

THE CORPORATION OF THE CITY OF PETERBOROUGH

BY-LAW NUMBER 05-147

BEING A BY-LAW TO AUTHORIZE THE EXECUTION OF AN AGREEMENT BETWEEN THE CORPORATION OF THE CITY OF PETERBOROUGH AND DRAIN BROS. EXCAVATING LIMITED FOR THE CHEMONG ROAD WIDENING – T-20-05

THE CORPORATION OF THE CITY OF PETERBOROUGH BY THE COUNCIL THEREOF HEREBY ENACTS AS FOLLOWS:

1. That the Mayor and Clerk be and they are hereby authorized to execute an agreement between the Corporation of the City of Peterborough and Drain Bros. Excavating Limited in the form attached hereby as Schedule "A", and to affix the Seal of the Corporation thereto.

By-law read a first and second time this 4th day of July, 2005

By-law read a third time and finally passed this 4th day of July, 2005

(Sgd.) Henry Clarke, Deputy Mayor

(Sgd.) Leigh Doughty, Deputy Clerk

SECTION D

TYPICAL AGREEMENT

**CITY OF PETERBOROUGH
TENDER CONTRACT NO. T-20-05
CHEMONG ROAD WIDENING,
SUNSET BOULEVARD TO MILROY DRIVE**

A G R E E M E N T

THIS AGREEMENT made in triplicate this _____ day of _____ 2005.

BETWEEN:

Name of Firm _____ Drain Bros. Excavating Limited _____

Address _____ R.R. # 2 _____

City _____ Lakefield _____ Postal Code _____ K0L 2H0 _____

hereinafter called the "Contractor"

THE PARTY OF THE FIRST PART

- AND -

THE CORPORATION OF THE CITY of PETERBOROUGH

hereinafter called the "Municipality"

THE PARTY OF THE SECOND PART

WITNESSETH, that the party of the first part, for and in consideration of the payment or payments specified in the Tender for this work, hereby agrees to furnish all necessary machinery, tools, equipment, supplies, labour and other means of construction and, to the satisfaction of the Engineer, to do all the work as described hereafter, furnish all the materials except as herein otherwise specified, and to complete such works in strict accordance with the plans, specifications and Tender therefore, which are identified and acknowledged in the Schedule of Provisions, Plans, Specifications and Conditions attached to the Tender and all of which are to be read herewith and form part of this present Agreement as fully and completely to all intents and purposes as though all the stipulations hereof have been embodied herein.

DESCRIPTION OF THE WORK

A description of the work under Contract T-20-05 includes removals, grading, storm sewer, sanitary sewer, watermain, road works, sidewalk and traffic signals as illustrated in the enclosed drawings for work on Chemong Road in the City of Peterborough.

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AGREEMENT

The Contractor further agrees that he will deliver the whole of the works completed in accordance with this Agreement within the time stipulated in the Tender Bid entitled TIME OF THE ESSENCE OF THE CONTACT.

The Contractor agrees that any monies due to the Municipality as a result of non-completion of the works within the time stipulated may be deducted from any monies due to the Contractor on any account whatsoever.

IN CONSIDERATION WHEREOF, said party of the second part agrees to pay to the Contractor for all work done, the unit prices on the Tender.

This agreement shall enure to the benefit of and be binding upon the heirs, executors, administrators and assigns of the parties hereto.

IN WITNESS WHEREOF, the Contractor and the Municipality have hereunto signed their names and set their seals on the day first above written, or caused their corporate seals to be affixed, attested by the signature of their proper officers, as the case may be.

Witness of the Corporation

Signature of Contractor or Seal

Witness

Mayor, City of Peterborough

Witness

Clerk, City of Peterborough