On January 2, 2017, the Department of Transportation and Works received your request for access to the following records/information:

I am looking for all correspondence including emails between representatives of NL and the non-winning bidders of ferry RFP’s between the time frames of 2014 - 2017.

Please note on January 16, 2017, you refined the above access request to correspondence and information surrounding the smaller, 42-metre vessel. 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:

- Responsive documents regarding the decision not to award the contract and cancel the RFP for the construction of the 42-metre vessel.

Access to the remaining records, and/or 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.

P.O. Box 8700, St. John’s, NL, Canada, A1B 4J6
In accordance with your request for a copy of the records, the appropriate copies 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 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 feel free to contact the undersigned by telephone at (709) 729-5351 or by e-mail at FrankWalsh@gov.nl.ca.

Sincerely,

[Signature]
Frank Walsh
ATIPP Coordinator
Department of Transportation and Works

Enclosures
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 invasion of the deceased person’s personal privacy.
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).
Attached are the letters sent to the remaining RFP proponents.
November 13, 2013

TO: Ocean Industries Inc
3 Chemin de la Traverse
Isle-aux-Coudres, QC
G0A 3J0

Re: Government of Newfoundland and Labrador, Canada
Department of Transportation and Works
Request for Proposals Construction, Delivery and Warranty of Ro-Ro Passenger Ferry Vessels

Dear Sirs:

We thank you for your response to the above noted Request for Proposal (RFP). The Government of Newfoundland and Labrador as represented by the Department of Transportation and Works has completed the process of evaluation and assessment of the proposals received in response to this RFP.

The Government of Newfoundland and Labrador wishes to advise you of its decision to not award a contract for a 42-metre vessel and to cancel the RFP for the Construction, Delivery and Warranty of the 42-metre vessel.

Thank you for your submission in this regard.

Sincerely,

[Signature]

BRENT MEADE
Deputy Minister
November 13, 2013

Dear Sirs:

We thank you for your response to the above noted Request for Proposal (RFP). The Government of Newfoundland and Labrador as represented by the Department of Transportation and Works has completed the process of evaluation and assessment of the proposals received in response to this RFP.

This is to advise you that your company’s proposal for the Construction, Delivery and Warranty of an 80-metre vessel was not successful.

The Government of Newfoundland and Labrador also wishes to advise you of its decision to not award a contract for a 42-metre vessel and to cancel the RFP for the Construction, Delivery and Warranty of the 42-metre vessel.

Thank you for your submission in this regard.

Sincerely,

BRENT MEADE
Deputy Minister
November 13, 2013

TO: Damen Shipyards Gorinchem
Industrieterrein Avelingen West 20
P.O. Box 1, Gorinchem
The Netherlands 4200AA

Re: Government of Newfoundland and Labrador, Canada
Department of Transportation and Works
Request for Proposals Construction, Delivery and Warranty of Ro-Ro Passenger Ferry Vessels

Dear Sirs:

We thank you for your response to the above noted Request for Proposal (RFP). The Government of Newfoundland and Labrador as represented by the Department of Transportation and Works has completed the process of evaluation and assessment of the proposals received in response to this RFP.

I am pleased to inform you that your submission for the construction of one 80-metre vessel as it relates to the above noted project is acceptable to this Department.

Accordingly, you will be requested within ten (10) days of this letter, unless this period is extended by me, to sign a mutually agreeable contract based on your proposal and the RFP.

The Government of Newfoundland and Labrador also wishes to advise you of its decision to not award a contract for a 42-metre vessel and to cancel the RFP for the Construction, Delivery and Warranty of the 42-metre vessel.

Thank you for your submission in this regard and we look forward to working with you to successfully complete this project.

Sincerely,

[Signature]

BRENT MEADE
Deputy Minister
November 13, 2013

TO: Fincantieri
Passeggio S. Andrea 6/A 34123
Trieste, Italy

Re: Government of Newfoundland and Labrador, Canada
Department of Transportation and Works
Request for Proposals Construction, Delivery and Warranty of Ro-Ro Passenger Ferry Vessels

Dear Sirs:

We thank you for your response to the above noted Request for Proposal (RFP). The Government of Newfoundland and Labrador as represented by the Department of Transportation and Works has completed the process of evaluation and assessment of the proposals received in response to this RFP.

This is to advise you that your company’s proposal for the Construction, Delivery and Warranty of an 80-metre vessel was not successful.

The Government of Newfoundland and Labrador also wishes to advise you of its decision to not award a contract for a 42-metre vessel and to cancel the RFP for the Construction, Delivery and Warranty of the 42-metre vessel.

Thank you for your submission in this regard.

Sincerely,

BRENT MEADE
Deputy Minister
November 13, 2013

TO: Hijos De J. Barreras S.A.
Avda. Beiramar, 2, 36208
Vigo, Espana-Spain

Re: Government of Newfoundland and Labrador, Canada
Department of Transportation and Works
Request for Proposals Construction, Delivery and Warranty of Ro-Ro Passenger Ferry Vessels

Dear Sirs:

We thank you for your response to the above noted Request for Proposal (RFP). The Government of Newfoundland and Labrador as represented by the Department of Transportation and Works has completed the process of evaluation and assessment of the proposals received in response to this RFP.

