AGREEMENT

BETWEEN OWNER AND CONTRACTOR
FOR CONSTRUCTION CONTRACT (STIPULATED PRICE)

THIS AGREEMENT is by and between Town of Nags Head ("Owner") and

("Contractor").

Owner and Contractor hereby agree as follows:

ARTICLE 1 – WORK

1.01 Contractor shall complete all Work as specified or indicated in the Contract Documents. The Work is generally described as follows: *Construction of a new multi-purpose building, a new parking lot, paved walkways, landscaping, associated plumbing and electrical development, new site lighting and related site and infrastructure improvements.*

ARTICLE 2 – THE PROJECT

2.01 The Project, of which the Work under the Contract Documents is a part, is generally described as follows: Dowdy Park – Phase One Site Development

ARTICLE 3 – ENGINEER/ARCHITECT

3.01 The part of the Project that pertains to the Work has been designed by CLH Design , PA 400 Regency Forest Dr., Suite 120, Cary, NC 27518, Nags Head Public Works, P.O. Box 99, Nags Head, NC 27959, Pace Collaborative, 1277 Perimeter Parkway, Virginia Beach, VA and Cahoon + Kasten Architects, 118 W. Woodhill Dr., Nags Head, NC 27959.

3.02 The Owner has retained CLH Design, PA, David M. Ryan, P.E., Pace Collaborative and Cahoon + Kasten Architects ("Engineer/Architect") to act as Owner's representative, assume all duties and responsibilities, and have the rights and authority assigned to Engineer in the Contract Documents in connection with the completion of the Work in accordance with the Contract Documents.

ARTICLE 4 – CONTRACT TIMES

4.01 *Time of the Essence*

A. All time limits for Milestones, if any, Substantial Completion, and completion and readiness for final payment as stated in the Contract Documents are of the essence of the Contract.

4.02 *Contract Times: Dates*

A. The Work will be substantially completed on or before December 31, 2016 , and completed and ready for final payment in accordance with Paragraph 15.06 of the General Conditions on or before January ~~31~~, 15, ~~2016~~ 2017 .

B. Parts of the Work shall be substantially completed on or before the following Milestone(s):

1. **Milestone 1** [October 3, 2016] Finished Grade for Playground Elements

SAMPLE

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