COR/2017/01092
March 7, 2017

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act (Our File: TW/033/2017)

On February 6, 2017, the Department of Transportation and Works received your request for access to the following records:

Would you provide me with all Briefing Notes from Special Projects Directorate (Gerry Duggan, Director), Department of Transportation and Works, to the Minister and/or Deputy Minister and/or Assistant Deputy Minister - Works for the period September 1, 2011 to February 28, 2012?

I am pleased to inform you that a decision has been made by the Deputy Minister of Transportation and Works to provide access to some of the requested information and the appropriate copies have been enclosed.

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):

27. (1) (a) – advice, recommendations or policy considerations submitted or prepared for submission to the Cabinet.

27. (2) (a) – The head of a public body shall refuse to disclose to an applicant a cabinet record.

P.O. Box 8700, St. John’s, NL, Canada, A1B 4J6
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.

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 contact me by telephone at (709) 729-5351 or by email at FrankWalsh@gov.nl.ca.

Sincerely,

[Signature]

Frank Walsh
ATIPP Coordinator
Department of Transportation and Works

Enclosures
Cabinet confidences

27. (1) In this section, "cabinet record" means

(a) advice, recommendations or policy considerations submitted or prepared for submission to the Cabinet;

(b) draft legislation or regulations submitted or prepared for submission to the Cabinet;

(c) a memorandum, the purpose of which is to present proposals or recommendations to the Cabinet;

(d) a discussion paper, policy analysis, proposal, advice or briefing material prepared for Cabinet, excluding the sections of these records that are factual or background material;

(e) an agenda, minute or other record of Cabinet recording deliberations or decisions of the Cabinet;

(f) a record used for or which reflects communications or discussions among ministers on matters relating to the making of government decisions or the formulation of government policy;

(g) a record created for or by a minister for the purpose of briefing that minister on a matter for the Cabinet;

(h) a record created during the process of developing or preparing a submission for the Cabinet; and

(i) that portion of a record which contains information about the contents of a record within a class of information referred to in paragraphs (a) to (h).

(2) The head of a public body shall refuse to disclose to an applicant

(a) a cabinet record; or

(b) information in a record other than a cabinet record that would reveal the substance of deliberations of Cabinet.

(3) Notwithstanding subsection (2), the Clerk of the Executive Council may disclose a cabinet record or information that would reveal the substance of deliberations of Cabinet where the Clerk is satisfied that the public interest in the disclosure of the information outweighs the reason for the exception.

(4) Subsections (1) and (2) do not apply to

(a) information in a record that has been in existence for 20 years or more; or

(b) information in a record of a decision made by the Cabinet on an appeal under an Act.
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).
Information Note
Department of Transportation and Works

BNT/2011/0102

Title: Status of Confederation Building Complex, Mechanical and Electrical Upgrade and Removal of Hazardous Materials Project

Issue: Replacement of mechanical / electrical (M/E) system components that have reached the end of service life and removal of asbestos containing materials in the (M/E) services areas in the building ceiling space.

Background and Current Status:

- The Confederation Building Complex is the province’s most strategically important building asset. With age and periods of under-funded maintenance, these buildings are in need of critical infrastructure repairs and upgrades.
- Current system problems are most abundant in East Block which was constructed in 1958. This facility is currently operating through original equipment systems which essentially have reached the end of their service lives. Serious electrical and plumbing failures occurred in 2010 illustrating the current status of major building support systems.
- West block, opened in 1986, has reached a critical repair point for select systems, particularly regarding the heating, ventilation and air conditioning system (HVAC).
- The combined building complex has not had adequate back-up power systems since the original construction. East and West Block each have aging generator systems only capable of supplying emergency power for evacuation purposes.
- Stantec Consulting Ltd (formerly Quadratec) has been engaged since Aug/10 to audit existing infrastructure and develop solutions to improve performance and reliability.
- As a phase one component of work to remediate the backup power issue, a design was developed to provide a system of standby diesel generator units that would provide complete full power to both the East and West Blocks with redundancy allowing full operations to continue in the event of a main system power failure.
- A new Utility Building to house diesel generators is nearing completion on the North side of the East Block.
- A program of systematic mechanical and electrical upgrades to East and West Block will be implemented over several years. The level of intrusion for extensive work within East Block limits the pace of the project and demands a comprehensive logistical implementation strategy.
- The East Block scope of work includes replacement of corroded and malfunctioning plumbing/piping systems and complete washroom overhauls with improved accessibility. Major HVAC components will be replaced or repaired with added humidification and control systems upgrades. Vulnerable outdated electrical distribution panels and wiring will be replaced as well.
- The presence and required abatement of asbestos in some existing construction materials is a critical factor in planning and performing a large part of the work in East Block. The isolation requirements are anticipated to make a swing-space strategy necessary to relocate staff leading to a multi-phase construction strategy.
- West Block scope of work is limited to HVAC system improvements only.
- The construction package 1(CP-1) – Utility Building, shell construction only, will be completed by mid-November.
• **CP-2** — Main plumbing line valve installations: tender closed Sept 2011 and has been awarded to Newfound Mechanical Ltd for $67,600 (plus HST). Completion is scheduled for late November.

