THE CORPORATION OF THE TOWN OF AMHERSTBURG

BY-LAW NO. 2013-113

By-law to enter into a Contract with Huber Technology for the Supply of basket screens

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 Huber Technology for the supply of the basket screens;

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

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.

CLEDY BRENDY M DERCY

Agreement No. 2014-08 Basket Screen Supply for Pump Station No. 2

THIS AC	GREEMENT made in triplicate this 6 day of May , 2014.		
BETWEEN: Huber Technology Incorporated			
(hereinafter referred to as the "Equipment Supplier")			
- and -	THE PARTY OF THE FIRST PART		
	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 <u>basket screens for the Pump Station No. 2 Upgrades</u> in accordance with this Agreement and all documents that form part of this Agreement.

Agreement No. 2014-08

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 forty four thousand, seven hundred and eight dollars, ninety three cents (\$144,708.93) 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 day of	Signing Officer: Title: Sevetary Equipment Supplier: Huber Technology, 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 20 ¹⁴ day of Hay 2014, at the Town of Amherstburg Province of Ontario	THE TOWN OF AMHERSTBURG Mayor Towa Clerk