COR/2018/03254

August 24, 2018

Dear Applicant:

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act [Our File #: TW/059/2018]

On July 17, 2018, the Department of Transportation and Works received your request for access to the following records:

Minutes of Meetings related to Project # 109-16 THP - Rehabilitation of Route 1, Trans Canada Highway, between Bald Mountain Brook Bridge and North Branch Brook Bridge for approximately 17.5 km. Waterproof and repave Marine Atlantic Ferry Terminal Overpass near Port aux Basques and White's Road Overpass near Stephenville. Rehabilitation Grand Bay Road and Grand Bay West Road in the Town of Port aux Basques. Asphalt leveling various location in Flat Bay, St. Teresa's, Route 45 Highlands Road, Route 404 St. Fintan's Access Road and Routes 46 and 47 in the Upper Ferry and Searstown areas. Pave bridge approaches at McDougalls Brook in Tompkins and Crabbe River. Paving CONA Centre of Excellence parking lot, Stephenville. Construct additional lanes on the Trans Canada for the access to the Western Regional Waste Transfer Station.

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

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):

Subsection 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. 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
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 ATTW@gov.nl.ca.

Sincerely,

Angela McIntyre
ATIPP Coordinator
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
Meeting #1 – Pre Construction

Project #: 109-16 THP
Contractor: Mike Kelly & Son’s Ltd.

July 7, 2017 Deer Lake Depot-Conference Room Time: 9:10am-10:33am

Attendance:

Contractor’s Representatives:

Department’s Representatives: Mr. Dan Hynes
                                 Mr. Terry Coates
                                 Mr. Dennis Coley
                                 Mr. Steve Caines
                                 Mr. Wakefield Howell
                                 Ms. Lillian Foley

Commencement

The meeting was commenced and introductions were made by all parties present. Mr. Caines confirmed with [REDACTED] that all bonding and insurances have been put in place. It was agreed by all parties to speak to the scope of the project later in the meeting. It was confirmed that the materials testing labs for aggregate and asphalt are in place in the Steel Mountain Quarry. Establishment of a field office was discussed. Mr. Caines stated it was necessary to have a field office with washroom facilities. Mr. Coley recommended a facility with an incinerating toilet such as the example in Peter Strides Depot, on the Burgeo Highway. [REDACTED] stated that offices with facilities are difficult to locate and that renting within a nearby community may be a possibility to satisfy the requirement for a bathroom. Mr. Hynes suggested there may be possible office space available in the Town of St. George’s. [REDACTED] suggested the Development Association.

Item #1 – Construction Signage

[REDACTED] confirmed that the necessary signs for the appropriate sign plans have been ordered and will be available for the commencement of the project. [REDACTED] also confirmed that a person would be designated daily to establish signage in the construction zone. That person must be a supervisor, with the appropriate level of training, and not a flag person.
Item #2 – Subcontractors

[Redacted] indicated that Municipal Construction will be responsible for grinding on the TCH, and BDW from Stephenville will be carrying out repair work on the associated bridge decks. Mr. Hynes asked what would be a possible time line for the process of grinding then paving and [Redacted] suggested three weeks would be a reasonable time line. The current condition was discussed and how milling the asphalt would result on a safer surface for motorists, especially motorcyclists as there is considerable rutting along the centerline of the highway currently.

Item #3 – Contractors/Department Representatives

It was confirmed that the Department’s representatives would include Mr. Dennis Coley, Mr. Stephen Caines, Ms. Angels Michelin, and Mr. Wakefield Howell.

Item #4 – CSO

It was established that the construction safety officer would be [Redacted] who presented a copy of his resume for review.

Item #5 – Schedule

[Redacted] clarified that the schedule would be a 10/4. [Redacted] confirmed that all crews will be on the same schedule this year. Mr. Hynes requested an updated schedule by July 14, 2017. [Redacted] stated he could have the information by the first progress meeting in a couple of weeks.

Item #6 – Crushing/Stockpiling

Mr. Hynes indicated that the material for Project 109-16 THP must be kept separate from that of other projects. [Redacted] stated that the crushing operation was going well and that the materials for Project 109-16 THP were separated from other stockpiles. [Redacted] would be performing quality control/quality assurance testing for DMG in the lab.

