix of the bid outcome is included herein as Attachment 2.

The Economic Development Department has reviewed and approved the Good Faith Effort Plan submitted by E-Z Bel Construction, Ltd. and the contractor has committed to subcontract \$1,134,028 (88.51%) of the project work to MBE firms. The Economic Development Department memorandum is included herein as Attachment 3. The contract provides for two hundred seventy (270) calendar days to complete the project. E-Z Bel Construction, Ltd. currently has seven (7) construction contracts with the City of San Antonio through the Public Works Department in the total amount of \$21,576,079. A current list of projects is included herein as Attachment 4.

**POLICY ANALYSIS**

Approval of this ordinance will be a continuation of City Council policy to complete previously approved 1999-2004 General Obligation Street Improvement Bond and Certificate of Obligation funded Capital Improvement Projects.

**FISCAL IMPACT**

This is a one-time capital improvement expenditure and included in the FY 05-10 Capital Improvement Budget. Of the total amount of \$1,452,685.25, funds in the amount of \$1,168,647.88 are available from General Obligations of the City and Certificates of Obligation. Funds in the amount of \$284,037.37 are available from SAWS, and are authorized payable as follows:

|                 |                                                                 |
|-----------------|-----------------------------------------------------------------|
| \$ 1,281,228.05 | payable to E-Z Bel Construction, Ltd. for construction expenses |
| \$ 99,719.07    | payable for miscellaneous construction contingency              |
| \$ 69,803.35    | payable for expense recovery                                    |
| \$ 1,934.78     | payable for advertising expenses                                |

**COORDINATION**

This request for ordinance has been coordinated with the Office of Management and Budget, the Finance Department, and SAWS.

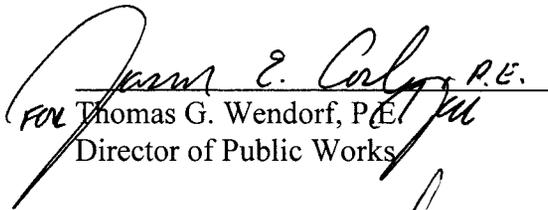
**SUPPLEMENTARY COMMENTS**

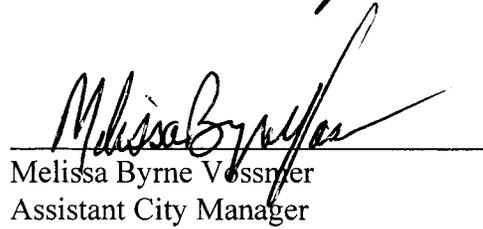
This construction contract was developed utilizing the formal competitive bid process; therefore, a Discretionary Contracts Disclosure Form is not required.

**ATTACHMENTS**

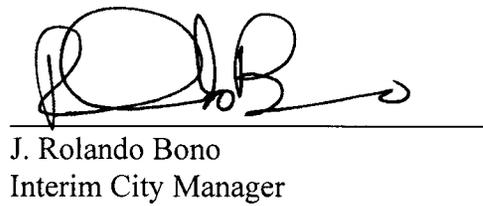
1. Project Map
2. Bid Tabulation

3. Economic Development Department Memorandum, dated September 2, 2004
4. Current Project List, E-Z Bel Construction, Ltd.
5. Proposal
6. Contract

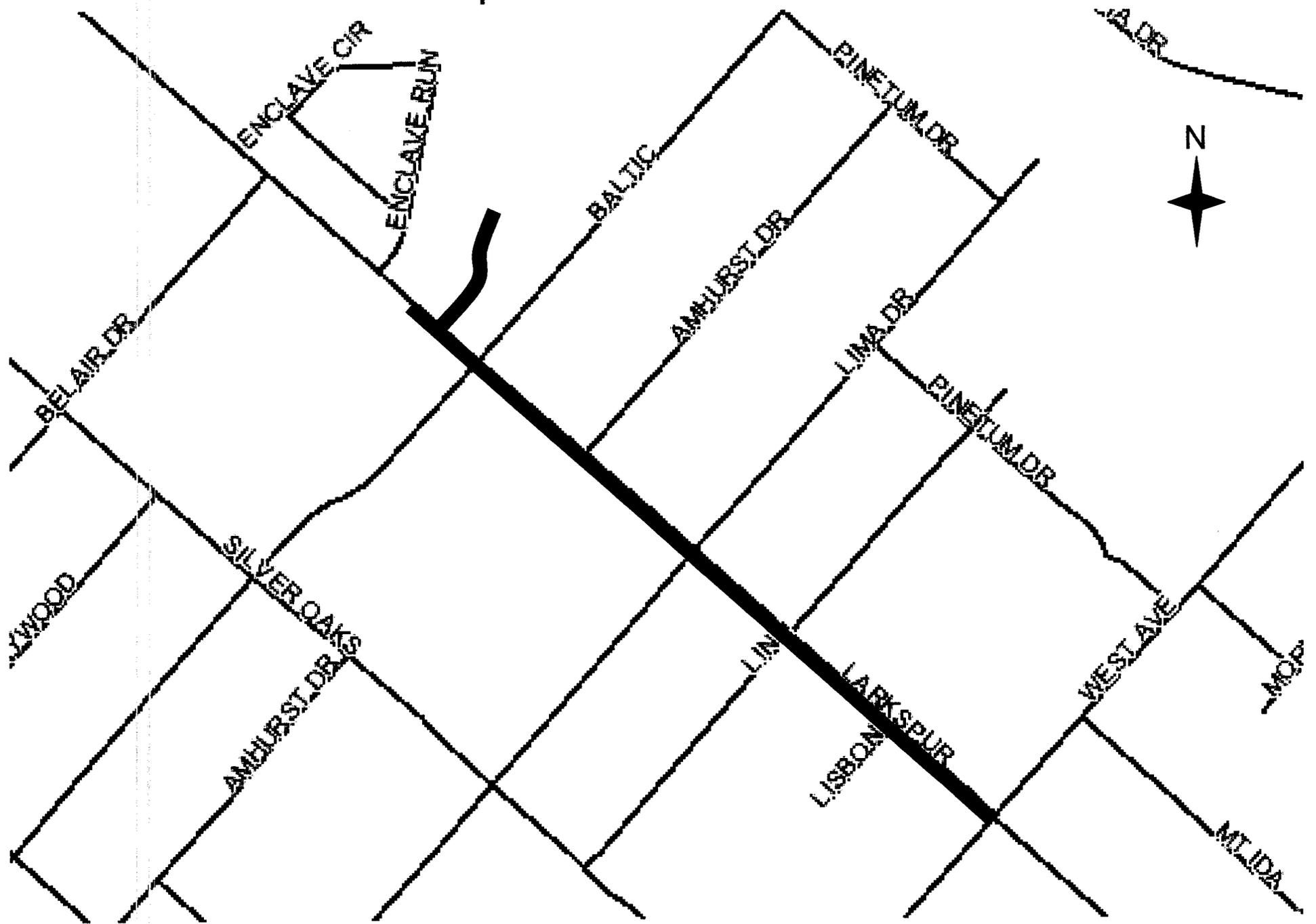
  
FOR Thomas G. Wendorf, P.E.  
Director of Public Works

  
Melissa Byrne Vossmer  
Assistant City Manager

Approved:

