



**The Municipal Corporation of the  
Town of Fort Erie**

**BY-LAW NO. 94-2002**

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**BEING A BY-LAW TO ACCEPT A TENDER FOR THE HELENA  
STREET WATERMAIN RECONSTRUCTION PROJECT (ALBANY  
ROAD TO EDGEMERE ROAD) – CONTRACT NO. PW.01-HELE TO  
FINE GRADE CONSTRUCTION LTD. AND TO REPEAL BY-LAW  
NO. 43-2002 (360101-24)**

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**WHEREAS** at the Council-in-Committee meeting of March 18, 2002, Report No. PW-17-2002 was accepted and approved authorizing the awarding of the tender for the Helena Street Watermain Reconstruction Project (Albany Road to Edgemere Road) – Contract No. PW.01-HELE to Volsci Construction Co. Inc. of Niagara Falls, Ontario at the tendered amount of \$174,846.51, including 7% g.s.t., pending receipt of M.O.E. approval for the project, and

**WHEREAS** the Town of Fort Erie is in receipt of a letter dated May 21, 2002 from Volsci Construction Co. Inc. advising of the withdrawal of their tender due to the OPSEU strike and the delay of the issuance of the M.O.E. Certificate of Approval for this project, and this delay has caused the Town's estimated construction date of March 25, 2002 and the tender expiration date of April 19, 2002 to be exceeded, and

**WHEREAS** at the Council meeting of May 27, 2002 Resolution No. 3A was passed directing that the contract be awarded to the second lowest bidder for this project, Fine Grade Construction Ltd. of Niagara Falls, Ontario at the tendered amount of \$205,463.65 including g.s.t., and

**WHEREAS** it is deemed expedient to accept the tender received from Fine Grade Construction Ltd. and to repeal By-law No. 43-2002 to award a tender for the Helena Street Watermain Replacement Project (Albany Road to Edgemere Road) – Contract No. PW.01-HELE to Volsci Construction Co. Inc.;

**NOW THEREFORE** the Municipal Council of The Corporation of the Town of Fort Erie hereby enacts as follows:

- 1) **THAT** By-law No. 43-2002 Being a By-law to award a tender for the Helena Street Watermain Reconstruction Project (Albany Road to Edgemere Road) – Contract No. PW-01-HELE to Volsci Construction Co. Inc. be and it is herewith repealed.
- 2) **THAT** the tender for the Helena Street Watermain Reconstruction Project (Albany Road to Edgemere Road) Contract No. PW.01-HELE received from Fine Grade Construction Ltd. of Niagara Falls, Ontario at the tendered amount of \$205,463.65, including 7% g.s.t., be and it is hereby accepted and approved.
- 3) **THAT** the entry into an Agreement with Fine Grade Construction Ltd. of Niagara Falls, Ontario for the Helena Street Watermain Reconstruction Project (Albany Road to Edgemere Road) Contract No. PW.01-HELE in the form of Schedule "A" annexed hereto in this By-law, be and it is hereby authorized and approved.

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- 4) **THAT** the Mayor and Clerk be and they are hereby authorized and directed to execute the Agreement annexed hereto as Schedule "A" to this By-law and to affix the corporate seal thereto.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 10<sup>TH</sup> DAY OF JUNE, 2002.**

  
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**MAYOR**

  
\_\_\_\_\_  
**CLERK**

I, the Clerk, Carolyn J. Kett, of The Corporation of the Town of Fort Erie hereby certify the foregoing to be a true certified copy of By-law No. 94-2002 of the said Town. Given under my hand and the seal of the said Corporation this \_\_\_\_\_ day of \_\_\_\_\_, 2002.

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