Item #7 – Mix Design/Plant Approval

[Redacted] stated that there will be no approved mix design until it was provided by the consultants. This could be from 4-6 weeks. It was stated that the province and consultants should be fairly consistent with their mix designs. The final design must meet with provincial approval.

Item #8 – Labs

Mr. Caines confirmed that the materials testing labs are in place at Steel Mountain, including the DMG Consulting lab.

Item #9 – Scales

Mr. Caines asked [Redacted] if the scales were able to accommodate the live bottoms. [Redacted] confirmed that the scales can accommodate all trucks including live bottoms. Only the scales in Howley cannot accommodate live bottoms. Mr. Caines also stated that there was to be no split weighing.
Item #10 – Completion Date

Mr. Hynes stated that the schedule of work was critical.

Item #11 – Liquidated Damages

[Redacted] suggested the discussion for liquidated damages should be held over to late August or early September. Mr. Hynes stated that if necessary, liquidated damaged will be applied if the project seemed to be behind. Mr. Coates referred to the projected schedule included in the tender document which shows the schedule as a bar chart and how it was a reasonable projection of a time line. [Redacted] stated that once a mix design is approved, productivity will increase.

Item #12 – SGC Review

[Redacted] Mr. Caines introduces SGC items to be discussed stating that no less than 50% millings were to be used blended with class B. It was noted by [Redacted] that using a blend will not result in cost savings or bonding of millings on the shoulders. Mr. Hynes asked if there was enough material to do shouldering throughout the entire job. Mr. Coley stated that there would be enough material to do the shouldering on the highway but not enough for the municipalities. Mr. Caines said there was to be no mix for the gradation of class B materials.

Item #13 – Other Comments

No other items were discussed.

Adjourned

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Mr. Steve Caines
Design Approval Technician II

Lillian Foley (Eng. Aid II)
Recorder

cc: Mr. Dan Morrissey, Manager of Highway Design and Structure's, Dept. of Trans. & Works
Mr. Dan Hynes, Regional Engineer, Dept. of Transportation & Works
Mr. Terrance Coates, Senior Engineer, Dept. of Transportation & Works
Mr. Ken Chidley, Construction Field Superintendent, Dept. of Transportation & Works
[Redacted] Contractor Representative, Mike Kelly & Son's Ltd.

(If there are any errors or omissions, please contact the undersigned)
Meeting #2 – Pre Paving

Project # 109-16 THP
Contractor: Mike Kelly and Son’s Ltd.

September 13, 2017  Deer Lake Depot Conference Room  Time: 9:23 – 10:04

Attendance:

Contractor’s Representatives:

Department’s Representatives: Mr. Dan Hynes
Mr. Terry Coates
Mr. Dennis Coley
Mr. Stephen Caines
Mr. John Rogers
Ms. Lillian Foley

Commencement

Mr. Caines called the meeting to order and immediately addressed the agenda for the meeting.

Item #1 – Scope of Work

Three items to be addressed by the contractors were discussed. They were:
- Paving the milled area of the Trans-Canada highway near Georges Lake; paving the milled area of the Trans-Canada Highway between Bald Mountain Bridge and North Branch Bridge; and paving the Bridge decks of Route 460 Overpass, and the overpass in Port Aux Basques
- Paving Crabbe’s River Bridge approach and Doucette’s Road
- Additional work to be completed within the Town of Port Aux Basques

confirmed that the waterproofing needed for the bridge decks had arrived.
also overhaul distances for unit pricing on rock to be used from the quarries in Port Aux Basques, and in Stephenville.

Item #2 Work Schedule

expressed that he would like to begin paving on Route 1 by Saturday (Sept. 16) or Sunday (Sept. 17). He mentioned that his paving crew was finished the work in the Bay of Islands and he would be engaging that crew for the work on Route 1. He was planning to place his less experienced paving crew in the Sops Arm Road (Route 420). was unsure where he would start the paving operations. But the priority was either the milled region near Georges Lake, or the milled area between Bald Mountain Bridge and North Branch Bridge. He also indicated he did not want paving operations to conflict with the ditching operations that were happening between Bald Mountain Bridge and North Branch Bridge. For that reason he was considering paving near Georges Lake first. Mr. Caines then inquired about whether a trial mix would be batched. Mr. Rogers inquired if any field testing had been done.