  
J. Rolando Bono  
Interim City Manager

# Larkspur – West Ave to Baltic



**CITY OF SAN ANTONIO**  
Interdepartmental Correspondence Sheet

*TO: Bill  
Dobbs  
OK  
JWY*

**TO:** William E. Krause, Capital Programs Manager  
**FROM:** ASM Ferdous, P.E., Project Manager  
**COPIES:** Myron Decuir, Plans and Records; Thomas L. Carrasco, SAWS; File  
**RE:** Larkspur – West Ave to Baltic (Council District 9) Bid Results

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September 17, 2004

**Bids received and opened:** August 18, 2004

**Bid Tabulation:**

|                         | E-Z Bel Construction | San Antonio Constructors | Pronto Sandblasting |
|-------------------------|----------------------|--------------------------|---------------------|
| <b>Base Bid</b>         | \$ 680,233.76        | \$ 785,557.01            | \$ 700,899.73       |
| <b>Water Bid</b>        | \$ 109,873.60        | \$ 105,832.13            | \$ 112,742.00       |
| <b>Sewer Bid</b>        | \$ 74,501.00         | \$ 89,141.11             | \$ 72,985.00        |
| <b>Total Base</b>       | \$ 864,608.36        | \$ 980,530.25            | \$ 886,626.73       |
| <b>Base Alternate</b>   | \$ 316,956.92        | \$ 366,087.21            | \$ 402,317.85       |
| <b>Water Alternate</b>  | \$ 46,493.77         | \$ 63,076.37             | \$ 48,405.00        |
| <b>Sewer Alternate</b>  | \$ 53,169.00         | \$ 98,326.16             | \$ 77,445.00        |
| <b>Total Alternates</b> | \$ 416,619.69        | \$ 527,489.74            | \$ 528,167.85       |
| <b>Total Bid</b>        | \$ 1,281,228.05      | \$ 1,508,019.99          | \$ 1,414,794.58     |

**Plans and specifications prepared by:**

Calle & Associates, Inc.  
2026 Windy Trail  
San Antonio, TX 78232

**Funding:**

This project is funded with 1999 Bonds (\$598,500) and Certificates of Obligation (\$537,000). The total amount funded is \$1,135,500. After deducting \$107,455.10 for engineering fees, \$1,934.78 for advertising fees, and after crediting \$22,451.70 in unused engineering fees, the remaining funds available for construction, construction contingency, and expense recovery is \$1,048,561.82.

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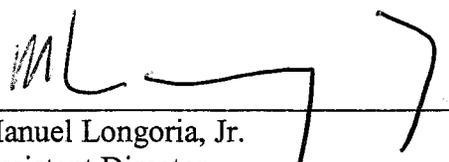
City of San Antonio  
Economic Development Department  
Interdepartmental Memorandum

TO: William Krause, Capital Programs Manager, Public Works Department  
FROM: Anita Uribe Martin, Manager, Economic Development Department  
COPIES: Denise Shaffer; File  
SUBJECT: List of Subcontractors Submitted for the Public Works Capital Improvement Project: Larkspur – West Avenue to Baltic  
DATE: September 2, 2004

We have reviewed the Good Faith Effort Plan and list of subcontractors for the **Larkspur – West Avenue to Baltic** Improvement Project. The apparent low bidder has submitted contract amounts, which are reflected in the accurate percentages below.

| <u>Total Project Cost</u> |           |                         |     |      |          |
|---------------------------|-----------|-------------------------|-----|------|----------|
| FIRM                      | CERTIFIED | MBE                     | WBE | AABE | GFEP     |
| \$1,281,228.05            |           |                         |     |      |          |
| EZ BEL CONSTRUCTION       | YES       | 88.51%<br>(\$1,134,028) | 0%  | 0%   | APPROVED |

If there are any questions, please feel free to contact me at (210) 207-3901.

  
Manuel Longoria, Jr.  
Assistant Director  
Economic Development Department

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# Contractor List

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**Contractor** E-Z Bel Construction Co., Inc.

| <b>Project Name</b>                     | <b>Team</b> | <b>District</b> | <b>Start</b> | <b>Completion</b> | <b>Amount</b> |
|-----------------------------------------|-------------|-----------------|--------------|-------------------|---------------|
| BELGIUM: PICARDE TO SBC PARKWAY         | 1           | 2               | 08/04        | 06/05             | \$2,163,296   |
| BITTERS RD: WEST AVE TO HEIMER          | 4           | 9               | 01/04        | 02/05             | \$2,018,985   |
| HOUSTON - BOWIE TO PINE (MPO)           | 1           | 2               | 04/03        | 07/05             | \$2,881,313   |
| HOUSTON - PINE TO WALTERS               | 1           | 2               | 03/04        | 04/06             | \$4,790,545   |
| MISSION TRAILS PACKAGE 3                | 3           | 3               | 09/02        | 11/04             | \$4,900,000   |
| PLEASANTON ROAD: SOUTHCROSS TO MAYFIELD | 2           | 3               | 07/02        | 07/04             | \$2,919,954   |
| WAVERLY PH I & II: BANDERA TO GLENMORE  | 5           | 7               | 12/03        | 11/04             | \$1,901,986   |

Summary for 'Contractor' = E-Z Bel Construction Co., Inc. (7 detail records)

**Sum of Contracts** \$21,576,079

**Grand Total of Contracts** \$21,576,079

**PROPOSAL**

**TO**

**CITY OF SAN ANTONIO TEXAS**

**FOR THE CONSTRUCTION OF**

**Larkspur – West Ave to Baltic**

**IN SAN ANTONIO, TEXAS**

The undersigned, as bidder, declares that the only person or parties interested in this proposal as principals are those named herein; that this proposal is made without collusion with any other person, firm, corporation; that Bidder has carefully examined the form of contract, instructions to bidders, profiles, grades, specifications, and the plans therein referred to, and has carefully examined the locations, conditions and classes of materials of the proposed work; and agrees that Bidder will provide all the necessary machinery, tools, apparatus, and other means of construction, and will do all the work and furnish all the materials called for in the contract and specifications in the manner prescribed therein and according to the requirements of the Director of Public Works as therein set forth.

It is understood that the following quantities of work to be done are approximate only, and are intended principally to serve as a guide in figuring out the bids.

