

COR/2019/05761

October 31, 2019

Dear Applicant:

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act (Our File #: TW/130/2019)

On October 2, 2019, the Department of Transportation and Works received your request for access to the following record:

A Request for Proposals ("RFP") - Tender #11035 - was issued on March 12, 2018, by the Department of Transportation and Works for the leasing of office space for the Department of Fisheries and Land Resources for a 20 year period, and the office space to be located within the City of Corner Brook. The closing date and opening of the public tender call of the proposals was April 16, 2018, at 3:00 p.m. at the Tendering and Contracts Office, Department of Transportation and Works, on the ground floor of the Confederation Building, East Block, in St. John's. At the public opening of the proposals which started shortly after 3:00 p.m. on April 16, 2018, in the boardroom of the Tendering and Contracts office on the ground floor, Confederation Building, East Block, Todd Smith was in attendance, along with [REDACTED] as representative for Noton. Jacqueline Vickers and Michelle Vokey were also present at the public opening of the proposals, Jacqueline Vickers as the Chairperson and Michelle Vokey as the Secretary. Jacqueline Vickers is the Manager of Tendering and Contracts. I have been advised that during the public opening Jacqueline Vickers opened the envelopes and read out aloud the names of the bidders and their bid amounts. During the public opening on April 16, 2018, I have reason to believe that Todd Smith, at that time the Senior Accommodations Officer with the Department of Transportation and Works, and the Contact Person for RFP Tender#11035, made notes in his notebook of the names of the bidders and their bid amounts as Jacqueline Vickers read out aloud the names of the bidders and their bid amounts. Could I please have a copy of the contemporaneous notes made by Todd Smith on April 16, 2018, in his notebook. I look forward to the receipt of Todd Smith's handwritten notes regarding the above-noted matter.

I am pleased to inform you that a decision has been made by the Deputy Minister for Transportation and Works to provide access to the requested record.

Please note, that while the requested document is responsive to your request, it is not the official government record of the results for the opening. Mr. Smith was taking rough notes during the opening for his own use, and not in an official capacity. The official record for each opening is the RATC form, which we have also included for your reference. The RATC

form is created beforehand with the names and addresses on the incoming bid packages. Once those bids are publicly opened the amounts are filled in by an employee of tendering and contracts. RATCs must be posted online within the hour, the attached RATC was posted at 3:51 pm, and so, within the hour.

Please be advised that you may ask the Information and Privacy Commissioner to review the processing of your access request, as set out in section 42 of the *Access to Information and Protection of Privacy Act* (the *Act*) (a copy of this section of the *Act* has been enclosed for your reference). A request to the Commissioner must be made in writing within 15 business days of the date of this letter or within a longer period that may be allowed by the Commissioner.

The address and contact information of the Information and Privacy Commissioner is as follows:

Office of the Information and Privacy Commissioner
2 Canada Drive
P. O. Box 13004, Stn. A
St. John's, NL. A1B 3V8
Telephone: (709) 729-6309
Toll-Free: 1-877-729-6309
Facsimile: (709) 729-6500

You may also appeal directly to the Supreme Court Trial Division within 15 business days after you receive the decision of the public body, pursuant to section 52 of the *Act* (a copy of this section of the *Act* has been enclosed for your reference).

Please be advised that responsive records will be published following a 72 hour period after the response is sent electronically to you or five business days in the case where records are mailed to you. It is the goal to have the responsive records posted to the Completed Access to Information Requests website within one business day following the applicable period of time. Please note that requests for personal information will not be posted online.

If you have any further questions, please contact me by telephone at 709-729-5351 or by email at ATTW@gov.nl.ca.

Sincerely,



Angela McIntyre
ATIPP Coordinator

Access or correction complaint

42.(1) A person who makes a request under this Act for access to a record or for correction of personal information may file a complaint with the commissioner respecting a decision, act or failure to act of the head of the public body that relates to the request.

(2) A complaint under subsection (1) shall be filed in writing not later than 15 business days

(a) after the applicant is notified of the decision of the head of the public body, or the date of the act or failure to act; or

(b) after the date the head of the public body is considered to have refused the request under subsection 16(2).

(3) A third party informed under section 19 of a decision of the head of a public body to grant access to a record or part of a record in response to a request may file a complaint with the commissioner respecting that decision.

(4) A complaint under subsection (3) shall be filed in writing not later than 15 business days after the third party is informed of the decision of the head of the public body.

(5) The commissioner may allow a longer time period for the filing of a complaint under this section.

(6) A person or third party who has appealed directly to the Trial Division under subsection 52(1) or 53(1) shall not file a complaint with the commissioner.

(7) The commissioner shall refuse to investigate a complaint where an appeal has been commenced in the Trial Division.

