



Toronto Transit Commission
1900 Yonge Street, Toronto, ON M4S 1Z2
416-393-4000

October 6, 2022

Mr. Mark Huisman
Manager Estimating
E.S. Fox Limited
7500 HWY 27, Unit #3
Vaughan, Ontario
L4H 0J2

Dear Mr. Huisman,

**Re: Contract A60-30 End of Life Replacement – Subway Ventilation Equipment
Substantial Performance**

This is to advise you that the Work included in the above noted Contract was Substantially Performed on September 20, 2022. Enclosed for your publication is a copy of the Certificate of Substantial Performance in accordance with the Construction Act.

Please find attached a deficiency list. Please complete all outstanding work and remedy all deficiencies by December 19, 2022.

The TTC notes that warranties set out in the Contract Documents, commenced on September 20, 2022, unless otherwise noted.

Release of holdback will be made in accordance with the Contract Documents.

Sincerely,

Aaron Mickle
Construction Site Manager
Construction Department

50-125-114
03075-222198876-21

Attachments: Certificate of Substantial Performance
Deficiency List

Jaye Robinson, Chair
Joanne De Laurentis, Vice-Chair
Richard J. Leary, Chief Executive Officer

Brad Bradford, Commissioner
Shelley Carroll, Commissioner
Fenton Jagdeo, Commissioner
Cynthia Lai, Commissioner

Ron Lalonde, Commissioner
Jennifer McKelvie, Commissioner
Denzil Minnan-Wong, Commissioner
Julie Osborne, Commissioner

FORM 9
Certificate of Substantial Performance of the
Contract under Subsection 32 of the Act
Construction Act

City of Toronto

(County / District / Regional Municipality / Town / City in which premises are situated)

Sheppard West Station subway tunnel at 1035 Sheppard Avenue West, Toronto, ON

Clanton Park Emergency Service Building (ESB) at 300 Transit Road, Toronto, ON

(street address and city, town, etc., or if there is no street address, the location of the premises)

This is to certify that the contract for the following improvement:

A60-30 End of Life Replacement - Subway Ventilation Equipment - Sheppard West Station & Clanton Park ESB

(short description of the improvement)

to the above premises was substantially performed on **20-Sep-22**

(date substantially performed)

Date certificate signed: 10/06/2022

(payment certifier where there is one)

amir

(owner and contractor, where there is no payment certifier)

Name of owner: **Toronto Transit Commission**

Address for service: **1900 Yonge St, Toronto, Ontario M4S 1Z2**

Name of contractor: **E.S. Fox Limited**

Address for service: **7500 Highway 27, Vaughan, ON L4H 0J2**

Name of payment certifier (where applicable):

Address:

(Use A or B, whichever is appropriate)

☐ A. Identification of premises for preservation of liens:

(if a lien attaches to the premises, a legal description of the premises,
including all property identifier numbers and addresses for the premises)

☒ B. Office to which claim for lien and affidavit must be given to preserve lien:

Claims for Lien are to be submitted to the Toronto Transit Commission electronically as directed at www.ttc.ca/liens and also at 1900 Yonge Street, Toronto, ON M1K 5H4.

(if the lien does not attach to the premises, a concise description of the premises, including addresses,
and the name and address of the person or body to whom the claim for lien must be given)

Contract Deficiency List

A Mickle
Construction Site Manager

20-Sep-22
Date

Revision No.	Contract Name / Number	Approved (Original) Contract Completion			Anticipated Contract Completion Date		
0	A60-30 End of Life Replacement - Subway Ventilation Equipment - Sheppard W Stn & Clendon Park	20-May-22			19-Dec-22		
Item	Description	Date Identified	Identified by (Name/Dept.)	Type of Work	Date To Be Completed By	Date Commitment Made	Values
1	Final O&M Manual	20-Sep-22	Construction	Incomplete Work	31-Oct-22	29-Sep-22	\$100,000.00
2	As-built Drawings	20-Sep-22	Construction	Incomplete Work	31-Oct-22	29-Sep-22	\$75,000.00
3	Training (\$25,000 each Operation training & Maintenance training)	20-Sep-22	Construction	Incomplete Work	31-Oct-22	29-Sep-22	\$50,000.00
4	Outstanding Submittals (11%, not including close-out documents)	20-Sep-22	Construction	Incomplete Work	31-Oct-22	29-Sep-22	\$10,000.00
5	Final site cleaning and restoration of laydown area	20-Sep-22	Construction	Incomplete Work	31-Oct-22	29-Sep-22	\$2,000.00
6	Noise and airflow testing Sheppard W fan #1	20-Sep-22	Construction	Incomplete Work	31-Oct-22	29-Sep-22	\$5,000.00
7	Smoke Control Panel Commissioning per 26.05.49	20-Sep-22	Construction	Incomplete Work	31-Oct-22	29-Sep-22	\$5,000.00
8	Troubleshoot SW fan #1 fan monitoring panel	20-Sep-22	Construction	Incomplete Work	31-Oct-22	29-Sep-22	\$5,000.00
9	Various labels to be corrected. See attached list	20-Sep-22	Construction/Designer	Deficiency	31-Oct-22	29-Sep-22	\$3,000.00
10	Removal of street level hoarding	20-Sep-22	Construction	Incomplete Work	31-Oct-22	29-Sep-22	\$3,000.00
11	Removal of track level hoarding	20-Sep-22	Construction	Incomplete Work	31-Oct-22	29-Sep-22	\$5,000.00
12	Completion of firestopping and required submittals per 07.04.00	20-Sep-22	Construction/PME	Incomplete Work	31-Oct-22	29-Sep-22	\$5,000.00
13	Remove rust from gratings and apply zinc rich paint per specification	20-Sep-22	Construction/PME	Incomplete Work	31-Oct-22	29-Sep-22	\$1,000.00
14	Complete welding at Sheppard W Fan #1, 3 and 4	20-Sep-22	Construction/PME	Incomplete Work	31-Oct-22	29-Sep-22	\$2,500.00
15	Locking clips for steel access hatch cover have not been installed. The contractor is reminded to install locking clips as per Contract Documents	20-Sep-22	Construction/Designer	Incomplete Work	31-Oct-22	29-Sep-22	\$3,000.00
16	Installation of ladders/steps in vent shaft per CC #22	11-Mar-22	Construction	Incomplete Work	30-Nov-22	8-Apr-22	\$10,000.00
					Deficiencies:		\$8,000.00
					Total Incomplete Work:		\$276,500.00
					Grand Total:		\$284,500.00
					Deferred Items:		\$225,000.00
					Outstanding SP Value		\$59,500.00

NOTES:

- Item #1 & O&M manuals cannot be compiled until completion of Closeout Submittals. Draft O&M manuals achieved RAN status
- Item #2 As-built drawings cannot be submitted until all work has been completed on site as modifications may be required. Draft as-builts have been reviewed by TTC.
- Item #3 Training is deferred pending PME availability
- Item #12 is related to Contract Change work that resolves an existing condition
- Item #16 is a result of a contract change and material is on order

Agreed to by:

TTC's Representative:


Aaron Mickle

E S Fox Limited


Pat Brazeau