It is understood and agreed that the work is to be completed in full in See Note 3 of Page SUIB-1 calendar days

Accompanying this Proposal is a Bid Guaranty in the amount of Five Percent of  
Greatest Amount Bid (G.A.B) Dollars (\$ 5% of G.A.B) said amount being

5% percent of the total bid. Said Bid Guaranty, in the form of a Certified or Cashier's Check on a State or National Bank, or Bid Bond, is submitted as a guaranty of the good faith of the Bidder and that the Bidder will execute and enter into a written contract to do the work, if his bid is accepted. It is hereby agreed that the Bidder may, at any time prior to opening of the bids withdraw this Proposal without penalty; it is also agreed that if Bidder shall, at any time after opening of bids, withdraw this Proposal or if this Bid is accepted and Bidder shall fail to execute the written contract and furnish satisfactory bond, within twenty (20) calendar days after the date of transmittal of the contract documents by Owner to Contractor, the City of San Antonio shall, in any of such events, be entitled and is hereby given the right to retain said Bid Guaranty as liquidated damages. It is understood that the City of San Antonio reserves the right to reject any and all bids whenever the City Council deems it in the interest of the City to do so, and also the right to waive any informalities in a bid.

LARKSPUR - WEST AVENUE TO BALTIC, **BASE BID**  
(PUBLIC WORKS CONSTRUCTION)

| ITEM NO. | APPROXIMATE QUANTITIES AND UNIT | DESCRIPTION AND UNIT                                                       | BID PRICE      | EXTENSION UNIT PRICE X QUANTITY |
|----------|---------------------------------|----------------------------------------------------------------------------|----------------|---------------------------------|
|          |                                 | (Written in Words)                                                         |                | (in Figures)                    |
| 107      | 50 C.Y.                         | Embankment                                                                 |                |                                 |
|          |                                 | for .....                                                                  | Dollars        |                                 |
|          |                                 | and .....                                                                  | Cents per Unit |                                 |
| 110      | 1 L.S.                          | Remove Existing S.B.C. & Elevated Sidewalk and Riprap, Excavation Backfill |                |                                 |
|          |                                 | for .....                                                                  | Dollars        |                                 |
|          |                                 | and .....                                                                  | Cents per Unit |                                 |
| 111      | 1 L.S.                          | Remove Existing Retard Structure                                           |                |                                 |
|          |                                 | for .....                                                                  | Dollars        |                                 |
|          |                                 | and .....                                                                  | Cents per Unit |                                 |
| 202      | 1,373 GAL.                      | Prime Coat                                                                 |                |                                 |
|          |                                 | for .....                                                                  | Dollars        |                                 |
|          |                                 | and .....                                                                  | Cents per Unit |                                 |
| 203      | 341 GAL.                        | Tack Coat                                                                  |                |                                 |
|          |                                 | for .....                                                                  | Dollars        |                                 |
|          |                                 | and .....                                                                  | Cents per Unit |                                 |
| 205.1    | 333 S.Y.                        | Hot Mix Asphalt Pavement, Type B (2.5" Compacted Depth)                    |                |                                 |
|          |                                 | for .....                                                                  | Dollars        |                                 |
|          |                                 | and .....                                                                  | Cents per Unit |                                 |
| 205.3    | 4,122 S.Y.                      | Hot Mix Asphalt Pavement, Type D (2" Compacted Depth)                      |                |                                 |
|          |                                 | for .....                                                                  | Dollars        |                                 |
|          |                                 | and .....                                                                  | Cents per Unit |                                 |
| 206      | 4,810 S.Y.                      | Asphalt Treated Base, (8" Thickness)                                       |                |                                 |
|          |                                 | for .....                                                                  | Dollars        |                                 |
|          |                                 | and .....                                                                  | Cents per Unit |                                 |

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LARKSPUR - WEST AVENUE TO BALTIC, **BASE BID**  
 (PUBLIC WORKS CONSTRUCTION)

| ITEM NO. | APPROXIMATE QUANTITIES AND UNIT | DESCRIPTION AND UNIT                | BID PRICE      | EXTENSION UNIT PRICE X QUANTITY |
|----------|---------------------------------|-------------------------------------|----------------|---------------------------------|
|          |                                 | (Written in Words)                  |                | (In Figures)                    |
| 100*     | 1 L.S.                          | Mobilization                        |                |                                 |
|          |                                 | for .....                           | Dollars        |                                 |
|          |                                 | and .....                           | Cents per Unit |                                 |
| 100.1    | 1 L.S.                          | Insurance and Bond                  |                |                                 |
|          |                                 | for .....                           | Dollars        |                                 |
|          |                                 | and .....                           | Cents per Unit |                                 |
| 101*     | 1 L.S.                          | Preparing Right-of-Way              |                |                                 |
|          |                                 | for .....                           | Dollars        |                                 |
|          |                                 | and .....                           | Cents per Unit |                                 |
| 103.1    | 610 L.F.                        | Remove Concrete Curb                |                |                                 |
|          |                                 | for .....                           | Dollars        |                                 |
|          |                                 | and .....                           | Cents per Unit |                                 |
| 103.2    | 3,938 S.F.                      | Remove Concrete Sidewalk & Driveway |                |                                 |
|          |                                 | for .....                           | Dollars        |                                 |
|          |                                 | and .....                           | Cents per Unit |                                 |
| 104      | 2,885 C.Y.                      | Street Excavation                   |                |                                 |
|          |                                 | for .....                           | Dollars        |                                 |
|          |                                 | and .....                           | Cents per Unit |                                 |
| 105      | 1,492 C.Y.                      | Channel Excavation                  |                |                                 |
|          |                                 | for .....                           | Dollars        |                                 |
|          |                                 | and .....                           | Cents per Unit |                                 |
| 106      | 567 C.Y.                        | Box Culvert Excavation and Backfill |                |                                 |
|          |                                 | for .....                           | Dollars        |                                 |
|          |                                 | and .....                           | Cents per Unit |                                 |

\* Refer to Page SUIB-1, Supplement to Standard Instructions to Bidders

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LARKSPUR - WEST AVENUE TO BALTIC, **BASE BID**  
 (PUBLIC WORKS CONSTRUCTION)

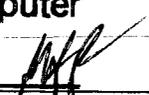
| ITEM NO. | APPROXIMATE QUANTITIES AND UNIT | DESCRIPTION AND UNIT                                    | BID PRICE                                     | EXTENSION UNIT PRICE X QUANTITY |
|----------|---------------------------------|---------------------------------------------------------|-----------------------------------------------|---------------------------------|
|          |                                 | (Written in Words)                                      |                                               | (In Figures)                    |
| 300.1    | 7 C.Y.                          | Concrete, Class A (Abutments & Wingwalls)               | for ..... Dollars<br>and ..... Cents per Unit |                                 |
| 300.1    | 103 C.Y.                        | Concrete, Class A (Culverts)                            | for ..... Dollars<br>and ..... Cents per Unit |                                 |
| 300.1    | 1 C.Y.                          | Concrete, Class A (Driveway Retaining Walls)            | for ..... Dollars<br>and ..... Cents per Unit |                                 |
| 300.1    | 5 C.Y.                          | Concrete, Class A (Elevated Sidewalks)                  | for ..... Dollars<br>and ..... Cents per Unit |                                 |
| 301      | 23,367 LBS.                     | Reinforcing Steel                                       | for ..... Dollars<br>and ..... Cents per Unit |                                 |
| 306      | 375 C.Y.                        | Structural Excavation                                   | for ..... Dollars<br>and ..... Cents per Unit |                                 |
| 401.1    | 245 L.F.                        | 24" Storm Drainage Pipe,<br>R.C.P., Laterals            | for ..... Dollars<br>and ..... Cents per Unit |                                 |
| 401.1    | 34 L.F.                         | 24" Storm Drainage Pipe,<br>R.C.P., D-Load, 6' - 8' Cut | for ..... Dollars<br>and ..... Cents per Unit |                                 |

