

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS APPROVING AN AGREEMENT BETWEEN THE TOWN OF ADDISON AND DN TANKS LLC, FOR THE REHABILITATION OF THE 6.0 MG CELESTIAL GROUND STORAGE TANK IMPROVEMENTS PROJECT IN AN AMOUNT NOT TO EXCEED \$1,239,510.00 AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT, AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS:

SECTION 1. The Agreement between the Town of Addison and DN Tanks LLC, for the Rehabilitation of the 6.0 MG Celestial Ground Storage Tank Improvements Project in an amount not to exceed \$1,239,510.00, a copy of which is attached to this Resolution as **Exhibit A** and which incorporates the Town of Addison’s General and Specific Conditions for construction contracts, and the Advertisement for Bids, Instruction to Bidders, General Provisions, Special Provisions, Plans and other bid documents, is hereby approved. The City Manager is hereby authorized to execute the agreement.

SECTION 2. This Resolution shall take effect from and after its date of adoption.

DULY RESOLVED AND ADOPTED by the City Council of the Town of Addison, Texas, on this the **9th** day of **FEBRUARY 2021.**

TOWN OF ADDISON, TEXAS

Joe Chow, Mayor

ATTEST:

APPROVED AS TO FORM:

Irma Parker, City Secretary

Brenda N. McDonald, City Attorney

EXHIBIT A

CONTRACT AGREEMENT

STATE OF TEXAS
COUNTY OF DALLAS

THIS AGREEMENT is made and entered into this 9th day of February, 2021, by and between the Town of Addison, of the County of Dallas and State of Texas, acting through its City Manager, thereunto duly authorized so to do, Party of the First Part, hereinafter termed the OWNER, and **DN TANKS, LLC**, a Foreign Limited Liability Company registered in the state of Delaware and with principle place of business in the City of Wakefield, County of Middlesex, State of Massachusetts, Party of the Second Part, hereinafter termed CONTRACTOR.

WITNESSETH: That for and in consideration of the payment and agreement hereinafter mentioned, to be made and performed by the OWNER, the said CONTRACTOR hereby agrees with the said OWNER to commence and complete construction of certain improvements as follows:

REHABILITATION OF 6.0 MG CELESTIAL GROUND STORAGE TANK: BID #21-42

and all extra work in connection therewith, under the terms as stated in the General and Specific Conditions of the AGREEMENT; and at his own proper cost and expense to furnish all the materials, supplies, machinery, equipment, tools, superintendence, labor, insurance and other accessories and services necessary to complete the said construction, in accordance with the conditions and prices stated in the Bid #21-42, on file with the City Secretary of the Town of Addison, and in accordance with the Advertisement for Bids, Instructions to Bidders, General Provisions, Special Provisions, Plans, and other drawings and printed or written explanatory matter thereof, and the Technical Specifications and Addenda thereto, as prepared by the OWNER, each of which has been identified by the endorsement of the CONTRACTOR and the OWNER thereon, together with the CONTRACTOR's written Proposal and the General Provisions, all of which are made a part hereof and collectively evidence and constitute the entire AGREEMENT.

The CONTRACTOR hereby agrees to commence work within ten (10) calendar days after the date of written notice to do so shall have been given to him, to complete the work within **one hundred and twenty (120)** calendar days, after he commences work, subject to such extensions of time as are provided by the General Provisions.

The OWNER agrees to pay the CONTRACTOR an amount not to exceed **ONE MILLION TWO HUNDRED THIRTY-NINE THOUSAND FIVE HUNDRED TEN AND NO/00 DOLLARS (\$1,239,510.00)** in current funds for the performance of the Contract in accordance with the Proposal submitted thereof, subject to additions and deductions, as provided in the General Provisions, and to make payments of account thereof as provided therein.

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

TOWN OF ADDISON, TEXAS (OWNER)

ATTEST:

By: _____
Wesley S. Pierson, City Manager

By: _____

(CONTRACTOR)

By: 
Christopher R. Brown – VP & GM Central Operations

ATTEST:

By: 
JoAnn C. Caster – Assistant Secretary

The following to be executed if the CONTRACTOR is a corporation:

I, JoAnn C. Caster assistant certify that I am the secretary of the corporation named as CONTRACTOR herein; that Christopher R. Brown who signed this Contract on behalf of the CONTRACTOR is the Vice President & General Manger Central Operations (official title) of said corporation; that said Contract 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



Signed: 
JoAnn C. Caster – Assistant Secretary

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