stated that it was the intention of the contractors to go right into the first lot. He also
confirmed that the liquid asphalt quantity for the mixed design was increased to 6% from 5.75%. Mr. Rogers indicated that there are no longer penalties applied for deviation from the spec for air voids and that he has seen results in the lab indicating air voids in the range of 1.8%-2.1%. [Redacted] said that the quantity of blend sand in the mix was as high as 13%-14%. This was confirmed by [Redacted] who stated that 14% was used at the batching plant. Mr. Coated asked who will be on site from the consulting engineering firm, DMG. [Redacted] confirmed it would be [Redacted] -

Mr. Caines called the meeting back to order indicating the topics of discussion were not consistent with the agenda. Mr. Hynes asked for confirmation on which paving crew will be paving on Route 1. [Redacted] stated that there was 1km to pave on Sops Arm Road and this was due to a delay paving because of the weather.

**Item # 3 Construction Signage**

Mr. Caines asked the contractors representatives to confirm that the signage plan 760-1 was in place along the construction zone between Bald Mountain Bridge and North Branch Bridge. [Redacted] confirmed that [Redacted] (Foreman) was in the process of having the signage installed. [Redacted] also confirmed that a message board would be replacing the first sign. Mr. Caines stated that within the boundaries of the construction zone between Bald Mountain Bridge and North Branch Bridge, the speed was not appropriately lowered and that there were areas where it was still at 80km/hr.

**Item # 4 CSO/Safety Representative**

It was confirmed by the [Redacted] that [Redacted] will be onsite for the paving operations as CSO.

**Item # 5 Crushing Sources Plant/Lab Location and Approval**

Mr. Hynes inquired if there were sufficient quantities of aggregate for the 109-16 THP project as separate piles for the ongoing jobs have not been maintained. [Redacted] confirmed that the same stockpile of material has been used for all three concurrent paving jobs. Mr. Caines said that the stockpiles can be surveyed to track portions used on the 109-16 THP job.

**Item # 6 Asphalt Mix Design**

Mr. Rogers stated that DMG must give 30 minutes advanced notice for asphalt testing. Additionally there is no official trial mix and the contractors will be going right into the first lot. [Redacted] said there were no issues with gradation.

**Item # 7 End Product Specification**

Mr. Caines said that this topic had already been adequately addressed during the meeting and did not wish to further discuss it.

**Item # 8 Completion Date**

[Redacted] stated that the work scheduled for CONA in Stephenville will not be addressed this year that the contractors will be requesting an extension for the contract. HE also stated that the contractors are interested in retaining the right to complete the work. [Redacted] said that the completion of work on Route 1 will also be affected by the weather.
Progress Meeting #4 – General Meeting

PROJECT # 118-16 PHC; 119-16 PHC; 109-16 THP

Meeting began at 3:00 pm in Conference Room, Deer Lake Depot.

Attendees:
- Dan Hynes
- Terrance Coates
- Mark Snooks
- Stephen Caines
- Victoria Lewis
- Regional Engineer (TW)
- Senior Engineer (TW)
- DAT II (TW)
- DAT II (TW)
- Engineering Tech II (TW)
- Mike Kelly & Son’s
- Mike Kelly & Son’s
- Mike Kelly & Son’s
- Mike Kelly & Son’s

Items Discussed:

1. **Mix Design**
   
   Kelly’s cannot give an updated schedule to the Department until they receive approval on their mix design from DMG for Project 109-16 THP. They completed crushing one (1) month prior and should have received their mix approval two (2) weeks ago. DMG are having staffing issues and are falling behind; but, [REDACTED] was told the mix design would be submitted to Mr. Ken Pike by Friday, Sept 8th. In the meantime, Kelly’s will continue to pressure DMG. Concern was raised by Mr. Hynes regarding poor weather conditions and shorter days. He will not allow paving until the mix design approval has been received. No anticipated start date at this time.

   Kelly’s reiterated that they will be pressuring DMG and will visit their office if the need arises. Mr. Hynes offered the Department Material Inspectors assistance for any additional testing and adjustments. They all further discussed the particulars of the mix design.

