

RVA 205411

July 5, 2023

Regional Municipality of Halton  
Public Works  
1151 Bronte Road  
Oakville, Ontario  
L6M 3L1

**Attention:** Mariam Al-Jammali, Project Manager

Re: Acton WWTP Secondary Digester 2 Upgrades  
Contract No. S-3328A (2)-22  
Substantial Performance Review

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On June 23, 2023, ASCO Construction (ASCO) submitted their request for Substantial Performance for the Acton WWTP Digester 2 Upgrades project. The following is a summary related to Substantial Performance of the Contract No. S-3328A (2)-22:

1. The deficiencies are completed and the total value of the outstanding work to be completed post substantial performance is \$4,802.00, which is less than total of '3,2,1 calculation' of \$28,828. Please refer to the attached Substantial Performance of Contract Pre-Clearance Form and List of Deficiencies and Outstanding Work.
2. The improvements made under the contract are ready for use or are being used for the purposes intended.
3. ASCO have submitted a letter officially requesting substantial performance and releasing Halton from any further claims. This letter is attached.

Based on the above, Contract No. S-3328A (2)-22 has been substantially performed on June 23, 2023, by ASCO Construction (ASCO). The Form 9 Certificate of Substantial Performance has been attached.

Please let us know if you have any questions regarding the above.

Yours very truly,

**R.V. ANDERSON ASSOCIATES LIMITED**



James Des Cotes, P. Eng., CCCA  
Project Manager



**By E-Mail:**

June 23, 2023

James Des Cotes, P.Eng.  
Principal, Team Leader

RV Anderson Associates Ltd.  
2001 Sheppard Avenue East, Suite 300  
Toronto, ON  
M2J 4Z8

**Re:** Acton WWTP Digester No. 2 Upgrades

**Owner:** Halton Region

**Consultant:** RVA

**Contract No.** S-3328A(2)-22

**Subject: Notice of Substantial Completion**

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Dear Mr. Des Cotes;

ASCO is notifying RVA and Halton Region that we have achieved Substantial Performance on June 23, 2023 in accordance with the guidelines set forth in the Construction Act and the General Conditions of the Contract Documents.

In accordance with the Construction Act a contract is substantially performed;

- a. When the improvements to be made under the contract or a substantial part thereof is ready for use or is being used for the purposes intended, and
- b. When the improvements to be made under the contract price is capable of completion, or where there is a known defect, correction, at a cost of not more than;
  - a. 3 per cent on the first \$1,000,000 of the contract price,
  - b. 2 per cent of the next \$1,000,000 of the contract price, and
  - c. 1 per cent of the balance of the contract price.

ASCO notes that the digester is capable of operating for its intended purpose, and that the improvements made meet the requirements of the Construction Act Section 2(1)(a).

ASCO releases the Region from all claims relating to the Contract except in respect of outstanding Work.

We look forward to receiving the Substantial Performance Certificate.

**ASCO CONSTRUCTION (TORONTO) LTD.**

2283 Argentia Road, Unit 8, Mississauga ON, L5N 5Z2 Tel: (905) 542-9622 Fax: (905) 542-1258  
GENERAL CONTRACTOR • CONSTRUCTION MANAGER • DESIGN BUILDER  
HAWKESBURY • QUEBEC • TORONTO



Yours truly,

**ASCO CONSTRUCTION (TORONTO) LTD.**

A handwritten signature in black ink, appearing to read "L Klippenstein", written in a cursive style.

Luke Klippenstein,  
Construction Manager

**ASCO CONSTRUCTION (TORONTO) LTD.**

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

*Construction Act*

**Regional Municipality of Halton, Ontario, Canada**

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

**1151 Bronte Road, Oakville, ON, L6M 3L1**

(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:

**Acton WWTP Secondary Digester 2 Upgrades – Contract No. S-3328A (2)-22**

(short description of the improvement)

to the above premises was substantially performed on **June 23, 2023**

(date substantially performed)

Date certificate signed: **July 05, 2023**



(payment certifier where there is one)