• **CP-3**, Generator systems installations is ready for tender call. Assuming approval to advertise is received within the next week the tender is expected to close in late November. Scope of work also includes new feeder cables from utility building to East and West Block and all related tie-in work plus removal of the old emergency generators. Completion of work and availability of systems are expected by July 2012.

• A comprehensive intrusive examination of the mechanical and electrical systems, system areas, and potential hazardous materials removal is to be undertaken concurrent with the valve installation contract, CP-2. The purpose of this assessment is to determine the scope of work involved with M&E upgrading and the degree of architectural remediation required in the East Block.

• **CP-4**, a section of M&E upgrading on one floor only of East Block is being developed to go to tender April 2012. This contract will be used to finalize the methodology for the remainder of the building upgrade and will run to Fall 2012.

• **CP-5**, the primary M&E upgrades phased contract for East and West Block, is planned for tender in Spring 2013.

• **CP-1**, **CP-2**, **CP-3** has, and will result in minor inconveniences to government staff. TW will continue to advise departments of activities and service interruptions as required.

• **CP-4** will be a major intrusion into a specific area that appears to require relocation of operations for 6 months to allow implementation of work. This is currently under review and a further update will follow the completion of the comprehensive intrusive assessment. Under consideration is a proposal to renovate the East Block 4th Floor east wing area occupied by the Department of Justice. In addition, the relocation logistics and the identification of interim swing space would have to be established by the end of 2011 to meet the proposed May 2012 implementation schedule.

• The implementation strategy arising from the preliminary assessment during **CP-2**, and the subsequent **CP-4** work, will be used in a similar floor-by-floor manner for the remainder of the building. Specialized areas of the East Block will undergo separate assessments to determine if any variation in strategy is required.

• Further cash flow determination is dependent on the scope of work identified for **CP-4** Phase I which has yet to be developed.
<table>
<thead>
<tr>
<th>Cash Flow Forecast ($M)</th>
<th>FY 10/11</th>
<th>FY 11/12</th>
<th>FY 12/13</th>
<th>FY 13/14</th>
<th>FY 14/15</th>
<th>FY 15/16</th>
</tr>
</thead>
<tbody>
<tr>
<td>CP1 - Utility Bldg Shell</td>
<td>0.7</td>
<td>0.4</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>CP2 - Valve installations</td>
<td></td>
<td></td>
<td>0.1</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>CP3 - Generators, Feeders</td>
<td>2.0</td>
<td>3.5</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>CP4 - M&amp;E mock-up</td>
<td></td>
<td></td>
<td></td>
<td>0.8</td>
<td></td>
<td></td>
</tr>
<tr>
<td>CP5 - M&amp;E main project</td>
<td></td>
<td></td>
<td></td>
<td>3.2</td>
<td>3.8</td>
<td>3.2</td>
</tr>
<tr>
<td>Consultant</td>
<td>0.4</td>
<td>0.4</td>
<td>0.5</td>
<td>0.2</td>
<td>0.1</td>
<td>0.1</td>
</tr>
<tr>
<td>TW expenses</td>
<td>0.1</td>
<td>0.2</td>
<td>0.1</td>
<td>0.1</td>
<td>0.1</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>1.1</strong></td>
<td><strong>3.0</strong></td>
<td><strong>5.0</strong></td>
<td><strong>3.5</strong></td>
<td><strong>4.0</strong></td>
<td><strong>3.4</strong></td>
</tr>
</tbody>
</table>

**Total Project Cost $20M**

**Action Being Taken:**

- Tender advertisement is being prepared for CP-3, Generator, switchgear, feeder installation and tie in to the Confederation Building East Block.
- Planning is underway to facilitate the intrusive assessment for the M/E renovations and hazardous materials removal in the East Block with recommendations expected in November 2011.
- Project funding timelines and implementation strategies continue to take place and will continue throughout the life of the project.

Prepared by: John Pippy / G. Duggan
Recommended by:
Approved by:

**October 14, 2011**