2. **Paving**
   
   Kelly’s plans to use the large paver on the TCH (109-16 THP) with live bottom trucks and the second paver will be used on the side roads with remaining trucks. The pipe crew that is currently working on the grave section from McIver’s to Cox’s Cove on R440 (118-16 PHC) will become the second paving crew when ready.

   Their intention is to beginning on the Robinson’s side of the project (109-16 THP) and work their way towards Port aux Basque (PAB).
Mr. Hynes suggested moving the culvert crew from R420 (118-16 PHC) to R480 (119-16 PHC). This would allow the paving crew to catch up on the forty (40) open pipe cuts on R420 and begin R480 to prepare paving. At this time, Kelly’s and the Department began discussions on culverts in levelling sections on R480.

Kelly’s indicated they will pave R420 (118-16 PHC) pipe cuts next shift and complete the extension work at Bayside. Mr. Snooks warned them not to break any more ground if they cannot pave what they have opened. Mr. Hynes reiterated why they should send their R420 pipe crew to R480 (119-16 PHC). The Contractor expressed concerns regarding accommodations for crews working on R480.

The Department will forward GPS coordinates to the Contractor for the beginning and end of each levelling section on R480 (119-16 PHC). There is a low area in one of the levelling sections where a pipe was replaced last fall under emergency work. The Contractor asked if the Department would like them to bring the grade up before they pave. Mr. Coates advised they will review the area and decide what they want completed.

Kelly’s will be finished grading R440 (118-16 PHC) tomorrow and that crew will be forming the second paving crew.

R490 (119-16 PHC) should be finished by the end of the week or early next shift.

Mr. Snooks expressed his concern of meeting minimum paving temperatures on R420 (118-16 PHC) as frost has been present recently.

Mr. Hynes inquired the soonest they could pave the Bay of Islands (118-16 PHP) if we chose the latter option of levelling over mill and fill. Kelly’s indicated they could begin immediately if they are still waiting on the mix design for 109-16 THP and then move on to R420. Mr. Hynes will notify them of his final decision.

3. Extension to Contract
Mr. Snooks will forward extension work information to Kelly’s re: Bayside paving and Neddies Harbour guide rail under project 118-16 PHC. Mr. Hynes stressed the importance of completing the extra paving on R420 – Bayside.

4. Municipal
Municipalities have been notified that their paving work may not be completed this season as tendered work prioritizes. The Contractor couldn’t confirm if they would have time to complete the Town work within the various contracts. Kelly’s did intend to begin the Port aux Basque (PAB) bridge decks (109-16 THP) beginning of next shift and if the Town was ready, they could potentially complete that work.
5. Culverts

Mr. Snooks requested a price for three thousand millimeter (3000 mm) pipe for R420 (118-16 PHC) that was a twenty-four hundred millimeter (2400 mm) in the Road Feature Inventory (RFI); but, after original survey showed a three thousand millimeter (3000 mm). Mr. Matthews will forward a price to the Department.

Ms. Lewis will provide an update pipe list to Kelly’s for R420 (118-16 PHC) for pipes 184 and on.

Kelly’s will mobilize pipe crew to R480 (119-16 PHC) beginning of next shift – Tuesday, Sept 12th. Kelly’s intends to bring two crews to R480, similar to how they handled R420 (118-16 PHC) - one crew excavating shallow pipes and one to excavate the deeper pipes.

There was confusion on waterlines in the road by the pump house on the Burgeo end of R480. Mr. Hynes will have Mr. Hilary Alexander confirm.

The Contractors supervisors will conduct an onsite hazard risk assessment prior to digging each pipe. Through this assessment, it will be determined if an Engineer has to sign off or extend the length of the excavation.

Mr. Snooks informed the Contractor that locating municipal utilities was their responsibility as per the tender document.

Pipe #22AB on R450 (118-16 PHC) has been eliminated from the pipe list due to too many complications with catch basins, waterlines and sewer mains. The remaining pipes on R450 have shallow excavations and should not pose much of a problem.

6. Crushing

Kelly’s driller broke down this week (R480), delaying blasting and crushing until the start of next shift Sept 12th for Project 119-16 PHC. They will be crushing at the Waste Management site on R480 due to the locations of the pipes.

7. Ditching

Kelly’s intend to move the pipe crew working on R440 (118-16 PHC) to begin ditching on the TCH (109-16 THP), as that is their top priority and does not want to hold up paving due to ditching operations.

Mr. Caines would entertain extending the ditching limits on the TCH (109-16 THP) if the contractor could provide a pipe crew to R480 (119-16 PHC) and ditching on TCH. The Department will not extend if it means delays on R480. Kelly’s confirmed crew will be heading to R480 on Tuesday, Sept 12th to begin culverts even if they have to haul their granular from the pit on the TCH. He will also add an additional ditching crew to the TCH if additional ditching warrants.
8. Milling
Kelly's indicated they could complete the milling for Bay of Islands (118-16 PHC) paving if they have time as the TCH (109-16 THP) governs. The Department wants the paving completed and if they cannot bring the milling machine in then they will explore other alternatives. [Redacted] suggested they lay a thin overlay and use the pneumatic roller as a break down roller to fill in the ruts before placing levelling on top. The Bay of Islands is ready to mill and pave; however, Kelly's do not have a paver available and will not bring the milling machine back if they cannot commit to paving. They reiterated they are waiting on the mix design approval for 109-16 THP before making any decisions; but, figured they would be ready for milling by the end of September.

9. Gutter
Sub-excitation and French drain will be installed by the Ballam Bridge on R440 (118-16 PHC) to help direct water coming from a natural spring in the road.

Mr. Snooks will identify locations for asphalt gutter on R440 (118-16 PHC) to be installed down the hill into the Town of Cox's Cove.

10. Guide Rail
Mr. Caines would like to have the entire guide rail on the TCH (109-16 THP) replaced prior to paving. Kelly's could not commit but suggested speaking to the ditching operator to have him clean up the buildup of material behind the guiderrail to ease guide rail installation.

Kelly's guide rail crew will be concentrating on areas where safety is a factor. There are a lot of deep culverts on R420 (118-16 PHC) and will be addressing them first.

The Department agreed to replace all the rail by Riverside Drive that was damaged and Wild Cove depot that was removed.

The Department outlined pipe cut lengths in the field and the contractor have been removing more than necessary for their own benefit. The Department will not be paying for any guiderail removal or installation if it was not deemed necessary by our staff. The Contractor requested the Departments site staff indicate how much guiderail they will pay for and they will not remove anything additional. An incident occurred where the Contractors staff removed a full span of guiderail where no diversion was placed or material piled. The Department will not be paying for these kinds of mistakes. Both parties agreed that there is no issue paying for guide rail removal and installation if it was agreed on first.

11. Safety
The Contractors Construction Safety Officer (CSO) has been missing information each month with no Department signatures on the signage logs. [Redacted] expressed frustration with the project having too many locations for the one CSO for the whole tender.
All orders pertaining to the OHS report have been addressed by Mike Kelly & Son’s staff and a report submitted to the OHS Departments (118-16 PHC). These orders were missing mud flap on dump truck, safety glasses, and portable toilets.

12. Miscellaneous
Kelly’s have all materials required for waterproofing the bridge decks for Project 109-16 THP in Port aux Basque (PAB).

Due to the Department providing only a square area to the Contractor for a price on Geo-textiles, have been delayed providing a price to the Department for Project #109-16 THP. Once widths are determined, will be able to order supplies based on roll width and provide a quote.

13. Completion Date
have sent in a request for project extension for 119-16 PHC and 109-16 THP. The Department will review and respond officially.

The Contractor figured they would have R480 (119-16 PHC) completed by the end of November.

The Contractor intends to complete Project 118-16 PHC by the tendered completion date.

Meeting was adjourned at 4:10 pm.

If there are any errors or omissions, please contact the undersigned.

[Signatures]
Terrance Coates, Senior Eng.  Dan Hynes, Regional Eng.

cc: Mr. John Morrissey, Manager of Highway Design and Structure’s, Dept. of Trans. & Works
Mr. Terrance Coates, Regional Engineer, Dept. of Transportation & Works
Mr. Ken Chidley, Construction Field Superintendent, Dept. of Transportation & Works
Mike Kelly & Sons Ltd.
Meeting # 3 – Progress Meeting

Project # 109-16 THP
Contractor: Mike Kelly and Son’s Ltd.