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LARKSPUR - WEST AVENUE TO BALTIC, **BASE BID**  
(PUBLIC WORKS CONSTRUCTION)

| ITEM NO. | APPROXIMATE QUANTITIES AND UNIT | DESCRIPTION AND UNIT PRICE<br>(Written in Words)                                                           | EXTENSION<br>UNIT PRICE X QUANTITY<br>(In Figures) |
|----------|---------------------------------|------------------------------------------------------------------------------------------------------------|----------------------------------------------------|
| 401.1    | 76 L.F.                         | 24" Storm Drainage Pipe,<br>R.C.P., D-Load, 8' - 10' Cut<br>for .....Dollars<br><br>and.....Cents per Unit |                                                    |
| 401.1    | 38 L.F.                         | 30" Storm Drainage Pipe,<br>R.C.P., D-Load, 8' - 10' Cut<br>for .....Dollars<br><br>and.....Cents per Unit |                                                    |
| 401.1    | 121 L.F.                        | 36" Storm Drainage Pipe,<br>R.C.P., D-Load, 6' - 8' Cut<br>for .....Dollars<br><br>and.....Cents per Unit  |                                                    |
| 401.1    | 75 L.F.                         | 36" Storm Drainage Pipe,<br>R.C.P., D-Load, 8' - 10' Cut<br>for .....Dollars<br><br>and.....Cents per Unit |                                                    |
| 401.3    | 3 EA.                           | 24" Bends, R.C.P.<br><br>for .....Dollars<br><br>and.....Cents per Unit                                    |                                                    |
| 403      | 35 V.F.                         | Storm Sewer M.H. & J.B.,<br>Stage II Construction .....<br>for .....Dollars<br><br>and.....Cents per Unit  |                                                    |
| 403.1    | 4 EA.                           | Junction Box, 4'x4'x4'<br><br>for .....Dollars<br><br>and.....Cents per Unit                               |                                                    |
| 403.2    | 1 EA.                           | Junction Box, 5'x5'x5'<br><br>for .....Dollars<br><br>and.....Cents per Unit                               |                                                    |

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LARKSPUR - WEST AVENUE TO BALTIC, **BASE BID**  
(PUBLIC WORKS CONSTRUCTION)

| ITEM NO. | APPROXIMATE QUANTITIES AND UNIT |     | DESCRIPTION AND UNIT<br>(Written in Words) | EXTENSION<br>UNIT PRICE X QUANTITY<br>(in Figures) |  |
|----------|---------------------------------|-----|--------------------------------------------|----------------------------------------------------|--|
|          |                                 |     |                                            |                                                    |  |
| 403.3    | 1                               | EA. | Junction Box, 6'x6'x6'                     |                                                    |  |
|          |                                 |     | for .....                                  | Dollars                                            |  |
|          |                                 |     | and .....                                  | Cents per Unit                                     |  |
| 403.11   | 1                               | EA. | Curb Inlet, 10'                            |                                                    |  |
|          |                                 |     | for .....                                  | Dollars                                            |  |
|          |                                 |     | and .....                                  | Cents per Unit                                     |  |
| 403.12   | 2                               | EA. | Curb Inlet, 15'                            |                                                    |  |
|          |                                 |     | for .....                                  | Dollars                                            |  |
|          |                                 |     | and .....                                  | Cents per Unit                                     |  |
| 403.13   | 6                               | EA. | Curb Inlet, 20'                            |                                                    |  |
|          |                                 |     | for .....                                  | Dollars                                            |  |
|          |                                 |     | and .....                                  | Cents per Unit                                     |  |
| 403.15   | 3                               | EA. | Curb Inlet, 30'                            |                                                    |  |
|          |                                 |     | for .....                                  | Dollars                                            |  |
|          |                                 |     | and .....                                  | Cents per Unit                                     |  |
| 403.61   | 1                               | EA. | Junction Box, 6'x12'x7'                    |                                                    |  |
|          |                                 |     | for .....                                  | Dollars                                            |  |
|          |                                 |     | and .....                                  | Cents per Unit                                     |  |
| 403.62   | 1                               | EA. | Junction Box, 8'x10'x6'                    |                                                    |  |
|          |                                 |     | for .....                                  | Dollars                                            |  |
|          |                                 |     | and .....                                  | Cents per Unit                                     |  |
| 409      | 2210                            | LB. | Cast Iron Castings                         |                                                    |  |
|          |                                 |     | for .....                                  | Dollars                                            |  |
|          |                                 |     | and .....                                  | Cents per Unit                                     |  |

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LARKSPUR - WEST AVENUE TO BALTIC, BASE BID  
(PUBLIC WORKS CONSTRUCTION)

| ITEM NO. | APPROXIMATE QUANTITIES AND UNIT | DESCRIPTION AND UNIT                       | BID PRICE      | EXTENSION UNIT PRICE X QUANTITY |
|----------|---------------------------------|--------------------------------------------|----------------|---------------------------------|
|          |                                 | (Written in Words)                         |                | (In Figures)                    |
| 410.2    | 32 C.Y.                         | Gravel Subgrade Filler                     |                |                                 |
|          |                                 | for.....                                   | Dollars        |                                 |
|          |                                 | and.....                                   | Cents per Unit |                                 |
| 500      | 60 L.F.                         | Concrete Header Curb                       |                |                                 |
|          |                                 | for.....                                   | Dollars        |                                 |
|          |                                 | and.....                                   | Cents per Unit |                                 |
| 501      | 2000 L.F.                       | Machine Laid Curb                          |                |                                 |
|          |                                 | for.....                                   | Dollars        |                                 |
|          |                                 | and.....                                   | Cents per Unit |                                 |
| 502.1    | 470 S.Y.                        | Concrete Sidewalks                         |                |                                 |
|          |                                 | for.....                                   | Dollars        |                                 |
|          |                                 | and.....                                   | Cents per Unit |                                 |
| 502.2    | 212 S.Y.                        | Concrete Driveways                         |                |                                 |
|          |                                 | for.....                                   | Dollars        |                                 |
|          |                                 | and.....                                   | Cents per Unit |                                 |
| 502.3    | 35 S.Y.                         | Commercial Driveways                       |                |                                 |
|          |                                 | for.....                                   | Dollars        |                                 |
|          |                                 | and.....                                   | Cents per Unit |                                 |
| 505      | 395 S.Y.                        | Concrete Riprap (5" Thick)                 |                |                                 |
|          |                                 | for.....                                   | Dollars        |                                 |
|          |                                 | and.....                                   | Cents per Unit |                                 |
| 506.1    | 21 C.Y.                         | Concrete Retaining Wall - Combination Type |                |                                 |
|          |                                 | for.....                                   | Dollars        |                                 |
|          |                                 | and.....                                   | Cents per Unit |                                 |

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PROPOSAL SHEET FOR:

LARKSPUR - WEST AVENUE TO BALTIC, BASE BID  
(PUBLIC WORKS CONSTRUCTION)

| ITEM NO. | APPROXIMATE QUANTITIES AND UNIT | DESCRIPTION AND UNIT BID PRICE<br>(Written in Words)                                  | EXTENSION<br>UNIT PRICE X QUANTITY<br>(In Figures) |
|----------|---------------------------------|---------------------------------------------------------------------------------------|----------------------------------------------------|
| 510      | 8 EA.                           | Timber Guard Posts<br>for .....Dollars<br>and .....Cents per Unit                     |                                                    |
| 513.1    | 4 EA.                           | Relocating Mail Boxes<br>for .....Dollars<br>and .....Cents per Unit                  |                                                    |
| 515      | 65 C.Y.                         | Topsoil<br>for .....Dollars<br>and .....Cents per Unit                                |                                                    |
| 516.1    | 790 S.Y.                        | Bermuda Sodding<br>for .....Dollars<br>and .....Cents per Unit                        |                                                    |
| 520      | 2,550 S.Y.                      | Hydromulching<br>for .....Dollars<br>and .....Cents per Unit                          |                                                    |
| 522      | 75 L.F.                         | Sidewalk Pipe Railing<br>for .....Dollars<br>and .....Cents per Unit                  |                                                    |
| 524      | 1 C.Y.                          | Concrete Steps<br>for .....Dollars<br>and .....Cents per Unit                         |                                                    |
| 530      | 1 L.S.                          | Barricades, Signs and Traffic Handling<br>for .....Dollars<br>and .....Cents per Unit |                                                    |

See Computer

Printout

BIDDER'S SIGNATURE



LARKSPUR - WEST AVENUE TO BALTIC, **BASE BID**  
(PUBLIC WORKS CONSTRUCTION)

| ITEM NO. | APPROXIMATE QUANTITIES AND UNIT | DESCRIPTION AND UNIT BID PRICE<br>(Written in Words)                                       | EXTENSION<br>UNIT PRICE X QUANTITY<br>(In Figures) |
|----------|---------------------------------|--------------------------------------------------------------------------------------------|----------------------------------------------------|
| 531.03   | 3 EA.                           | R1-1 Stop Sign<br><br>for.....Dollars<br><br>and.....Cents per Unit                        |                                                    |
| 531.55   | 1 EA.                           | W14-1 Dead End Sign<br><br>for.....Dollars<br><br>and.....Cents per Unit                   |                                                    |
| 531.58   | 2 EA.                           | OM-4 End of Road Marker<br><br>for.....Dollars<br><br>and.....Cents per Unit               |                                                    |
| 531.59   | 4 EA.                           | 9" Street Sign<br><br>for.....Dollars<br><br>and.....Cents per Unit                        |                                                    |
| 536.01   | 1,664 L.F.                      | 4" Wide Yellow Line<br><br>for.....Dollars<br><br>and.....Cents per Unit                   |                                                    |
| 536.07   | 50 L.F.                         | 24" Wide White Line<br><br>for.....Dollars<br><br>and.....Cents per Unit                   |                                                    |
| 540      | 1 L.S.                          | Storm Water Pollution Prevention Plan<br><br>for.....Dollars<br><br>and.....Cents per Unit |                                                    |
| 550      | 590 L.F.                        | Trench Excavation Safety Protection<br><br>for.....Dollars<br><br>and.....Cents per Unit   |                                                    |

See Computer

BIDDER'S SIGNATURE

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LARKSPUR - WEST AVENUE TO BALTIC, **BASE BID**  
(PUBLIC WORKS CONSTRUCTION)

| ITEM NO. | APPROXIMATE QUANTITIES AND UNIT | DESCRIPTION AND UNIT BID PRICE<br>(Written in Words)                                     | EXTENSION<br>UNIT PRICE X QUANTITY<br>(In Figures) |
|----------|---------------------------------|------------------------------------------------------------------------------------------|----------------------------------------------------|
| 552      | 50 L.F.                         | Removing and Relocating Irrigation System<br>for .....Dollars<br>and .....Cents per Unit |                                                    |
| 801      | 50 L.F.                         | Tree Protection - Level IIB<br>for .....Dollars<br>and .....Cents per Unit               |                                                    |
| 802.1    | 1 EA.                           | Tree Removal<br>for .....Dollars<br>and .....Cents per Unit                              |                                                    |

BIDDER'S SIGNATURE \_\_\_\_\_

See Computer  
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LARKSPUR - WEST AVENUE TO BALTIC, ADDITIVE ALTERNATE  
(PUBLIC WORKS CONSTRUCTION)

| ITEM NO. | APPROXIMATE QUANTITIES AND UNIT | DESCRIPTION AND UNIT<br>(Written in Words)                                        | BID PRICE<br>UNIT PRICE X QUANTITY<br>(in Figures) | EXTENSION<br>UNIT PRICE X QUANTITY<br>(in Figures) |
|----------|---------------------------------|-----------------------------------------------------------------------------------|----------------------------------------------------|----------------------------------------------------|
| 100*     | 1 L.S.                          | Mobilization<br>for .....Dollars<br>and.....Cents per Unit                        |                                                    |                                                    |
| 100.1    | 1 L.S.                          | Insurance and Bond<br>for .....Dollars<br>and.....Cents per Unit                  |                                                    |                                                    |
| 101*     | 1 L.S.                          | Preparing Right-of-Way<br>for .....Dollars<br>and.....Cents per Unit              |                                                    |                                                    |
| 103.1    | 100 L.F.                        | Remove Concrete Curb<br>for .....Dollars<br>and.....Cents per Unit                |                                                    |                                                    |
| 103.2    | 5847 S.F.                       | Remove Concrete Sidewalk & Driveway<br>for .....Dollars<br>and.....Cents per Unit |                                                    |                                                    |
| 104      | 3850 C.Y.                       | Street Excavation<br>for .....Dollars<br>and.....Cents per Unit                   |                                                    |                                                    |
| 202      | 1,285 GAL.                      | Prime Coat<br>for .....Dollars<br>and.....Cents per Unit                          |                                                    |                                                    |
| 203      | 553 GAL.                        | Tack Coat<br>for .....Dollars<br>and.....Cents per Unit                           |                                                    |                                                    |

