COR/2016/00135

January 18, 2016

Dear [redacted]: s.40(1)

RE: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act (Our File TW/054/2015)

On November 5, 2015, the Department of Transportation and Works received your request for access to the following records/information:

As follow-up to AtIPP Request: TW/049/2015, request copies of all memos, agreements, directives, contracts, correspondence, costs, etc. as part of/involved in the solution to the drainage issue in the area between Neary’s Pond Road and Drover’s Heights in Portugal Cove-St. Philip’s.

I am pleased to inform you that a decision has been made by the Deputy Minister for the Department of Transportation and Works to provide access to some of the requested information. In particular, access is granted to the following records:

- Correspondence about the drainage issue in the area between Neary’s Pond Road and Drover’s Heights in Portugal Cove-St. Philip’s;
- Information about the Request for Proposals issued to implement the solution to the drainage issue; and,
- Approval to Proceed issued to the Town of Portugal Cove-St. Phillip’s.

P.O. Box 8700, St. John’s, NL, Canada, A1B 4J6
Access to the information contained within the records, has been refused in accordance with the following exceptions to disclosure, as specified in the Access to Information and Protection of Privacy Act (the Act):

40. (1) The head of a public body shall refuse to disclose personal information to an applicant where the disclosure would be an unreasonable invasion of a third party's personal privacy.

As required by 8(2) of the Act, we have severed information that is unable to be disclosed and have provided you with as much information as possible. Personal information such as phone numbers and emails, the disclosure of which would be an unreasonable invasion of a third party’s personal privacy, has been severed from the enclosed document in accordance with the Act.

Please note that on December 4, 2015, you were notified that as pages 13, 17, 19, and 20 of this package may contain information that, if disclosed, might affect the business interests of a third party as described in section 39 of the Act (see attached), and that these pages have been removed from the package enclosed with this letter. To date, the third party has not filed a complaint or appealed the decision to release this information. As such, in accordance with your request for a copy of the records, the appropriate copies of complete package of responsive records have been enclosed.

Please be advised that you may appeal this decision and ask the Information and Privacy Commissioner to review the decision to provide partial access to the requested information, as set out in section 42 of 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. Your appeal should identify your concerns with the request and why you are submitting the appeal.

The appeal may be addressed to the Information and Privacy Commissioner 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 Office of Public Engagement's
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 feel free to contact the undersigned by telephone at (709) 729-6814 or by e-mail at janinemurphy@gov.nl.ca

Sincerely,

Janine Murphy
ATIPP Coordinator
Department of Transportation and Works
Enclosures
Third party notification

19. (1) Where the head of a public body intends to grant access to a record or part of a record that the head has reason to believe contains information that might be excepted from disclosure under section 39 or 40, the head shall make every reasonable effort to notify the third party.

(2) The time to notify a third party does not suspend the period of time referred to in subsection 16 (1).

(3) The head of the public body may provide or describe to the third party the content of the record or part of the record for which access is requested.

(4) The third party may consent to the disclosure of the record or part of the record.

(5) Where the head of a public body decides to grant access to a record or part of a record and the third party does not consent to the disclosure, the head shall inform the third party in writing

(a) of the reasons for the decision and the provision of this Act on which the decision is based;

(b) of the content of the record or part of the record for which access is to be given;

(c) that the applicant will be given access to the record or part of the record unless the third party, not later than 15 business days after the head of the public body informs the third party of this decision, files a complaint with the commissioner under section 42 or appeals directly to the Trial Division under section 53; and

(d) how to file a complaint or pursue an appeal.

(6) Where the head of a public body decides to grant access and the third party does not consent to the disclosure, the head shall, in a final response to an applicant, state that the applicant will be given access to the record or part of the record on the completion of the period of 15 business days referred to in subsection (5), unless a third party files a complaint with the commissioner under section 42 or appeals directly to the Trial Division under section 53.

(7) The head of the public body shall not give access to the record or part of the record until

(a) he or she receives confirmation from the third party or the commissioner that the third party has exhausted any recourse under this Act or has decided not to file a complaint or commence an appeal; or

(b) a court order has been issued confirming the decision of the public body.
(8) The head of the public body shall advise the applicant as to the status of a complaint filed or an appeal commenced by the third party.

(9) The third party and the head of the public body shall communicate with one another under this Part through the coordinator.
Disclosure harmful to business interests of a third party

39. (1) The head of a public body shall refuse to disclose to an applicant information
   (a) that would reveal
       (i) trade secrets of a third party, or
       (ii) commercial, financial, labour relations, scientific or technical information of
            a third party;
   (b) that is supplied, implicitly or explicitly, in confidence; and
   (c) the disclosure of which could reasonably be expected to
       (i) harm significantly the competitive position or interfere significantly with the
           negotiating position of the third party,
       (ii) result in similar information no longer being supplied to the public body
           when it is in the public interest that similar information continue to be supplied,
       (iii) result in undue financial loss or gain to any person, or
       (iv) reveal information supplied to, or the report of, an arbitrator, mediator,
           labour relations officer or other person or body appointed to resolve or inquire
           into a labour relations dispute.

(2) The head of a public body shall refuse to disclose to an applicant information that was
    obtained on a tax return, gathered for the purpose of determining tax liability or
    collecting a tax, or royalty information submitted on royalty returns, except where that
    information is non-identifying aggregate royalty information.

(3) Subsections (1) and (2) do not apply where
    (a) the third party consents to the disclosure; or
    (b) the information is in a record that is in the custody or control of the Provincial
        Archives of Newfoundland and Labrador or the archives of a public body and that has
        been in existence for 50 years or more.
Disclosure harmful to personal privacy

40. (1) The head of a public body shall refuse to disclose personal information to an applicant where the disclosure would be an unreasonable invasion of a third party's personal privacy.

(2) A disclosure of personal information is not an unreasonable invasion of a third party's personal privacy where

(a) the applicant is the individual to whom the information relates;

(b) the third party to whom the information relates has, in writing, consented to or requested the disclosure;

(c) there are compelling circumstances affecting a person’s health or safety and notice of disclosure is given in the form appropriate in the circumstances to the third party to whom the information relates;

(d) an Act or regulation of the province or of Canada authorizes the disclosure;

(e) the disclosure is for a research or statistical purpose and is in accordance with section 70;

(f) the information is about a third party's position, functions or remuneration as an officer, employee or member of a public body or as a member of a minister's staff;

(g) the disclosure reveals financial and other details of a contract to supply goods or services to a public body;

(h) the disclosure reveals the opinions or views of a third party given in the course of performing services for a public body, except where they are given in respect of another individual;

(i) public access to the information is provided under the Financial Administration Act;

(j) the information is about expenses incurred by a third party while travelling at the expense of a public body;

(k) the disclosure reveals details of a licence, permit or a similar discretionary benefit granted to a third party by a public body, not including personal information supplied in support of the application for the benefit;

(l) the disclosure reveals details of a discretionary benefit of a financial nature granted to a third party by a public body, not including

(i) personal information that is supplied in support of the application for the benefit, or
(ii) personal information that relates to eligibility for income and employment support under the Income and Employment Support Act or to the determination of income or employment support levels; or

(m) the disclosure is not contrary to the public interest as described in subsection (3) and reveals only the following personal information about a third party:

(i) attendance at or participation in a public event or activity related to a public body, including a graduation ceremony, sporting event, cultural program or club, or field trip, or

(ii) receipt of an honour or award granted by or through a public body.

(3) The disclosure of personal information under paragraph (2)(m) is an unreasonable invasion of personal privacy where the third party whom the information is about has requested that the information not be disclosed.

