February 7, 2019

Dear [Redacted]

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act, 2015 [Our File #: MAE/003/2019]

On January 11, 2019, the Department of Municipal Affairs and Environment received your request for access to the following records/information:

   RFP - PRIME CONSULTANT SERVICES RELATED TO STORM SEWER, & ROAD UPGRADES In Town of Bay Roberts: Technical and Financial Submissions from all proponents.

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

However, certain text 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, 2015 (the Act):

   Section 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.”

Additionally, the following pages of the document contain information that cannot be provided, in accordance with Section 40(1) of the Act:

- Pages 17-35
- Pages 56-60
- Pages 85-86
- Pages 92-93
- Pages 118-121
- Pages 145-153
- Pages 190-193
- Pages 224-229
- Pages 249-252
- Pages 277-280
- Pages 304-306
- Pages 327-338
- Pages 363-367
- Pages 392-387
- Pages 416-419
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 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 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 (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 me by telephone at 709-729-7183 or by e-mail at ryancollins@gov.nl.ca.

Sincerely,

Ryan Collins
ATIPP Coordinator
Municipal Affairs and Environment

Enclosures
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.
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).
Potential copyright material

If you wish to obtain a copy please contact the ATIPP Office at (709) 729-7072 or atipoffice@gov.nl.ca.
Jill,

My email was not meant to be an amendment. It was to inform you that there is a mathematical error which the evaluation committee should identify and correct when evaluating the proposals. Even with low bid Public Tenders which this is not, mathematical errors are corrected when they are obvious. Since this is an RFP, there is opportunity for the committee to ask for clarifications with proponents when required. I think if you consult with your legal folks they will give you the same advice.

Cluney G. Mercer  P.Eng
Senior Associate Engineer - Civil
Direct: +1 (709) 738-8404  S.40(1)
www.woodplc.com

From: Yetman, Jill <JillYetman@gov.nl.ca>
Sent: Wednesday, October 31, 2018 10:02 AM
To: 'Mercer, Cluney' <cluney.mercer@woodplc.com>
Cc: Smith, Clifford <clifford.smith@woodplc.com>; Sean Elms <selms@town.bayroberts.nl.ca>
<selms@town.bayroberts.nl.ca>; Rehman, Inayat <InayatRehman@gov.nl.ca>; Woodford, Rex <RexWoodford@gov.nl.ca>; Kieley, Kim <KimKieley@gov.nl.ca>
Subject: RE: RFP proposal- MA11503 submitted today

Good Morning Cluney,

Thanks for your email. Duly noted, however, we are unable to accept as an official amendment for the following reasons:

- email is not an approved form of submission
- correspondence was sent to the Town and myself, and not through Tendering & Contracts
- request was received after the RFP closing

Kind Regards,
Jill

Jill Yetman,  B. Tech
Design Approval Technician II
From: Mercer, Cluney <cluney.mercer@woodplc.com>
Sent: Tuesday, October 30, 2018 4:51 PM
To: Yetman, Jill <jillyetman@gov.nl.ca>; Sean Elms (selms@town.bay Roberts.ns.ca)
Cc: Smith, Clifford <clifford.smith@woodplc.com>
Subject: RFP proposal- MA11503 submitted today

Hi Jill and Sean;

After we submitted our proposal today, I found an error in a formula in our cost spreadsheet that overstated our expenses by $6,760.68. It should be quite obvious for you to see. Could you please reduce our cost by that amount when evaluating the costs component of our proposal.

Thanks

Cluney G. Mercer P.Eng
Senior Associate Engineer - Civil
Direct: +1 (709) 739-8404
www.woodplc.com

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Jill Yetman, B.Tech
Design Approval Technician II
Dept. of Municipal Affairs and Environment
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