September 20, 2017    Local Office Conference Room, Robinson’s Depot    Time: 1:30pm – 2:15pm

Attendance:
Contractor’s Representative:  

Department’s Representatives: Mr. Dan Hynes
Mr. Terry Coates
Mr. Stephen Caines
Mr. Mark Snooks
Ms. Lillian Foley

Commencement

Mr. Hynes called the meeting to order. There was no formal agenda for the meeting. Mr. Hynes stated to [REDACTED] that he had had a discussion with [REDACTED] earlier in the week and that the Department was in a position as of the 21st of October to track and apply liquidated damages for the 109-16 THP job. Mr. Hynes said that he would not be applying liquidated damages if the second paving crew showed higher productivity.

[REDACTED] reported that efforts were being concentrated on Route 420 where 22 cuts on pipes had been paved since Friday Sept. 15th.
Meeting # 4

Project Number: 109-16 THP
Pre-Construction

ATTENDANCE:

Trans & Works:  Mike Kelly & Sons Ltd

Mr. Dan Hynes
Mr. Terry Coates
Mr. Stephan Caines
Mr. Barry Spencer
Ms. Allie Dredge

Date: May 30, 2018        Location: Mike Kelly & Sons Deer Lake        Time: 2:00- 3:00 PM

Meeting commenced at:

SSSP:

Received updated SSSP- Refer to project startup safety checklist
Signage Log—complete daily
Power Mobile Equipment Inspection form for equipment on site to be submitted
Bi-weekly Report required
Orientation Prior to start up- Submit to department as soon as possible
Incident/Accidents—to be reported immediately and a copy to the Dept.

Bonding and Insurance:

stated that the insurance was in place
Departments/Contractors Representative

Contractor:  

Department: Stephen Caines & Barry Spencer

CSO:  

Lead Hand: [redacted] for Guide Rail. Lead Hands for the other jobs pertaining to this project have not been determined yet.

MKS Work Schedule/day/hours work:

They will be working 10 days on and 4 days off. The amount of hours they will work per day will consist of 12 hour days.

Permits and Approvals:

Quarry—Received
Asphalt Plant Approval—Received
Weight Scales Certification—Received

Construction Signage:

As per the Departments TCM

Signage logs to be filled out daily

Paving: Pre-pave meeting to follow

Mix Design: The same mix design and source that was used last year.

Crushed Materials: All Materials have been tested.

Tack Coat: API [redacted]
Other items:

1. Deficiencies

a) Route 460 Bridge Deck Waterproofing

[Redacted] stated that they will need to use a hot liquid asphalt to fix the issue. He also stated that the proper way to fix it would be to mill it out from the expansion joint and replace it. He had concerns with patching over the existing asphalt due to the fact that they would only be able to place a thin layer of asphalt to keep it level with the existing asphalt. Mr. Hynes suggested contacting the supplier before placing any asphalt to get the recommended procedure.

b) Town of Port Aux Basques Local Roads

[Redacted] stated that there are half a dozen areas that need to be fixed. [Redacted] stated that the reason for the deficiencies in the asphalt is due to the fact that they were trying to tie in the existing driveways and ran the asphalt too thin. Mr. Caines inquired when it will be paved. [Redacted] responded by telling him they would let him know when but it would probably be after they pave the TCH. Mr. Hynes questioned what their plans were to fix it. [Redacted] responded by telling him that they are going to mill it out to put back fifty millimeters because it’s probably only a half an inch there now.

c) Clean Out Winter Sand Under Guide Rail 2017 Georges Lake Area

[Redacted] inquired about getting the shoulders fixed before they apply the asphalt. [Redacted] replied by telling him that they didn’t do it so it wasn’t their responsibility. Mr. Hynes stated that he will pay force account for them to do the work. [Redacted] then questioned if he wanted them to do it and Mr. Hynes assured him they did.

2. Placing grindings on gravel roads

Mr. Caines stated that they will be using millings for shouldering. He requested the millings be screened to meet Class B specifications so he could pay them as Class B. [Redacted] stated that they are using the millings on the local roads before using it on the highway to test it out. [Redacted] questioned if they would be using it on Georges Lake. Mr. Caines responded by telling him yes if there is enough, [Redacted] responded by saying that it will be a greater haul distance for them to use millings.
rather than Class B on Georges Lake. Mr. Hynes stated that they would have to haul anyways so he would prefer to use all the millings first.