(8) A complaint shall not be filed under this section with respect to

(a) a request that is disregarded under section 21;

(b) a decision respecting an extension of time under section 23;

(c) a variation of a procedure under section 24; or

(d) an estimate of costs or a decision not to waive a cost under section 26.

(9) The commissioner shall provide a copy of the complaint to the head of the public body concerned.

Direct appeal to Trial Division by an applicant

52. (1) Where an applicant has made a request to a public body for access to a record or correction of personal information and has not filed a complaint with the commissioner under section 42, the applicant may appeal the decision, act or failure to act of the head of the public body that relates to the request directly to the Trial Division.

(2) An appeal shall be commenced under subsection (1) not later than 15 business days

(a) after the applicant is notified of the decision of the head of the public body, or the date of the act or failure to act; or

(b) after the date the head of the public body is considered to have refused the request under subsection 16(2).

(3) Where an applicant has filed a complaint with the commissioner under section 42 and the commissioner has refused to investigate the complaint, the applicant may commence an appeal in the Trial Division of the decision, act or failure to act of the head of the public body that relates to the request for access to a record or for correction of personal information.

(4) An appeal shall be commenced under subsection (3) not later than 15 business days after the applicant is notified of the commissioner's refusal under subsection 45(2).

Date April 16/2015

RFP Opening - Corner Brook, NL

FLR office space →

11035

- | | | |
|--|----|-----------------------|
| 1. Noton Enterprises | \$ | 932,306.05 |
| 2. State Asset Mgmt LP | \$ | 1,097,604.16 |
| 3. State Asset Mgmt LP | \$ | 1,461,400.13 |
| 4. State Asset Mgmt LP | \$ | 919,598.99 |
| 5. State Asset Mgmt LP | \$ | 1,012,550.55 |
| 6. Corner Brook Investment Partnership | \$ | 727,402.50 |
| 7. Corner Brook Investment Part. | \$ | 727,402.50 |
| 8. Corner Brook Investment Part | \$ | 742,097.50 |

19,

REPORT AFTER PUBLIC TENDER CALL

TENDER #: 11035 DOCKET #: 11035 TENDER CLOSING DATE & TIME: 2018/04/16 3:00:00PM

TENDER DESCRIPTION: 11035 - Leasing of Office Space for the Department of Fisheries and Land Resources to be located in the city of Corner Brook, NL PROJECT #:

NUMBER OF TENDERS RECEIVED: 7 NUMBER OF ADDENDUM ISSUED: 2

CHAIRMAN: Jacqueline Vickers SECRETARY: Michelle Vokey CONSULTANT:

SCHEDULE OF TENDERS

NAME AND ADDRESS	Base Bid	HST	Tender Total	Security
CORNER BROOK INVESTMENTS LIMITED PARTNERSHIP (TB) , 1395, Rue L'Eglise, Saint-Laurent, QC, H4L2H1			\$727,402 ⁵⁰ \$748,077 ⁵⁰	
MARINE CONTRACTORS INC. , 4 White Lakes Road, P.O. Box 640, Corner Brook, NL, A2H6G1			\$892,200 ⁰⁰	
NOTON ENTERPRISES LTD , 133 Riverside Drive, P. O. Box 1065, Corner Brook, NL, A2H6J3			\$932,306 ⁵⁰	
SLATE OFFICE REIT (TB) , 1505 Barrington Street, Suite 1145, Halifax, NS, B3J3K5			\$1,012,550, ⁵⁵	
SLATE OFFICE REIT (TB) , 1505 Barrington Street, Suite 1145, Halifax, NS, B3J3K5			\$919,598 ⁹⁹	
SLATE OFFICE REIT (TB) , 1505 Barrington Street, Suite 1145, Halifax, NS, B3J3K5			\$1,461,400 ⁰³	
SLATE OFFICE REIT (TB) , 1505 Barrington Street, Suite 1145, Halifax, NS, B3J3K5			\$1,097,604 ¹⁶	

TRANSPORTATION TENDERS (Only)

PRE-TENDER ESTIMATE OF COST:

Base Bid

Materials

Other Charges

Engineering

TOTAL COST: _____

POST-TENDER ESTIMATE OF COST:

Base Bid

Materials

Other Charges

Engineering

TOTAL COST: _____

ESTIMATED SUBSTANTIAL COMPLETION DATE:

DESIGN MANAGER:

CONSTRUCTION MANAGER: Todd Smith

RECOMMENDED TENDER:

AMOUNT Less HST:

TENDER ANALYSIS COMPLETED & RECOMMENDED BY:

REVIEWED BY:

CONTRACT AWARD:

(Approved By)

(Date)

REMARKS: