

File 121387

November 10, 2023

Jerry Roubos
President
Moorefield Excavating
6297 Wellington Road 109 South RR3
Harriston, Ontario N0G 1Z0
jerry@moorefieldex.ca

Re: 9th Avenue East Looping Watermain – Phase 1, City of Owen Sound
Certificate of Substantial Performance – Contract No. RFT-23-007

Dear Jerry:

On behalf of the City of Owen Sound we are pleased to enclose a Certificate of Substantial Performance (Form 9) in support of 9th Avenue East Looping Watermain – Phase 1 – Contract No. RFT-23-007.

In conjunction with the above, we note the following:

- October 31, 2023 was established as the date of Substantial Performance, based on the work completed and itemized on Moorefield Excavating invoice 2306-04;
- the 24 month warranty period will extend to October 31, 2025, provided all obligations of the Contract have been met; and
- a site inspection was undertaken on November 8, 2023 from which the attached list of known deficiencies was established.

The following are required of Moorefield Excavating:

- a written schedule to document when the noted deficiencies will be corrected; and
- a proper invoice submission in support of the release of the Statutory Holdback issued prior to the end of the 60-day lien period.

The proper invoice submission shall include the following documentation:

1. a release by the Contractor in a form satisfactory to the Contract Administrator releasing the Owner from all further claims relating to the Contract, qualified by stated exceptions;
2. a statutory declaration in a form satisfactory to the Contract Administrator that all liabilities incurred by the Contractor and the Contractor's Subcontractors in carrying out the Contract have been discharged except for statutory holdbacks properly retained;

3. a satisfactory Certificate of Clearance from the Workplace Safety and Insurance Board; and
4. proof of publication of the Certificate of Substantial Performance in the Daily Commercial News.

We trust the above satisfactory. Should you have any questions or require clarification, please do not hesitate to contact us.

Yours truly,

Tatham Engineering Limited



Mark Figueroa, P.Eng.

Engineer

MJF:rlh

Encl.

copy: Chris Webb
Spencer Hammill

City of Owen Sound
City of Owen Sound

cwebb@owensound.ca
shammill@owensound.ca

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

Construction Act

City of Owen Sound

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

6th Street, 8th Street, and the Utility Corridor connecting the aforementioned.

(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:

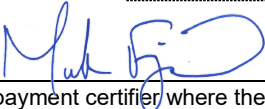
Replacement and extension of watermain, water services and hydrants on 6th Street East. Installation of watermain and hydrants in utility corridor from 6th Street East to 8th Street East. Restoration of all disturbed areas to existing condition or better.

(short description of the improvement)

to the above premises was substantially performed on October 31, 2023.

(date substantially performed)

Date certificate signed: November 10, 2023


(payment certifier where there is one)

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

Name of owner: City of Owen Sound

Address for service: 808 2nd Avenue East, Owen Sound ON N4K 2H4

Name of contractor: Moorefield Excavating

Address for service: 6297 Wellington Road 109 S, Harriston ON N0G 1Z0

Name of payment certifier (where applicable): Tatham Engineering Limited

Address: 115 Sandford Fleming Drive, Suite 200, Collingwood ON L9Y 5A6

(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:

City of Owen Sound

(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)

Deficiency List 1

File	Contract	Contract No.	
121387	9th Avenue East Looping Watermain Phase 1	RFT-23-007	
Date	Contractor	Owner	
November 8, 2023	Moorefield Excavating	City of Owen Sound	
Item	Description of Deficiency	Date Noted	Date Rectified
1.	Autoflusher has not been removed from CB100B (STA 6+440).	Nov 8, 2023	
2.	Curb faced concrete sidewalk damaged in 3 locations at west limits of 6 th Street East. Damages include chips on the curb face approximately 50-100 mm in length.	Nov 8, 2023	
3.	Topsoil grade adjacent to edge of asphalt at end of 7 th Street East is too low and there are voids between the topsoil and the asphalt.	Nov 8, 2023	
4.	Topsoil restoration is missing between west end of 8 th Street East curb reinstatement and existing ground cover.	Nov 8, 2023	
5.	Overhead Wire warning signs are still present on multiple utility poles.	Nov 8, 2023	
Prepared by			
Josh Fiegehen			
Distribution			
Tyson Roubos		Moorefield Excavating	tyson@moorefieldex.ca
Spencer Hammill		City of Owen Sound	shammill@owensound.ca