3. Paving Band Council Road

Mr. Caines inquired when they were going to start paving Band Council Road. [Name] responded by saying they would pave it on rainy days. [Name] stated that the town wanted it paved before tourist season. Mr. Hynes responded by telling him that it depended on them and their schedule. [Name] stated that they could do it after they paved Burgeo Highway because it is the same mix design.

4. WRSB Cape Ray aux lanes subgrade

Mr. Caines stated that the ditching was complete but the sign islands were not up to standard. Mr. Spencer confirmed this by stating that he measured the sign islands and they were smaller than the specifications require. [Name] inquired if Mr. Spencer had informed [Name] about the situation. Mr. Spencer informed [Name] that [Name] was aware of the situation and was going to fix the sign island once he received the proper specifications. He had been using old specifications for the sign islands.

5. Bridge Decks Bald Mountain Area

Mr. Caines stated that they have received permission to pave the bridge deck in North Branch but have not received permission for Morrises Brook Bridge.

6. Profilograph Assessments

[Name] stated that they have not received any results from previous profilograph assessments. Mr. Hynes assured him that the results was sent to Mike Kelly & Sons Ltd. [Name] confirmed this by stating that she has the results of the previous assessments. Mr. Terrance Coates stated that the intent of the profilograph assessments is to allow the contractor to be aware of any issues with the paving sooner rather than later. Mr. Hynes stated that if there are any areas where a pipe was not placed it is the contractor’s responsibility to fix the dips and pumps. [Name] agreed and stated that it is not their responsibility to fix dips that was already there before they began work due to the fact that the dips would have to be filled to be fixed properly. Mr. Hynes agreed then advised [Name] that when he went over the site he should have seen those dips and bumps and made Mr. Hynes aware of it.
7. **Culvert Replacemnt**

Mr. Hynes stated he didn’t want to start up too many areas at one time because he doesn’t want a lot of culverts replaced and then be waiting the entire summer for them to be paved. **[Redacted]** assured him that the culverts will be paved accordingly. He also stated that if they are paving using a 109 surface mix they will pave the culvert sections with the same mix. Mr. Caines then questioned if they paved with the surface mix on the culvert sections they will only charge for the amount of the base mix. **[Redacted]** confirmed. He stated that they will do what they have to do to meet deadlines.
Pre-Pave Meeting - Carry Over Startup

PROJECT # 109-16 THP  Paving TCH from Bald Mountain to North Branch River Bridge for approx. 17.5 kms.

Meeting began at 2:00 pm in Conference Room, Deer Lake Depot.

Attendees:  Dan Hynes
            Terrance Coates
            Barry Spencer
            Victoria Lewis
            Trenny Burton

            Regional Engineer (TW)
            Senior Engineer (TW)
            Engineering Tech II (TW)
            Engineering Tech II (TW)
            Materials Inspector I (TW)
            Mike Kelly & Son’s
            Mike Kelly & Son’s
            Mike Kelly & Son’s
            Mike Kelly & Son’s
            DMG (Conference Call)

Items Discussed:

1. **Schedule**
   
   Liquid will be delivered to the Contractor tomorrow, Aug 3rd and they will be ready to pave on Sunday, Aug 5th.

   Areas and tie-ins to bridges that Mr. Stephen Caines identified will be milled down tomorrow.

2. **Representation**

   s. 40(1) will be on site for the Contractor, s. 40(1) will be the superintendent for asphalt crew and s. 40(1) in charge of the second paving crew. s. 40(1) maybe sent ahead of s. 40(1) crew to complete tapers. s. 40(1) will be active Contractors Safety Officer (CSO) with s. 40(1) as the Safety Lead Hand.

   Mr. Caines and Mr. Spencer will be on site for the Department with Mr. Burton and Mr. Robert Reid completing all laboratory testing on materials.

s. 40(1) and s. 40(1) will be site representatives for DMG who will be on site Saturday, Aug 3rd.
3. **Mix Design**
   The mix design was received and dispersed to everyone. Discussions on silt content was discussed and any changes to mix will be made after the first lot.

