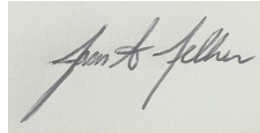


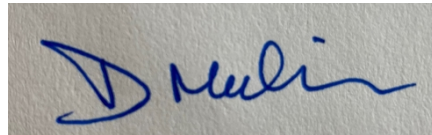
CERTIFICATE OF SUBSTANTIAL PERFORMANCE

(equivalent to Form 9 under Section 32 of the Construction Act)

This is to verify that Contract # 2023-3015 for the following:
Middlesex Rd. 2 (Longwoods Rd.) to Colonel Talbot Rd., Middlesex County
was substantially performed on: 1/29/2024



Recommended By:	Jason Felker	1/30/2024 3:12 PM
	_____	_____
	Contract Administrator	Date Recommended



Approved By:	Danuta Mahabir	2/14/2024 3:55 PM
(payment certifier)	_____	_____
	Area Manager Construction	Date Certified

659 Exeter Road, London, ON P7E 6P6

Address

Middlesex County/City of London

County/District/Regional Municipality/Town/City in which the Work is located

Highway 402 - Longwoods Road to Colonel Talbot Road

street address and city, town, etc. If no street address, the work location as described in the executed contract

Name of Owner: His Majesty the King in Right of Ontario as represented by the Minister of Transportation.

Address for Service: Ministry of Transportation
659 Exeter Road, London, ON P7E 6P6

Name of Contractor: GIP Paving Inc. - Erik Verbakel
Address for Service: 1865 Clarke Road, London, ON N5X 3Z6

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**

This notice published in the on:

Attachments

2023-3015 Substantial Performance Letter from HwyTec.pdf
2023-3015 Warranties Jan 29, 2024.pdf
Setoffs for Known Deficiencies Jan 29, 2024.xlsx
WSIB Clearance - 20-Nov-2023 - 19-Feb-2024.pdf
2023-3015 Application for Substantial Performance - Signed 01-29-2024.pdf
2023-3015 Certificate of Substantial Performance.docx



1074 Assumption Street, Windsor, Ontario N9A 3C4

January 29, 2024

HwyTec Project No. 2023-002

Ministry of Transportation
659 Exeter Road
London, Ontario
P7E 6P6

Attention: Rob Schneider, Contract Services Administrator

Re: Contract 2023-3015 – Substantial Performance

This letter is to inform you that GIP Paving Inc. has reached Substantial Performance for Contract 2023-3015, Highway 402 – Longwoods Road to Colonel Talbot Road as of January 29, 2024 as detailed in SSP 100S19 Amendment to General Conditions November 2016, GC 1.08.

A substantial part of the work has passed inspection and testing and is being used for its intended purpose. The cost to complete remaining work and correct all known defects is below the allowable limit of \$192,840.00. Please see calculation below.

- 3% of the first \$ 1,000,000	= \$ 30,000.00
- 2% of the next \$ 1,000,000	= \$ 20,000.00
- 1% of the balance of the Contract Price = \$14,284,000.00 x 1%	= \$ 142,840.00
	\$ 192,840.00

- The value of the outstanding contract work and defects
- **Outstanding Contract Work and Defects = \$ 189,654.33**

Outstanding Contract Issues:

- SP12.5 FC2 smoothness repairs
- Pavement marking repairs
- Shoulder Washout repairs
- Earth ditch cleanout re-graded
- Ground mounted sign corrections

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

Yours truly,

Jason Felker, A.Sc.T., rcca
Contract Administrator
Cc: Brian Kope, Project Manager

WARRANTIES

FROM: Jason Felker
Contract Administrator

CONTRACT NO.: 2023-3015

LOCATION: Highway 402 - Longwoods Road to Colonel Talbot Road

CONTRACTOR: GIP Paving Inc. .

