

EXHIBIT 5

Sample Public Improvement Agreement Form

COPIES OF THIS PUBLIC IMPROVEMENT AGREEMENT FORM WILL BE SENT TO THE INTENDED AWARDEE (CONTRACTOR) BY LANE ESD AT THE TIME OF THE STATE'S INTENT TO AWARD NOTICE. THE BLANKS IN THIS SAMPLE WILL BE FILLED IN BY LANE ESD. THE INTENDED AWARDEE WILL THEN COMPLETE AND SIGN THE AGREEMENT. AFTER ALL REQUIREMENTS ARE MET, LANE ESD WILL THEN SIGN THE PUBLIC IMPROVEMENT AGREEMENT FORM AND SEND AN ORIGINAL, SIGNED FULLY EXECUTED PUBLIC IMPROVEMENT AGREEMENT FORM TO THE CONTRACTOR ALONG WITH THE NOTICE TO PROCEED.

STATE OF OREGON PUBLIC IMPROVEMENT AGREEMENT
for
Office Remodel for Migrant Education Program

S-P20002-00003830

This Agreement for the **Office Remodel for Migrant Education Program** (the "Agreement"), made by and between **Lane Education Service District**, hereinafter called OWNER, and **(Insert Contractor's Name)** hereinafter called the CONTRACTOR (collectively the "Parties"), is effective on the date this Agreement has been signed by all the Parties and all required State of Oregon governmental approvals have been obtained. Unless otherwise defined in the Invitation to Bid or in this Agreement, the capitalized terms used herein are defined in Section A.1 of the State of Oregon General Conditions for Public Improvement Contracts.

WITNESSETH:

1. Contract Price, Contract Documents and Work.

The CONTRACTOR, in consideration of the sum of **(Insert Price)** (the "Contract Price"), to be paid to the CONTRACTOR by OWNER in the manner and at the time hereinafter provided, and subject to the terms and conditions provided for in the Invitation to Bid, this Public Improvement Agreement and other Contract Documents, all of which are incorporated herein by reference, hereby agrees to perform all Work described and reasonably inferred from the Contract Documents.

The Contract Price includes the following items: **(Insert Items)**

2. Representatives.

Unless otherwise specified in the Contract Documents, the OWNER designates **Brad Johnston**, as its Authorized Representative in the administration of this Contract. The above-named individual shall be the initial point of contact for matters related to performance, payment, authorization, and to carry out the responsibilities of the OWNER. CONTRACTOR has named **(Insert Name)** its Authorized Representative to act on its behalf.

3. Contract Dates.

PROJECT START DATE: **30** calendar days from issuance of Notice to Proceed.
SUBSTANTIAL COMPLETION: **90** calendar days from issuance of Notice to Proceed.
FINAL COMPLETION: **120** calendar days from issuance of Notice to Proceed.

4. Liquidated Damages.

Failure to complete the project known as Office Remodel for Migrant Education Program by the specified time will result in damage to the Lane Education Service District. Since actual damage will be difficult to determine, it is agreed that the Contractor shall pay to the Lane Education Service District, not as a penalty

but as liquidated damages, \$TBD per calendar day for each day elapsed in excess of the Substantial Completion date stated in Section 3 of this Agreement.

5. Integration

THE CONTRACT DOCUMENTS CONSTITUTE THE ENTIRE AGREEMENT BETWEEN THE PARTIES. NO WAIVER, CONSENT, MODIFICATION OR CHANGE OF TERMS OF THIS CONTRACT SHALL BIND EITHER PARTY UNLESS IN WRITING AND SIGNED BY BOTH PARTIES. SUCH WAIVER, CONSENT, MODIFICATION OR CHANGE, IF MADE, SHALL BE EFFECTIVE ONLY IN THE SPECIFIC INSTANCE AND FOR THE SPECIFIC PURPOSE GIVEN. THERE ARE NO OTHER UNDERSTANDINGS, AGREEMENTS, OR REPRESENTATIONS, ORAL OR WRITTEN, NOT SPECIFIED HEREIN REGARDING THIS CONTRACT. CONTRACTOR, BY THE SIGNATURE BELOW OF ITS AUTHORIZED REPRESENTATIVE, HEREBY ACKNOWLEDGES THAT IT HAS READ THIS CONTRACT, UNDERSTANDS IT, AND AGREES TO BE BOUND BY ITS TERMS AND CONDITIONS.

In witness whereof, the LANE EDUCATION SERVICE DISTRICT executes this Agreement and the CONTRACTOR does execute the same as of the day and year of this Agreement first above written.

CONTRACTOR DATA:

CONTRACTOR NAME _____
CONTRACTOR ADDRESS _____
CONTRACTOR ADDRESS _____
CONTRACTOR'S CCB # _____ Expiration Date: _____

CONTRACTOR'S SIGNATURE: _____ Date

LANE EDUCATION SERVICE DISTRICT:

Date