4. **Penalties**
   They will make any adjustments to the mix during the first lot and the changes will not go into effect until after the first lot has been completed as to reduce any associated penalties.
   
   Liquidated damages have been waived.

5. **Segregation**
   There have been no issues with segregation as the Material Transfer Device (MTD) and hopper are being used to minimize risk.

6. **Profilograph**
   The Contractor will have the opportunity to fix some of the areas that have been identified in the profilograph - providing they do not carry over in the surface matt. Mr. Caines will mark areas that may require levelling to help rectify. [s. 40(1)]
   
   indicated he was familiar with areas.

7. **Compaction**
   There were no issues with compaction other than shoulders. Mr. Burton addressed compaction issues with shoulders. He indicated the shoulder sub-grade was less than ideal. He planned to check shoulders at the beginning of paving; but, if they do not get good compaction they will stay away from testing the shoulders. Driving lanes were fine and any if any issues arise, they will discuss corrections then.

   Mr. Burton expressed concern regarding core holes not being filled properly last year in Georges Lake Area. He explained they were using old bricks pounded down with minimal cover over the top. Mr. Burton wants between fifty to one-hundred millimeters (50-100 mm) of asphalt on top of the bricks. DMG and the Contractor will be looking to ensure the core holes are filled properly.

8. **Joints**
   Mr. Spencer do not want to run into the same joint problems as they did last year. The Contractor is currently addressing the problem and will be using a straight edge on joints.

9. **Tarpaulins**
   [s. 40(1)]
   The Contractors tarps are all up to spec and have had no issues with uncovered loads. [s. 40(1)] plans to use fourteen (14) live bottoms and semi-dumps and any tandem-tandems when available.

   [s. 40(1)] advised they will be working away from plant (Flat Bay) and estimated to produce three thousand tonnes (3000 t) per day. The plant will be started at 5:30
am and load trucks by 6:30 am. Weather will be key for production and indicated everyone should be tracking the radar forecast daily.

10. Licensed Weighs
Trucks will be all legally weighed. Contractor planned to use electronic tickets even though it was not required. They will have the system up and running for the other projects that require them. The Department had no issues with this.

11. Tack
No tack coat will be used as slippage and bleeding will occur. The first two kilometers (2 kms) will require tack coat.

12. Site Office
Discussions were had regarding sewer backup problems at the Burgeo, R480 field office. indicated the tank was flushed and problems rectified. Mr. Spencer will stop into office this evening and confirm office is ready to go.

13. Signs
All federal project signs and TCM signs have been stolen over the winter. Two (2) new project signs were ordered and in the Engineering Shed in Deer Lake. The Contractor will install all new signs prior to work beginning.

14. Georges Lake Area
A second lift of asphalt will be identified in areas by Georges Lake. This work is to be completed at the end of the job.

15. Application Rate
Any penalties associated with application rate will be applied this year. and discussed application rate while using the ski on the paver. It was decided the ski would not lose application rate and in order to re-profile the road the ski would have to be used.

suggested using the ski on the first two kilometers (2 kms) to see if they would be into penalties. Mr. Hynes indicated it is up to the Contractor to make adjustments to control the application rate and we will carry on with the Departments Specifications.

requested to be notified of any penalties with regards to the application rate. Mr. Hynes wants all Quality Control results from DNG throughout the job after each lot. This is to prevent issues that was encountered last year. Agreements were made to solve any issues as the job progresses.
16. Bridge Deck

The approaches to North Branch Bridge will be milled, tacked and paved approximately fifteen to twenty meters (15-20 m) before expansion joints. Mr. Hynes stressed that the expansion joints and decks are not to be paved over.

Meeting was adjourned at 2:45 pm.

If there are any errors or omissions, please contact the undersigned.

Terrance Coates, Senior Eng.

Dan Hynes, Regional Eng.

cc: Mr. John Morrissey, Manager of Highway Design and Structure's, Dept. of Trans. & Works
    Mr. Dan Hynes, Regional Engineer, Dept. of Transportation & Works
    Mr., Construction Field Superintendent, Dept. of Transportation & Works
    [Redacted] Mike Kelly & Sons Ltd.