

**THE CORPORATION OF THE CITY OF PETERBOROUGH**

**BY-LAW NUMBER 05-148**

**BEING A BY-LAW TO AUTHORIZE THE EXECUTION OF AN AGREEMENT BETWEEN THE CORPORATION OF THE CITY OF PETERBOROUGH AND DM WILLS ASSOCIATES LIMITED FOR CONTRACT ADMINISTRATION AND INSPECTION SERVICES FOR TENDER T-25-05, CURTIS CREEK REALIGNMENT FROM CADDY STREET TO ARMOUR ROAD.**

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 DM Wills Associates 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 4<sup>th</sup> day of July, 2005

By-law read a third time and finally passed this 4<sup>th</sup> 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-25-05**

**CURTIS CREEK REALIGNMENT  
CADDY STREET TO ARMOUR ROAD**

**A G R E E M E N T**

THIS AGREEMENT made in quadruplicate this \_\_\_\_\_ day of \_\_\_\_\_ 2005.

BETWEEN:

Name of Firm 560789 Ontario Limited o/a R & M Construction

Address 254 Main Street, North

City Acton, ON Postal Code L7J 1W9

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 at though all the stipulations hereof have been embodied herein.

**DESCRIPTION OF THE WORK**

A description of the work under Contract T-25-05 includes excavation, grading, retaining wall, road work, sewer work and landscaping as illustrated in the enclosed drawings for work on Curtis Creek and Centre Street in the City of Peterborough.

CITY OF PETERBOROUGH  
TENDER CONTRACT NO. T-25-05

CURTIS CREEK REALIGNMENT  
CADDY STREET TO ARMOUR ROAD

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