(4) A disclosure of personal information is presumed to be an unreasonable invasion of a third party's personal privacy where

(a) the personal information relates to a medical, psychiatric or psychological history, diagnosis, condition, treatment or evaluation;

(b) the personal information is an identifiable part of a law enforcement record, except to the extent that the disclosure is necessary to dispose of the law enforcement matter or to continue an investigation;

(c) the personal information relates to employment or educational history;

(d) the personal information was collected on a tax return or gathered for the purpose of collecting a tax;

(e) the personal information consists of an individual's bank account information or credit card information;

(f) the personal information consists of personal recommendations or evaluations, character references or personnel evaluations;

(g) the personal information consists of the third party's name where

   (i) it appears with other personal information about the third party, or

   (ii) the disclosure of the name itself would reveal personal information about the third party; or

(h) the personal information indicates the third party's racial or ethnic origin or religious or political beliefs or associations.
(5) In determining under subsections (1) and (4) whether a disclosure of personal information constitutes an unreasonable invasion of a third party's personal privacy, the head of a public body shall consider all the relevant circumstances, including whether

(a) the disclosure is desirable for the purpose of subjecting the activities of the province or a public body to public scrutiny;

(b) the disclosure is likely to promote public health and safety or the protection of the environment;

(c) the personal information is relevant to a fair determination of the applicant's rights;

(d) the disclosure will assist in researching or validating the claims, disputes or grievances of aboriginal people;

(e) the third party will be exposed unfairly to financial or other harm;

(f) the personal information has been supplied in confidence;

(g) the personal information is likely to be inaccurate or unreliable;

(h) the disclosure may unfairly damage the reputation of a person referred to in the record requested by the applicant;

(i) the personal information was originally provided to the applicant; and

(j) the information is about a deceased person and, if so, whether the length of time the person has been deceased indicates the disclosure is not an unreasonable
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).
Walsh, Frank

From: Skanes, Bill
Sent: Monday, November 30, 2015 11:19 AM
To: Murphy, Janine
Subject: FW: Cove Clinic
Attachments: Cove Clinic Model (1).pdf

FYI

From: O'Connell, Chad
Sent: Monday, November 09, 2015 4:50 PM
To: Skanes, Bill
Subject: RE: Cove Clinic

Bill

See attached pdf of the survey used for the Cove Clinic estimate. I cleaned it up to illustrate the scope of work for the storm sewer work completed here.

If there is anything else you need just let me know.

Regards
Chad

From: Skanes, Bill
Sent: Monday, November 09, 2015 2:06 PM
To: O'Connell, Chad
Subject: RE: Cove Clinic

thanks

From: O'Connell, Chad
Sent: Monday, November 09, 2015 2:05 PM
To: Skanes, Bill
Subject: Re: Cove Clinic

Bill

I have the survey sketch that I did the estimate from. I never did get a chance to compile a proper drawing to Weir's as they requested. When I get back to the office I can clean up the sketch and pdf it and will forward along.

Thanks
Chad

Sent from my BlackBerry 10 smartphone on the Bell network.

From: Skanes, Bill
Sent: Monday, November 9, 2015 1:54 PM
To: O'Connell, Chad
Cc: Lawrence, Paul
Murphy, Janine

From: Spencer, Garry L.
Sent: Monday, October 19, 2015 10:54 AM
To: Gosse, Gary R.; Brazil, David J.
Cc: Morris, Christian
Subject: RE: Section 40(1)

Weir’s are finished in that area. Our Foxtrap unit will get it done.

Garry

From: Gosse, Gary R.
Sent: Monday, October 19, 2015 10:50 AM
To: Brazil, David J.; Spencer, Garry L.
Subject: Re: Section 40(1)

Yes. This is the issue we discussed this morning.
Gary Gosse P.Eng.
Assistant Deputy Minister
Transportation
P.O.Box 8700
St.John’s, NL
A1B 4J6

From: Brazil, David J.
Sent: Monday, October 19, 2015 10:46 AM
To: Spencer, Garry L.; Gosse, Gary R.
Subject: Fw: Section 40(1)

Just a reminder regarding the issue this morning.

Sent from my BlackBerry 10 smartphone on the Bell network.

From: Dillon, Mary Anne <MaryAnneDillon@gov.nl.ca>
Sent: Monday, October 19, 2015 10:38 AM
To: Harding, Darryl
Cc: Brazil, David J.; Dillon, Mary Anne
Subject: Section 40(1)

Darryl, Section 40(1)
Section 40(1)

The County Manager of PCSP called this morning to let you guys know that Weir’s Construction paved Portugal Cove Road on Friday, Oct 16th but didn’t dig out the drain across from Drover’s Heights.

Maxine
We spoke about this previously. We need to lower the ditch Block on Portugal Cove road 1ft as discussed.

Can you let me know when we can do this.

Thanks.

Christian Morris  
Superintendent of Operations.  
Department of Transportation- Avalon
Murphy, Janine

From: Gosse, Gary R.
Sent: Wednesday, September 30, 2015 10:37 AM
To: Spencer, Garry L.; Morris, Christian
Subject: Fw: Section 40(1)

Give me a date please. This is the guy on PC Rd and the ditch block issue, correct?
Gary Gosse P.Eng.
Assistant Deputy Minister
Transportation
P.O.Box 8700
St.John's, NL
A1B 4J6

From: Dillon, Mary Anne
Sent: Wednesday, September 30, 2015 10:05 AM
To: Petten, Barry
Cc: Brazil, David J.; Harding, Darryl; Gosse, Gary R.
Subject: RE: Section 40(1)

Hi Gary, can you please check into this it has been on going and I keep telling it will be done it was supposed to be done last week and then week before etc and so on.. can we get a firm date please. I don't understand why they are giving me dates saying it will be done and it isn't being done on the times promised.

Thanks,
Mary Anne

From: Dillon, Mary Anne
Sent: Tuesday, September 15, 2015 12:55 PM
To: Petten, Barry
Subject: Section 40(1)
Importance: High

Barry, can you please give him a call he just called me again as I had told him you would be I contact with him regarding the ditch, culvert etc or his cell I told him this morning you would be working on it, and that you would call him. He is not too happy with our service.
Walsh, Frank

From: Skanes, Bill
Sent: Monday, November 30, 2015 11:22 AM
To: Murphy, Janine
Subject: FW: Cove Clinic Pharmacy
Attachments: img-922093840-0001.pdf

FYI

From: Skanes, Bill
Sent: Tuesday, September 22, 2015 10:34 AM
To: [redacted]
Subject: Fw: Cove Clinic Pharmacy

Fyi

Sent from my BlackBerry 10 smartphone on the Bell network.

From: Smith, Clifford G <CliffordGSmith@gov.nl.ca>
Sent: Tuesday, September 22, 2015 9:46 AM
To: Skanes, Bill
Subject: RE: Cove Clinic Pharmacy

Bill,

Based on the quantities and the unit prices provided, please see attached approval.

Regards,
Clifford

From: Skanes, Bill
Sent: Wednesday, September 16, 2015 9:24 AM
To: Smith, Clifford G
Cc: Morrissey, John
Subject: FW: Cove Clinic Pharmacy

Clifford

This work was requested by the Minister, and is now completed. Can we get formal approval from you for the prices for asphalt gutter and for catch basin pup, for our estimate.

The Minister also requested to have the road in this area (approx. 600m) recapped, and there will be more asphalt gutter quantity to tie into the catch basin as a result. (approx. 100m)

Bill

From: Darrel Vardy [mailto:dvardy@weirs.ca]
Sent: Thursday, September 03, 2015 8:20 AM
To: Skanes, Bill
The spreadsheet with remaining items priced is attached.

Regards

Darrell Vardy, P. Eng.
Weirs Construction Limited

From: Skanes, Bill [mailto:skanesb@gov.nl.ca]
Sent: Wednesday, August 19, 2015 2:50 PM
To: 'dvardy@weirs.ca'
Cc: O'Connell, Chad; Lawrence, Paul; Spencer, Garry L.
Subject: Cove Clinic Pharmacy

Darrel

Please see the attached spreadsheet with quantities required to construct the storm sewer at the Cove Clinic Pharmacy on Portugal Cove Rd.
Most of the items are in your current contract, however, we will require price submissions for 4 items.

Essentially, a catch basin pup will be placed at the low point near the road, with an asphalt gutter tying into it, 35m of HDPE 300mm pipe will go to the nearby river and 35m of 150mm perf pipe will be installed next to it to coral the ground water.

Chad is working on a concept drawing and it will be ready by the time you are ready to start, if not, a site visit to explain fully what we want can be arranged.