**Mariam Al-Jammali, Project  
Manager, Public Works, Halton  
Region**

Name of owner:

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

Address for service: **202 Churchill Rd S, Acton, ON, L7J 2E4**

**Luke Klippenstein, Construction**

Name of contractor: **Manager, ASCO Construction.**

Address for service: **202 Churchill Rd S, Acton, ON, L7J 2E4**

**James Des Cotes, P.Eng., CCCA  
– R.V. Anderson Associates**

Name of payment certifier (where applicable): **Limited**

Address: **2001 Sheppard Avenue East, Suite 300, Toronto, ON, M2J 4Z8**

(Use A or B, whichever is appropriate)

☒ A. Identification of premises for preservation of liens:

**202 Churchill Rd S, Acton, ON, L7J 2E4**

(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:

(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)

**Substantial Performance of Contract  
Pre-Clearance Form**

**Acton WWTP - Secondary Digester No. 2 Upgrades  
Contract No. S-3328A(2)-22**

Contract Price	:	<u>\$1,030,206.00</u>
Less any deletions from contract (unused Unit Prices and Contingency Items)	:	<u>\$248,640.00</u>
Plus any additions to contract	:	<u>\$179,377.19</u>
Revised Contract Price	:	<u><b>\$960,943.19</b></u>
Is the Work ready for use or being used for its intended purposes?	:	<u>YES</u>
Value of cost to complete Work remaining to be done as of today	:	<u>\$4,802.00</u>
Value of seasonal work to be completed later:	:	<u>\$0.00</u>
Value of work agreed to be completed post substantial performance:	:	<u>\$0.00</u>
Value of cost to correct all known deficiencies as of today	:	<u>\$0.00</u>
<b>TOTAL value of outstanding Work and deficiencies</b> (must be less than the total of 3,2,1 calculation set out below)	:	<u><b>\$4,802.00</b></u>

**"3,2,1" CALCULATION**

3% of the first \$1,000,000.00 of the Contract Price	:	<u>\$28,828.30</u>
2% of the next \$1,000,000.00 of the Contract Price	:	<u>\$0.00</u>
1% of the remainder of the Contract Price	:	<u>\$0.00</u>
<b>TOTAL of 3,2,1 calculation</b> (must be greater than the total value of Work and deficiencies set out above)	:	<u><b>\$28,828.30</b></u>

