

**Government of the Virgin Islands**  
**EMERGENCY TASK ORDER AGREEMENT**

**Roadside Clearance in the District of St. Thomas, St. John & Water Island - Hurricanes  
Irma and Maria 2017**

THIS AGREEMENT, made this 7<sup>th</sup> day of September 2017, in the Territory of the Virgin Islands of the United States, by and between the Government of the Virgin Islands, (hereinafter referred to as "Government") and **Grade All Heavy Equipment, Inc.,** whose address is, **8168 Crown Bay Marina St. Thomas, Virgin Islands 00802** (hereinafter referred to as "Contractor").

**WITNESSETH:**

**WHEREAS**, the District of St. Thomas, St. John and Water Island in the Territory of the United States Virgin Islands sustained damage including but not limited to down trees, broken utility poles, downed utility lines, blocked roadways, power outages, flooding and mudslides from the passage of Category 5 Hurricane Irma ("Hurricane Irma") on September 6, 2017 and category 5 Hurricane Maria ("Hurricane Maria") on September 20, 2017; and

**WHEREAS**, the Government is in need of a contractor to provide Roadside Clearance in the District of St. Thomas, St. John and Water Island to resume the provision of services to the Public; and

**WHEREAS**, the Contractor was selected in accordance with the authority in 31 V.I.C § 239 (a)(1); and

**WHEREAS**, the Contractor represents that it is willing and capable of providing the services in an expeditious manner and in accordance with the specifications cited in Addendum I and II;

**NOW THEREFORE**, it is mutually agreed between the Parties as follows:

**Section 1.** That for and in consideration of the prices and other terms and conditions of this Agreement, the Contractor agrees to provide the Government with all necessary supplies to provide the services outlined in Addendum I, (Scope of Work) attached hereto and made a part of this Contract.

**Section II.** The Government, in consideration of the satisfactory performance of the services described in Addendum I, (Scope of Services) agrees to pay the Contractor in accordance with invoices submitted and approved by the Department of Property and Procurement, as set forth in Addendum II, (Compensation) attached hereto and made a part of this Agreement.

Supply Contract NO. S16EDPWT18(GAHE)

Contractor's Initials: E.

**Section III** This Contract shall commence on September 7, 2017 and shall terminate ninety (90) days thereafter unless mutually extended or terminated by the Parties. The Government shall have the option to renew this Agreement for an additional thirty (30) days on the same terms stated herein by providing the Contractor with 24 hours written notice of its election to renew. No alterations or variations of the terms of the proposal shall be valid or binding upon the Government unless made in writing and approved by the Government.

**Section IV.** The Contractor agrees to provide the services outlined in Addendum I (Scope of Services), in accordance with the terms and conditions outlined in Addendum III (General Provisions), attached hereto and made a part of this Contract.

**Section V.** This Agreement shall be governed by the laws of the Virgin Islands of the United States and jurisdiction shall remain in the Virgin Islands of the United States.

**Section VI.** This Agreement shall be subject to the availability and appropriation of funds and to the approval of the Governor of Virgin Islands of the United States.

**Section VII.** The Contractor shall only perform services when directed by the Commissioner of Property & Procurement, or his authorized representative.

**Section VIII.** This Agreement constitutes the entire agreement between the parties hereto, and all prior understandings or communications, written or oral, with respect to the Service, which is the subject matter of this Agreement, are merged herein.

**Section IX.** The effective date of this Agreement shall be the day of the execution of the Agreement by the Governor of the Virgin Islands of the United States.

**Section X.** Addenda I, II, and III attached hereto are part of this Agreement and are incorporated herein by reference.

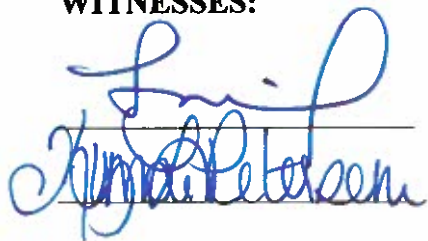
**IN WITNESS WHEREOF,** the parties have hereunto set their hands on the day and year first above written.

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Supply Contract NO. 516FDPWT18 (GAHE)

Contractor's Initials: E

**WITNESSES:**

  
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**GOVERNMENT OF THE VIRGIN ISLANDS**

  
Lloyd T. Bough, Jr., Commissioner  
Department of Property and Procurement

Date 10/13/17

**CONTRACTOR**


  
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Name: Eric W. Castro, President  
Company Name: Grade All Heavy Equipment, Inc.