Thanks,
Bill

William Skanes, P.Eng.
Regional Engineer
Avalon Region
Department of Transportation and Works
709-729-0135

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FYI

From: Smith, Clifford G
Sent: Tuesday, September 22, 2015 9:46 AM
To: Skanes, Bill
Subject: RE: Cove Clinic Pharmacy

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Sent: Wednesday, September 16, 2015 9:24 AM
To: Smith, Clifford G
Cc: Morrissey, John
Subject: FW: Cove Clinic Pharmacy

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The Minister also requested to have the road in this area (approx. 600m) recapped, and there will be more asphalt gutter quantity to tie into the catch basin as a result. (approx. 100m)

Bill

From: Darrel Vardy [mailto:dvardy@weirs.ca]
Sent: Thursday, September 03, 2015 8:20 AM
To: Skanes, Bill
Cc: O'Connell, Chad; Lawrence, Paul; Spencer, Garry L.
Subject: RE: Cove Clinic Pharmacy

Bill

The spreadsheet with remaining items priced is attached.

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Darrell Vardy, P. Eng.
From: Skanes, Bill [mailto:skanesb@gov.nl.ca]
Sent: Wednesday, August 19, 2015 2:50 PM
To: 'dvardy@weirs.ca'
Cc: O'Connell, Chad; Lawrence, Paul; Spencer, Garry L.
Subject: Cove Clinic Pharmacy

Darrel

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Essentially, a catch basin pup will be placed at the low point near the road, with an asphalt gutter tying into it, 35m of HDPE 300mm pipe will go to the nearby river and 35m of 150mm perf pipe will be installed next to it to coral the groundwater.

Chad is working on a concept drawing and it will be ready by the time you are ready to start, if not, a site visit to explain fully what we want can be arranged.

Thanks,
Bill

William Skanes, P.Eng.
Regional Engineer
Avalon Region
Department of Transportation and Works
709-729-0135

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Attachments: img-922093840-0001.pdf

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To: Skanes, Bill
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Weirs Construction Limited

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Sent: Wednesday, August 19, 2015 2:50 PM
To: 'dvardy@weirs.ca'
Cc: O'Connell, Chad; Lawrence, Paul; Spencer, Garry L.
Subject: Cove Clinic Pharmacy

Darrel

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William Skanes, P.Eng.
Regional Engineer
Avalon Region
Department of Transportation and Works
709-729-0135

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**PROVINCE OF NEWFOUNDLAND**  
**DEPARTMENT OF TRANSPORTATION AND WORKS**  
**PRELIMINARY COST ESTIMATE**

**PROJECT NO:**  OPTION 1 - Perforated Piped only  
**PROJECT:** Cove Clinic, Portugal Cove Road  
**ELECTORAL DISTRICT:** Cape St. Francis

**ESTIMATED COST CONTRACT ITEMS:**  
$12,135.00  
August 10 2015

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<td>20</td>
<td>$13.00</td>
<td>$260.00</td>
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<tr>
<td></td>
<td>Total Contract Items</td>
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<td>$12,135.00</td>
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**Summary**

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<th>Description</th>
<th>Amount</th>
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<tr>
<td>Total Contract Items</td>
<td>$12,135.00</td>
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<tr>
<td>Materials</td>
<td></td>
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<tr>
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<td>13% HST</td>
<td>$1,735.31</td>
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<tr>
<td>Total Estimated Contract Cost</td>
<td>$15,083.81</td>
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</table>
Walsh, Frank

From: Skanes, Bill
Sent: Monday, November 30, 2015 11:22 AM
To: Murphy, Janine
Subject: FW: Cove Clinic Pharmacy
Attachments: Estimate Cove Clinic Storm Sewer (3).xls

FYI

From: Skanes, Bill
Sent: Wednesday, September 16, 2015 9:24 AM
To: Smith, Clifford G
Cc: Morrissey, John
Subject: FW: Cove Clinic Pharmacy

Clifford

This work was requested by the Minister, and is now completed. Can we get formal approval from you for the prices for asphalt gutter and for catch basin pup, for our estimate.

The Minister also requested to have the road in this area (approx. 600m) recapped, and there will be more asphalt gutter quantity to tie into the catch basin as a result. (approx. 100m)

Bill

From: Darrel Vardy [mailto:dvardy@weirs.ca]
Sent: Thursday, September 03, 2015 8:20 AM
To: Skanes, Bill
Cc: O'Connell, Chad; Lawrence, Paul; Spencer, Garry L.
Subject: RE: Cove Clinic Pharmacy

Bill

The spreadsheet with remaining items priced is attached.

Regards

Darrell Vardy, P. Eng.
Weirs Construction Limited

From: Skanes, Bill [mailto:skanesb@gov.nl.ca]
Sent: Wednesday, August 19, 2015 2:50 PM
To: 'dvardy@weirs.ca'
Cc: O'Connell, Chad; Lawrence, Paul; Spencer, Garry L.
Subject: Cove Clinic Pharmacy

Darrel

Please see the attached spreadsheet with quantities required to construct the storm sewer at the Cove Clinic Pharmacy on Portugal Cove Rd.
Most of the items are in your current contract, however, we will require price submissions for 4 items.

Essentially, a catch basin pup will be placed at the low point near the road, with an asphalt gutter tying into it, 35m of HDPE 300mm pipe will go to the nearby river and 35m of 150mm perf pipe will be installed next to it to coral the ground water.

Chad is working on a concept drawing and it will be ready by the time you are ready to start, if not, a site visit to explain fully what we want can be arranged.

Thanks,
Bill

William Skanes, P.Eng.
Regional Engineer
Avalon Region
Department of Transportation and Works
709-729-0135

“This email and any attached files are intended for the sole use of the primary and copied addressee(s) and may contain privileged and/or confidential information. Any distribution, use or copying by any means of this information is strictly prohibited. If you received this email in error, please delete it immediately and notify the sender.”
From: Darrel Vardy <dvardy@weirs.ca>
Sent: Thursday, September 03, 2015 8:20 AM
To: Skanes, Bill
Cc: O'Connell, Chad; Lawrence, Paul; Spencer, Garry L.
Subject: RE: Cove Clinic Pharmacy
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Regards

Darrell Vardy, P. Eng.
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From: Skanes, Bill [mailto:skanesb@gov.nl.ca]
Sent: Wednesday, August 19, 2015 2:50 PM
To: 'dvardy@weirs.ca'
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Subject: Cove Clinic Pharmacy

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Department of Transportation and Works
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information is strictly prohibited. If you received this email in error, please delete it immediately and notify the sender.”
PROVINCE OF NEWFOUNDLAND  
DEPARTMENT OF TRANSPORTATION AND WORKS  
PRELIMINARY COST ESTIMATE  

PROJECT NO: OPTION 2 - Catch basin Pup + 300mm storm sewer + Perf Pipe  
PROJECT: Cove Clinic, Portugal Cove Road  

ELECTORAL DISTRICT: Cape St. Francis  

ESTIMATED COST CONTRACT ITEMS: $20,985.00  
August 10 2015  

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<th>UNIT</th>
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<th>UNIT PRICE</th>
<th>AMOUNT</th>
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<tr>
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<tr>
<td>27</td>
<td>Supply And Install Pipe For Storm Sewer</td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>27(g)</td>
<td>300mm diameter aluminized</td>
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<td>28(b)</td>
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<tr>
<td>32</td>
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<td>20</td>
<td>$30.00</td>
<td>$600.00</td>
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<tr>
<td>39</td>
<td>Catch Basins, Manholes &amp; Ditch Inlets</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>39(a)</td>
<td>Catch Basin Pup</td>
<td>Each</td>
<td>1</td>
<td>$3,000.00</td>
<td>$3,000.00</td>
</tr>
<tr>
<td>47</td>
<td>Supply Fill in Place</td>
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<tr>
<td>47(c)</td>
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<td>t</td>
<td>20</td>
<td>$13.00</td>
<td>$260.00</td>
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<tr>
<td></td>
<td>Total Contract Items</td>
<td></td>
<td></td>
<td></td>
<td>$20,985.00</td>
</tr>
</tbody>
</table>

Summary  
Total Contract Items $20,985.00  
Materials  
Other Charges  
10% Engineering $2,098.50  
Total Estimated Cost Including Engineering $23,083.50  
13% HST $3,000.86  
Total Estimated Contract Cost $26,084.36
Walsh, Frank

From: Skanes, Bill
Sent: Monday, November 30, 2015 11:23 AM
To: Murphy, Janine
Subject: FW: Cove Clinic

FYI

From: Skanes, Bill
Sent: Wednesday, August 19, 2015 10:30 AM
To: O'Connell, Chad; Lawrence, Paul
Subject: Cove Clinic

Guys

I just had a meeting with the Minister at the Cove Clinic. He'd like for us to get Weir's to give us pricing on installing a pup and piping as per Chad's concept. We should change the aluminized pipe to HOPE, due to the high acidity of the bog.

