THE CORPORATION OF THE CITY OF PETERBOROUGH

BY-LAW NUMBER 09-088

BEING A BY-LAW TO AUTHORIZE THE EXECUTION OF AN AGREEMENT BETWEEN THE CORPORATION OF THE CITY OF PETERBOROUGH AND LAFARGE PAVING & CONSTRUCTION LTD. FOR THE MIDDLEFIELD ROAD SIDEWALK INSTALLATION IN THE CITY OF PETERBOROUGH (T-05-09)

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

That the Mayor and Clerk be and they are hereby authorized to execute an agreement between the Corporation of the City of Peterborough and Lafarge Paving & Construction Ltd. in the form attached hereby as Schedule “A”, and to affix the Seal of the Corporation thereto.

By-law read a first and second and third time this 6th day of July, 2009

(Sgd.) D. Paul Ayotte, Mayor

(Sgd.) Nancy Wright-Laking, City Clerk
SECTION D

TYPICAL AGREEMENT
CITY OF PETERBOROUGH
TENDER T-05-09
MIDDLEFIELD ROAD
SIDEWALK INSTALLATION

AGREEMENT

THIS AGREEMENT made in triplicate this day of 2009.

BETWEEN:

Name of Firm Lafarge Paving & Construction

Address 2317 Television Road

City Peterborough, ON Postal Code K9J 7H5

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 Request for Tenders 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-05-09 includes the stripping of topsoil & sod, removal of driveways, excavation, grading, installation of concrete curb-face sidewalk, restoration of driveways, topsoil and sod and line painting as illustrated in the enclosed drawings for work on Middlefield Road in the City of Peterborough.
CITY OF PETERBOROUGH
TENDER T-05-09

MIDDLEFIELD ROAD
SIDEWALK INSTALLATION

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 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                      Signature of Contractor or Seal

________________________________________  ______________________________________
Witness                                                                                       Mayor, City of Peterborough

________________________________________  ______________________________________
Witness                                                                                       Clerk, City of Peterborough