

APPLICATION FOR SUBSTANTIAL PERFORMANCE/CONTRACT COMPLETION

To: Gary Weiss
Manager, Construction Management
Northwest Region

Date: October 25, 2023

Contract No.: MTO 2022-6023

In accordance with the contract requirements, I/We 1103458 Ontario Inc/The Sharp Group (Name of Contractor) hereby apply for:

- ☒ Certificate of Substantial Performance
☐ Certificate of Completion

All work invoiced to date	\$ <u>6,551,214.65</u>
Payments made to date	-\$ <u>5,448,536.31</u>
Less holdback	-\$ <u>656,748.22</u>
Less Owner's set-offs	-\$ <u>0.00</u>
Amount due	=\$ <u>956,116.84</u>

I/We 1103458 Ontario Inc. o/a THE SHARP GROUP (Name of Contractor) hereby release the owner of all further claims related to the contract with the following exceptions:

- List outstanding issues in accordance with MTO General Conditions of Contract

Progress Invoice for month of October and possible November work
Possible deficiencies

Carry over items: Item 4 Granular Sealing; Item 9 Granular A; Item 17 Rip-Rap; Item 18 Geotextile;
Item 24 New Small Signs; Item 26 Temporary Traffic Control Signs; Item 38 Topsoil; Item 40 Seed;
Item 41 Erosion Sediment Control Blanket

I/We TERRY M. SHARP (Name of Contractor) hereby declare and submit with this Application a Statutory Declaration in the form provided that all liabilities incurred by the Contractor, and the Contractor's Sub-Contractors, in carrying out the contract have been discharged, except for the statutory holdbacks properly retained in accordance with the Construction Lien Act.

- List outstanding liabilities:

No outstanding liabilities

Name: TERRY SHARP

Signature:



Position: Owner – The Sharp Group

Date:

October 25, 2023

STATUTORY DECLARATION

Canada
Province of Ontario

IN THE MATTER OF a contract entered with
Her Majesty the Queen in right of Ontario, represented by the
Minister of Transportation, (Owner)
by 1103458 Ontario Inc. o/a The Sharp Group, (Contractor), at

MTO Contract Number: MTO 2022-6023

I, TERRY SHARP,

DO SOLEMNLY DECLARE:

1. that I am PRESIDENT, of 1103458 Ontario Inc., the Contractor named in the above-mentioned Contract, and as such have personal knowledge of the fact herein declared.

2. that all accounts for labour, sub-contracts, products, materials, services and construction machinery and equipment, which have been incurred directly by the Contractor in the performance of the work as required by the Contract, and for which the Owner might in any way be held responsible, have been discharged, except for:

- (1) holdback monies properly retained,
- (2) payments deferred by agreement between the Contractor and the Owner,
- (3) amounts withheld by reason of legitimate dispute which have been identified to the party or parties, from whom payment has been withheld and are listed below and, (identify payees and amounts payable to each)

- (4) payments that are yet to be made because they are subject to the Contractor's verification processes.

AND I MAKE THIS SOLEMN DECLARATION conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the **CANADA EVIDENCE ACT**.

Declared before me at the Municipality
Of Morley
in the District
of Rainy River this 25th
day of October A.D. 2023

Alfred Pelland

A Commissioner etc.

RHONDA LEE POLLARD

Rhonda Lee Pollard, a Commissioner, etc.,
Province of Ontario, for 1103458 Ontario Inc.
o/a The Sharp Group. Expires August 17, 2025.

Larry M Sharf
(Deponent)

INSTRUCTION

INSTRUCTION
This declaration must be sworn before a commissioner for oaths, notary public or justice of the peace.

Statutory declaration to be submitted along with application to the appropriate Regional Contracts Office

Substantial Performance Calculation

Contract 2022-6023 Sandy Creek Bridge, Hwy 105

Contract Price:	\$ 7,354,983.96
Price of services or materials per GC 1.08.02	-\$ 109,007.12
Contract price for substantial performance	\$ 7,245,976.84

Per GC 1.08 - known defects, correction, at a cost of not more than:

i. 3% of first \$1,000,000 =	\$ 30,000.00
ii. 2% of next \$1,000,000 =	\$ 20,000.00
iii. 1% of balance of Contract price =	\$ 53,549.84
Total	\$ 103,549.84

Remaining work:

Remaining item work, less Item #40	\$ 44,507.12
Item #40, Seed	\$ 64,500.00
Total	\$ 109,007.12

Decision:

Meets GC 1.08.01 a), and 1.08.02. All remaining work agreed to be completed in 2024. Application to be approved.