Paul,
Come in to see me tomorrow and I'll give you Chad's estimate and we can see what we need price approvals for.

Chad,
Weirs may want a drawing to review before giving us a price. Can you rough something up?

I did notice two pipes going into the river, behind the pharmacy, hopefully there are no conflicts. We will need to go about 1.2-1.5m deep with pup if possible.

Bill

Sent from my BlackBerry 10 smartphone on the Bell network.
From: Skanes, Bill
Sent: Wednesday, August 19, 2015 2:50 PM
To: 'dvardy@weirs.ca'
Cc: O’Connell, Chad; Lawrence, Paul; Spencer, Garry L.
Subject: Cove Clinic Pharmacy

Darrel

Please see the attached spreadsheet with quantities required to construct the storm sewer at the Cove Clinic Pharmacy on Portugal Cove Rd. Most of the items are in your current contract, however, we will require price submissions for 4 items.

Essentially, a catch basin pup will be placed at the low point near the road, with an asphalt gutter tying into it, 35m of HDPE 300mm pipe will go to the nearby river and 35m of 150mm perf pipe will be installed next to it to coral the ground water.

Chad is working on a concept drawing and it will be ready by the time you are ready to start, if not, a site visit to explain fully what we want can be arranged.

Thanks,
Bill

William Skanes, P.Eng.
Regional Engineer
Avalon Region
Department of Transportation and Works
709-729-0135
PROVINCE OF NEWFOUNDLAND
DEPARTMENT OF TRANSPORTATION AND WORKS
PRELIMINARY COST ESTIMATE

PROJECT NO: Catch basin Pup + 300mm storm sewer + Perf Pipe
PROJECT: Cove Clinic, Portugal Cove Road

ELECTORAL DISTRICT: Cape St. Francis

ESTIMATED COST CONTRACT ITEMS: $24,530.00 August 10 2015

<table>
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<tr>
<th>NO.</th>
<th>DESCRIPTION OF WORK</th>
<th>UNIT</th>
<th>ESTIMATED QUANTITY</th>
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<tr>
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<td>$600.00</td>
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<tr>
<td>12(a)</td>
<td>Granular &quot;A&quot;</td>
<td>L.S.</td>
<td></td>
<td>$1,000.00</td>
<td></td>
</tr>
<tr>
<td>21</td>
<td>Contingency</td>
<td>hrs</td>
<td>40</td>
<td>$26.00</td>
<td>$1,040.00</td>
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<tr>
<td>22</td>
<td>Flagpersons Hours</td>
<td>hrs</td>
<td>15</td>
<td>$300.00</td>
<td>$4,500.00</td>
</tr>
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<td>23</td>
<td>Mobilization &amp; Demobilization</td>
<td>hrs</td>
<td>15</td>
<td>$300.00</td>
<td>$4,500.00</td>
</tr>
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<td>27</td>
<td>Backhoe Hours</td>
<td>hrs</td>
<td>15</td>
<td>$300.00</td>
<td>$4,500.00</td>
</tr>
<tr>
<td>28</td>
<td>Supply And Install Pipe For Storm Sewer</td>
<td>hrs</td>
<td>15</td>
<td>$300.00</td>
<td>$4,500.00</td>
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<tr>
<td>27(g)</td>
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<td>35</td>
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<tr>
<td>32</td>
<td>Asphalt Gutter</td>
<td>m2</td>
<td>20</td>
<td>$45.00</td>
<td>$900.00</td>
</tr>
<tr>
<td>39</td>
<td>Catch Basins, Manholes &amp; Ditch Inlets</td>
<td>Each</td>
<td>1</td>
<td>$3,800.00</td>
<td>$3,800.00</td>
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<tr>
<td>39(a)</td>
<td>Catch Basin Pup (600mm x 600 mm)</td>
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<td>1</td>
<td>$3,800.00</td>
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<td>Supply Fill in Place</td>
<td>t</td>
<td>20</td>
<td>$12.00</td>
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<td>47(c)</td>
<td>Supply Rock Fill in Place</td>
<td>t</td>
<td>20</td>
<td>$12.00</td>
<td>$240.00</td>
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</tbody>
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Total Contract Items $24,530.00

Summary

Total Contract Items $24,530.00
Materials
Other Charges
10% Engineering $2,453.00
Total Estimated Cost Including Engineering $26,983.00
13% HST $3,507.79
Total Estimated Contract Cost $30,490.79

APPROVED
SIGNED
DATE 09/22/15
Christian

Mike Dwyer has been back and forth on this one with a [REDACTED] who is complaining about a ditch being partially filled in, as a result there is excess water being diverted through a culvert which is causing flooding on [REDACTED]

Our staff partially opened the ditch and we’re supposed to return to open it further last week but have not been there since.

Can you advise.

Garry is aware of this one as well.

Thanks

Sent from my BlackBerry 10 smartphone on the Bell network.
From: O'Connell, Chad
Sent: Monday, August 10, 2015 5:19 PM
To: Skanes, Bill
Subject: Cove Clinic Estimate

Bill

Sorry for the delay. I was on site today water was flowing out of the bank of the house closest to breakwater pharmacy. I'm not sure if the water coming from the main road is going across the parking lot or not so I did two estimates - one to simply intercept the water coming out of the bank, and one to additionally handle the water coming off the road:

#1 - From the main road, install a French drain w/ perforated pipe to intercept the water flowing on to the parking lot of breakwater pharmacy and channel it to the river behind. There is plenty of grade here to accomplish this.

#2 - Install asphalt gutter from the main road, to a catch basin pup. Then install 300mm diameter storm sewer to the river behind the building. Also, the perforated pipe and French drain would go in here as well to intercept the water coming out of the bank. The grades will work.

See attached estimates. Option 1 is cheaper than option 2 by about $9000.

If you need anything else just let me know.

Thanks
Chad
Walsh, Frank

<table>
<thead>
<tr>
<th>From:</th>
<th>Skanes, Bill</th>
</tr>
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<tbody>
<tr>
<td>Sent:</td>
<td>Monday, November 30, 2015 11:24 AM</td>
</tr>
<tr>
<td>To:</td>
<td>Murphy, Janine</td>
</tr>
<tr>
<td>Subject:</td>
<td>FW: Cove Clinic Estimate</td>
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<tr>
<td>Attachments:</td>
<td>Estimate Cove Clinic OPTION 1.xls; Estimate Cove Clinic OPTION 2.xls</td>
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FYI

<table>
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<td>To:</td>
<td>Spencer, Garry L.; Gosse, Gary R.</td>
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<tr>
<td>Cc:</td>
<td>Morrissey, John; Lawrence, Paul</td>
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<tr>
<td>Subject:</td>
<td>Fw: Cove Clinic Estimate</td>
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</tbody>
</table>

Attached is estimate for catch basin and 300mm pipe to catch majority of water run off before it gets to pharmacy parking lot on Portugal Cove Rd.

Option 2 is what we should go with, approx $25,000. If approved, Paul can discuss with Weirs

Bill

---

Sent from my BlackBerry 10 smartphone on the Bell network.

<table>
<thead>
<tr>
<th>From:</th>
<th>O'Connell, Chad <a href="mailto:ChadOConnell@gov.nl.ca">ChadOConnell@gov.nl.ca</a></th>
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<td>Skanes, Bill</td>
</tr>
<tr>
<td>Subject:</td>
<td>Cove Clinic Estimate</td>
</tr>
</tbody>
</table>

Bill

Sorry for the delay. I was on site today water was flowing out of the bank of the house closest to breakwater pharmacy. I'm not sure if the water coming from the main road is going across the parking lot or not so I did two estimates - one to simply intercept the water coming out of the bank, and one to additionally handle the water coming off the road:

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If you need anything else just let me know.

Thanks
Chad
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See attached estimates. Option 1 is cheaper than option 2 by about $9000.

If you need anything else just let me know.

Thanks
Chad
Murphy, Janine

From: Petten, Barry
Sent: Friday, July 17, 2015 9:52 AM
To: Spencer, Garry L.
Subject: RE: Across from pharmacy in pc

Gary
I spoke to [REDACTED] he would like to meet up with Mike Dwyer on Monday to show him the area in question.

His contact info is [REDACTED]

Thanks

Section 40(1)

From: Spencer, Garry L.
Sent: Thursday, July 16, 2015 3:50 PM
To: Petten, Barry
Cc: Gosse, Gary R.
Subject: RE: Across from pharmacy in pc

Barry

Mike checked it out and reported that the ditches were all clear.

Garry

Section 40(1)

From: Petten, Barry
Sent: Thursday, July 16, 2015 3:48 PM
To: Spencer, Garry L.
Cc: Gosse, Gary R.
Subject: Re: Across from pharmacy in pc

Do you know if he had a look at this, [REDACTED] has been calling all of us today.

Thanks

Sent from my BlackBerry 10 smartphone on the Bell network.

From: Petten, Barry
Sent: Wednesday, July 15, 2015 12:22 PM
To: Spencer, Garry L.
Cc: Gosse, Gary R.
Subject: Re: Across from pharmacy in pc

Thanks

Sent from my BlackBerry 10 smartphone on the Bell network.

From: Spencer, Garry L.
Sent: Wednesday, July 15, 2015 11:55 AM
To: Petten, Barry
Mike Dwyer will check it out.

Garry

**From:** Petten, Barry  
**Sent:** Wednesday, July 15, 2015 11:35 AM  
**To:** Spencer, Garry L.  
**Cc:** Gosse, Gary R.  
**Subject:** Fw: Across from pharmacy in pc

Can we have this looked at please?

Sent from my BlackBerry 10 smartphone on the Bell network.

**From:** Harding, Darryl  
**Sent:** Wednesday, July 15, 2015 11:33 AM  
**To:** Petten, Barry  
**Subject:** Across from pharmacy in pc

Barry some time ago blocked a ditch going down the south side of Portugal cove road across from the pharmacy I spoke to gary about it and he recommended we send a letter to tell him to undo the blockage or we would do it and charge him the costs

Today with all this rain it is now a possible flooding issue again for the other side of pc road as none of the water can run down the ditch and is all forced across to the other side via a culvert

has been a resident for and has been folded out before by this and both minister and I had witnessed.

Can we have that blockage cleared before the flooding the may be caused by this tropical rain for the next 2 days results in the same flooding

Gary would be very familiar with this

Thanks  
darryl

Sent from my BlackBerry 10 smartphone on the Bell network.
Walsh, Frank

From: Skanes, Bill
Sent: Monday, November 30, 2015 11:24 AM
To: Murphy, Janine
Subject: FW: Paving Portugal Cove

FYI

From: Skanes, Bill
Sent: Wednesday, July 01, 2015 9:38 AM
To: Lawrence, Paul; Allan, Jon
Subject: Paving Portugal Cove

Paul/Jon

Could you do up an estimate for me to pave approx 500m in Portugal Cove with levelling asphalt. The area is from the bridge near the Pharmacy (The Cove Clinic) back towards St. John's for 500m.

Can you ask Weirs if they will be willing to do this work under their contract

Thanks
Bill

Sent from my BlackBerry 10 smartphone on the Bell network.
Request for Proposals
Information
TW/054/2015
GOVERNMENT OF NEWFOUNDLAND AND LABRADOR  
DEPARTMENT OF MUNICIPAL & INTERGOVERNMENTAL AFFAIRS  

Request for Proposals (RFP)  
Town of Portugal Cove-St Phillips, NL  

The Government of Newfoundland and Labrador, Department of Municipal & Intergovernmental Affairs & the Town of Portugal Cove-St Phillips are calling a request for proposals for Engineering Consulting Services for Skinner’s Rd Water Servicing and Water and Sewer Services, Drover Heights, Indian Meal Line and Franklyn Place, Portugal Cove-St Phillips, NL.

A copy of the RFP may be obtained by emailing a request to janiceshulba@gov.nl.ca, stephenslaney@gov.nl.ca or from the address below.

Submissions are to be forwarded to the address below & will be received up to 2:00 PM, July 30th, 2015.

Deputy Minister  
Dept. of Municipal & Intergovernmental Affairs  
c/o Tendering & Contracts  
Ground Floor, East Block, Confederation Building  
P.O. Box 8700  
St. John’s, NL A1B 4J6  
Telephone: 709-729-3786  
Facsimile: 709-729-6729
REQUEST FOR PROPOSALS (RFP)

For

ENGINEERING SERVICES RELATED TO MUNICIPAL WATER, SEWER & ROADS INFRASTRUCTURE

In

Portugal Cove-St. Philip's

(MA 17-MYCW-00002)

June 30, 2015
TABLE OF CONTENTS

TERMS OF REFERENCE

1.0 INTRODUCTION .................................................................................................................. 3
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3.2 AGREEMENT FOR SERVICES ............................................................................................. 9
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APPENDIX A LOCATION MAPS
APPENDIX B RIVER CROSSING

REQUEST FOR PROPOSALS
ENGINEERING SERVICES
TERMS OF REFERENCE

1.0 Introduction

The Town of Portugal Cove-St. Philip's (the Owner) has identified a need for municipal infrastructure renewal involving the existing water, sewer and roads network and is developing a strategy to fill the gap.

The Owner is requesting responses to the Request for Proposal (RFP) to select an Engineering Consultant who will undertake the scope of work identified herein. Through the RFP process, the Owner expects to identify an Engineering Consultant with the appropriate skills, experience and capacity to successfully carry out the scope of services detailed herein.

- **Note:** The Owner reserves the right to directly hire/call RFP's for Engineering Services for specific projects outside the scope of this Request for Proposal.

1.1 Background

Portugal Cove-St. Philip's amalgamated in 1992, and has since rapidly grown to an estimated 7366 people in 2011. Portugal Cove-St. Philip's is one of the largest municipalities in Newfoundland and Labrador, spreading over 56.43 square kilometers. It borders the City of St. John's on the east side, and the Town of Paradise to the west. The Town is accessible via many roads, including Portugal Cove Road, Thorburn Road, St. Thomas Line, Indian Meal Line and Bauline Line.

1.2 Project Description

The project requiring engineering services is separated into two main components as per 2014-2017 Multi Year Capital Works funding:

- **Skinner's Road Water Servicing;**
- **Water & Sewer Servicing – Drover Heights, Indian Meal Line, Franklyn Place**

Location maps are provided in Appendix A.

1.2.1 Skinner's Road Water Servicing

Installation of approximately 450m of water main and service lines to the property line of existing homes and vacant lots along Skinner’s Road from a junction in the service main to the end of the cul-de-sac including a drop
to allow for future servicing at road right of way. Work includes approximately 1200 m² asphalt patching.

Elevations are to be checked in preliminary design to determine if a booster pump is required.

Residential site visits are required as part of preliminary design to determine onsite septic locations and to consult with owners to determine location of future service entry into property in order to optimize lateral drop off location.

Leave space in design for future sewer line.

Options to be provided for future servicing of vacant lands including cost per service location. Preferred option to be incorporated into final design.

Owner requires completion of Skinner’s Road Water Servicing by October 15, 2015.

1.2.2 Water & Sewer Servicing – Drover Heights, Indian Meal Line, Franklyn Place

i. Installation of approximately 400m of water and sewer mains and service lines to the property line of existing homes and vacant lots on Drover’s Heights. New water and sewer mains to connect to the mains on Portugal Cove Road and cross under the existing river at the intersection of Drover’s Heights and Portugal Cove Road. Includes approximately 30m fencing, 500m ditching, 80m culvert, 200m² landscaping, 250m curb and gutter and placement of 332 tonnes of asphalt.

Design for river crossing is complete, see Appendix B. Consultant will be required to incorporate water and sewer main crossing portion of this design into the contract drawings.

Residential site visits are required as part of preliminary design to determine onsite septic locations and to consult with owners to determine location of future service entry into property in order to optimize lateral drop off location.

Vacant land requires servicing. Options to be provided for future servicing including cost per service location.

ii. Installation of approximately 450m of water and sewer mains and service lines to the property line of existing homes and vacant lots
on Indian Meal Line from the juncture with Millers Road to the intersection with Blagdon Hill. This distance includes approximately 40m of mains along Blagdon Hill with the purpose of eliminating the need for sewer lift station and sewer force mains in the Murray's Pond subdivision. The water main will also connect to the end of the main on Blagdon Hill to create a water servicing loop. Includes approximately 30 m fencing, 482 m ditching, 150m culvert, 48m² landscaping, 10m curb and gutter, 10m combined curb and sidewalk, 300m² asphalt patching and decommissioning of sewer lift station.

Town wishes to abandon force main on Blagdon Hill and provide a gravity sanitary system. Design to be provided and may be incorporated into construction contract. Implementation of design may be phased contingent on timing of infrastructure transfer.

Assume, for the purposes of the RFP, that grade can be achieved.

Catchment area to include future phases of the subdivision.

Minimum pond frontage has been reduced in future Municipal Plan. Design to incorporate future infill lots with pond frontage.

Detail to be provided for future servicing of lots that are below grade.

Residential site visits are required as part of preliminary design to determine onsite septic locations and to consult with owners to determine location of future service entry into property in order to optimize lateral drop off location.

iii. Installation of approximately 330m of water and sewer mains and service lines to the property line of existing homes on Franklyn Place from service mains on Neary's Pond Road. Includes approximately 40m fencing, 300m ditching, 60m culvert, 200m² landscaping, and placement of 220tonnes of asphalt.

Design to consider future servicing of lands in the area including Red Maple Place, Neary's Pond Road and Western Gully Pond.

Residential site visits are required as part of preliminary design to determine onsite septic locations and to consult with owners to determine location of future service entry into property in order to optimize lateral drop off location.
1.3 Definitions

For the purpose of this RFP, except as is otherwise expressly provided or unless the context otherwise requires, the terms defined in this section shall have the meanings assigned to them in this section.

(a) "Project Management Consultant" means the person designated by the Owner to work as the owners agent in all matters related to the project.

(b) "Engineering Consultant" means the Company selected by the Owner to perform all engineering services related to the Scope of Work within this RFP.

(c) "Owner" means The Town of Portugal Cove-St. Phillips and its successors and assigns.

(d) "Approval" means express acceptance, concurrence or consent in writing and "Approve" and "Approved" shall be construed accordingly.

(e) "Business Day" means a day that is not a Saturday, Sunday or any other day which is a statutory holiday in the Province of Newfoundland and Labrador.

(f) "Change" means any of the following:
   An addition to the Work;
   (a) A significant increase or decrease in quantities of items forming part or all of the Work;
   (b) A deletion of any part of the Work;
   (c) A revision or modification to any part of the Work already completed;
   (d) A variation to the schedule for the completion of a Milestone;
   (e) A modification in, variation to or deviation from the requirements set out the Scope of Work;

(g) "Change Order" means an order or directive for a Change issued to the Contractor and signed by Owner.

(h) "Change Request" means a request for a Change issued by the Contractor to the Owner.

(i) "Commissioning" means the checks, inspections, activities and tests required by the Technical Specifications to verify that the Work performs in accordance with the requirements of this Agreement and is safe for use and/or occupation.

(j) "Contractor" means the successful bidder who has an agreement with the Owner to perform the Construction Work.
2.0 Mandatory Requirements

Engineering consultants must have a Permit to Practice from the Professional Engineers and Geoscientists of Newfoundland and Labrador (PEGNL) for the disciplines to be undertaken. All consultants must have a current Permit to Practice and the appropriate professional and personnel liability insurance prior to commencing work on the project.

Where resident site services are required the resident inspector is to be safety trained by the Newfoundland and Labrador Construction Safety Association or equivalent for the work to be undertaken at the project site. The resident inspector shall be a Certified Technologist with a minimum of 5 years experience in water, sewer, roads and surveying. The inspector's credentials and experience shall require approval from the Owner before being assigned to the project.

3.0 Objectives and Scope

The successful Engineering Consultant will be required to provide a range of services relating to the delivery of the project(s). The Project Management Consultant will be the Owners Representative for all matters related to the Contract and the Work. The Engineering Consultant will report directly to the Project Management Consultant.

It is the goal of the Owner to have construction beginning in the third quarter of 2015, it is also anticipated for the purpose of analysis that the construction will take place over seven months. The Owner wishes to Tender the work for Skinners Road and complete construction in 2015. Construction on Drover Heights, Indian Meal Line, Franklyn Place will start in 2015 but can be completed in summer of 2016. Consultant shall submit a design schedule as part of the proposal.

Preliminary Engineering

1. Provide a preliminary report including recommendations for selected capital work renewal including review of other conditions that will impact project costs. Report to include an executive summary, table of contents, list of tables and figures, introduction, methodology, land use conflicts, interpretative discussion of findings, conclusions, recommendations and references.
2. Review the current condition of water and sewer in the area.
3. Review the current condition of roads in the area.
4. Carry out field work that may be required to confirm current conditions including current residential servicing as it may affect lateral drop off location.
5. Review owner's documents regarding project.
6. Review future servicing requirements.
7. Provide recommendations for water and sewer upgrades to the prime system that would improve future performance.
8. Consultant to provide town with information required to create communication package for home owners including project overview, agreement and process for future hook-up.

Design and Contract Documents

.1 Submit the design packages to authorities having jurisdiction, including Department of Environment and Conservation for an environmental review and permit to construct, where required.
.2 Provide a mid-design (50% progress) status update and discuss with Owner and the Department including Table of Quantities and unit prices (estimate) for each street and as built surveys which include location of current residential servicing that may affect lateral drop off location.
.3 Provide Owner with options for Sanitary Servicing of lots that cannot be handled by gravity feed.
.4 Provide Owner with a package for affected residents including project overview, any required agreements, servicing plan and process for future hook-ups.
.5 Provide Owner and the Department pre-tender documents and pretender project estimate for review and approval.

Tendering and Contracts Award

.1 Prepare tender documents and arrange tender service including call and closing, through Department of Transportation and Works, Tendering and Contracts Division, using electronic documents.
.2 Answers questions and issue addendum and clarification of documents through Transportation and Works Tendering and Contracts division as required.
.3 Analyzes submitted tenders and make recommendation to the Project Management Consultant.

Contract Administration

.1 Engineering Consultant to report to the Project Management Consultant.
.2 Administer contracts to ensure the work is proceeding in conformity with the contract; including detecting inaccuracies in the design and construction and reviewing progress payments and making recommendation to the Project Management Consultant.
.3 Review Change Requests and Change Orders for conformity with the design and contract documents.
.4 Preparation of monthly project status reports to report technical progress, non-conformances, deficiencies and delays related to the design.
.5 Inspect installations during construction, including checking compliance with the contract documents. Site visits are to be the actual number of site visits depending on requirements of the project but should not be less then monthly. Prepare site visit reports for all site visits.

.6 Resident services are required and are to be estimated on the basis of a 60 hour week for a period of 30 weeks, actual timeline may vary. Engineering Consultant shall include the estimated number of resident engineering hours required for each section of work. Full time resident engineering services may not necessarily be required.

.7 Provide quality control and record test data and commission all civil, mechanical and electrical systems, as required.

Project Completion and Project Record Drawings

.1 Prepare as-built information, as-built drawings are to be provided in hard copy, pdf and Auto Cad digital format to the Owner and Department.

3.1 Financial Consideration

Currently the total approved funding is $2,763,119. This includes professional service fees, the project capital cost, expenses, reimbursable expenses and HST.

The category of work is determined by the categories as outlined in the Guidelines and Recommended Minimum Fees for Architectural and Engineering Projects currently in use last published in March 2003 by NLAA and APEGN (the Fee Schedule).

The consultant shall submit invoices along with progress reports for amounts payable to the consultant according to the scope of work, deliverables and schedule as required by the terms of an Agreement with the Owner.

