

THE CORPORATION OF THE CITY OF BROCKVILLE

BY-LAW NUMBER

102 -94

BY-LAW TO AUTHORIZE THE ACCEPTANCE OF THE
TENDER OF DAVID BROWN CONSTRUCTION LTD.
FOR BROOME ROAD SERVICES IN THE AMOUNT OF
ONE MILLION, ONE HUNDRED AND SEVENTY-SIX
THOUSAND, SEVEN HUNDRED AND ELEVEN DOLLARS
(\$1,176,711.00) EXCLUDING GST

WHEREAS tenders have been received for the City of Brockville
Contract 94-01 for Broome Road Services, and

WHEREAS it is deemed expedient to accept the tender of
David Brown Construction Ltd. in the amount of One Million, One
Hundred and Seventy-Six Thousand, Seven Hundred and Eleven
Dollars (\$1,176,711.00) excluding GST;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE
CITY OF BROCKVILLE ENACTS AS FOLLOWS:

1. THAT the tender of David Brown Construction Ltd. in the
amount of One Million, One Hundred and Seventy-Six Thousand,
Seven Hundred and Eleven Dollars for Contract 94-01 for Broome
Road Services be accepted, a copy of which Contract is attached
hereto.
2. THAT the Mayor and Clerk be and they are hereby
authorized to execute the said Contract on behalf of the
Corporation of the City of Brockville.

GIVEN UNDER THE SEAL OF THE CORPORATION

OF THE CITY OF BROCKVILLE AND PASSED THIS

10th DAY OF May

A.D., 1994.

MAYOR

CLERK



FORM OF AGREEMENT

THIS AGREEMENT made in triplicate

BETWEEN: David Brown Construction Ltd. of the City of
Ingleside in the Province of Ontario
hereinafter called the "Contractor"

THE PARTY OF THE FIRST PART

-and-

THE CORPORATION OF THE CITY OF BROCKVILLE
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 work as described hereafter, furnish all
materials except as herein otherwise specified, and to complete
such works in strict accordance with the plans, specifications

and Tender herefore, which are identified and acknowledged in the Special Provisions, Specifications , General Conditions and Drawings 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 as though all the stipulations hereof have been embodied herein.

DESCRIPTION OF THE WORKS: CONTRACT 94-01

Broome Road Services, including sanitary and storm sewers, watermain, grading, granulars, curb and gutter and asphalt pavement.

The Contractor further agrees that he will deliver the whole of the works completed before Friday, October 21, 1994 in accordance with this Agreement and if such time limit is exceeded, may be subject to the Special Provision for the Contract entitled "Liquidated Damages".

The Contractor agrees that any monies due the Municipality as a result of non-completion of the works within the time stipulated may be deducted on any account whatsoever from any monies due the Contractor.

IN CONSIDERATION WHEREOF, said party of the second part agrees to pay to the Contractor for all work done, the unit or lump sum prices of the Tender.

THIS AGREEMENT shall ensure 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 Municipality have hereunto signed their names and set their seals.

David Brown Construction Ltd.


David Munk

CONTRACTOR

Vice-President

POSITION

B. Besten

WITNESS

DATE May 13, 1994

THE CORPORATION OF THE CITY OF BROCKVILLE



MAYOR

Marilyn J. Smeed

CLERK

DATE *May 30* 1994.