GC 1.08 Substantial Performance

.01 The Work is substantially performed:

- a) When the Work or a substantial part thereof has passed inspection and testing and is ready for use or is being used for the intended purposes; and
- b) When the Work to be performed under the Contract is capable of completion or, where there is a known defect, correction, at a cost of not more than:
 - i. 3% of the first \$1,000,000 of the Contract price;
 - ii. 2% of the next \$1,000,000 of the Contract price; and
 - iii. 1% of the balance of the Contract price.

.02 For the purposes of this Contract, when the Work or a substantial part thereof is ready for use or is being used for the purposes intended and the Owner and the Contractor agree not to complete the Work expeditiously, the price of the services or Materials remaining to be supplied and required to complete the Work shall be deducted from the Contract price in determining substantial performance.

MTO 2022-6023 Quantity Sheet with Payment Statement for the work to be completed in 2024

Item #	Item	Description	Unit	Tender Qty	Adjusted To Date	Adjusted Qty	Qty - Paid till the end of 2023	Qty - Year 2024	Qty - Paid till end of Contract	Unit Price in (\$)	Advance Payments	Dollars 2024 Work Complete	Percent Complete
4	0305-0015 SP	Granular Sealing (m2)	M2	628.00	0.00	628.00	0	628	628	49.29	\$0.00	\$30,954.12	100
9	0314-0071	*Granular A	t	465.00	185.00	650.00	999.97	60	1059.97	42.25	\$0.00	\$2,535.00	163
17	0511-0145	*Rip-Rap	M2	1466.00	200.00	1666.00	1551	115	1666	45	\$0.00	\$5,175.00	100
18	0511-0150	Geotextile	M2	1047.00	0.00	1047.00	932	115	1047	14.6	\$0.00	\$1,679.00	100
24	0703-0020	Small Signs, Ground Mounted, New	each	5.00	0.00	5.00	1	4	5	150	\$0.00	\$600.00	100
26	0706-0015	Temporary Traffic Control Signs	lump sum	1.00	0.00	1.00	0.95	0.05	1	12,000.00	\$0.00	\$600.00	100
39	0802-0030	Topsoil, Imported	M3	12.00	0.00	12.00	0	12	12	64.5	\$0.00	\$774.00	100
40	0803-0004	Seed	M2	300.00	0.00	300.00	0	0	0	215	\$0.00	\$0.00	0
41	0804-0130	Erosion Control Blanket	M2	300.00	0.00	300.00	0	300	300	7.3	\$0.00	\$2,190.00	100
Total											\$0.00	\$44,507.12	



October 25, 2023

MTO 2022-6023 Sandy Creek Culvert Replacement

RE: Application for Substantial Completion

The Sharp Group would like to request substantial completion on this MTO project.
The MTO application form is attached along with The Sharp Group current WSIB clearance certificate.
The Sharp Group shall publish the substantial completion certificate upon receipt in the Daily Commercial News, as per general conditions of contract.

Thank you –
TERRY M SHARP
The Sharp Group



Ministry of
Transportation

CERTIFICATE OF SUBSTANTIAL PERFORMANCE
(equivalent to Form 9 under Section 32 of the Construction Act)

This is to certify that Contract # 2022-6023 for the following:

Grading, Granular Base, Hot Mix Paving, Structure Replacement

was substantially performed on 25 October 2023,

Recommended by:

Contract Administrator

06-Nov-2023

Date Recommended

Approved by:
(payment certifier)

Area Manager Construction

Nov. 29/23
Date
Certified

615 James St. South. Thunder Bay ON
Address

Ear Falls Town, Kenora District, Ontario, Canada
County/District/Regional Municipality/Town/City in which the Work is located

SANDY CREEK CULVERTS (SITE No. 41 N-0242/CO) HIGHWAY 105, 7.3km NORTH OF
HIGHWAY 657.

Name of Owner: Her Majesty The Queen in Right of Ontario as represented by the
Minister of Transportation

Address for Service: Ministry of Transportation
615 James St S, Thunder Bay, ON P7E 6P6

Name of Contractor: 1103458 Ontario Inc THE SHARP GROUPE SHARP GROUP

Address for Service: P.O. Box 96, 266 Sharp Road, Stratton, ON P0W 1N0

Office to which claim for lien must be given to preserve lien:

Ministry of Transportation of Ontario
Director, Legal Services Branch
125 Sir William Hearst Avenue, 1st Floor
Downsview, Ontario
M3M 0B5

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on: