COR/2017/02576

May 24, 2017

Dear [Redacted]:

RE: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act (Our File TW/070/2017)

On May 12, 2017, the Department of Transportation and Works received your request for access to the following records/information:

I would like to obtain the Tender Bid Sheets that were submitted by the [Redacted] party who placed the bid and was awarded the tender.

Tender/Contract Title: Locksmithing Service Contract
Various Government Buildings Avalon Region, NL
Service Contract No: LOCK17101
Tender Closing Date & Time: April 16, 2015 @ 3:00pm

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.

Access to the remaining record 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.

The Act requires us to provide an advisory response within 10 days of receiving the request. As this request has been completed prior to day 10, this letter also serves as our Advisory Response.
Please be advised that you may ask the Information and Privacy Commissioner to review the processing of your access request, as set out in section 42 of the Access to Information and Protection of Privacy Act (the Act). A request to the Commissioner must be made in writing within 15 business days of the date of this letter or within a longer period that may be allowed by the Commissioner.

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

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

You may also appeal directly to the Supreme Court Trial Division within 15 business days after you receive the decision of the public body, pursuant to section 52 of the Act.

The Act requires us to provide an advisory response within 10 days of receiving the request. As this request has been completed prior to day 10, this letter also serves as our Advisory Response.

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 me by telephone at 709-729-5303 or by e-mail at MichaelCook@gov.nl.ca.

Sincerely,

Michael Cook  
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).
TENDER/CONTRACT TITLE: LOCKSMITHING SERVICE CONTRACT
VARIOUS GOVERNMENT BUILDINGS
AVON REGION, NL

SERVICE CONTRACT NO: LOCK17101A
TENDER CLOSING DATE & TIME: April 27th, 2015 3:00PM

TENDER ADDRESS:
The Deputy Minister
c/o Tendering & Contracts
Department of Transportation & Works
Ground Floor-West Wing
Confederation Building East Block
P.O. Box 8700
St. John's, NL
A1B 4J6

OWNER: Her Majesty the Queen in Right of the Province of Newfoundland and Labrador, as represented by the Minister of Transportation & Works.

REGIONAL DIRECTOR: Regional Director of the Works Division of Department of Transportation and Works or the authorized representatives in the Region the work is to be performed.

CONTRACTOR NAME: Armour Lock and Safe

CONTRACTOR'S ADDRESS: 30 Narconjo Place
St. John's, NL

POSTAL CODE: A1A-0B9

TELE: 754-0007 FAX: 754-0205

EMAIL: info@armourlockandsafe.ca
### Appendix A - TENDER PRICE TABLE
**LOCK17101A – Locksmith Service**
**SCHEDULE “A1”**

#### SECTION A. Separate Tender Breakdown (per building). Lump Sum Price Calculation.

<table>
<thead>
<tr>
<th>Building Description</th>
<th>Rate Per Building</th>
</tr>
</thead>
<tbody>
<tr>
<td>A1 THIS SECTION IS NOT APPLICABLE</td>
<td>$NOT APPLICABLE</td>
</tr>
<tr>
<td>A2</td>
<td>$</td>
</tr>
<tr>
<td>A3</td>
<td>$</td>
</tr>
<tr>
<td>A4</td>
<td>$</td>
</tr>
<tr>
<td>A5</td>
<td>$</td>
</tr>
<tr>
<td>A6</td>
<td>$</td>
</tr>
<tr>
<td>A7 Lump Sum Price (Sum of Lines A1-A6)</td>
<td>$n/a</td>
</tr>
</tbody>
</table>

