

CORPORATION OF THE VILLAGE OF MERRICKVILLE - WOLFORD

BY-LAW NO. 31-2019

BEING a By-Law to authorize the execution of the Contract Agreement between the Corporation of the Village of Merrickville-Wolford and Clarence McDonald Excavation Ltd. for the purposes of the reconstruction of Drummond, Lewis and St. Patrick Streets including water, sewer and road infrastructure

WHEREAS section 9(3) of the Municipal Act, 2001, as amended, does authorize that the council of a local municipality may pass by-laws as part of its general municipal powers;


WHEREAS the Council of the Corporation of the Village of Merrickville - Wolford does deem it appropriate to execute the Agreement attached hereto as Schedule "A" to this by-law;

NOW THEREFORE the Council of the Corporation of the Village of Merrickville - Wolford does enact as follows that:

- 1) The Mayor and the CAO/Clerk, on behalf of the Corporation of the Village of Merrickville – Wolford, are hereby authorized to execute the Contract Agreement as attached to this by-law as Schedule "A", subject to legal review.

READ a first and second time this 14th day of May, 2019

READ a third and final time and passed this 14th day of May, 2019



J. Douglas Struthers, Mayor



Doug Robertson, CAO/Clerk

**VILLAGE OF MERRICKVILLE-WOLFORD
2019 RECONSTRUCTION OF DRUMMOND,
LEWIS, AND ST. PATRICK STREETS**

VILLAGE PROJECT NO. PW-2019-01

CONTRACT AGREEMENT

THIS AGREEMENT made in triplicate this ____ day of _____, 2019

between: Clarence McDonald Excavation Ltd. of the
Township of South Stormont in the United Counties of Stormont,
Dundas and Glengarry, Province of Ontario
Hereinafter called the "Contractor"

THE PARTY OF THE FIRST PART

- and -

THE CORPORATION OF THE VILLAGE OF MERRICKVILLE-WOLFORD
Hereinafter called "The Corporation"
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 Contract Administrator, to do all the work as described hereafter, furnish all the materials except as otherwise specified, and to complete such works in strict accordance with the Plans, Specifications and Tender herefore, which are identified and acknowledged in the Schedule of Plans, Specifications and General Conditions attached to the Tender document and all of which are to be completely to all intents and purposes as though all the stipulations hereof have been embodied herein.

DESCRIPTION OF THE WORKS:

The rehabilitation of Drummond Street (from St. Lawrence St. to St. Patrick Street), Lewis Street (from St. Lawrence Street to St. Patrick Street) and St. Patrick Street (from Lewis Street to Brock Street) including storm sewers, sanitary sewers, watermains, grading granular base, hot mix paving, curb and gutter and landscaping.

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 Special Provisions - General entitled "Project Schedule & Liquidated Damages".

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

IN CONSIDERATION WHEREOF, Said party of the second part agrees to pay the Contractor for all work done, based on the unit prices of the Tender.

This Agreement shall inure to the benefit of and be binding upon the heirs, executors, administrators, and assigns of the parties hereto.

Acceptance of the Contractor's offer by the Corporation and execution of this Agreement by the Contractor shall constitute a legally binding agreement between both parties.

IN WITNESS WHEREOF, the Contractor and the Corporation have hereto signed their names and set their seals on the day first above written.

Signature of Contractor
Witness and position held
or Corporation Seal

Signature of Contractor

Village of Merrickville-Wolford

Seal of the Municipal Corporation

Signature of designated Municipal
Officer and position held

Signature of designated Municipal
Officer and position held