**SUBSTANTIAL PERFORMANCE MAY BE AWARDED**



Item No.	Area	Location	Photo Reference	Specification/ Drawing Reference	Description	Estimated Cost	Date Identified	Date of Issue	Resolved (Yes/No)	Completion Date	Release
3	Exterior wall-Air vent cladding	South control room wall over doorway	R3		Gap between vent flashing and exterior cladding		2023-02-09	2023-02-09	yes	2023-03-28	
4	Exterior	Wall projection at south east at height of doorway (top)	R4		Replace broken red glass light fixture	Contract	2023-02-09	2023-02-09	yes	2023-06-22	
5	Exterior	South control room wall at stairway, conduit leading into the control room	R8a, R8b		Detached service switch to be reattached		2023-02-09	2023-02-09	yes	2023-06-23	
6	Exterior	Primary Digester 1 north side	R5		Electrical metal conduit requiring servicing, crack in conduit	Contract	2023-02-09	2023-02-09	yes	2023-06-22	
7	Electrical room interior-exterior	New electrical conduit feeds	R6a, R6b		Unsealed wall openings	\$ 500.00	2023-02-09	2023-02-09	yes	2023-06-25	\$ 500.00
8	Control room	Conduit (two) entries	R7		Unsealed wall openings	\$ 500.00	2023-02-09	2023-02-09	yes	2023-06-26	\$ 500.00
9	Exterior	Vent exit from north wall control room	R9		Caulking/treatment around installed cladding		2023-02-09	2023-02-09	yes	2023-06-27	
10	Grounds	Affected construction area	N/A		Restoration of grounds including topsoil and seed	Contract	2023-02-09	2023-02-09	yes	2023-06-22	
11	Roof	Parapet Flashing all around digester and control building	P1, P2		Fix overlapping flashing for clean transition and alignment of strips/panels. Provide caulking as required (typ.)		2023-03-01	2023-03-01	yes	2023-06-29	
12	Roof	Parapet Flashing	P3, P7, P9, P14, P15, P20, P21, P22	1/A103	Complete installation of metal flashing around perimeter of digester and control building as per contract documents. Sealant to match cladding colour		2023-03-01	2023-03-01	yes	2023-06-30	
13	Elevation	Cladding	P4, P12, P13, P16		Bottom of cladding is not aligned/levelled. Bottom clearance is not consistant all around digester and control building		2023-03-01	2023-03-01	yes	2023-07-01	
14	Foundation	Foundation Insulation	P5		Complete installation of foundation insulation. Ensure they are straight and aligned (missing at corner and above access hatch)		2023-03-01	2023-03-01	yes	2023-07-02	
15	Cladding	Cladding Penetration	P6, P23		Provide flashing/collar and sealant around mechanical penetrations in cladding		2023-03-01	2023-03-01	yes	2023-07-03	
16	Roof	Parapet	P8		Seal around mechanical duct fasteners. Colour to match flashing	\$ 500.00	2023-03-01	2023-03-01	yes	2023-07-04	\$ 500.00
17	Elevation	Cladding	P11, P15, P23		Cladding panels should not be cut. Remove cut panels and replace with full size panels around digesters		2023-03-01	2023-03-01	yes	2023-07-05	
18	Elevation	Cladding	P14		Provide full height corner trim to align with top of cladding	\$ 1,000.00	2023-03-01	2023-03-01	yes	2023-07-06	\$ 1,000.00
19	Foundation	Foundation Insulation	P16		Ensure foundation insulation panels are straight and aligned		2023-03-01	2023-03-01	yes	2023-07-07	
20	Cladding	Door	P17		Cut and make even the insulation around door jamb. Seal all around, colour to match door jamb.		2023-03-01	2023-03-01	yes	2023-07-08	
21	Cladding	Cladding Penetration	P18		Cut and make even the insulation around mechanical penetration in cladding. Seal all around, colour to match cladding		2023-03-01	2023-03-01	yes	2023-07-09	
22	Roof	Roof	P19, P27		Complete installation of railing all around as per proposed drawings		2023-03-01	2023-03-01	yes	2023-07-10	
23	Roof	Parapet	P24, P25		Ensure completed metal flashing strips are straight and aligned at transition points. Seal gaps all around, colour to match cladding		2023-03-01	2023-03-01	yes	2023-07-11	
y	Cladding	Light	P24		Ensure lighting is properly installed and sealed to match cladding colour		2023-03-01	2023-03-01	yes	2023-07-12	
25	Cladding	Scupper	P22	1/A103	Install scupper downspout with splash pad as contract documents. Provide flashing and sealant around scupper head where there are gaps in cladding. Sealant to match cladding colour		2023-03-01	2023-03-01	yes	2023-07-13	
26	Roof	Pipes	P7, P28		Enclose and make watertight mechanical pipes	\$ 500.00	2023-03-01	2023-03-01	yes	2023-06-22	
27	Roof	Top Parapet	IMG_7767/ IMG_7768		Complete FRP Railing Installation Complete Termination Bars	\$ 500.00	2023-03-01	2023-04-10	yes	2023-06-22	
28	Electrical room	Temporary Conduit	P7, P28		Remove Temporary Hydro Line And Seal Hole	\$ 500.00	2023-03-01	2023-04-10	yes	2023-06-22	
27	Cladding	Equipment	P7		Ensure that lighting/equipment mounted on cladding is straight		2023-03-01	2023-03-01	yes	2023-03-22	
28	Elevation	Cladding	N/A	Signage	Install building signage		2023-03-01	2023-03-01	yes	2023-03-22	
29	Construction Working Area	Various	N/A		General cleanup of debris in and around digester/control building area		2023-03-01	2023-03-01	yes	2023-03-28	
Total						\$ 4,000.00					\$ 4,000.00
Remaining											\$ -