



City of Manchester
Department of Public Works
Purchasing Division
475 Valley Street
Manchester, New Hampshire 03103

C O N T R A C T

Agreement made 2/22/2013, between the City of Manchester, a municipal corporation of the State of New Hampshire, herein referred to as "City", and Continental Paving, Inc., of Litchfield, NH herein referred to as "Contractor".

For the considerations set forth herein, the parties agree as follows:

1. The Contractor, being the lowest responsible Bidder, shall provide to the City the following equipment:

FY12-500-80 Extension Asphalt with Special Pricing Provision

Such supplies, materials, equipment, and services shall be provided in accordance with the bid made by Contractor pursuant to the Invitation to Bid and Terms & Conditions contained in Sealed Bid Invitation, which is hereby incorporated by reference and made a part hereof as if set forth herein in full.

2. The City shall pay Contractor the price and amount set out in Contractor's bid on pick-up or delivery to and acceptance by City of the supplies, materials, equipment, and services herein described, and on filing by Contractor and approval by the City of a verified claim for the amount due.
3. The agreement shall be inoperative during such period of time as delivery or acceptance may be rendered impossible by reason of fire, strike, act of God, government regulation, or other cause beyond the control of either party.
4. This agreement shall be binding on the assigns and successors of the parties.
5. The operative period of this extension is May 7, 2013 to May 6, 2014. The City has the right to extend the contract for four (4) additional one (1) year periods under the same terms, conditions and pricing structure as indicated in the bid documents.

IN WITNESS WHEREOF, the parties have executed this agreement on the day and year first above written.

ACKNOWLEDGED BY:

Rick Charbonneau

Print Name:

Print Title: UP

[Signature]

CITY OF MANCHESTER:

[Signature]
Kevin A. Sheppard, P. E.
Public Works Director

SPECIAL PROVISION

The City of Manchester adjustment pricing will be based upon the New Hampshire Department of Transportation's Asphalt Cement Adjustment Policy with a few exceptions.

The Price adjustment will be based on the variance in price for the liquid asphalt component only from the Base Price to the Monthly Price. It shall not include transportation, fuel or other charges. This Price Adjustment will occur on a monthly basis. The Price adjustment will take effect when the monthly price for asphalt cement as furnished by the New Hampshire Department of Transportation Bureau of Materials and Research differs from the base price contained in the proposal by more than ten (10) percent of the base price.

The City of Manchester pricing will be based on a per ton basis only.

Base Price of asphalt cement for this contract is: \$620.00 per ton.

(Asphalt Cement posted base price on March 15, 2012 by the NHDOT Bureau of Materials and Research).

The basis for the approved job mix formula will be uniformly set at .055 for all hot mix products.

Monthly Price: The asphalt cement price will be furnished by the NHDOT Bureau of Materials and Research on the first business day following the 14th calendar day of each month.

The successful bidder will be responsible to electronically notify the City of Manchester Purchasing Division prior to the 25th of the current month what the new pricing including the adjustment will be for the 26th of the current month until the 25th of the following month.

The price adjustment, upwards or downwards, will be reflected and included in the pricing of the products that are picked up and/or delivered on the 26th of the month that the new price is published by the NHDOT and continue until the 25th of the following month.

The price adjustment will be made using the following calculation...

Calculations:

When the monthly price is more than 110% of the base price, a contract adjustment will be made using the following calculation

[Monthly price less 110% of base price] X (5½ percent [tons of pavement used]).

When the monthly price is less than 90% of the base price, a contract adjustment will be made using the following calculation

[Monthly price less 90% of base price] X (5½ percent [tons of pavement used]).