#### SECTION B. Unit Price Component Calculation.

<table>
<thead>
<tr>
<th>A. Unit Rate</th>
<th>B. Total Quantity (Estimated)*</th>
<th>C. Total Unit Rate (A x B)</th>
</tr>
</thead>
<tbody>
<tr>
<td>B1 (A) $25.00 per hour</td>
<td>Group A Buildings</td>
<td>800 Hours</td>
</tr>
<tr>
<td>B2 (A) $6.00 per rekey</td>
<td>Group A Buildings</td>
<td>800 Re-Keys</td>
</tr>
<tr>
<td>B3 (A) $50.00 per hour</td>
<td>Group B Buildings</td>
<td>200 Hours</td>
</tr>
<tr>
<td>B4 (A) $125.00 per rekey</td>
<td>Group B Buildings</td>
<td>60 Folger Adams Re-Keys</td>
</tr>
<tr>
<td>B5 (A) $10.00 per rekey</td>
<td>Group B Buildings</td>
<td>40 Other Re-Keys</td>
</tr>
<tr>
<td>B6 (A) $65.00 per hour</td>
<td>Group C Buildings</td>
<td>200 Hours</td>
</tr>
<tr>
<td>B7 (A) $10.00 per rekey</td>
<td>Group C Buildings</td>
<td>200 Re-Keys</td>
</tr>
<tr>
<td>B8 (A) $25.00 per hour</td>
<td>Group D Buildings</td>
<td>25 Hours</td>
</tr>
<tr>
<td>B9 (A) $6.00 per rekey</td>
<td>Group D Buildings</td>
<td>25 Re-Keys</td>
</tr>
<tr>
<td>B10 Unit Price (Total from Line B1(C) + B2(C) + B3(C) + B4(C) + B5(C) + B6(C) + B7(C) + B8(C) + B9)</td>
<td>$58,475</td>
<td></td>
</tr>
</tbody>
</table>

#### SECTION C. Total Tendered Price.

<table>
<thead>
<tr>
<th>Pricing Component</th>
<th>Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>C1 Lump Sum Price Component</td>
<td>$N/A</td>
</tr>
<tr>
<td>C2 Unit Price Component</td>
<td>$58,475</td>
</tr>
<tr>
<td>C3 Subtotal</td>
<td>$58,475</td>
</tr>
<tr>
<td>C4 Harmonized Sale Tax (13%)</td>
<td>$7,607.75</td>
</tr>
<tr>
<td>C5 Total Tender Price</td>
<td>$66,083.75</td>
</tr>
</tbody>
</table>

#### SECTION D. TOTAL TENDERED PRICE (INSERT FROM LINE C5) $66,083.75

Refer to the Supplementary Instructions to Bidders for completion of this form.
1. TENDER AND CONTRACT AGREEMENT

1.1 The Contractor hereby tenders to perform all work related to this Contract as required under the Contract Documents, which will consist of the Letter of Acceptance, the Tender/Contract Form, the Instructions to Bidders, the Supplementary Instructions to Bidders, the General Conditions, Supplementary General Conditions, the Drawings, if any, Specifications and Addenda for the amounts contained in this Tender/Contract Form.

The Contract shall remain in force for the period stated in the Supplementary Instructions to Bidders, Duration of Contract, of the Contract Documents and more clearly defined in the acceptance letter from the Owner as to the exact starting and termination dates.

The Contractor agrees that this Tender/Contract Form, subject to all provisions contained herein when accepted on behalf of the Owner shall constitute a binding Contract between the Contractor and the Owner.

1.2 The Owner may reject any and all tenders and the lowest tender may not necessarily be accepted.

2. ADDENDA

The Contractor acknowledges receipt of the following Addenda:

Numbers: 1, 2, 3

3. PAYMENT

Subject to the applicable legislation respecting holdback percentages and in accordance with the provision of the General Conditions of the contract, the Owner shall make payments as per the Contract Documents.
4. This Section is to be completed by Contractor

SIGNATURE OF TENDERER:

Company Name

ST. JOHN'S, NL

Company Address

Armore Lock and Safe

30 Navajo St. A1A-089

Signing Officer

Title owner/operator

Corporate Seal

Witnessed by

Date April 26, 2015

s. 40 (1)

s. 40 (1)

5. FOR DEPARTMENTAL USE ONLY

DOCUMENTATION RECEIVED AND COMPLETED

Confirmed on behalf of the Owner

Signature

Title

Witnessed By

Date

Rev. April 2010 TENDER/CONTRACT FORM p. 3 of 3