This is to advise you that your company’s proposal for the Construction, Delivery and Warranty of an 80-metre vessel was not successful.

The Government of Newfoundland and Labrador also wishes to advise you of its decision to not award a contract for a 42-metre vessel and to cancel the RFP for the Construction, Delivery and Warranty of the 42-metre vessel.

Thank you for your submission in this regard.

Sincerely,

[BRENT MEADE]
Deputy Minister
TO: Meridien Maritime Reparation  
1460 rue Matane sur Mer  
Matane, QC  
G4W 3M6  

Re: Government of Newfoundland and Labrador, Canada  
Department of Transportation and Works  
Request for Proposals Construction, Delivery and Warranty of Ro-Ro Passenger Ferry Vessels

Dear Sirs:

We thank you for your response to the above noted Request for Proposal (RFP). The Government of Newfoundland and Labrador as represented by the Department of Transportation and Works has completed the process of evaluation and assessment of the proposals received in response to this RFP.

The Government of Newfoundland and Labrador wishes to advise you of its decision to not award a contract for a 42-metre vessel and to cancel the RFP for the Construction, Delivery and Warranty of the 42-metre vessel.

Thank you for your submission in this regard.

Sincerely,

BRENT MEADE  
Deputy Minister
November 13, 2013

TO: Chantier Davie Canada
22 George-D. Davie
Levis, QC
G6V 0K4

Re: Government of Newfoundland and Labrador, Canada
Department of Transportation and Works
Request for Proposals Construction, Delivery and Warranty of Ro-Ro Passenger Ferry Vessels

Dear Sirs:

We thank you for your response to the above noted Request for Proposal (RFP). The Government of Newfoundland and Labrador as represented by the Department of Transportation and Works has completed the process of evaluation and assessment of the proposals received in response to this RFP.

This is to advise you that your company’s proposal for the Construction, Delivery and Warranty of an 80-metre vessel was not successful.

The Government of Newfoundland and Labrador also wishes to advise you of its decision to not award a contract for a 42-metre vessel and to cancel the RFP for the Construction, Delivery and Warranty of the 42-metre vessel.

Thank you for your submission in this regard.

Sincerely,

BRENT MEADE
Deputy Minister
TO: Eastern Shipbuilding Group Inc.
2200 Nelson St.
P.O. Box 960
Panama City, FL
32404

Re: Government of Newfoundland and Labrador, Canada
Department of Transportation and Works
Request for Proposals Construction, Delivery and Warranty of Ro-Ro Passenger Ferry Vessels

Dear Sirs:

We thank you for your response to the above noted Request for Proposal (RFP). The Government of Newfoundland and Labrador as represented by the Department of Transportation and Works has completed the process of evaluation and assessment of the proposals received in response to this RFP.

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The Government of Newfoundland and Labrador also wishes to advise you of its decision to not award a contract for a 42-metre vessel and to cancel the RFP for the Construction, Delivery and Warranty of the 42-metre vessel.

Thank you for your submission in this regard.

Sincerely,

[Signature]
DEPUTY MINISTER

P.O. Box 8700, St. John’s, NL, Canada A1B 4J6  t 709.729-3676  f 709.729-4285
COR/2013/06418

November 13, 2013

TO: Kiewit Offshore Services
Main Road
Spanish Room, NL
A0E 2M0

Re: Government of Newfoundland and Labrador, Canada
Department of Transportation and Works
Request for Proposals Construction, Delivery and Warranty of Ro-Ro Passenger Ferry Vessels

Dear Sirs:

We thank you for your response to the above noted Request for Proposal (RFP). The Government of Newfoundland and Labrador as represented by the Department of Transportation and Works has completed the process of evaluation and assessment of the proposals received in response to this RFP.

The Government of Newfoundland and Labrador wishes to advise you of its decision to not award a contract for a 42-metre vessel and to cancel the RFP for the Construction, Delivery and Warranty of the 42-metre vessel.

Thank you for your submission in this regard.

Sincerely,

BRENT MEADE
Deputy Minister

P.O. Box 8700, St. John’s, NL, Canada A1B 4J6 t 709.729-3676 f 709.729-4285
From: [Name Redacted]
To: Mulrooney, Stephen R.
Subject: Request to Quote from Asenav
Date: Wednesday, December 18, 2013 1:27:28 PM

Stephen,

I left a message but realize it’s that time of the year.

We received a request from Asenav, asking us to quote on the 3rd 42 m that you had planned on building. Given our previous conversation, and the announcement of the second larger vessel, I assumed that this was an old request from Asenav, however it appears current.

Can you please confirm whether you are planning to move forward with the third 42 m ferry. We will respond to Asenav accordingly in our response to Asenav.

Happy Holidays.

Martec Limited
1888 Brunswick St.
Halifax, NS  B3J 3J8

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