



Mayor
Justin Sip

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Ben Billingsley

City Council
Gary Chaves
John 'Chuck' Williams
Joseph Campbell
Todd Sands
Wayne Olsen

December 18, 2024

JP Excavating Inc.
4102 S 1440 E
St. George, UT 84790

Subject: Toquerville Parkway Bid Package B – Daily Penalties

To Whom It May Concern,

The Toquerville City Council acknowledges that unforeseen challenges have delayed progress on the Toquerville Parkway Bid Package B project (the "Project"). The City appreciates JP Excavating's ("JP") continued efforts to overcome these obstacles.

As you know, JP is contractually bound to ensure that the Project is completed in accordance with the contract, and any amendments thereto, that JP entered with the City (the "Contract"). The City has the right to impose daily penalties against JP if the Project is not completed by the completion date specified in the Contract.

Notwithstanding this, in light of the unforeseen obstacles that have impeded the progress of the Project, the City is willing to waive its right to impose daily penalties under the Contract provided that JP agrees to enter into an amendment to the Contract once the current hurdles to construction are overcome and construction commences again. The amendment to the Contract would include a new completion date and penalties that could be imposed in the event that construction is not completed by the new completion date. Please respond to this letter in writing within ten (10) days if you have any objection to such an amendment.

This letter shall not be construed as a waiver of any of the rights and remedies available to the City, except as specifically set forth herein. The City appreciates JP's diligent efforts and is committed to working collaboratively to continue to address challenges as they arise.

Sincerely,

Justin Sip
Mayor