

THE CORPORATION OF THE TOWN OF AMHERSTBURG

BY-LAW NO. 2003-15

Being a By-law to authorize the signing of an agreement between the Town of Amherstburg and Ingratta Cement & Drainage Inc.

WHEREAS the Town of Amherstburg Council desired to construct a Sidewalk along a portion of Sandwich Street; and

WHEREAS the Public Works Department prepared the necessary specifications and received quotations for the project; and

WHEREAS Ingratta Cement & Drainage Contractors Inc. submitted a price of \$27,872.96 based on specifications provided; and

WHEREAS the final price including G.S.T. was \$26,467.66 on the approved work

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF AMHERSTBURG ENACTS AS FOLLOWS:

THAT the Mayor and Clerk be authorized to sign the contract dated October 31, 2002 with Ingratta Cement & Drainage Contractors Inc. attached hereto and forming part of this By-law.

Read a first, second and third time and finally passed this 24th day of February, 2003.

MAYOR

CLERK

1st Reading: February 24, 2003

2nd Reading: February 24, 2003

3rd Reading: February 24, 2003

Certified to be a true copy of By-law No. 2003-15 passed by the Council of the Town of Amherstburg on February 24, 2003.

CLERK

AGREEMENT

THIS AGREEMENT made in triplicate this 31st day of OCTOBER, 2002.

BETWEEN THE CORPORATION OF THE TOWN OF AMHERSTBURG

(hereinafter called the Corporation) of the first part,

AND

INBRATTA CEMENT AND DRAINAGE CONTRACTORS INC.

(hereinafter called the Contractor) of the second part.

WHEREAS the Corporation is desirous that certain works should be constructed, viz., the construction of the:

SANDWICH STREET SIDEWALK CONSTRUCTION

in the Town of Amherstburg and appurtenances and has accepted a Tender by the Contractor for the construction, completion and maintenance of such works:

NOW THIS AGREEMENT WITNESSES AS FOLLOWS:

1. The Contractor hereby covenants and agrees to provide and supply at his expense, all and every kind of labour, machinery, equipment and materials for, and to undertake and complete in strict accordance with his Tender dated the 4TH day of OCTOBER, 2002,

and the Contract Documents (consisting of the General Conditions of Contract, Drawings, Specifications, Information to Tenderers, Special Provisions of Contract, if any, (including all modifications thereof and incorporated in the said documents before their execution) prepared by the Town of Amherstburg Public Works Department and all of which said documents are annexed hereto and form part of this Agreement to the same extent as if fully embodied herein, the construction of the above noted works for the sum of TWENTY SEVEN THOUSAND EIGHT HUNDRED SEVENTY TWO DOLLARS AND NINETY SIX CENTS dollars (\$ 27,872.96)

2. The Contractor further covenants and agrees to undertake and complete the said work in a proper workmanlike manner under the supervision and direction and to the entire satisfaction of the Town of Amherstburg Public Works Department, within the specified time in his Tender. Time shall be deemed the essence of the contract.

- 3. The Contractor further covenants and agrees that he will at all times, indemnify and save harmless, the Corporation of the Town of Amherstburg, along with their respective officers, servants and agents, from and against all loss and damages whatsoever which may be made or brought against the above listed by reason or in consequence of the non-execution or negligent execution thereof by the Contractor, its servants, agents or employees.
- 4. The Corporation hereby covenants and agrees that if the said Work is duly and properly executed and materials are provided as aforesaid, and if the said Contractor carries out, performs and observes all of the requirements and conditions of this Agreement, the Corporation will pay to the Contractor, the price set forth in his Tender, such payment or payments to be made in accordance with the provisions of the General Conditions of the Contract referred to above.
- 5. This Agreement and everything herein contained shall endure to the benefit of and be binding upon the parties hereto, their heirs, executors, administrators, successors and assigns, respectively.

IN WITNESS WHEREOF the parties hereto have hereunto affixed their Corporate Seals, if any, duly attested by the signature of their proper officers in that behalf, respectively.

Barbara Smith

WITNESS AS TO SIGNATURE OF CORPORATION

Frank Ingratta

Contractor's Signature and Seal

FRANK INGRATTA

Contractor's Name

6167 MALDEN RD - RR#1 MAIDSTONE ONT - NORIKO

Contractor's Address

CORPORATION OF THE TOWN OF AMHERSTBURG

WITNESS AS TO SIGNATURE OF CORPORATION

Mr. Tony DiBartolomeo, Mayor

Mr. David Mailloux, Clerk