

Agreement

THIS AGREEMENT is made on 10th June 2014 BETWEEN

The Employer: Kilkenny County Council,

Principal office of Employer: County Buildings, John Street, Kilkenny City.

AND

The Contractor: John Cradock Ltd.,

Registered office / principal place of business of Contractor: Unit 5, Kilcullen Business Campus, Kilcullen, Co. Kildare.

Background

The Employer has accepted the Contractor's tender to complete the Works, which consist, in general, of

The construction of a new road and 5 span vehicular bridge with footpaths over the River Nore, the construction of a suspended walkway connection to the bridge, the provision of a new storm drainage system, new footpaths, public lighting, services alterations, landscaping etc.

THE EMPLOYER AND THE CONTRACTOR AGREE as follows:

Article 1 The Contractor shall execute and complete the Works subject to and in accordance with the Contract and shall comply with its other obligations in the Contract.

Article 2 The Employer shall pay the Contractor the Contract Sum subject to and in accordance with the Contract and shall comply with its other obligations in the Contract.

Article 3 The initial Contract Sum is

Four million, one hundred and thirty eight thousand, seven hundred and ninety four euro's and twenty one cent excluding VAT at standard and zero rates only

(€4,138,794.21 euro excluding VAT at standard and zero rates only).

The initial Contract Sum is a lump sum and shall only be adjusted when the Contract says so.

Article 4 The Contractor has satisfied itself before entering into the Contract of all the circumstances that may affect the cost of executing and completing the Works and of the correctness and sufficiency of the Contract Sum to cover the cost of performing the Contract. The Contractor has included in the initial Contract Sum allowances for all risks, customs, policies, practices, and other circumstances that may affect its performance of the Contract, whether they could or could not have been foreseen, except for events for which the Contract provides for adjustment of the initial Contract Sum.

Article 5 The Contract consists of the following documents:

- this Agreement
- the Contractor's tender and the Letter of Acceptance and any post-tender clarifications listed in it
- the attached Conditions and completed Schedule
- the Works Requirements, completed Pricing Document, and Works Proposals identified in the attached Schedule

Article 6 The Contract takes effect from the Contract Date.

The Employer¹

Given under the Employer's seal:

Affix Employer's seal

Signatures of persons authorised to authenticate the seal:

OR

Signed on behalf of the Employer:

Signature of person authorised to sign contracts on behalf of the Employer:

John Walter.

In the presence of

Name of witness:

FRANK STAFFORD

Signature of witness:

[Handwritten signature]

Witness's occupation:

ENGINEER

Witness's address:

10 KILCOMNEY C. Co.

The Contractor

Given under the Contractor's common seal:²

Affix Contractor's common seal

Signatures of persons authorised to authenticate the seal:

[Handwritten signature]

OR

Signed, sealed and delivered by:

Name of attorney:

Signature of attorney:

As lawful attorney of the Contractor under a power of attorney dated:

Affix attorney's personal seal

¹ Execution in accordance with the legislation governing the authority, or articles of association if a company

² If the Contractor is a company that is not incorporated in Ireland, execution will be in accordance with the law of its jurisdiction of incorporation for execution of a deed.

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In the presence of:

Name of witness:

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Signature of witness:

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Witness's occupation:

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Witness's address:

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