

THE CORPORATION OF THE CITY OF PETERBOROUGH

BY-LAW NUMBER 08-166

BEING A BY-LAW TO AUTHORIZE THE EXECUTION OF AN AGREEMENT BETWEEN THE CORPORATION OF THE CITY OF PETERBOROUGH AND ACCUREX INC. FOR THE CONSTRUCTION OF A SANITARY SEWER CONNECTION ON THE WEST SIDE OF CHEMONG ROAD AT SUMMERHILL DRIVE (T-42-08)

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 agreement between the Corporation of the City of Peterborough and Accurex Inc 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 6th day of October, 2008.

(Sgd.) Henry Clarke, Deputy Mayor

(Sgd.) Leigh Doughty, Deputy Clerk

CITY OF PETERBOROUGH
TENDER CONTRACT T-42-08

CHEMONG ROAD SANITARY SEWER CONNECTION

AGREEMENT

THIS AGREEMENT made in triplicate this 6 day of October 2008.

BETWEEN:

Name of Firm Accurex Inc.

Address 150 O'Carroll Avenue

City Peterborough, ON Postal Code K9H 4V3

hereinafter called the "Contractor"
THE PARTY OF THE FIRST PART

- AND -

THE CORPORATION OF THE CITY of PETERBOROUGH
hereinafter called the "City"
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-42-08 includes excavation, grading, installation of sanitary sewer, curb and gutter and road restoration as illustrated in the enclosed drawings for work on Chemong Road Sanitary Sewer Connection in the City of Peterborough.

CITY OF PETERBOROUGH
TENDER CONTRACT T-42-08

CHEMONG ROAD SANITARY SEWER CONNECTION

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 CONTRACT.

The Contractor agrees that any monies due to the City 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.

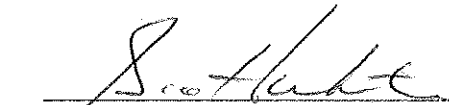
This agreement shall inure to the benefit of and be binding upon the heirs, executors, administrators and assigns of the parties hereto.

IN WITNESS WHEREOF, the Contractor and the City 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.

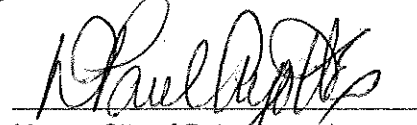
Witness of the Corporation

Witness

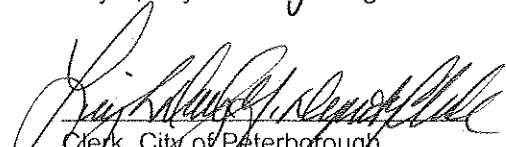
Witness



Signature of Contractor or Seal



Mayor, City of Peterborough



Clerk, City of Peterborough