



October 20, 2022

Our File: 121129

Via email: [bjcrampton@coxconstruction.ca](mailto:bjcrampton@coxconstruction.ca)  
Cox Construction Limited  
P.O. Box 427, 965 York Road  
Guelph, ON N1H 6K5

Attention: Brad Crampton  
Manager of Construction and Estimating

Re: Contract No. PW22-002 2022 Asphalt Program,  
Substantial Performance

Dear Brad,

This letter has been prepared regarding your request for Substantial Performance of the above-noted contract made on October 13, 2022. GMBP reviewed the project site on October 18, 2022 and has determined that the project satisfies the conditions of Substantial Performance as set out in the Construction Act, R.S.O. 1990, c. C.30, as amended (the Act). Please find attached our Certificate of Substantial Performance (Form 9) and our Substantial Performance Pre-Clearance Form. As required by Section 32(1) paragraph 5 of the Act, you are now required to publish a copy of the certificate in a manner set out by the regulations. A deficiency and remaining work list for this project has also been attached. Please review and advise when the remaining works have been completed.

The Substantial Performance Statutory Holdback Release Payment Certificate shall be due 61 days after the date of publication of the Certificate of Substantial Performance, but subject to the provisions of the Construction Act and your submission of the following documents:

1. A Statutory Declaration form;
2. A satisfactory Certificate of Clearance from the Workplace Safety and Insurance Board;
3. A release by your firm on corporate letterhead in a form satisfactory to the Owner releasing the Owner from all further claims relating to the Contract, qualified by stating exceptions such as outstanding work or matters arising out of subsection GC 3.13 of OPSS.MUNI 100;
4. Proof of publication of the Certificate of Substantial Performance.

Please note that it is your responsibility to provide proof of publication so that we may determine the date of release for the Statutory Holdback. The 24-month warranty period per Article II of the Articles of Agreement commences as of the date of Substantial Performance, which is October 18, 2022.

Please do not hesitate to contact me if you have any questions or concerns.

Regards,

GM BLUEPLAN ENGINEERING LIMITED

Per:

A handwritten signature in blue ink, appearing to read 'Matt Scott'.

Matt Scott, P.Eng.

Encl.

cc: Mike Fowler, Township of Puslinch ([mfowler@puslinch.ca](mailto:mfowler@puslinch.ca))

**FORM 9**  
**CERTIFICATE OF SUBSTANTIAL PERFORMANCE OF THE**  
**CONTRACT UNDER SECTION 32 OF THE ACT**

*Construction Act*

**Township of Puslinch**

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

**Concession 7, between Concession 2A and Concession 1**

(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:

**Contract No. PW22-002, 2022 Asphalt Program**

(short description of the improvement)

to the above premises was substantially performed on:

**October 18, 2022**

(date substantially performed)

Date certificate signed: **October 20, 2022**

  
(payment certifier where there is one)

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

Name of owner: **The Corporation of the Township of Puslinch**

Address for service: **7404 Wellington County Road 34, Puslinch, ON N0B 2J0**

Name of contractor: **Cox Construction Limited**

Address for service: **P.O. Box 427, 965 York Road, Guelph, ON N1H 6K5**

Name of payment certifier (where applicable): **GM BluePlan Engineering Limited**

Address: **650 Woodlawn Road West, Block C, Unit 2, Guelph, ON N1K 1B8**

(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 must be given to preserve lien:

**Corporation of the Township of Puslinch – 7404 Wellington County Road 34, Puslinch, ON N0B 2J0**

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

# SUBSTANTIAL PERFORMANCE PRE-CLEARANCE FORM

CONTRACT NO. PW22-002 (2022 Asphalt Program)

GM BLUEPLAN NO. 121129

Contract Price (amount authorized by Council excluding any contingencies) : \$ 798,808.69

**Value of construction (revised Contract Price)** : \$ **788,046.64**

(As of Draft Payment Certificate 4)

## **"3-2-1" CALCULATION**

3% of the first \$1,000,000.00 of the Contract Price : \$ 23,641.40

2% of the next \$1,000,000.00 of the Contract Price : \$ -

1% of the remainder of the Contract Price : \$ -

**TOTAL of 3-2-1 calculation** : **\$ 23,641.40**

(must be greater than the total value of Work and deficiencies set out above)

Is the Work ready for use or being used for its intended purposes? Y

Value of cost to complete Work remaining to be done (see breakdown below) : \$ 23,133.78

Value of cost to correct all known deficiencies (see breakdown below) : \$ -

**TOTAL value of outstanding Work and deficiencies** : **\$ 23,133.78**

(must be less than the total of 3-2-1 calculation set out below)

## **Work Remaining as of October 18, 2022:**

Topsoil and Hydroseed \$ 15,167.00

Erosion Control Blanket \$ 7,966.78

**Subtotal** **\$ 23,133.78**


## **Deficiency Items as of October 18, 2022:**

Replaced speed sign on west of Concession 7 and south of of Calfass Rd (no money held) \$ -

Fix washout on banks before placing topsoil (no money hold) \$ -

**Subtotal** **\$ -**

I certify on behalf of the Owner that the above information correctly shows the status of the Contract as of: October 18, 2022

  
Matt Scott, P.Eng.



October 20, 2022

Our File: 121129

Via email: [bjcrampton@coxconstruction.ca](mailto:bjcrampton@coxconstruction.ca)  
Cox Construction Limited  
P.O. BOX 427, 965 York Road  
Guelph, ON N1H 6K5

Attention: Brad Crampton  
Manager of Construction and Estimating

Re: Contract No. PW22-002 2022 Asphalt Program,  
Substantial Performance

Dear Brad,

A deficiency and remaining work list have been prepared for the above noted contract. This list is based on our site review dated October 18, 2022. Please see the deficiency and remaining work listed below:

Deficiency/Remaining Work	Date Completed
Topsoil and Hydroseed	
Erosion Control Blanket	
Replace speed sign on west of Concession 7 and south of Calfass Rd	
Fix washout before placing topsoil (see attached photos)	

As deficiency repairs or remaining works are completed, please return a signed and dated copy of this letter to our office to notify us that work has been completed and is available for review.

Please let us know if you have any questions.

Regards,

**GM BLUEPLAN ENGINEERING LIMITED**

Per:

A handwritten signature in blue ink, appearing to read 'Matt Scott', is written over a horizontal line.

Matt Scott, P.Eng.

cc: Mike Fowler, Township of Puslinch ([mfowler@puslinch.ca](mailto:mfowler@puslinch.ca))



