

THE CORPORATION OF THE CITY OF PETERBOROUGH

BY-LAW NUMBER 08-060

BEING A BY-LAW TO AUTHORIZE THE EXECUTION OF AMENDMENT TO AN AGREEMENT BETWEEN THE CORPORATION OF THE CITY OF PETERBOROUGH AND HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO AS REPRESENTED BY THE MINISTER OF AGRICULTURE, FOOD AND RURAL AFFAIRS (ONTARIO SMALL TOWN AND RURAL DEVELOPMENT INFRASTRUCTURE (OSTAR)) RE FUNDING FOR WASTE WATER TREATMENT PLANT UPGRADES

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

1. That the Mayor and Clerk be hereby authorized to execute an amendment to an agreement dated February 10, 2003, between the Corporation of the City of Peterborough and her Majesty the Queen in right of Ontario as represented by the Minister of Agriculture, Food and Rural Affairs (Ontario Small Town and Rural Development Infrastructure (OSTAR)) re funding for Waste Water Treatment Plant Upgrades as set out in Appendix A.

By-law read a first, second and third time this 17th day of March, 2008.

(Sgd.) D. Paul Ayotte, Mayor

(Sgd.) Nancy Wright-Laking, City Clerk

ADDENDUM

This Addendum made as of the ___ day of _____ 2008.

BETWEEN: Her Majesty the Queen in Right of Ontario as represented by the Minister of Agriculture, Food and Rural Affairs

AND: The Corporation of the City of Peterborough

WHEREAS an Agreement dated February 10, 2003 was executed by the City of Peterborough and Her Majesty the Queen in Right of Ontario as represented by the Associate Minister of Municipal Affairs and Housing;

NOW THEREFORE the parties agree to amend the terms and conditions of the Agreement as follows:

1. Schedule “B” (DESCRIPTION OF THE PROJECT - CAPITAL) is repealed and Schedule B, as attached, is substituted.
2. Schedule “D” (BUDGET – CAPITAL) is repealed and Schedule “D”, as attached, is substituted.
3. Schedule “E” (PROJECT SCHEDULE (MILESTONE) - CAPITAL) is repealed and Schedule “E”, as attached, is substituted.
4. Schedule “F” (FINANCIAL ASSISTANCE – CAPITAL) is repealed and Schedule “F”, as attached, is substituted.
5. All other terms and conditions of the Agreement remain in effect.

IN WITNESS WHEREOF the parties have executed this Addendum.

**HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO AS REPRESENTED BY THE
MINISTER OF AGRICULTURE, FOOD AND RURAL AFFAIRS**

NAME: The Honourable Leona Dombrowsky
TITLE: Minister of Agriculture, Food and Rural Affairs

DATE

THE CORPORATION OF THE CITY OF PETERBOROUGH

NAME: Paul Ayotte
TITLE: Mayor

DATE

Affix
Corporate
Seal

NAME: Linda Reed
TITLE: Chief Administrative Officer

DATE

**SCHEDULE “B”
DESCRIPTION OF THE PROJECT**

OSTAR FILE #6054 THE CORPORATION OF THE CITY OF PETERBOROUGH

WORK DESCRIPTION:

Upgrade the existing Peterborough Waste Water Treatment Plant (WWTP), to address issues of plant re-rating (expansion), and structural deficiencies, raising public health and safety concerns. The project components include:

- Work required to achieve re-rating of the plant to 60,000 m³/d (engineering and capital works);
- Work required to examine and evaluate the existing facilities, prepare cost estimates, and recommend upgrades to the sludge stabilisation process;
- Work required to replace digester 1 & 2 roofs, boilers, sludge heat exchangers, waste gas flare station, gas compressor for digester 1 & 2 mixers, and all other necessary capital works to upgrade the facility identified during the evaluation of the sludge stabilisation facility.

SCHEDULE “D” BUDGET

Complete the following tables:

ESTIMATED COSTS

Project phase	Eligible Costs
1. Construction	\$9,266,265.76
2. Preliminary engineering (Environmental Assessment, engineering reports)	\$75,000.00
3. Engineering (final design/supervision)	\$675,000.00
4. Project management	\$75,000.00
5. Surveys	\$37,000.00
6. Miscellaneous	\$100,000.00
7. GST (after tax credit)	\$205,350.00
8. Sum of (1 to 7)	\$10,433,615.76
9. Grants from other sources (specify)	
10. Total eligible cost (8 minus 9)	\$10,433,615.76

CASH FLOW BASED ON ESTIMATED COSTS

TOTAL IN TABLE MUST BE EQUAL WITH LINE 10 OF ESTIMATED COSTS

Quarter	(April - June) Q1	(July - Sept.) Q2	(Oct. - Dec.) Q3	(Jan .- March) Q4
2000/01				\$55,800.00
2001/02	\$12,600.00	\$59,200.00	\$477,200.00	\$277,700.00
2002/03	\$355,400.00	\$2,179,100.00	\$400,000.00	\$400,000.00
2003/04	\$400,000.00	\$400,000.00	\$400,000.00	\$5,016,615.76
2004/05				
2005/06				

**SCHEDULE “E”
PROJECT SCHEDULE (MILESTONES)**

- a) Enter Milestone Description
- b) Shade the boxes by the appropriate quarter that pertain to the milestone timeline
- c) If you require more space, please add additional sheets

****Based on Government Fiscal Year:**

Q1 = April – June Q2 = July – September Q3 = October - December Q4 = January - March

MILESTONE DESCRIPTION	'00 Q2	'00 Q3	'01 Q4	'01 Q1	'01 Q2	'01 Q3	'02 Q4	'02 Q1	'02 Q2	'02 Q3	'03 Q4	'03 Q1	'03 Q2	'03 Q3	'04 Q4	'04 Q1	'04 Q2	'04 Q3	'05 Q4	'05 Q1	'05 Q2	'05 Q3	'06 Q4
	Engineering and Project Management																						
Construction																							
Construction Documents Issued																							
Project Commissioning / Startup																							
Project Completion																							

**SCHEDULE “F”
FINANCIAL ASSISTANCE**

Total Eligible Costs: \$10,433,615.76

Maximum Financial Assistance: \$5,415,009.71

Ontario Maximum Financial Assistance: \$3,478,219.71

Federal Maximum Financial Assistance: \$1,936,790.00

The Ministry will hold back 10% of the Maximum Financial Assistance, the release of which shall be contingent on submission of the Recipient’s Final Report detailing the progress and status of the Project and substantiating that the Project has been Substantially Performed. Such report must contain the information required in the Final Report as set out in Section 6.4 of Schedule “A” of this Agreement. The Ministry is not obligated to pay interest on the holdback or any other payments under this Agreement.

**OMAFRA COLLABORATES WITH RECIPIENT ON APPROPRIATE MILESTONE
SCHEDULE**
