



Definitions to Terms and Conditions

“Agreement” means the contractual relationship formed by Buyer and Seller (as those terms are defined herein) pursuant to these Terms and Conditions, and any Order associated therewith, including any addendum, attachment, exhibit or extension thereof.

“Architect” means the person or other entity engaged by the Buyer to perform architectural, engineering, design, and/or other professional services related to the work. When a Buyer uses an engineer to act in this capacity, the terms “Architect” and “Engineer” shall be synonymous.

“Buyer” has the meaning specified in the first paragraph of this Agreement.

“Change Order” means a written alteration in specifications, delivery point, rate of delivery, period of performance, price, quantity, or other provisions of an Order, upon the mutual written agreement of both parties.

“Contractor” means the entity or organization with main responsibility for the building of a construction project and who is the party signing the prime construction contract for the project.

“Design Services” means any special designs or other design services requested by Seller related to the design of the Product, including but not limited to buoyancy calculations, external force calculations, special loading calculations, special reinforcement, custom openings, tall curbs, and/or wing walls concrete strength, steel reinforcement strength and configuration, product dimensions, tolerances, or similar services.

“Engineer” means the person or other entity engaged by the Buyer to perform engineering, design, and/or other professional services related to the work. When a Buyer uses an architect to act in this capacity, the terms “Architect” and “Engineer” shall be synonymous.

“Installation Guide” means the Landscape Products Specification Guide.

“Manufacturer Documents” means all drawings, calculations, computer software (programs), samples, patterns, models, operation and maintenance manuals, and other manuals and information

of a similar nature, provided by Seller with respect to Products that are the subject of this Agreement.

“Order” means a written or verbal proposal, quote, order form, purchase order, change order, statement of work, or other ordering document which details the Products to be purchased by Buyer from Seller, including the associated pricing.

“Product” means the goods or services purchased by Buyer from Seller pursuant to this Agreement.

“Purchase Order” means the standard Buyer document which includes or is attached to a statement of work describing the goods and/or services Buyer wants to purchase from Seller and which provides a maximum value payable by the Buyer to the Supplier.

“Purchase Price” means the total purchase price required by Seller for the supply of Products made pursuant to this Agreement.

“Sales Quotation” means any proposal submitted by Seller to Buyer regarding the proposed sale of Product.

“Sales Contract” means any Sales Quotation that has been agreed to by the Buyer, either by signed writing, by verbally consenting to the Sales Quotation, or by making payment in response to the Sales Quotation.

“Seller” means County Materials Corporation, or County Ready Mix or County Prestress & Precast, LLC, formed under the laws of Wisconsin.