VILLAGE OF LOMBARD
CONTRACT

CONTRACT DOCUMENT NUMBER M-10-06 A

This agreement is made this 18th day of March 2010, between and shall be binding upon the Village of Lombard, an Illinois municipal corporation (hereinafter referred to as the "Village") and TBS Construction & Excavating, Inc. (hereinafter referred to as the "Contractor") and their respective successors.

Witnessed, that in consideration of the mutual promises of the parties delineated in the Contract Documents, the Contractor agrees to perform the services and the Village agrees to pay for the following services as set forth in the Contract Documents:

Craig Place Storm Sewer Improvements - construction of new storm sewer and parkway drains in the east parkway of Craig Place between house number 151 and 163 (approximately 150 feet) and the installation of a storm sewer crossing and parkway drain in front of house number 152, in the Village of Lombard. The scope of the work includes sidewalk removal and replacement, concrete curb & gutter removal and replacement, driveway apron removal and replacement, storm sewer construction, pavement patching, and parkway restoration, and other incidental and miscellaneous items of work in accordance with the Plans, Standard Specifications, and these Special Provisions. All of the above as well as other project details are further described in the contract documents for the said work prepared for the Village of Lombard by Baxter & Woodman, Inc. Consulting Engineers.

1. This contract shall embrace and include all of the applicable Contract Documents listed below as if attached hereto or repeated herein:

   a. Contract Document Number M-10-06 A for Craig Place Storm Sewer Improvements, consisting of the following:

      i) Cover Sheet

      ii) Table of Contents

      iii) Notice to Bidders on Contract Document Number M-10-06 A - Legal Notice

      iv) General Provisions

      v) Special Provisions

      vi) Plans and Specifications

   b. The Contractor's Bid Proposal Dated: February 26, 2010

   c. Addendum Dated: February 19, 2010

   d. Required Performance and Payment Bonds and Certificate(s) of Insurance

   e. Executed Bidder's Certification Form.

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2. The Village agrees to pay, and the Contractor agrees to accept as full payment the amount as shown on the Contractor's Bid Proposal, which is made a part hereof, subject to such additions and deletions as agreed to by the parties hereto.

3. The Contractor shall commence work under this Contract upon written Notice to Proceed from the Village and shall complete work under this contract within 15 working days from the date of the Notice to Proceed (15 working days to substantial completion with 5 working days for punch list work). Time is of the essence in regard to this Contract, and the Contractor agrees to achieve completion within the time permitted by all proper and appropriate means including working overtime without additional compensation.

4. Pursuant to the provisions of Section 5 of the Mechanics' Lien Act of Illinois, prior to making any payment to the Contractor under this Contract, the Village demands that the Contractor furnish a written statement of the names of all parties furnishing labor and/or materials under this Contract and the amounts due or to become due each. This statement must be made under oath or be verified by affidavit. The Village shall not issue final payment nor shall any retained percentage become due until releases and waivers of lien have been supplied as the Village designates.

5. This Contract represents the entire agreement between the parties and may not be modified without the written approval of both parties.

IN WITNESS WHEREOF, the Village of Lombard, Illinois, and the Contractor have each hereunto caused this Contract to be executed by their respective duly authorized representatives this 18th day of March 2010.

If an individual or partnership, the individual or all partners shall sign or, if a corporation, an officer(s) duly authorized shall sign.

TBS EXCAVATING, INC.
Print Company Name

Individual or Partnership _____ Corporation ✓

Accepted this 30th day of MARCH, 2010.

Colleen Baumgartner — President
By — Position/Title

By — Position/Title

THE VILLAGE OF LOMBARD, ILLINOIS

Accepted this 18th day of MARCH, 2010.

William J. Mueller, Village President

Attest: Barbara A Johnson
Brigitte O'Brien, Village Clerk

VILLAGE OF LOMBARD
CONTRACTOR'S CERTIFICATION

COLLEEN BRUMMERSTEDT, having been first duly sworn depose and states as follows:
(Officer or Owner of Company)

TBS EXCAVATING, INC, having submitted a proposal for:
(Name of Company)

Craig Place Storm Sewer Improvements to the Village of Lombard, hereby certifies that said Contractor:

1. has a written sexual harassment policy in place in full compliance with 775 ILCS 5/2-105(A) (4).
2. is not delinquent in the payment of any tax administered by the Illinois Department of Revenue, or if it is:
   a. it is contesting its liability for the tax or the amount of tax in accordance with procedures established by the appropriate revenue Act; or
   b. it has entered into an agreement with the Department of Revenue for payment of all taxes due and is currently in compliance with that agreement.
3. is in full compliance with the Federal Highway Administration Rules on Controlled Substances and Alcohol Use and Testing, 49 CFR Parts 40 and 382 and that 'ALL EMPLOYEE DRIVERS'
(Name of employee/driver or "all employee drivers")
is/are currently participating in a drug and alcohol testing program pursuant to the aforementioned rules.

4A. has in place a written program which meets or exceeds the program requirements of the Substance Abuse Prevention on Public Works Projects Act (Public Act 95-0635), and has provided a written copy thereof to the Village of Lombard.

4B. has in place a collective bargaining agreement which deals with the subject matter of the Substance Abuse Prevention on Public Works Projects Act (Public Act 95-0635).

(Cross out either 4A or 4B, depending upon which certification is correct.)

By: Colleen Brummerstedt
Authorized Agent of Contractor

Subscribed and sworn to
before me this 30th
day of MARCH, 2010.

Linda S. Laugherty
Notary Public

OFFICIAL SEAL
LINDA S LAUGHERTY
NOTARY PUBLIC - STATE OF ILLINOIS
MY COMMISSION EXPIRES:01/20/14