3.2 Agreement for Services

The Agreement for services will be adjusted for the scope of work undertaken if it differs from the statement herein. Fees should be estimated using "Level of Effort" methodology, expenses and reimbursable allowances are to be at cost. These amounts are to be calculated and shown on the schedule included herein for the duration of the project.
4.0 Response Content

4.1 Table of Contents

Proposals should include a table of contents properly indicating the section and page of numbers of the information included.

4.2 Executive Summary

Responses shall include an abstract of no more than one (1) page on the information presented in the proposal and the consultant's unique qualifications and services.

4.3 Methodology and Approach

4.3.1 Scope of Work Statement

The Consultant shall demonstrate clear understanding of the project scope, project objectives, and deliverables as well as identify any constraints or limitations that may impact the project delivery or its success.

4.3.2 Work Plan

The Consultant shall identify the process by which the company plans to approach the problem including how the project will be organized, executed and controlled together with its quality management process. A clear project management approach must be demonstrated in order to deliver a successful project that will meet or exceed the project objectives.

4.3.3 Delivery Schedule

The Consultant shall provide a work schedule, in the form of a gantt chart, including expected duration completion dates for each phase (Section 3 of the Terms of Reference division of this document) must be provided.

For documentation requiring review by the Owner, please allow three weeks from the time the information is provided to the Owner until a reply is received. For the purposes of the work schedule, Consultants may assume a project start date of August 3, 2015 and that the project must be completed 13 months from the award date.

Note: Owner requires completion of Skinners Road by October 15, 2015.

4.4 Background, Experience & Capabilities
4.4.1 Background Information

1. Provide general information on the Consultant, including a brief history of the firm and the number of years in business. For key personnel involved in this RFP, the proposal should include resumes, relevant project experience including duration, availability.

2. Project experience should include a list of relevant municipal infrastructure projects undertaken in the past five years (list a minimum of 6 and no more then 10 projects), supported with information on initial cost estimates versus final costs for similar sized projects.

3. Provide information on challenges in scope, cost and time line management and how they were handled using the reference projects as examples. Examples should indicate demonstrated expertise and practical experience of the project team members in municipal water, sewer and roads.

4. Provide current Consultant workload and demonstrate how they can dedicate the resources for this work.

4.4.2 Organizational Chart

1. The chart should indicate the names of the individuals to be involved in the major tasks of the project including the resident inspector and the lines of responsibility. The organizational chart should also include the specific responsibilities of the key personnel and their role on the project team. In addition, organizational chart should include location of team members and number of years of experience in role.

2. Relate the roles the key personnel played in the referenced projects provided in 4.4.1. The Organizational chart will be used in the negotiation of the Prime Consultant Agreement, any changes in key personnel at that time shall be approved by the Owner.

4.4.3 References

1. The Consultant should include three (3) references related to relevant work experience examples provided in 4.4.1, and history with the client over the past three to five years.

2. References within the Department of Municipal and Intergovernmental Affairs will not be considered.
4.5 Schedule of Rates, Fees and Expenses

The Consultant shall describe how Professional fees will be calculated, based on level of effort, for each of the tasks outlined in 3.0. This summary should include any services not itemized, but deemed necessary by the Engineering Consultant. Fees shall be provided in Schedule II and III of this proposal.

Note: Separate Schedule II and III are to be submitted for 1.2.1 Skinner’s Road and 1.2.2 Drover’s Road, Indian Meal Line, Frankyn Place projects. Both projects are to be tendered separately.

This section of the proposal should also include:
- daily rate of personnel;
- their relative participation (number of days); and
- disbursements.

For site visits:
- Provide number of visits for lead designers and technologists involved in the design, contract administration, closeout, commissioning and required number of visits to the site(s).
- Provide anticipated hourly rates for site visits including travel time and resident inspector(s), for the duration of the project.
- Provide expenses for site visits, resident services and general administration.

All financial information regarding professional fees including hours used to calculate fees, travel time and expenses are to be provided in the Sealed Cost of Services envelope.

4.6 Other Benefits

The Consultant should describe any other services or benefits the Owner may realize through these services.

5.0 Required Areas of Expertise

Area of expertise may include, but are not limited to projects including:

- Water, wastewater and storm sewer systems: preliminary design, detailed design and computer modeling for water and wastewater treatment systems, storage systems, pump systems and pipe systems.

- Road infrastructure: new road design and construction, road rehabilitation, traffic light systems and hydrologic and hydraulic design for bridge and culvert crossings.
- Feasibility Studies: all of the above areas of expertise.

- Building design and maintenance: electrical and mechanical systems, related to pump houses.

- Pre-Design Services: preparation of pre-design report including site investigations including environmental assessments, geotechnical test pits, topographical survey, scope of work, statement of probable cost, review of feasibility reports and or other studies as prepared by the owner, etc.

- Design Services: preparation of preliminary design and design report where required, preparation of contract documents.

- Project Quality Management Services: monthly construction inspection, contract administration and the provision of as-built documents.

- Contract Administration: inspections to confirm code, quality, contract documents and budget compliance, field testing of materials and equipment, investigation and reporting of unusual conditions which may arise during a project, review of change orders and/or contract documents, etc.

- Contract Management Services: Review of change orders for technical content, concession requests and other technical documents that pertain to the Agreement with the Contractor. Review monthly progress payments and advise the Owner's representative of the validity of the payment and completion of work, review substantial completion and final completion requests and make recommendations for release of hold back.

- Resident services, where required by Owner, including expertise in; inspections to confirm code, quality of and contract documents and budget compliance, field testing of materials and equipment, investigation and reporting of unusual conditions which may arise during a project, etc.

- Additional and Special Services: special investigative and legal surveys, revision of completed design documents for approved changes in scope.
6.0 Evaluation Criteria

Proposals will be evaluated using a two step procurement bidding procedure whereby the Technical and Cost of Services responses will be submitted in two separately sealed envelopes. Proponents will be evaluated on the Technical proposal prior to the opening and evaluation of the Cost of Services responses as detailed in Section 6.1 and 6.2 below.

Weighted Factor Table

- The technical evaluation committee will use the following criteria and weight factors to evaluate the proposal submissions:

<table>
<thead>
<tr>
<th>Evaluation Criteria</th>
<th>Sub Score</th>
<th>Maximum Score</th>
</tr>
</thead>
<tbody>
<tr>
<td>Technical Evaluation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.0 Methodology – Approach</td>
<td>6</td>
<td>20</td>
</tr>
<tr>
<td>1.1 Scope of Work Statement</td>
<td>10</td>
<td></td>
</tr>
<tr>
<td>1.2 Work Plan</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>1.3 Delivery Schedule</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.0 Experience – Qualifications</td>
<td></td>
<td>40</td>
</tr>
<tr>
<td>2.1 Demonstrated Expertise and Corporate background</td>
<td>6</td>
<td></td>
</tr>
<tr>
<td>2.2 Experience in presented project examples</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>2.3 References</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.4 Proposed key team members and resumes</td>
<td>10</td>
<td></td>
</tr>
<tr>
<td>2.5 Previous experience with the consultant</td>
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<td></td>
</tr>
<tr>
<td>Sub-Total Technical Evaluation</td>
<td></td>
<td>60</td>
</tr>
<tr>
<td>Financial Evaluation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.0 Cost of Service (Provided in a sealed envelope)</td>
<td>40</td>
<td></td>
</tr>
<tr>
<td>Total of Technical Evaluation &amp; Cost of Service</td>
<td></td>
<td>100</td>
</tr>
</tbody>
</table>

6.1 Technical Evaluation (Methodology and Experience)

6.1.1 The content (Criteria 1.0 and 2.0) of proposals submitted must achieve from the evaluation panel a minimum score of 70% of the points (42 out of 60), in Criteria 1.0 and 2.0 combined, in order to be considered further.

6.1.2 The proponents whose proposals do not meet the evaluation, as set out in 6.1.1 above, will have their “Cost of Services” sealed envelopes returned unopened.
6.2 Financial Evaluation

6.2.1 The proponents whose proposals meet the technical evaluation, will be given a value relative to the lowest cost of services, which will be assigned a maximum value of 40.

