AGREEMENT

THIS AGREEMENT, made and entered into by and between the

CITY OF DELANO

hereinafter referred to as "CITY" and

Zim Industries, Inc. dba Bakersfield Well & Pump Co.,

a corporation under the laws of the state of California;

a partnership composed of _____

_____;

a joint venture composed of _____

_____;

an individual doing business as_____;

hereinafter referred to as "CONTRACTOR."

CITY and CONTRACTOR agree as follows:

(1) SCOPE OF WORK: CONTRACTOR will furnish all materials and will perform all of the work for the construction of

ARSENIC MITIGATION PROJECT
(DRILLING OF WELLS No. 27, 28 & 34)

in accordance with the plans and specifications and other contract documents therefore.

(2) TIME FOR COMPLETION: The work shall be completed within the times set forth in the Special Provisions. Time is of the essence, and forfeiture due to delay will be assessed as provided for in the General Provisions.

(3) CONTRACT SUM: CITY will pay CONTRACTOR in accordance with the prices shown in the Bid Form.

(4) PAYMENTS: Monthly progress payments and the final payment will be made in accordance with the General Provisions as modified by the Special Provisions. The filing of the notice of completion by CITY shall be preceded by acceptance of the work made only by an action of the Governing Body of CITY in session.

(5) COMPLIANCE WITH PUBLIC CONTRACTS LAW: CITY is a public agency in the State of California and is subject to the provisions of law relating to public contracts. It is agreed that all provisions of law applicable to public contracts are a part of this contract to the same extent as though set forth herein and will be complied with by CONTRACTOR.

(6) CONTRACT DOCUMENTS: The complete contract includes all the Contract Documents set forth herein, to wit: Notice Inviting Sealed Proposals (Bids), Bid Form, Agreement, Performance Bond, Payment Bond, Contractor's Certificate Regarding Workers' Compensation, Certificate of Insurance (Workers' Compensation and Employer's Liability), Insurance Endorsement (Workers' Compensation and Employer's Liability), Certificate of Insurance (Liability), Insurance Endorsement (Liability), Certificate of Insurance (Builders' Risk "All Risk"), Insurance Endorsement (Builders' Risk "All Risk"), General Provisions, Special Provisions, Standard Specifications, Drawings, Plans, and also addenda thereto and supplemental agreements.

This Agreement is executed by the CITY pursuant to an action of its Governing Body in session on November 21, 2011, authorizing the same, and CONTRACTOR has caused this Agreement to be duly executed.

Dated: December 8, 2011 By _____
(Authorized Representative of City)

Title: City Manager

Dated: December 7, 2011 Zim Industries, Inc. dba Bakersfield Well & Pump Co.
(Contractor)

By _____
(Authorized Representative of Contractor)

John C. Zimmerer

(Seal if Corporation) Title Vice President

(Attach Acknowledgment for Authorized Representative of Contractor)

APPROVED: AS TO FORM

_____
(Attorney for City)

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

State of California

County of KERN

On December 7, 2011 (Date) before me, Barbara Sinco-Kennedy, Notary Public (Here Insert Name and Title of the Officer),

personally appeared John C. Zimmerer (Name(s) of Signer(s)),

who proved to me on the basis of satisfactory evidence to be the person(~~s~~) whose name(~~s~~) is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(~~ies~~), and that by his/~~her/their~~ signature(~~s~~) on the instrument the person(~~s~~), or the entity upon behalf of which the person(~~s~~) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

BRS1 BARBARA SINCO-KENNEDY COMM. #1896429 NOTARY PUBLIC • CALIFORNIA KERN COUNTY My Comm. Exp. July 23, 2014 BRS1

Signature: Barbara Sinco-Kennedy
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Agreement

Document Date: December 7, 2011 Number of Pages: 2

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: John C. Zimmerer	Signer's Name: _____
☒ Corporate Officer — Title(s): V.P.	☐ Corporate Officer — Title(s): _____
☐ Individual	☐ Individual
☐ Partner — ☐ Limited ☐ General	☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact	☐ Attorney in Fact
☐ Trustee	☐ Trustee
☐ Guardian or Conservator	☐ Guardian or Conservator
☐ Other: _____	☐ Other: _____
Signer Is Representing: Corporation	Signer Is Representing: _____
RIGHT THUMBPRINT OF SIGNER — Top of thumb here	RIGHT THUMBPRINT OF SIGNER — Top of thumb here

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Item #5907

CERTIFICATE OF CONTRACTOR

I, John C. Zimmerer, certify that I am ~~a~~ the Vice-President [designate sole proprietor, partner in partnership, or specify corporate office, e.g., secretary] in the entity named as CONTRACTOR in the foregoing contract.

I hereby expressly certify that the name of the entity to which I am associated is Zim Industries, Inc. dba Bakersfield Well & Pump Co.; that this entity is in good standing and has complied with all applicable laws and regulations, and that I have been expressly authorized by the proper parties in this entity to execute this contract on behalf of the above-named entity.

John C. Zimmerer, Vice-President

ATTEST:

Name Oscar Macias
(Please Type)

Title Sales Manager

On this _____ day of _____, 20__, before me personally came _____ to me known, or proven to me on the basis of satisfactory evidence, who being duly sworn, did depose and say: that (he/she) is an authorized representative of the Contractor and acknowledged to me that (he/she) executed the within instrument on behalf of said Contractor, _____.

In witness whereof, I have signed and affixed my official seal on the date in this certificate first above written.

See Attached California All-Purpose Acknowledgment Attached

NOTARY PUBLIC

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

State of California

County of KERN

On December 7, 2011 (Date) before me, Barbara Sinco-Kennedy, Notary Public (Here Insert Name and Title of the Officer),

personally appeared John C. Zimmerer and Oscar Macias (Name(s) of Signer(s)),

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) ~~is~~/are subscribed to the within instrument and acknowledged to me that ~~he~~/~~she~~/they executed the same in ~~his~~/~~her~~/their authorized capacity(ies), and that by ~~his~~/~~her~~/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

BARBARA SINCO-KENNEDY
COMM. #1896429
NOTARY PUBLIC • CALIFORNIA
KERN COUNTY
My Comm. Exp. July 23, 2014

Signature: Barbara Sinco-Kennedy
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Certificate of Contractor

Document Date: December 7, 2011 Number of Pages: 1

Signer(s) Other Than Named Above:

Capacity(ies) Claimed by Signer(s)

Signer's Name: John C. Zimmerer

☒ Corporate Officer — Title(s): V.P.

☐ Individual

☐ Partner — ☐ Limited ☐ General

☐ Attorney in Fact

☐ Trustee

☐ Guardian or Conservator

☐ Other:

Signer Is Representing: Corporation

RIGHT THUMBPRINT OF SIGNER
Top of thumb here

Signer's Name: Oscar Macias

☐ Corporate Officer — Title(s):

☐ Individual

☐ Partner — ☐ Limited ☐ General

☐ Attorney in Fact

☐ Trustee

☐ Guardian or Conservator

☒ Other: Sales Manager

Signer Is Representing: Corporation

RIGHT THUMBPRINT OF SIGNER
Top of thumb here

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Item #5907