

## **A G R E E M E N T**

### **CITY OF SAN BERNARDINO**

THIS AGREEMENT is made and concluded this 7<sup>th</sup> day of December 2022, between the City of San Bernardino (owner and hereinafter "CITY"), and US Builders & Consultants (hereinafter "CONTRACTOR").

1. For and in consideration of the payments and agreements hereinafter mentioned, to be made and performed by the CITY, and under the conditions expressed in the bond as deposited with the CITY, receipt of which is hereby acknowledged, the CONTRACTOR agrees with the CITY, at the CONTRACTOR's own proper cost and expense in the Special Provisions to be furnished by the CITY, to furnish all materials, tools and equipment and perform all the work necessary to complete in good workmanlike and substantial manner the

### **ADA RESTROOM RENOVATIONS AT PAUL VILLASENOR LIBRARY AND HOWARD ROWE LIBRARY Project No. 13476**

in strict conformity with Plans and Special Provisions No. 13476, and also in accordance with Standard Specifications for Public Works/Construction, latest edition in effect on the first day of the advertised "Notice Inviting Sealed Bids" for this project, on file in the Office of the City Engineer, Public Works Department, City of San Bernardino, which said Plans and Special Provisions and Standard Specifications are hereby especially referred to and by such reference made a part hereof.

1. The CONTRACTOR agrees to receive and accept the prices as set forth in the Bid Schedule as full compensation for furnishing all materials and doing all the work contemplated and embraced in this agreement; also for all loss or damage arising out of the nature of the work aforesaid or from any unforeseen difficulties or obstructions which may arise or be encountered in the prosecution of the work and for all risks of every description connected with the work; also for all expenses incurred by or in consequence of the suspension or discontinuance of work, and for well and faithfully completing the work and the whole thereof, in the manner and according to the Plans and Special Provisions, and requirements of the Engineer under them.

2. The CONTRACTOR herein covenants by and for himself or herself, his or her heirs, executors, administrators, and assigns, and all persons claiming under or through them, that there shall be no discrimination against or segregation of, any person or group of persons on the basis of race,

color, national origin, religion, sex, marital status, or ancestry in the performance of this contract, nor shall the CONTRACTOR or any person claiming under or through him or her, establish or permit any such practice or practices of discrimination or segregation with reference to the selection of subcontractors, vendees, or employees in the performance of this

**ADA RESTROOM RENOVATIONS AT PAUL VILLASENOR LIBRARY AND HOWARD  
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contract. Failure by the CONTRACTOR to carry out these requirements is a material breach of This contract, which may result in the termination of this contract or such other remedy, as recipient deems appropriate.

4. CITY hereby promises and agrees with the said CONTRACTOR to employ, and does hereby employ the said CONTRACTOR to provide the materials and to do the work according to the terms and conditions herein contained and referred to, for the prices aforesaid, and hereby contracts to pay the same at the time, in the manner, and upon the conditions above set forth; and the same parties for themselves, their heirs, executors, administrators, and assigns, do hereby agree to the full performance of the covenants herein contained.

5. It is further expressly agreed by and between the parties hereto that should there be any conflict between the terms of this instrument and the bid of said CONTRACTOR, then this instrument shall control, and nothing herein shall be considered as an acceptance of said terms of said bid conflicting herewith.

IN WITNESS WHEREOF, the parties of these presents have executed this contract in four (4) counterparts, each of which shall be deemed an original in the year and day first above mentioned.

**CONTRACTOR**

**CITY OF SAN BERNARDINO**

NAME OF FIRM:

Espinoza Electric, Inc. dba Quality  
And Electric

BY:

\_\_\_\_\_  
ROBERT D. FIELD,  
City Manager

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

**ATTEST:**

MAILING ADDRESS:

11055 Alder Avenue

\_\_\_\_\_  
GENOVEVA ROCHA  
City Clerk

Bloomington, CA 92316

PHONE NO.: ( 909) 421-8668

APPROVED AS TO FORM:

**ATTEST:**

\_\_\_\_\_  
SONIA CARVALHO, City Attorney

\_\_\_\_\_  
Secretary

**NOTE:** Secretary of the Owner should attest. If Contractor is a corporation, Secretary should attest.