THE CORPORATION OF THE CITY OF PETERBOROUGH

BY-LAW NUMBER 05-123

BEING A BY-LAW TO AUTHORIZE THE EXECUTION OF AN AGREEMENT BETWEEN THE CORPORATION OF THE CITY OF PETERBOROUGH AND ACCUREX INC. FOR THE WELLER STREET EAST STORM AND SANITARY SEWER REPLACEMENT. – T-21-05

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 Accurex in the form attached hereby as Schedule “A”, and to affix the Seal of the Corporation thereto.

By-law read a first and second time this 13th day of June, 2005

By-law read a third time and finally passed this 13th day of June, 2005

(Sgd.) Henry Clarke, First Deputy Mayor

(Sgd.) Doris Neufeld, Deputy Clerk
SECTION D

TYPICAL AGREEMENT
AGREEMENT

THIS AGREEMENT made in quadruplicate this day of 2005.

BETWEEN:

Name of Firm ___________________________________________________________________________

Accurex Inc.

Address ______________________________________________________________________________

150 O'Carroll Avenue, Unit #1

City __________________________ Postal Code __________________________

Peterborough K9H 4V3

hereinafter called the "Contractor"

THE PARTY OF THE FIRST PART

- AND -

THE CORPORATION OF THE CITY of PETERBOROUGH

hereinafter called the "Municipality"

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-21-05 includes excavating, grading, pavement, storm, and sanitary removal/installation as illustrated in the enclosed drawings for work on Weller Street East, from 574 Weller Street to Walton Street in the City of Peterborough.
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 Municipality 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 enure to the benefit of and be binding upon the heirs, executors, administers and assigns of the parties hereto.

IN WITNESS WHEREOF, the Contractor and the Municipality 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