THE CORPORATION OF THE CITY OF PETERBOROUGH

BY-LAW NUMBER 10-094

BEING A BY-LAW TO AUTHORIZE THE EXECUTION OF AN AGREEMENT BETWEEN THE CORPORATION OF THE CITY OF PETERBOROUGH AND DRAIN BROS. EXCAVATING LIMITED

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 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 25th day of May, 2010.

(Sgd.) D. Paul Ayotte, Mayor

(Sgd.) John Kennedy, Deputy Clerk
CITY OF PETERBOROUGH
REQUEST FOR TENDERS T-27-10

MILLENIUM PARK
CHARLOTTE STREET ENTRANCE

THIS CONTRACT made in triplicate this day of 2010.

BETWEEN:

Name of Firm Drain Bros. Excavating Limited

Address 2130 8th Line Road North

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 "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 Contract Administrator, to do all the Work as described hereafter, furnish all the materials except as herein otherwise specified, and to complete such Work in strict accordance with the plans, specifications and RFT therefore, which are identified and acknowledged in the Schedule of Provisions, Plans, Specifications and Conditions attached to the RFT and all of which are to be read herewith and form part of this present Contract 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 RFT# T-27-10 includes streetscape improvements as illustrated in the enclosed drawings for Work on Charlotte Street in the City of Peterborough.
CITY OF PETERBOROUGH
TENDER T-27-10

MILLENNIUM PARK
CHARLOTTE STREET ENTRANCE

The Contractor further agrees that he will deliver the whole of the Work completed in accordance with this Contract 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 Work 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 Contract 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