

October 11, 2017



Email: [REDACTED]

Dear [REDACTED]

**Re: Request for Access to Information Under Part II  
of the Access to Information and Protection Privacy Act**

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On September 18, 2017, the City of St. John's received your request for access to the following information:

*"Project #2015104 - City of St. John's Archive Building Terra Nova Road, St. John's. We request the bid validity period which can be found in "Instructions to Bidders" under heading "Acceptance of Tenders." We are also requesting the actual bond that was submitted with this tender. Please note I am not looking for the final bonds that were submitted by the successful contractor for them to go and do the job. I am looking for the bonds that were submitted by the awarded contractor at the time of closing."*

Enclosed is the information you requested. As the provision of the information constitutes full disclosure, we now consider this matter completed and will be closing the file.

If you have any further questions, please feel free to contact the undersigned by telephone at 576-8619 or by e-mail: [kchafe@stjohns.ca](mailto:kchafe@stjohns.ca)

Yours truly,

A handwritten signature in cursive script that reads "Karen Chafe".

Karen Chafe  
ATIPP Coordinator

**ST. JOHN'S**

**7. AMENDMENTS TO TENDER SUBMISSIONS**

Properly documented amendments to the Tender will be permitted up to the Tender closing time. Amendments documented and received by facsimile machine will be accepted provided they are legible and received no later than the closing time by **Rowse Appleby Newton Engineering** or that Office's facsimile machine, phone no. 709-237-5972.

**8. WITHDRAWAL OF TENDER**

Bids may be withdrawn without penalty by facsimile if received prior to the time fixed for the opening.

**9. SUBSTITUTION OF MATERIALS**

- (a) Tenders shall be based upon using the materials or products as specified without substitution. Where two or more brand names are specified the choice shall be left to the Contractor. Where only one brand name is stated there shall be no substitution.
- (b) Where the Specifications include the "or approved equal" clause, substitutions may be proposed provided that:
  - 1. The request for a substitution is made in writing at least seven (7) calendar days prior to the bid date;
  - 2. The request shall clearly define and describe the product for which the substitution is requested;
  - 3. The substituted article is equivalent to the specified article with regards to design, function, appearance, durability, operation and quality.

Approval of the substitution by the Property Manager/Supervisor shall be in the form of an Addendum to the Specifications issued at least three (3) calendar days prior to the Tender closing date, to all of those Contractors listed as having received a copy of the Contract Documents.

**10. ACCEPTANCE OF TENDER**

- (a) The Owner may reject any and all Tenders.
- (b) Upon written acceptance of the tender within the tender validity period, the Tender Form becomes part of the Contract Documents and the successful Bidder becomes the Contractor. The Contractor will be required to execute a formal agreement with the City within seven (7) calendar days of the date of the letter of intent.
- (c) The Contractor shall within seven (7) calendar days of receipt of the letter of intent, submit to the Owner a breakdown of the bid to the satisfaction of the City.

**CITY OF ST. JOHN'S  
TENDER FORM**

Tender for: **City of St. John's Archive Building, Terra Nova Road, St. John's, NL**

To: Rowsell Appleby Newton Engineering in care of The City of St. John's, Newfoundland

Sir or Madam:

1. Having carefully examined the site of the proposed work and all conditions affecting such, as well as the Contract Documents including the Specifications, all drawings listed in the Specifications, all Addenda, and the Instructions to Bidders for this project,

**WE THE UNDERSIGNED**, hereby offer to furnish all necessary labour, materials, superintendence, plans, tools and equipment, and everything else required to perform expeditiously and complete in a satisfactory manner the work for unit prices totaling the sum of:

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( \$ \_\_\_\_\_ ) in lawful money of Canada which includes all prime costs, allowances and Government sales, excise taxes and harmonized sales tax (HST) at this date, except as otherwise provided in the tendering documents.

2. The Work shall be substantially performed within \_\_\_\_\_ months from the date of notification of award of Contract.
3. **WE ENCLOSE HEREWITH** if required, bid security as stipulated in the Instructions to Bidders or elsewhere in the Contract Document.

In the event of this tender being accepted within the time stated in Section 4 below, and our failure to enter into a contract in the form hereinafter mentioned, for the unit prices in our tender, the said security may at the option of the City be forfeited. The forfeiting of the security does not limit the right of the City against us for our failure or refusal to enter into a contract.

4. ~~IF NOTIFIED IN WRITING BY THE CITY OF THE ACCEPTANCE OF THIS TENDER WITHIN 30 DAYS OF THE TENDER CLOSING DATE SUBJECT TO SUCH OTHER PERIOD AS MAY BE SPECIFIED IN THE TENDERING DOCUMENTS, WE WILL:~~

- (a) Execute the Standard Form of Maintenance Contract.
- (b) If specified, furnish the security for the proper completion of the work, the said security, if in the form of bonds, to be issued on an acceptable form.
- (c) Complete substantially all the work included in the Contract within the time and under the conditions specified.



# BID BOND

Standard Construction Document

## CCDC 220 - 2002

No. 503,979

Bond Amount 10% of tender

J.M.J. HOLDINGS LTD. as Principal, hereinafter called the Principal, and WESTERN SURETY COMPANY a corporation created and existing under the laws of Canada and duly authorized to transact the business of Suretyship in all provinces and territories of Canada, as Surety, hereinafter called the Surety, are held and firmly bound unto CITY OF ST. JOHN'S as Obligee, hereinafter called the Obligee, in the amount of TEN PERCENT OF TENDER—— (10% of tender) lawful money of Canada, for the payment of which sum the Principal and the Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally.

WHEREAS, the Principal has submitted a written bid to the Obligee, dated 20th day of August, in the year 2015 for Tender # 2015104 City of St. John's Archive Building Terra, St. John's, Newfoundland and Labrador.

The condition of this obligation is such that if the Principal shall have the bid accepted within the time period prescribed in the Obligee's bid documents, or, if no time period is specified in the Obligee's bid documents, within Sixty(60) days from the closing date as specified in the Obligee's bid documents, and the Principal enters into a formal contract and gives the specified security, then this obligation shall be void; otherwise, provided the Obligee takes all reasonable steps to mitigate the amount of such excess costs, the Principal and the Surety will pay to the Obligee the difference in money between the amount of the bid of the Principal and the amount for which the Obligee legally contracts with another party to perform the work if the latter amount be in excess of the former.

The Principal and Surety shall not be liable for a greater sum than the Bond Amount.

It is a condition of this bond that any suit or action must be commenced within seven (7) months of the date of this Bond.

No right of action shall accrue hereunder to or for the use of any person or corporation other than the Obligee named herein, or the heirs, executors, administrators or successors of the Obligee.

IN WITNESS WHEREOF, the Principal and the Surety have Signed and Sealed this Bond dated 18th day of August, in the year 2015.

SIGNED and SEALED

J.M.J. HOLDINGS LTD.

Principal

in the presence of

  
\_\_\_\_\_  
*Signature*

JOSEPH MCCARTHY  
\_\_\_\_\_  
*Name of person signing*

WESTERN SURETY COMPANY

Surety

  
\_\_\_\_\_  
*Signature*

Glenn Penney, Attorney-in-fact.  
*Name of person signing*

