

THE CORPORATION OF THE MUNICIPALITY OF PORT HOPE

BY-LAW NO. 36/2022

*Being a By-law to Authorize Execution of a Contract Agreement with Greenwood Paving (Pembroke) Ltd. with regard to Contract No. 24T-ENG-2022 – Rural Roads Resurfacing*

WHEREAS the Municipal Act, 2001, Section 9 provides in part that a Municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF PORT HOPE ENACTS AS FOLLOWS:

1. THAT the Mayor and Municipal Clerk are hereby authorized to execute on behalf of the Corporation of the Municipality of Port Hope a Contract Agreement with Greenwood Paving (Pembroke) Ltd. with the terms and conditions as set out in Appendix "A" attached hereto comprising part of this By-law.
2. THAT the Mayor and Clerk are hereby authorized and directed to sign the said Agreement and any related documentation to carry out the purpose of this by-law.
3. THAT this By-law shall come into force the day it is finally passed.

READ a FIRST, SECOND and THIRD time and finally passed in Open Council this 17<sup>th</sup> day of May, 2022.

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Les Andrews, Deputy Mayor

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Brian Gilmer, Clerk

**MUNICIPALITY OF PORT HOPE  
CONTRACT AGREEMENT**

**THIS AGREEMENT** made this 17th day of May, 2022.

**BETWEEN:**

GREENWOOD PAVING (PEMBROKE) LTD.

Hereinafter called the "Proponent"

THE PARTY OF THE FIRST PART

**-AND-**

The Corporation of the Municipality of Port Hope

Hereinafter called the "Owner",

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 finish all necessary machinery, tools, equipment, supplies, labour and other means of construction and, to the satisfaction of the Owner, 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 therefore, 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 thereof have been embodied herein.

According to the terms and conditions as set out in Tender #24T-ENG-2022, a copy of which is hereto annexed, which Proposal was accepted by the "Owner" on the;

17<sup>th</sup> day of May, 2022.

**THE** Proponent covenants and agrees with the Owner to provide, as more specifically set out in the Proposal Documents and provide such goods/services, labour of all kinds whatsoever as may be necessary for Supplying the said services, as hereinafter specified and in accordance with the conditions and requirements prepared therefore and attached hereto and which are expressly acknowledged and made part of this Proposal.

IN witness where of the parties hereto have hereunto set their hand and seals on the above date.

SIGNED, SEALED AND DELIVERED )

**PROPONENT - GREENWOOD PAVING (PEMBROKE) LTD.**

By: \_\_\_\_\_

)

)

)

Position: \_\_\_\_\_

(I have authority to bind the Company)

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) Witness: \_\_\_\_\_

(If not under Seal)

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THE CORPORATION OF THE MUNICIPALITY OF PORT HOPE

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) Per: \_\_\_\_\_

Les Andrews, Deputy Mayor

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) Per: \_\_\_\_\_

Brian Gilmer, Clerk

Contract No. 24T-ENG-2022  
 Description: RURAL ROADS RESURFACING  
 Closing Time: 11:00 A.M., April 6, 2022

**PART D – FORM OF TENDER  
 AGREEMENT TO CONTRACT AND SCHEDULE OF PRICES**

CONTRACT NUMBER: 24T-ENG-2022

DESCRIPTION: MUNICIPALITY OF PORT HOPE / TOWNSHIP OF HAMILTON  
 RURAL ROADS RESURFACING

SUBMITTED TO: The Corporation of the MUNICIPALITY OF PORT HOPE

The undersigned, the bidder, having examined the RFT including all information to Bidders, general terms and conditions, supplementary terms and conditions (if applicable), specifications, and attachments and appendices as issued by the Corporation of the MUNICIPALITY OF PORT HOPE and including Addenda number 1 to 2 and having visited the Project Site (where required) hereby offer and agree to enter into a Contract to supply the Equipment and Services required by this RFT at the costs detailed in the attached Schedule of Prices. Furthermore, it is certified that the undersigned is/are authorized and empowered to sign and submit this Tender.

**Terms of Payment**

Discount for Prompt Payment 0 % 0 Days. (Refer to Section B, Item 18)

**Price Schedule**

**Municipality of Port Hope**

Item/Service Description	Price	Quantity	Extension
<b>Total for all Items 1,2,3</b>	<b>\$256,211.40</b>	<b>1 L.S.</b>	<b>\$256,211.40</b>
BASE Price	\$256,211.40		\$256,211.40
HST	\$33,307.48		\$33,307.48
<b>Total Including HST</b>	<b>\$289,518.88</b>		<b>\$289,518.88</b>

**Township of Hamilton**

Item/Service Description	Price	Quantity	Extension
<b>Total of all Items 4,5,6,7</b>	<b>\$315,696.50</b>	<b>1 L.S.</b>	<b>\$315,696.50</b>
BASE Price	\$315,696.50		\$315,696.50
HST	\$41,040.55		\$41,040.55
<b>Total Including HST</b>	<b>\$356,737.05</b>		<b>\$356,737.05</b>

Evaluation of pricing is based on the BASE price EXCLUDING all tax.

Contract No. 24T-ENG-2022  
Description: RURAL ROADS RESURFACING  
Closing Time: 11:00 A.M., April 6, 2022

**Appendices to Tender:**

The information on sub-contractors, prices, and applicable taxes, as called for in this RFT is provided in the attached Schedule of Prices, Appendices and forms an integral part of this RFT.

This Tender is irrevocable and is to continue open to acceptance by the Municipality for a period of ninety (90) calendar days after the date and time set for submission of the Tender.

Furthermore, it is certified that the undersigned is/are authorized and empowered to sign and submit this Tender. Signing this Form of Tender binds the bidder to all terms, conditions (including Schedule of Prices) found within the Request for Tenders.

Dated at <sup>Pembroke, ON</sup> this 4th day of April, 2022.

Contact Person Kent Plummer

Telephone No. 613-735-4101 Fax No. 613-735-7407

Email address: greenwoodpaving@nrtco.net

Company: Greenwood Paving (Pembroke) Ltd.  
(Name)

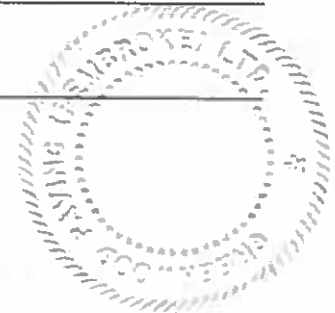
177 MacKay Street  
(Street Address or Postal Box Number)

Pembroke, ON K8A 1C2  
(Municipality, Province, and Postal Code)

Signature: 

(I have the authority to bind the corporation)

Print Name and Title: Kent Plummer - President



**THIS DOCUMENT MUST BE SIGNED AND SUBMITTED TO BE A VALID OFFER OR THE TENDER WILL BE REJECTED.**

**THE FORM OF TENDER MUST BE EXECUTED WITH AN ORIGINAL SIGNATURE MADE IN INK.**

Contract No. 24T-ENG-2022  
 Description: RURAL ROADS RESURFACING  
 Closing Time: 11:00 A.M., April 6, 2022

**PART D – FORM OF TENDER/AGREEMENT TO CONTRACT  
 SUBCONTRACTORS**

CONTRACT NUMBER: 24T-ENG-2022

DESCRIPTION: MUNICIPALITY OF PORT HOPE / TOWNSHIP OF HAMILTON  
 RURAL ROADS ANNUAL RESURFACING

SUBMITTED TO: The Corporation of the MUNICIPALITY OF PORT HOPE

I/We, Greenwood Paving (Pembroke) Ltd.

(Company Name)

of 177 MacKay Street, Pembroke, ON K8A 1C2

(Business Address)

having examined the *RFT* including all information to *Bidders*, general terms and conditions, supplemental terms and conditions (if applicable), specifications, and attachments and appendices as issued by the *Municipality* and including Addenda number 1 to 2 and having visited the Project Site and in accordance with Part C, item 4(b) of the *RFT*, hereby offer to subcontract the following companies/individuals for the *Services* and *Equipment*.

Name of Subcontractor	Phone Number	Contact	Discipline
Greenwood Paving to perform all works			

**ANY** substitutes or changes in subcontractors must be agreed upon and authorized in writing by the *Municipality*.

**PART D - REFERENCE INFORMATION**

Bidders are required to provide three (3) references listing contracts similar to the project described in this RFT and undertaken within the past three (3) years.

- (1) NAME (Company/Government Agency) City of Belleville  
Contract Description Surface treatment and pulverizing  
Contact Person Joseph Reid  
Phone Number ( ) 613-967-3313 Fax Number: N/A  
Email Address (if available): jreid@belleville.ca  
Number of Years At Location: 1 yr contract Value of Contract \$ 1,000,000.00
- (2) NAME (Company/Government Agency) City of Belleville  
Contract Description Surface treatment and pulverizing  
Contact Person Pat McNulty  
Phone Number ( ) 613-967-3239 Fax Number: N/A  
Email Address (if available): pmcnulty@belleville.ca  
Number of Years At Location: 1 yr contract Value of Contract \$ 1,050,000.00
- (3) NAME (Company/Government Agency) County of Lennox and Addington  
Contract Description Surface treatment and pulverizing  
Contact Person Chris Wagar  
Phone Number ( ) 613-354-4883 Fax Number: N/A  
Email Address (if available): cwagar@lennox-addington.on.ca  
Number of Years At Location: 3 yr contract Value of Contract \$ 1,000,000.00

The Municipality reserves the right to check additional references and sources to those supplied by the Proponent.

