

**PART 4**

**CONTRACT FORMS**

## Contract

This Contract, made and entered into this 26<sup>TH</sup> day of APRIL 2018 by and between the City of Key West, hereafter called the "Owner, and MCKENZIE PETROLEUM of TAVERNIER, FL hereafter called the "Contractor".

### WITNESSETH:

The Contractor, in consideration of the sum to be paid him by the Owner and of the covenants and agreements herein contained, hereby agrees at his own proper cost and expense to do all the work and furnish all the materials, tools, labor and all appliances, machinery and appurtenances for ITB # 18-014 City Fuel Supply, to the extent of the Bid made by the Contractor: dated this 26<sup>TH</sup> day of APRIL 2018, all in full compliance with the Contract Documents referred to herein: BIDDING REQUIREMENTS, SCOPE OF WORK, CONDITIONS OF THE CONTRACT, CONTRACT FORMS, which consists of City Fuel Supply are referred to and by reference made part of this Contract as fully and completely as if the same were fully set forth herein and are mutually cooperative therewith.

In consideration of the performance of the work as set forth in the Contract Documents, the Owner Agrees to pay to the Contractor the amount in the Bid as adjusted in accordance with the Contract Documents, or as otherwise herein provided, and to make such payments in the manner and at the times provided in the Contract Documents.

The Contractor agrees that the Contract period shall be for five (5) years. The Contract shall begin on the date the Contract was entered into.

Any action brought to recover damages or otherwise enforce this agreement shall be brought in Monroe County, Florida. In any such action, the prevailing party shall be entitled to reasonable attorney fees at all trial and appellate levels. Nothing herein shall be construed as waiving the City's rights of Sovereign Immunity pursuant to Section 768.28 Florida Statutes.

IN WITNESS WHEREOF, we do the parties hereto, each herewith subscribe the same, this 26<sup>TH</sup> day of APRIL 2018.

Attest:

By:

\_\_\_\_\_  
Cheryl Smith, City Clerk

\_\_\_\_\_  
James Scholl, City Manager

Contractor: MCKENZIE PETROLEUM

Witness: Shelley Chapman

By: [Signature]

Print Name: SHELLEY CHAPMAN

Print Name: GREG L. MCKENZIE

Title: PRESIDENT