\* Refer to Page SUIB-1, Supplement to Standard Instructions to Bidders

See Computer

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BIDDER'S SIGNATURE

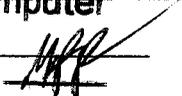
LARKSPUR - WEST AVENUE TO BALTIC, ADDITIVE ALTERNATE  
(PUBLIC WORKS CONSTRUCTION)

| ITEM NO. | APPROXIMATE QUANTITIES AND UNIT | DESCRIPTION AND UNIT                            | BID PRICE              | EXTENSION<br>UNIT PRICE X QUANTITY<br>(In Figures) |
|----------|---------------------------------|-------------------------------------------------|------------------------|----------------------------------------------------|
|          |                                 |                                                 | (Written in Words)     |                                                    |
| 505.3    | 5,476 S.Y.                      | Hot Mix Asphalt Pavement, Type D (2" Thickness) |                        |                                                    |
|          |                                 |                                                 | for.....Dollars        |                                                    |
|          |                                 |                                                 | and.....Cents per Unit |                                                    |
| 506      | 6,425 S.Y.                      | Asphalt Treated Base, (8" Thickness)            |                        |                                                    |
|          |                                 |                                                 | for.....Dollars        |                                                    |
|          |                                 |                                                 | and.....Cents per Unit |                                                    |
| 500.1    | 4 C.Y.                          | Concrete, Class A (Driveway Retaining Walls)    |                        |                                                    |
|          |                                 |                                                 | for.....Dollars        |                                                    |
|          |                                 |                                                 | and.....Cents per Unit |                                                    |
| 501      | 1,200 LB.                       | Reinforcing Steel                               |                        |                                                    |
|          |                                 |                                                 | for.....Dollars        |                                                    |
|          |                                 |                                                 | and.....Cents per Unit |                                                    |
| 501      | 2,861 L.F.                      | Machine Laid Curb                               |                        |                                                    |
|          |                                 |                                                 | for.....Dollars        |                                                    |
|          |                                 |                                                 | and.....Cents per Unit |                                                    |
| 502.1    | 1,131 S.Y.                      | Concrete Sidewalks                              |                        |                                                    |
|          |                                 |                                                 | for.....Dollars        |                                                    |
|          |                                 |                                                 | and.....Cents per Unit |                                                    |
| 502.2    | 350 S.Y.                        | Concrete Driveways                              |                        |                                                    |
|          |                                 |                                                 | for.....Dollars        |                                                    |
|          |                                 |                                                 | and.....Cents per Unit |                                                    |
| 502.3    | 72 S.Y.                         | Commercial Driveways                            |                        |                                                    |
|          |                                 |                                                 | for.....Dollars        |                                                    |
|          |                                 |                                                 | and.....Cents per Unit |                                                    |

BIDDER'S SIGNATURE \_\_\_\_\_

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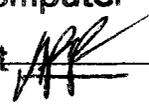




LARKSPUR - WEST AVENUE TO BALTIC, ADDITIVE ALTERNATE  
(PUBLIC WORKS CONSTRUCTION)

| ITEM NO. | APPROXIMATE QUANTITIES AND UNIT | DESCRIPTION AND UNIT BID PRICE<br>(Written in Words)                                | EXTENSION<br>UNIT PRICE X QUANTITY<br>(In Figures) |
|----------|---------------------------------|-------------------------------------------------------------------------------------|----------------------------------------------------|
| 515      | 130 C.Y.                        | Topsoil<br>for .....Dollars<br>and .....Cents per Unit                              |                                                    |
| 516.1    | 1,648 S.Y.                      | Bermuda Sodding<br>for .....Dollars<br>and .....Cents per Unit                      |                                                    |
| 524      | 2 C.Y.                          | Concrete Steps<br>for .....Dollars<br>and .....Cents per Unit                       |                                                    |
| 530      | 1 L.S.                          | Barricades, Signs & Traffic Handling<br>for .....Dollars<br>and .....Cents per Unit |                                                    |
| 531.03   | 5 EA.                           | R1-1 Stop Sign<br>for .....Dollars<br>and .....Cents per Unit                       |                                                    |
| 531.06   | 1 EA.                           | R2-1 Speed Limit Sign<br>for .....Dollars<br>and .....Cents per Unit                |                                                    |
| 531.55   | 3 EA.                           | W14-1 Dead End Sign<br>for .....Dollars<br>and .....Cents per Unit                  |                                                    |
| 531.59   | 6 EA.                           | 9" Street Sign<br>for .....Dollars<br>and .....Cents per Unit                       |                                                    |

BIDDER'S SIGNATURE

See Computer  
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LARKSPUR - WEST AVENUE TO BALTIC, ADDITIVE ALTERNATE  
(PUBLIC WORKS CONSTRUCTION)

| ITEM NO. | APPROXIMATE QUANTITIES AND UNIT | DESCRIPTION AND UNIT                      | BID PRICE         | EXTENSION UNIT PRICE X QUANTITY |
|----------|---------------------------------|-------------------------------------------|-------------------|---------------------------------|
|          |                                 | (Written in Words)                        |                   | (In Figures)                    |
| 536.01   | 2,512 L.F.                      | 4" Wide Yellow Line                       | for ..... Dollars | and ..... Cents per Unit        |
| 536.02   | 150 L.F.                        | 4" Wide White Line                        | for ..... Dollars | and ..... Cents per Unit        |
| 536.07   | 50 L.F.                         | 24" Wide White Line                       | for ..... Dollars | and ..... Cents per Unit        |
| 536.09   | 2 EA.                           | Left White Arrow                          | for ..... Dollars | and ..... Cents per Unit        |
| 536.12   | 2 EA.                           | Word "ONLY"                               | for ..... Dollars | and ..... Cents per Unit        |
| 536.13   | 2 EA.                           | Straight White Arrow                      | for ..... Dollars | and ..... Cents per Unit        |
| 540      | 1 L.S.                          | Storm Water Pollution Prevention Plan     | for ..... Dollars | and ..... Cents per Unit        |
| 552      | 150 L.F.                        | Removing and Relocating Irrigation System | for ..... Dollars | and ..... Cents per Unit        |

