

THE CORPORATION OF THE TOWN OF AMHERSTBURG

BY-LAW NO. 2013-112

**By-law to enter into a Contract with Weir Canada for the
Supply of raw sewage pumps**

WHEREAS the Municipal Act, S.O. 2001, c. 25, authorizes Council to enter into agreements;


AND WHEREAS the Town of Amherstburg passed a resolution April 7, 2014 accepting the tender from Weir Canada for the supply of the raw sewage pumps;

AND WHEREAS the Town of Amherstburg deems it necessary to enter into a contract with Weir Canada;

NOW THEREFORE the Council of the Corporation of the Town of Amherstburg enacts as follows:

1. THAT the Mayor and Clerk be authorized to enter into a Contract
2. THAT Schedule A attached hereto, being the Contract, as to form and content, forms part of this By-law.
3. THAT all actions taken and/or required to be taken by the Mayor and Clerk on behalf of the Town to fulfill the terms of the Contract, including the execution of all documentation, are hereby authorized.
4. THAT this By-law shall come into force and take effect immediately upon the final passing thereof.

Read a first, second and third time and finally passed this 7th day of April, 2014


MAYOR - WAYNE HURST


CLERK - BRENDA M. PERCY
Deputy Clerk - Paula Parker

Agreement No. 2014-09
Raw Sewage Supply for Pump Station No. 2

THIS AGREEMENT made in triplicate this 16th day of April, 2014.

B E T W E E N: Weir Canada Inc.

(hereinafter referred to as the "Equipment Supplier")

THE PARTY OF THE FIRST PART

= and =

THE TOWN OF AMHERSTBURG
(hereinafter referred to as the "Town")

THE PARTY OF THE SECOND PART

THE PARTIES agree that the following is an exact list of the documents to be read with this Agreement that shall form part of this Agreement as fully and completely as though embodied herein in full. In the event of inconsistency in the exact list of documents the following order of precedence shall apply:

- Agreement
- Addenda
- Special Provisions
- Information for Tenderers
- Contract Drawings
- Supplemental Specifications
- Standard Specifications
- Form of Tender
- Supplemental General Conditions
- General Conditions
- Working Drawings

AND WHEREAS the Equipment Supplier for and in consideration of the payment or payments for the cost of the work specified by this Agreement and the documents that form part of this Agreement shall agree to furnish all necessary machinery, tools, equipment, supplies, labour and other means of construction to the satisfaction of the Town and to perform all of the work as required and furnish all of the materials as required in strict accordance with the provisions of this Agreement and all documents that form part of this Agreement.

THAT for the purpose of this agreement, the work or work shall consist of and mean all matters and things pertaining to the supply of raw sewage pumps for the Pump Station No. 2 Upgrades in accordance with this Agreement and all documents that form part of this Agreement.

Agreement No. 2014-009

The effective date of the agreement is the date of acceptance of the Equipment Supplier's tender.

IN CONSIDERATION WHEREOF, and subject to the provisions of the Agreement and documents that form part of it set out above, the Town agrees to pay the Equipment Supplier for the costs of the works delivered by the Equipment Supplier, the lump sum price of the

Tender One hundred and seventeen thousand, eight hundred and eleven dollars and seventeen cents (\$117,811.17) subject to authorized changes and additions or deductions which are agreed upon in accordance with the terms and conditions set out in the document list that forms part of this Agreement.

It is agreed between the parties that every covenant, proviso, and Agreement shall ensure to the benefit of and be binding upon the parties and their heirs, executors, administrators, successors and assigns of the parties.

The invalidity of any particular provision of this Agreement shall not affect any other provision of it but the Agreement shall be construed as if the invalid provision had been omitted.

IN WITNESS WHEREOF, the Equipment Supplier and the Town have hereunto signed their names and set their seals at the times and places indicated.

This 10th day of June
2014, at the City of
Mississauga
Province of Ontario

Witness
(Only to be signed if the Equipment
Supplier is not a Corporation)

[Signature]

Signing Officer:
Title: V.P. Finance

Equipment Supplier: Weir Canada Inc.

Signature of Equipment Supplier or where
Equipment Supplier is a Corporate Body,
the signature of an Officer of the Equipment
Supplier with the seal of the Corporation
impressed thereon.

This 16th day of July
2014, at the Town of Amherstburg
Province of Ontario

THE TOWN OF AMHERSTBURG
[Signature]

Mayor
[Signature]

Town Clerk