

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding is made and entered into this the 13 day of December, 2017 by Avcon USA, LLC, a North Carolina limited liability company.

Avcon USA, LLC submitted bid for the Jonathan Creek Soil Reclamation Project on December 11, 2017, which had a total bid price of \$263,982.75. After review of bid, representatives from Haywood County, McGill Associates, and Steve Miller, representing Avcon USA, LLC, met on December 12, 2017 to discuss the project, bid prices, and contract documents. Prior to executing the contract, the following changes were agreed upon.

1. The Clearing and Grubbing area and method was discussed and the below was agreed upon. The Clearing and Grubbing area was reduced such that a stockpile area is now shown on the attached drawings. The total Cleared area was reduced from 9.29 acres to 8.28 acres. Clearing and Grubbing will include stripping and removal of vegetative materials and stalks, which on average is 2" of depth. The materials will be stockpiled on site, and they will not be re-spread by the Contractor once proposed contours are reached. Based on these changes, the specification 311000 Site Clearing is no longer applicable and will be removed prior to executing the Contract. In addition, the below text will replace Measurement and Payment line item 1a Clearing and Grubbing.

"ITEM 1A – CLEARING AND GRUBBING

Work included in this line item of payment shall include all clearing and grubbing within the limits of disturbance shown on the Drawings and stockpiling material onsite within the area indicated. The cleared and grubbed material will include vegetative material and stalks onsite, which on average is 2 inches in depth.

The quantity of clearing and grubbing will be paid for at the contract lump sum price in accordance with the Contract Documents. The lump sum price will be the full compensation for all labor, equipment, and materials necessary for clearing and grubbing (approximately 2 inches in depth of vegetative material and stalks). No compensation will be given for clearing and grubbing outside of the limits shown on the drawings without prior approval from Engineer. Included in this item is the stockpile of the clear and grubbed material within the area indicated on the drawings."

The unit price for Item #1A Clearing and Grubbing was agreed to be reduced from the bid price of \$16,800/LS to \$ 8,400.⁰⁰ /LS. This will result in a total net deduction of \$ 8,400.⁰⁰ for Item #1A.

2. The unit price for Item #3 Permanent Diversion Ditch was agreed to be reduced from the bid price of \$31.50/LF to \$ 7.50 /LF. This will result in a total net deduction of \$ 25,200.⁰⁰ for Item #3.

3. The unit price for Item #4 Slope/Ditch Matting was agreed to be reduced from the bid price of \$7.50/SY to \$ 4.00 /SY. This will result in a total net deduction of \$ 4200.00 for Item #4. This unit price change reflects an approval to use 6" stakes rather than 10" stakes as originally shown in the Bid Drawings. An updated detail is attached to this memorandum.
4. The quantity for Item #6 Earthwork was agreed to be reduced from 35,000 CY to 25,000 CY with the unit price remaining at \$3.15/CY. This results in a total net deduction of \$31,500.00 for Item #6.
5. Item #11 Seeding was agreed to be removed from the contract. As a result, Specification 329200 is not applicable to the project and will be removed from Contract Document. This results in a total net deduction of \$26,880.00 for Item #11.

Based on above changes to the project, prior to Contract Execution, the net deduction for all above items is \$ 96,180.00 which results in a new Total Bid Price of \$ 167,802.75.

This Memorandum of Understanding shall become a part of Contract Documents, which revises the bid submitted on December 11, 2017.

IN WITNESS WHEREOF, to indicate agreement to the above, the undersigned has executed this Memorandum of Understanding as of this the 13th day of December, 2017.

AVCON USA, LLC
a North Carolina limited liability company

By: **Avcon USA, LLC**
a North Carolina limited liability company

By: 

Enclosures:

Revised Drawing and Detail, Sheet R-1 and R-2 dated December 13, 2017