

THE CORPORATION OF THE CITY OF PETERBOROUGH

BY-LAW NUMBER 06-108

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 STABILIZATION AND REHABILITATION OF HARPER CREEK (T-25-06)

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, second and third time this 3rd day of July, 2006

(Sgd.) Henry Clarke, Deputy Mayor

(Sgd.) Nancy Wright-Laking, City Clerk

CITY OF PETERBOROUGH

Harper Creek – Stabilization and Rehabilitation Project

Tender No. T-25-06

SECTION D

TYPICAL AGREEMENT

TYPICAL AGREEMENT

THIS AGREEMENT made in quadruplicate this ____ day of _____ 20__.

BETWEEN:

Name of Firm Drain Bros. Excavating Limited

Address R.R. # 2

City Lakefield, ON 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 "Corporation"

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 WORKS

Harper Creek – Stabilization and Rehabilitation Project

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.

The agreement shall ensure 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 Corporation have hereunto signed their names and set their seals on the day first above written.

DATE

DATE

DATE

DATE

Signature of Corporation witnesses
and position held

Signature of Contractor or Seal
of the Corporation

Mayor

DATE

DATE

CLERK

DATE

DATE

Signature of designated Corporation
Officers and position held

Seal of Corporation of the City of Peterborough