

AGREEMENT

State of Texas §

County of Nueces §

This agreement made and entered into this _____ day of _____, 20____, by and between Martin Manetta, a corporation organized and existing under the laws of the State of Texas, hereinafter called "Contractor" and **NUECES COUNTY**, Texas, hereinafter called "County".

Whereas, County put out for bid project no. IFB 3023-16, herein "IFB", for Aggregate Type PB, Grade 3, LRA (Limestone Rock Asphalt);

Now therefore, that the Contractor and the County for the considerations stated herein mutually agree as follows:

ARTICLE I THE CONTRACT PRICE

Contractor will furnish Aggregate Type PB, Grade 3, LRA (Limestone Rock Asphalt) as described in IFB at the prices quoted on their response to IFB, herein "Bid" throughout the initial term of the contract period. Unit Prices for renewal period(s) shall be re-determined at the beginning of each renewal period, upon the County receiving ninety (90) days prior written notice by the Contractor. Unit Prices are subject to price escalation/reduction in accordance with contract documents (herein defined). Any increase will require proof to be submitted to County to substantiate increased/decreased amount.

ARTICLE II CONTRACT TIME

The duration of the contract: twelve (12) months, with the option to renew for two (2) additional twelve (12) month periods. Contractor will notify the County ninety (90) days prior to expiration of then current term, of Contractor's interest in exercising the option to renew. County at its election may renew term, which shall be upon mutual and written agreement of both parties. Either party may terminate this contract with sixty (60) days written notice prior to the end of the then current term or any renewal term.

ARTICLE III CONTRACT

The Executed Contract Documents shall consist of the following:

1. This Agreement
2. Addenda, required if issued
3. Specifications
4. Signed Copy of Bid
5. Instructions to Bidders
6. General Requirements
7. Advertisement for Bids

THIS AGREEMENT, together with the other documents enumerated in ARTICLE III, which said other documents are fully a part of the Contract as if hereto attached or herein repeated, forms the Contract. In case of conflicts with any provision of any other component part, the provision of the component part first enumerated in the ARTICLE III shall govern, except as otherwise specifically stated.

**ARTICLE IV
GOVERNING LAW AND VENUE**

The governing law shall be the laws of the State of Texas. Venue is specifically set by agreement of the parties in a court of competent jurisdiction in Nueces County, Texas.

**ARTICLE V
CONTRIBUTIONS**

It is expressly understood by County and Contractor, that from the date of award of contractor bid to one year after termination or expiration of contract term, it is prohibited for any county official or employee thereof, to receive gifts described by Section 5.02 of the County Personnel or Civil Service Rules, and or campaign or political contribution regardless of amount from contractor or principal owners of said contractor. County official is defined as those individuals described as county and precinct officers in Subchapter B of Chapter 152 of the Local Government Code. Contractor is furthermore prohibited from making political, campaign, or personal contributions to candidates for county and precinct office from the date of award of contractor bid to one year after termination or expiration of contract term. It is also prohibited for contractor to contribute to employee associations or for the benefit of groups of employees.

IN WITNESS WHEREOF, the parties hereto have caused this AGREEMENT to be executed in three (3) original copies on the day and year first above written.

COUNTY
Nueces County
By: _____
Samuel Loyd Neal, Jr.
Title: County Judge

CONTRACTOR
Martin Marietta
By: Lisa Arango
Title: Inside Sales

ATTEST

By: _____
Kara Sands
Title: Nueces County Clerk

Martin Marietta
By: _____
Title: Associate Credit Rep

CERTIFICATE OF INTERESTED PARTIES

FORM 1295

1 of 1

Complete Nos. 1 - 4 and 6 if there are interested parties.
Complete Nos. 1, 2, 3, 5, and 6 if there are no interested parties.

**OFFICE USE ONLY
CERTIFICATION OF FILING**

Certificate Number:
2016-127101

Date Filed:
10/21/2016

Date Acknowledged:

1 Name of business entity filing form, and the city, state and country of the business entity's place of business.

Martin Marietta
San Antonio, TX United States

2 Name of governmental entity or state agency that is a party to the contract for which the form is being filed.

Nueces County

3 Provide the identification number used by the governmental entity or state agency to track or identify the contract, and provide a description of the services, goods, or other property to be provided under the contract.

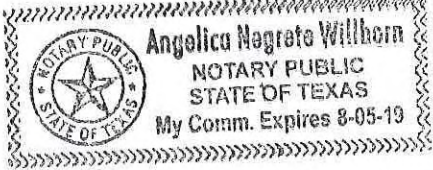
IFB No.3023-16
Aggregate PB Grade 3 LRA Limestone Rock Asphalt

4	Name of Interested Party	City, State, Country (place of business)	Nature of interest (check applicable)	
			Controlling	Intermediary

5 Check only if there is NO Interested Party.

6 AFFIDAVIT

I swear, or affirm, under penalty of perjury, that the above disclosure is true and correct.



Lisa Araujo

Signature of authorized agent of contracting business entity

AFFIX NOTARY STAMP / SEAL ABOVE

Sworn to and subscribed before me, by the said Lisa Araujo, this the 26th day of Oct, 2016, to certify which, witness my hand and seal of office.

Angelica Negrete Willborn
Signature of officer administering oath

Angelica Negrete-Willborn
Printed name of officer administering oath

Notary
Title of officer administering oath