Date Oct 09, 2017

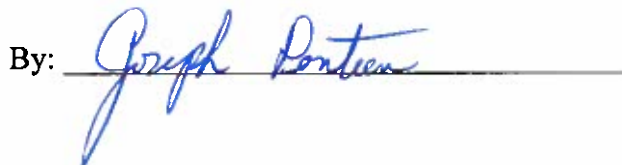
(Corporate seal if Contractor is a Corporation)

**APPROVED**

  
Honorable Kenneth E. Mapp  
Governor of the Virgin Islands

Date: 10-16-17

**Approved for Legal Sufficiency Department of Justice:**

By:   
\_\_\_\_\_

Date: 10/13/2017

Supply Contract NO. 516FDPWT18(GAHE)

Contractor's Initials: E.

**AMENDMENT NO. 1 TO  
EMERGENCY TASK ORDER AGREEMENT  
Roadside Clearance in the District of St. Thomas, St. John & Water Island - Hurricanes Irma and  
Maria 2017**

This Amendment, made this 30th day of November, 2017, in the Territory of the Virgin Islands of the United States, by and between the Government of the Virgin Islands, Department of Property and Procurement, on behalf of the Department of Public Works (hereinafter referred to as "Government") and **Grade All Heavy Equipment, Inc.** whose address is **8168 Crown Bay Marina, St. Thomas, Virgin Islands 00802** (hereinafter referred to as "Contractor").

**WITNESSETH:**

**WHEREAS**, the District of St. Thomas, St. John & Water Island in the Territory of the United States Virgin Islands sustained damage including but not limited to downed trees, broken utility poles, downed utility lines, blocked roadways, power outages, flooding and mudslides from the passage of Category 5 Hurricane Irma ("Hurricane Irma") on September 6, 2017, and from the passage of Category 5 Hurricane Maria ("Hurricane Maria") on September 20, 2017; and

**WHEREAS**, the Government and the Contractor executed an Emergency Task Order Agreement for the emergency roadside clearance for the District of St. Thomas, St. John and Water Island for a period of ninety (90) days beginning on September 7, 2017, ("the Agreement"); and

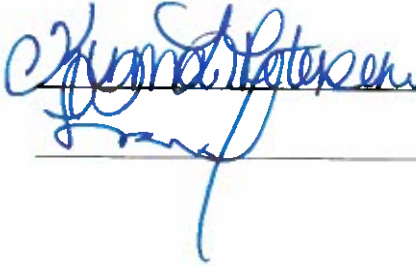
**WHEREAS**, because of the magnitude of damage sustained in the District of St. Thomas, St. John and Water Island, the use of excavators was necessary to facilitate the scope of work under the Contract, therefore, the Agreement requires an amendment to add excavators at the rate of **one hundred and fifteen dollars and zero cents (\$115.00)** per hour for the period from **September 7, 2017 through November 9, 2017** and **two hundred dollars and zero cents (\$200.00)** per hour for the period from **November 10, 2017 until the contract expires**, to the approved list of equipment.

Therefore, in accordance with the terms and conditions contained herein, and for good and sufficient consideration, the receipt of which is hereby acknowledged by the parties, the parties agree to amend the Contract as follows:

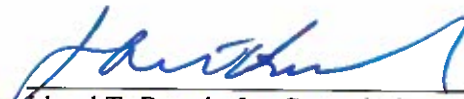
1. Addenda I and II of the Contract are revised by deleting all terms contained therein and inserting in lieu thereof all terms contained in the new Addenda I and II attached hereto as Exhibit "A".
2. All other terms and conditions of the Contract shall remain the same, and in full force and effect.

3. This Amendment is conditioned upon the approval of the Governor, and the execution of this Amendment by the Governor hereby ratifies the Contract entered into by the Parties.

**WITNESSES:**

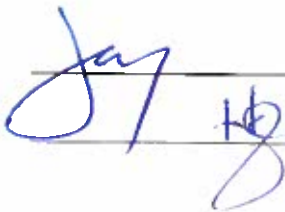
  
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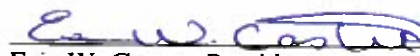
**GOVERNMENT OF THE VIRGIN ISLANDS**

  
\_\_\_\_\_  
Lloyd T. Bough, Jr., Commissioner  
Department of Property and Procurement

Date: 11/22/17

**CONTRACTOR**

  
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Eric W. Castro, President  
Grade All Heavy Equipment, Inc.


Date: Nov. 20, 2017

Approved for Legal Sufficiency by  
the Department of Justice:

  
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Date: 11/27/17

**APPROVED:**

  
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Honorable Kenneth E. Mapp  
Governor of the Virgin Islands