The Cost Formula for Evaluation is:

Points awarded = (Lowest proposal cost / Proposal cost being evaluated) x Total points available for Cost

6.3 Combined Score of Technical and Financial Evaluation

6.3.1 The preferred proponent will be selected on the basis of the highest overall score achieved by totaling the Technical score with the Cost of Services score.

6.3.2 The Owner and the Department are not bound to accept the lowest cost or any proposal.
INSTRUCTIONS TO PROPONENTS

7.0 Submission Requirements

7.1.1 Six (6) hard copies and a copy on CD in Acrobat PDF format of the proposal must be submitted in a sealed envelope clearly marked "Proposal for Prime Consultant Services", addressed to:

Department of Municipal Affairs
C/O Tendering and Contracts
Confederation Building, East Block
Ground Floor, West Wing
P.O. Box 8700, St. John’s, NL
A1B 4J6

7.1.2 Proposals must be received at the address above no later than the time and date contained in the advertisement or as amended.

7.1.3 Proposals received and not conforming to Items 7.1.1 and 7.1.2 above will be returned to Proponent(s), without consideration.

7.1.4 Proposals received via facsimile machine or e-mail will not be accepted.

7.1.5 All prices quoted in the proposal are to be in Canadian funds and are to show all applicable taxes.

7.1.6 Proposals are to be submitted using a two-envelope procurement procedure whereby proponents must submit two sealed envelopes simultaneously, one for the Technical Proposal and one for the Cost of Services Proposal appropriately identified as to the contents of each with the name and address of the proponent. The following wording shall also be marked on the outside of the Cost of Service envelope: "To be opened by Technical Evaluation Committee Only".

7.1.7 Proposals, rather than tenders, have been requested in order to afford consultants an opportunity to demonstrate their specific expertise and potential for an innovative approach in providing consulting services. The proposed approach should satisfy the Owner’s needs in a cost-effective and timely manner.

7.1.8 Proposals must be based on these Instructions and Terms of Reference.

7.1.9 Proposals must clearly show the complete company name, name and telephone number of primary contact person(s).
7.1.10 All hard copies of proposals should be on 8 1/2 inch x 11-inch format paper printed on both sides. The main body of the proposal should be limited to maximum of twenty five (25) pages. The PDF file must be provided on CD that is readable by Adobe Acrobat.

7.1.11 Consultants are solely responsible for any costs or expenses related to the preparation and submission of proposals.

7.1.12 After the closing time and date, all proposals received by the Owner become the property of the Owner.

7.1.13 The Consultant's proposal must remain valid for a period of 90 days after the date of closing noted in Section 7.1.2 above.

7.1.14 The laws of the Province of Newfoundland and Labrador shall govern this proposal and any subsequent contract resulting from this proposal.

8.0 Access to Information

8.1.1 The Owners are subject to the provisions of the Access to Information and Protection of Privacy Act. Section 27 of the Act excludes the disclosure of information that would be harmful to the business interests of a third party and any disclosure by the Owner would be subject to that provision.

9.0 Evaluation Process

9.1.1 A Technical Evaluation Committee, made up of representatives of the Owner and the Department of Municipal Affairs, will review the proposal submissions. Based on the results of the review, the Committee will make a recommendation to the Owner on a prime consultant. The Committee reserves the right to accept any or none of the proposals submitted and will evaluate proposals based on the best value and not necessarily the lowest cost. Please refer to the Evaluation Criteria outlined in Section 6.0 of the Terms of Reference. Acceptance of the selected Prime Consultant is subject to the approval of the Owner and the Minister of Municipal Affairs.

9.1.2 The Technical Evaluation Committee reserves the right to conduct pre-selection meetings with Consultants, which may include a run-through of the proposal submission.

9.1.3 The successful Proponent will be required to enter into a separate Standard Form of Agreement Between Owner and Prime Consultant for Prime Consultant services related to the funded project. The Agreement
must be reviewed and approved by the Department of Municipal Affairs and the Owner prior to execution.

10.0 **Reporting Structure**

10.1.1 The successful Proponent will report directly to:

Tina O'Dea, P.Eng
Project Manager
Vigilant Management Inc.

10.1.2 The successful Proponent shall maintain a communication structure that includes the Department of Municipal Affairs and other significant stakeholders.

10.2 **Enquiries**

10.2.1 All enquiries regarding this **RFP** must be directed to:

Tina O'Dea, P.Eng
Project Manager
Vigilant Management Inc.
Phone: 709-782-5950
Cell: 709-763-6371
Email: tina@vigilantmanagement.ca

10.2.2 All questions should be submitted, in writing at least ten (10) days prior to the closing time and date. No amendments will be issued five (5) days prior to closing.

10.2.3 Any verbal representations, promises, statements or advice made by employees of the Owner other than written responses offered through the office of the Department of Municipal Affairs, should not be relied upon.
SCHEDULE II
(Water, Sewer, and Municipal Roads)
BASIC AND OTHER ADDITIONAL SERVICES FEES

- Basic Services
  - Preliminary Engineering $
  - Design and Contract Documents $
  - Tendering and Contracts Award $
  - Contract Administration $

- Project Completion Phase and Project Record Drawings $

- Other Additional Services:
  - Resident Services during Construction $
    - Enter Description
    - Enter Description

- Prime Consultant Project Expenses for Above Services $

TOTAL BASIC AND OTHER SERVICES FEES $

TOTAL ADDITIONAL REIMBURSABLE ALLOWANCE (From Schedule III) $

TOTAL SERVICE FEE (LESS HST) (Total Schedules II + III) $

HST $

TOTAL SERVICE FEE (Including HST) $

19
SCHEDULE III
(Water, Sewer, and Municipal Roads)
ADDITIONAL REIMBURSABLE ALLOWANCES

List below allowances for specific project expenses not included in Schedule II.

- Site Surveys $ 
- Geotechnical Investigations $ 
- Materials Testing $
  - Asphalt Extractions $
  - Concrete Testing $
  - Compaction Testing $
  - Enter Description
  - Enter Description $
- Water Main Leakage Detection $
- Sewer Main Infiltration Detection $
- Enter Description
- Enter Description $

For this RFP assume Reimbursable Allowances as shown

TOTAL ADDITIONAL REIMBURSABLE ALLOWANCES $
Approval to Proceed

TW/054/2015
August 12, 2015

Town of Portugal Cove-St. Phillips
1119 Thorburn Road
Portugal Cove-St. Phillips, NL
A1M 1T6

Newfoundland Labrador

April 16, 2016

COR/2015/03806

Government of Newfoundland Labrador
Department of Municipal and Intergovernmental Affairs
Eastern Regional Office

APPROVAL TO PROCEED

Re: 2014 Multi Year Municipal Capital Works Program
Request for Proposals (RFP) for Engineering Consultant Services
Project No.17-MYCW-15-00002-Portugal Cove-St Phillips, NL
Skinner’s Road Water Servicing and Water and Sewer Services
–Drover Heights, Indian Meal Line, and Franklin Place.

In consequence of a Request for Proposals (RFP) where Newfoundland Design
Associates Limited has been identified as the preferred proponent with a proposal in the
amount of $311,848.36, you are hereby authorized to enter into negotiations with them
for the purpose of refining contract details and price, and to award a contract for this
project in accordance with the RFP.

Please instruct this consultant to prepare a draft Engineering Consultant Agreement for
submission to the Department’s Eastern Regional Office for review and
recommendation on signature before any work is commenced on the project.

The maximum Provincial contribution to the project remains capped at the level
identified in the project funding approval letter of date in the amount of $1,848,600.18.
The Town is advised that all costs in excess of this amount will be 100% responsibility
of the Town.

Dan Noseworthy
Eastern Regional Director

cc: Hon. David Brazil, MHA
cc: Mr. Dan Noseworthy
cc: Ms. Lori Evoy
cc: Inayat Rehman, P. Eng.
cc: Mr. Haseen Khan, P. Eng.

cc: Ms. Bertha Fowler
cc: Mr. John O’Leary
cc: Mr. Denis Hickey
cc: Vigilant Management Inc.

P.O. Box 8700, St. John’s, N.L., Canada A1B 4J6  (t) 709-729-0359  (f) 709-729-84**