

PURCHASE PRICE AGREEMENT

THIS PURCHASE PRICE AGREEMENT ("Agreement") is entered onto on the ____ day of February, 2020, by and between the Village of Oak Park ("Village"), an Illinois home rule municipal corporation with offices at 123 Madison Street, Oak Park, Illinois 60302 and Gallagher Materials Corp. ("Contractor"), an Illinois corporation with offices at 18100 S. Indiana Avenue, Thornton, Illinois 60476.

1. Price

Contractor is a supplier of Unique Paving Material (UPM) High Performance Cold Mix Patch Material ("Materials"). Contractor has provided the Village with a 2020 price for its Materials as set forth in its Proposal dated January 24, 2020, attached hereto and incorporated herein by reference. The Village accepts the price set forth in the attachment and agrees to purchase from Contractor such Materials as it finds necessary at the price set forth in the attachment. This Agreement does not commit the Village to purchase any specific quantity of Materials. The total amount of Materials to be purchased pursuant to this Agreement shall not exceed \$35,000.00.

2. Tax Exempt

The Village, as a local governmental entity, is exempt from the payment of State of Illinois sales tax or retailer's occupation taxes. Contractor agrees that its invoices will not include any amount for such sales taxes or retailer's occupation taxes.

3. Payment

The Village will pay all undisputed portions of invoices within 30 days of approval as provided in the Local Government Prompt Payment Act, 50 ILCS 505/4. The maximum interest rate for any payment not made within thirty (30) days of approval is 1% per month.

4. Term of Agreement

This Agreement is valid for purchases through December 31, 2020.

5. Governing Law and Venue

This Agreement is governed by the laws of the State of Illinois without regard to conflicts of law principals. Any action brought to enforce this Agreement must be brought in the state and/or federal courts located in Cook County, Illinois.

6. Conflict

In case of a conflict between any provision(s) of this Agreement and the Contractor's Bid or the

Village's Request for Bids, this Agreement and the Village's Request for Bids shall control to the extent of such conflict.

7. Dispute Resolution

The Village does not agree to the mandatory arbitration of any dispute. In the event any action is brought to enforce this Agreement or to collect any unpaid amount from the Village, each party hereto shall bear the responsibility of paying its own attorney's fees and costs.

8. Binding Authority

The individuals executing this Agreement on behalf of the Parties represent that they have the legal power, right and actual authority to bind their respective party to the terms and conditions of this Agreement.

THE PARTIES TO THIS AGREEMENT by their signatures acknowledge they have read and understand this Agreement and intend to be bound by its terms.

VILLAGE OF OAK PARK

GALLAGHER MATERIALS CORP.

By: Cara Pavlicek
Its: Village Manager

Print Name: _____

Title: _____

Dated: _____, 2020

Dated: _____, 2020

ATTEST

ATTEST

By: Vicki Scaman
Its: Village Clerk

By:
Its:

Date: _____, 2020

Date: _____, 2020