



Zola Park Phase 1

Date: 5/16/2024

Project: Zola Park **Phase 1** – Walking Trail Conversion (DG To Concrete) & Fitness Stations

Location: 17401 Zola Lane, Pflugerville TX 78664

To: Shane Mize, Larry Foos & Jeff Achee - Pflugerville Parks and Recreation

Proposal Expires: 30 days from the above date

Please note that current fluctuations in material pricing may cause a proposal increase between now and The acceptance of this agreement.

BUYBOARD CONTRACT # 679-22, VENDOR # 3120

We are a self-reporting vendor for Buy Board. Please send all purchase orders, payments, etc. directly to The Whirlix Design team.

LANDSCAPE STRUCTURES PLAY EQUIPMENT

Series: *Landscape Structures Design # 1184315-01-02*
Surface: *Engineered Wood Fiber – Fibar 300 System*
Installation: *By Factory Trained and Certified Installers*
Quantity/Sizes: *See Attached Renders*

Base Bid: \$376,946.25

BuyBoard Discount: -\$16,918.67

TOTAL: \$360,027.58

(Three Hundred Sixty Thousand, Twenty-Seven Dollars and Fifty-Eight Cents)

Base Bid Includes:

Landscape Structures Playground Design # 1184315-01-02. Design Highlights:

- Volo With No Integrated Shade
- Cube
- Cozy Dome
- Single Post Swing – Two Belt Seats & Two Full Bucket Seats
- 2 Total Curva Spinners
- ZipKrooz 34 ft.
- SkyWays Joined Hip – 40 ft.x 60 ft. x 14 ft. Entry Height
 - 6 Column Design With 2 Tops
 - Electronic Stamped Engineer Drawings
- Freight
- Certified Installation (Both The Playground Equipment & Shade)
 - Shade Install Includes Shade Permit
- 5,302 Square Ft. - Fibar 300 Engineered Wood Fiber With 7 Total Mats
 - No Compaction
- Demo & Haul Off of Existing Play Equipment
- Demo & Haul Off of Existing EWF Safety Surfacing
- New Concrete Curb Border For The New Area To House The Volo, Cube etc. (See Drawing)
- Drainage – Both Pits. Drainage Type Varies Per Site Conditions. Could Include New French Drain & Weep Holes (Where Needed)
- Excavation / Grade Prep (The New Playground Pit)

- New Concrete Sidewalks – 2 Total Coming Off The New Concrete Trail (Quoted In Phase 2) To The Playground Pits
- Metal Construction Fence
- Full Submittal Package
- Warranty As Specified – Best in the Business!
- Buy Board Discount

Base Bid Excludes:

- Drilling Through Rocky Soil
- Hitting of New or Existing Sprinkler pipes
- Hitting of private electrical, water, sewer, internet, etc. that are not detectible during a commercial line location
- Sod Replacement due to Reasonable Path of Travel to Project or Play Area Location. We need access to project location.
- Seeding / Site Remediation
- Surveying of Site
- Craning of Equipment
- Logistical Issues that Prevent Truck or Equipment Access to Site
- Special Augers or Drilling Equipment
- Setting of Control Points or Benchmarks
- Remobilization Charges Due to Weather or Project Delays
- Offsite Storage of Equipment Due to Weather or Project Related Delays
- On Site Security (Playground Install)
- Dumpster
- Latrine on Site
- Permitting and Inspections (Unless Noted In The Inclusion Section)
- Third Party Inspections
- Geotechnical Report
- Wet Stamped Engineering Drawings
- Textura, Oracle, etc.
- Professional Liability Insurance
- Construction Management Software Required for a Specific Project
- Payment, Performance, and Maintenance Bonds
- Use of Credit Cards as Payment
- Sales Tax
- Prevailing Wage
- Certified Payroll / Progress Billing
- Bid Bond
- Badging

Terms: 60% deposit at the time of order. Net 30 for Existing Customers. All new customers are subject to a credit check. Payment terms will be based, in part, on credit review that is pulled from The Experian Business Division. Pursuant to Tex. Prop. Code § 53.159, Whirlix will need all Bond information at the time of Signed Proposal, Contract, and / or Deposit.

All taxes now or hereafter levied by federal, state or local authority upon the sale of any of the forgoing products to be paid for by the purchaser. All quotations are subject to the conditions printed on the following pages if any and when accepted are subject to the approval of an officer of this company.

Prepared by Josh Bailey · Whirlix Design Inc · jbailey@whirlix.com · 512-225-4314



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Acceptance of Approval: The above prices, specifications, and conditions are satisfactory and accepted. You are hereby authorized to provide all items described above. Any balances not paid within thirty (30) days of the date of the invoice shall accrue interest at the rate of 18% per annum. Any action to construe, declare or enforce this contract shall only be brought in a court of competent jurisdiction with venue lying solely and exclusively in Dallas County, Texas. The prevailing party in any action brought to construe, declare or enforce this contract shall be entitled to recover its actual attorney's fees, attorney's travel time charges and expenses, paralegal fees, computer access and utilization charges, expert witness fees and expenses, costs, expenses and expenses of investigation, discovery, and litigation. The parties to this contract expressly waive the right to trial by jury of any cause of action or defense pertaining to this contract. The above prices, specifications, and conditions are satisfactory and accepted. You are hereby authorized to provide all items described above.

Date: _____ **Signature:** _____