**NOTE: THIS DOCUMENT MUST BE COMPLETED AND WILL FORM A PART OF THE SELECTION PROCESS**



**AGREEMENT TO PERFORMANCE AND LABOUR  
& MATERIAL PAYMENT BOND**

BOND NO.: 20025822

NAME OF OBLIGEE: The Corporation of the Municipality of Port Hope and the Township of Hamilton

DESCRIPTION OF PROJECT:

Contract No. 24T-ENG-2022 Surface Treatment of Various Roads within the Municipality of Port Hope and Township of Hamilton

We, the undersigned, hereby agree to become bound as surety for

Greenwood Paving (Pembroke) Limited

(name of tenderer) in a Performance Bond in the sum of 100 % of the contract amount, and a Labour and Material Payment Bond in the sum of 100 % of the contract amount, and conforming to the Instruments of Contract for the full and due performance of the works shown and described herein, if the tender attached hereto is accepted by the owner, and the bond is requested within 90 days from the date of acceptance of the tender.

This Agreement to Bond shall be null and void unless an application for the said bond(s) is made within 90 days following the award of the contract.

Signed, sealed and dated this 4th day of April, 2022.



AVIVA INSURANCE COMPANY OF CANADA

Signed electronically by

*Lydia Vanin*

on Apr 04, 2022 - 4:58 PM GMT

Lydia Vanin

, Attorney-In-Fact

{Seal}



Contract No. 24T-ENG-2022  
 Description: RURAL ROADS RESURFACING  
 Closing Time: 11:00 A.M., April 6, 2022

**CORPORATION OF THE MUNICIPALITY OF PORT HOPE**  
 Proof of Liability Insurance will be accepted on this form only (with no amendments).  
 NOTE: If Insurance is placed in primary, excess layers, file separate certificates for each.

**CERTIFICATE OF INSURANCE**

This is to certify to the Municipality of Port Hope that the Named Insured set forth below is insured by  
Intact Insurance Company and coverage is provided as follows:

(Name of Insurer)				
Named Insured		Address of Insured		
Greenwood Paving (Pembroke) Ltd.		177 MacKay Street, Pembroke, ON K8A 1C2		
COVERAGE	POLICY NUMBER	EFFECTIVE DATE	EXPIRY DATE	LIMIT OF COVERAGE
CGL - Commercial General Liability	Intact 564444865	03/01/2022	03/01/2023	\$ 55,000,000
Commercial General Liability Policy – Includes Bodily Injury and Property Damage Liability, Personal Injury Liability, Contractual Liability, Non-Owned Automobile Liability, Owner's and Contractor's Protective Coverage, Products and Completed Operations, Contingent Employers Liability, Cross Liability/Severability of Interest Clauses.				
Automobile Liability	Intact # 711412175	03/31/2022	03/31/2023	\$ 1,000,000
Automobile Policy - must cover all vehicles owned and/or leased by the Named Insured.				
Umbrella or Excess Layers	Intact 564444865	03/01/2022	03/01/2023	\$ 55,000,000

This Certificate verifies that the Municipality of Port Hope has been added as an Additional Insured without subrogation to the CGL Policy as described above, but only with respect to its interest in the operations of the Named Insured shown on this document.

This Certificate verifies that the Policy(ies) of Insurance as described above has/have been issued to the Named Insured shown on this document by the Insurer identified below and is/are in force at this time.

The Policy(ies) identified above shall apply as primary insurance and not excess to any other insurance that may be available to the Municipality of Port Hope.

If canceled or changed in any manner, for any reason, during the period of coverage stated herein so as to affect this certificate, thirty (30) days prior written notice by registered mail will be given by the insurer(s) to the:

**CORPORATION OF THE MUNICIPALITY OF PORT HOPE**  
 56 Queen Street  
 Port Hope, Ontario L1A 3Z9  
 Attention: Procurement Administrator, Finance Department

This Certificate is executed and issued to the Municipality of Port Hope, the day and date herein indicated below.

The Authorized Representative has the authority to bind the Insurer.

Name and Address of Insurer	Authorized Representative	Date of Execution
Intact Insurance Company 700 University Avenue, Ste 1500 Toronto, ON M5G 0A1	x <u>Susan Stewart</u> (signature)	01/04/2022 dd/mm/yy
Name and Address of Insurance Broker	Authorized Representative	Date of Execution
Western Financial Group 270 Lake Street, Pembroke, ON K8A 7Y9	x <u>Susan Stewart</u> (signature)	01/04/22 dd/mm/yy

MUNICIPALITY OF PORT HOPE

Attachment A