



**LETTER OF AGREEMENT
FOR HVAC SERVICES (PREVENTATIVE AND CORRECTIVE)**

This Agreement is to be effective on the 1st day of April 2023, by and between Excel Mechanical Company Inc., hereinafter called "the Contractor" and the City of Ankeny, Iowa, hereinafter called "the City".

The Contractor and the City, in consideration of the mutual covenants, promises and agreements herein contained, agree as follows:

Scope of Work: The Contractor shall provide to the City the services set forth in the contract documents consisting of providing HVAC services (preventative and corrective) at designated municipal facilities.

Term of Contract: The term of the contract is April 1, 2023 through March 31, 2026, with the option to extend the agreement for up to three (3) additional one-year time periods.

Contract Documents: The Agreement consists of the following contract documents, which by this reference are incorporated herein:

- A. This signed Letter of Agreement;
- B. The Request for Bid for HVAC Services dated February 13, 2023;
- C. The bid submitted by the Contractor on March 1, 2023.
 - a. Additional year 6 pricing received March 13, 2023

If, at any time, the City determines it is in its best interest to discontinue use of this service, the City reserves the right to cancel this Agreement by giving 30 days advance written notice. Notwithstanding the preceding, the City may terminate this Agreement immediately for cause, including but not limited to performance issues, Contractor theft, or any other matter the City deems a public health or safety concern, upon written notice delivered to the Contractor.

This Agreement contains the entire agreement and understanding by and between the parties with respect to the subject matter hereof, and no representations, promises, agreements, or understandings, written or oral, not herein contained shall be of any force or effect. No change or modification hereof shall be valid or binding unless the same is in writing and signed by the party against whom such waiver is sought to be enforced. In the event of a conflict between this Letter of Agreement and any other Contract Document, this Letter of Agreement shall control.

City of Ankeny, Iowa

By: Mark Holm, Mayor

Date

Excel Mechanical Company, Inc.

By: Excel Mechanical Representative

Date

3-15-23