BIDDER'S SIGNATURE \_\_\_\_\_

See Computer

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LARKSPUR - WEST AVENUE TO BALTIC, ADDITIVE ALTERNATE  
(PUBLIC WORKS CONSTRUCTION)

| ITEM NO. | APPROXIMATE QUANTITIES AND UNIT | DESCRIPTION AND UNIT PRICE<br>(Written in Words) | EXTENSION<br>UNIT PRICE X QUANTITY<br>(In Figures) |
|----------|---------------------------------|--------------------------------------------------|----------------------------------------------------|
|----------|---------------------------------|--------------------------------------------------|----------------------------------------------------|

|     |        |                                                                                       |  |
|-----|--------|---------------------------------------------------------------------------------------|--|
| 650 | 1 L.S. | Video Imaging Vehicle Detection System<br>for .....Dollars<br>and .....Cents per Unit |  |
|-----|--------|---------------------------------------------------------------------------------------|--|

|     |         |                                                                            |  |
|-----|---------|----------------------------------------------------------------------------|--|
| 801 | 80 L.F. | Tree Protection - Level IIB<br>for .....Dollars<br>and .....Cents per Unit |  |
|-----|---------|----------------------------------------------------------------------------|--|

See Computer  
Printout 

BIDDER'S SIGNATURE \_\_\_\_\_

In the event of the award of a contract to the undersigned, the undersigned will execute same on Standard Form City Construction Contract and make bond for the full amount of the contract, to secure proper compliance with the terms and provisions of the contract, and to insure and guarantee the work until final completion and acceptance or the end of the guarantee period where so stipulated, and to guarantee payment of all lawful claims for labor performed and materials furnished in the fulfillment of the contract.

The work proposed to be done shall be accepted when fully completed and finished to the entire satisfaction of the Director of Public Works.

The undersigned certifies that the bid prices contained in this proposal have been carefully checked and are submitted as correct and final.

Bidder is:

- An individual proprietorship;
- A partnership composed of E-Z Bel Construction, LTD  
and E-Z Bel Holdings, LLC
- A corporation chartered under the laws of the State of \_\_\_\_\_, acting by its officers pursuant to its by-laws or a resolution of its Board of Directors.

Acknowledge:  
Addendum 1  
Addendum 2

E-Z Bel Construction, LTD  
(Name of Bidder)

By: [Signature] 8/18/04  
(Signature) Date

ATTEST:

Chabel Sancy

President / Manager  
(Title)

Amount of Base Bid (Insert Amount in Words and Numbers): six hundred + eighty thousand two hundred thirty-three dollars and seventy-six cents \$ 680,233<sup>76</sup>

Alternates (if applicable):

(1) \_\_\_\_\_

(3) \_\_\_\_\_

(2) \_\_\_\_\_

(4) \_\_\_\_\_

E-Z Bel Construction  
Company's Name

(210) 736-6595  
Telephone No.

811 El Monte Blvd.  
Address

(210) 735-1842  
Fax No.

San Antonio, TX  
City & State

78201  
Zip Code

THE CITY OF SAN ANTONIO

CALENDAR DAY  
CONTRACT  
(CDC)  
(Standard Form)

THIS AGREEMENT made the \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_ by and between EZ BEL CONSTRUCTION, LTD, hereinafter called the "Contractor", and the City of San Antonio, Texas, hereinafter called the "City or the "Owner".

WITNESSETH, that the Contractor and the Owner for the consideration hereinafter named agree as follows:

**LARKSPUR – WEST AVENUE TO BALTIC**

Article 1. Scope of the Work - The Contractor shall furnish all the materials and perform all the Work called for in the Contract Documents and more specifically described in the Plans and Specification for the Project entitled:

Prepared by CALLE & ASSOCIATES, INC., acting as, and in these Contract Documents entitled, the Project Design "Consultant".

Article 2. Time of Completion - The Contractor shall begin Work at the job site within seven (7) calendar days after the date of the Owner's written Authorization to Proceed issued by the Owner's Representative. The Work to be performed under this Agreement is to be completed by Contractor in TWO HUNDRED SEVENTY ( 270 ) Calendar Days. For each Calendar Day that any Work is not completed after the expiration of Calendar Days stated above, plus any Extended Calendar Days granted by Owner in accordance with the Contract Documents, the sum as shown in the table below will be deducted from the money due or to become due the Contractor, not as a penalty, but as mutually agreed to liquidated damages and added expense for Owner Contract administration, not otherwise susceptible to exact determination by Owner and Contractor prior to the execution of this Agreement.

| <u>Amount of Contract</u> | <u>Liquidated Damages per Day</u> |
|---------------------------|-----------------------------------|
| \$1,000,001 or Over       | \$700.00                          |
| \$ 750,001 to \$1,000,000 | \$600.00                          |
| \$ 500,001 to \$ 750,000  | \$500.00                          |
| \$ 250,001 to \$ 500,000  | \$400.00                          |
| \$ 100,001 to \$ 250,000  | \$300.00                          |
| \$ 50,001 to \$ 100,000   | \$200.00                          |
| \$ 1 to \$ 50,000         | \$100.00                          |

Article 3. The Contract Sum - The Owner shall pay the Contractor for the proper performance of the Contract, subject to additions and deduction provided therein, the Contract sum of:

Materials: FIVE HUNDRED THOUSAND SEVEN AND NO/100 DOLLARS

Dollars, (\$500,007.00)

Services: SEVEN HUNDRED EIGHTY-ONE THOUSAND TWO HUNDRED TWENTY EIGHT AND 05/100 DOLLARS

Dollars, (\$781,221.05)

Total: ONE MILLION TWO HUNDRED EIGHTY ONE THOUSAND TWO HUNDRED TWENTY EIGHT AND 05/100 DOLLARS

Dollars, (\$1,281,228.05 )

Article 4. Partial Payment - Each month, the Owner shall make a progress payment as approved by the Owner's Representative in accordance with Article VII of the General Conditions.

Article 5. Acceptance and Final Payment - Final Payment shall be due on final Owner acceptance of the Project Work, provided the Contract has been completed by Contractor as provided in Article IX of the General Conditions.

Before issuance of the final payment, the Contractor shall submit an affidavit and reasonable additional supporting evidence if required, as satisfactory to the Director of Finance, City of San Antonio, that all labor payrolls, construction materials and supply bills, subcontractors, and other indebtedness connected with the Work have been paid in full, or that an outstanding debt is being disputed and that the corporate surety or its agent is processing the outstanding claim and is willing to defend and/or indemnify the City should the City make final Contract payment.

Article 6. The Contract Documents - This Calendar Day Contract (Standard Form) the General Conditions, Special Conditions, Supplemental Conditions, Specifications, Addenda, Completed Bid Proposal Form, Invitation For Bids, Instructions to Bidders, Plans, Field Directives, Field Alterations, and Payment, Performance and Extended Warranty Bonds, form the Contract Documents and they are as fully a part of this Agreement as if hereto attached or herein repeated.

IN WITNESS WHEREOF, said City of San Antonio has lawfully caused these presents to be executed by the City Manager of said City, and the corporate seal of said City to be hereunto affixed and this instrument to be attested to by the City Clerk;

DONE at San Antonio, Texas, on the day and year first written above.

CITY OF SAN ANTONIO

By: \_\_\_\_\_  
City Manager

ATTEST:

\_\_\_\_\_  
City Clerk

IN WITNESS WHEREOF, said Contractor has thoroughly read and understands this Agreement and the Contract Documents and the nature of this legal commitment and lawfully caused these presents to be executed by Contractor's legally authorized representative and does hereby deliver this legally binding instrument;

DONE at San Antonio, Texas, on the day and year first written above.

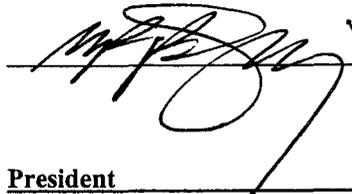
(Seal if Agreement is with Corporation)

EZ BEL CONSTRUCTION, LTD..

Contractor

ATTEST:

BY:



President

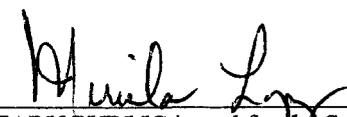
M.K.RODRIGUEZ

\_\_\_\_\_  
Secretary

STATE OF TEXAS }  
COUNTY OF BEXAR }



This instrument was acknowledged before me on this the 8th day of October 2004  
by Michael Rodriguez, President of E-Z Bel Const. a  
LTD on behalf of said partnership.

  
\_\_\_\_\_  
NOTARY PUBLIC in and for the State of TEXAS

Miroslava Lopez  
\_\_\_\_\_  
NOTARY'S PRINTED SIGNATURE

5-28-07  
\_\_\_\_\_  
MY COMMISSION EXPIRES:

PAYMENT BOND

STATE OF TEXAS }
COUNTY OF BEXAR } Know all men by these presents:
CITY OF SAN ANTONIO }

1. That we EZ BEL CONSTRUCTION, LTD., acting by and through

as Principal, and

as Sureties, do hereby acknowledge ourselves to be held and firmly bound unto the City of San Antonio, a municipal corporation of the County of Bexar and State of Texas in the sum of \$1,281,228.05 for payment of which sum well and truly to be made in and unto said City of San Antonio, we do hereby bind and obligate ourselves, our heirs, executors, administrators, assigns, and successors, jointly and severally:

2. THE CONDITIONS OF THIS BOND, HOWEVER, ARE SUCH THAT WHEREAS, the said

EZ BEL CONSTRUCTION, LTD.

hereinafter called Contractor or Principal, has made and does this day make and enter into a certain contract in writing with said City of San Antonio, for the construction and completion for said City of certain structures, work and improvements generally described as

LARKSPUR - WEST AVENUE TO BALTIC

and for the performance and observance of diverse other matters and things in connection with said work, and, interalia, therein entered into covenants and agreements to promptly pay all persons supplying labor, materials and services in the prosecution of the work provided for in said contract; all as more fully described in said contract and its included instruments which are expressly made a part of this obligation;

3. NOW THEREFORE, if Contractor, the Principal party to this obligation shall promptly make payment to all persons supplying labor and materials in the prosecution of the work provided for in said contract, and any and all duly authorized modifications of said contract that may hereafter be made, notice of which modifications to the surety being hereby waived, then this obligation shall be and become null and void, but otherwise to remain in full force and effect: and it is hereby further understood and agreed that this bond shall be a continuous obligation against the principal and each member of said principal party hereto, and each and all sureties hereon, and that successive recoveries may be had thereon for each and every breach of this bond until the full amount thereof shall have been exhausted; and the liability of the sureties on this bond shall not be in any manner released or diminished by any changes in the work which may be authorized or directed by the City, nor by the exercise or failure to exercise by or on behalf of the City any right or remedy provided by the contract or specifications or by any law or ordinances.

4. It is further understood that this obligation is incurred pursuant to Chapter 2253 of the Texas Government Code, and that this obligation is for the benefit and sole protection of all persons supplying labor and materials in the prosecution of said contract.

5. IN TESTIMONY WHEREOF, witness our hands and the seal of any incorporated surety hereon this \_\_\_ day of \_\_\_ A.D. 2004.

6. The foregoing bond is approved and accepted this \_\_\_ day of \_\_\_, 20 \_\_\_

By: \_\_\_\_\_

\_\_\_\_\_  
City Manager

\_\_\_\_\_  
Surety

(SEAL)

By: \_\_\_\_\_

\_\_\_\_\_  
Address of Surety for Service Purposes

PERFORMANCE BOND

STATE OF TEXAS }  
COUNTY OF BEXAR }  
CITY OF SAN ANTONIO }

Know all men by these presents:

1. That we EZ BEL CONSTRUCTION, LTD., acting by and through \_\_\_\_\_,

as Principal, and \_\_\_\_\_

as Sureties, do hereby acknowledge ourselves to be held and firmly bound unto the City of San Antonio, a municipal corporation of the County of Bexar and State of Texas in the sum of \$ \_\_\_\_\_ for payment of which sum well and truly to be made in and unto said City of San Antonio, we do hereby bind and obligate ourselves, our heirs, executors, administrators, assigns, and successors, jointly and severally:

2. THE CONDITIONS OF THIS BOND, HOWEVER, ARE SUCH THAT WHEREAS, the said

EZ BEL CONSTRUCTION, INC.

hereinafter called Contractor or Principal, has made and does this day make and enter into a certain contract in writing with said City of San Antonio, for the construction and completion for said City of certain structures, work and improvements generally described as

**LARKSPUR – WEST AVENUE TO BALTIC**

and for the performance and observance of diverse other matters and things in connection with said work; all as more fully described in said contract and its included instruments which are expressly made a part of this obligation.

3. NOW THEREFORE, if Contractor, the principal party to this obligation shall faithfully construct and complete said structures, work and improvements, and shall observe, perform and comply with all the terms, conditions, stipulations, undertakings and provisions of said contract and all included instruments, according to their intent and purpose insofar as the same relate to or are incident to the construction and completion of said structures, work and improvements then and thereupon this obligation shall be and become null and void, but otherwise to remain in full force and effect; and it is hereby further understood and agreed that this bond shall be a continuous obligation against the principal and each member of said principal party hereto, and each and all sureties hereon, and that successive recoveries may be had hereon for each and every breach of this bond until the full amount thereof shall have been exhausted; and the liability of the sureties on this bond shall not be in any manner released or diminished by any changes in the work which may be authorized or directed by the City, nor by the exercise or failure to exercise by or on behalf of the City any right or remedy provided by the contract or specifications or by any law or ordinance.

4. IN TESTIMONY WHEREOF, witness our hands and the seal of any incorporated surety hereon this

\_\_\_\_\_ day of \_\_\_\_\_ A.D. 20 \_\_\_\_\_.

5. The foregoing bond is approved and accepted

this \_\_\_\_\_ day of \_\_\_\_\_,

2004.

\_\_\_\_\_  
City Manager

(SEAL)

By: \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Surety

By: \_\_\_\_\_

\_\_\_\_\_  
Address of Surety for Service Purposes