CSA: Rob Schneider

Warranty Description	Other Desc. (Structure ID, Stn#s, etc.)	Specification and/or Page # Reference	Warranty Start Date M/D/Y	Warranty End Date M/D/Y	Duration of Warranty	
General	Highway 402	GC 7.18	1/29/2024	1/29/2025	1 Year	
All Other Warranties That Are Over And Above The GENERAL Warranty Requirements	ATMS					
	Electrical					
	Sod					
	Trees and/or Shrubs					
	Seed & Cover	Highway 402 Ditches	OPSS. PROV 803	04/15/2024	07/14/2024	90 Days
	Structural Steel Coating					
	Structural Steel					
	Deck (Expansion) Joints					
	Perf					
	Culvert #01 Pipe Liner Warranty Start date to be determined.	Culvert 1		TBD		

Substantial Performance Date: January 29, 2024

Contract Completion Date: TBD

Signature: _____

Date Signed: January 29, 2024

- Distribution: 1) Contract Administrator (file)
 2) Head, Contract Services – Regional Operations Office
 3) Team Lead, Contract Tendering - Contract Management Office, St. Catharines
 4) Contract Services Administrator

Note: To be submitted with the Application for Substantial Performance by the CA and with the Release From Warranty Certificate at the end of Warranty by the CSA.

2023-3015 - Outs

Item #1 Earth Ditch Cleanout Deficiencies, cost covered under outstanding contract work.	\$	-
Damaged Culvert at 12+775	\$	1,250.00
Item #6 SP12.5 FC2 - 50mm, remove and replace (5) rejectable sublots, including traffic control	\$	35,383.00
Item #6 SP12.5 FC2 - 50mm, (6) Payment adjustment sublots, 6@\$2,500	\$	15,000.00
Item #8 Granular A Shoulder Washouts at Colonel Talbot N-W Ramp	\$	4,000.00
Item #35 - Pavement Marking Repairs at Longwoods Road E-N/S ramp, Colonel Talbot S-W Ramp	\$	6,500.00
Total Deficiencies Cost Estimate	\$	62,133.00
Contract Work Remaining	\$	127,521.33
Total Value Outstanding Work and Defects	\$	189,654.33
<u>Substantial Performance Threshold</u>	\$	<u>192,840.00</u>
Ministry Setoff - Liquidated Damages = \$3600/day, 2023 - 7 days, 2024 Estimate 10 days = 17@\$3600/day	\$	61,200.00
<u>Total Ministry Setoff to be applied</u>	\$	<u>123,333.00</u>

Sublot m2	1083.75
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Cost	26.19
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28383.413

2 days	3500/day
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35383.413



Your clearance(s) / Vos certificats de décharge

We confirm that the business(es) listed below are active and in good standing with us.

Nous confirmons que la ou les entreprises énumérées ci-dessous sont actives et que leurs comptes sont en règle.

Contractor legal or trade name / Raison sociale ou appellation commerciale de l'entrepreneur	Contractor address / Adresse de l'entrepreneur	Contractor NAICS Code and Code Description / Code du SCIAN de l'entrepreneur et description	Clearance certificate number / Numéro du certificat de décharge	Validity period (dd-mmm-yyyy) / Période de validité (jj- mmm-aaaa)
GIP PAVING INC. / GIP PAVING	700-200 APPLE MILL RD, ATTN: NIKKI GROSSI, VAUGHAN, ON, L4K0J8, CA	007020: Non-Exempt Partners and Executive Officers in Construction - G2 237310: Highway, street and bridge construction 324190: Other petroleum and coal product manufacturing 327320: Ready-mix concrete manufacturing 412110: Petroleum and petroleum products merchant wholesalers	A0000IU8Q0	20-Nov-2023 to 19-Feb-2024

Under Section 141 of the *Workplace Safety and Insurance Act*, the WSIB waives our right to hold the principal (the business that has entered into a contractual agreement with the contractor/subcontractor) liable for any unpaid premiums and other amounts the contractor may owe us for the validity period specified. Aux termes de l'article 141 de la *Loi sur la sécurité professionnelle et l'assurance contre les accidents du travail*, la WSIB renonce à son droit de tenir l'entrepreneur principal (l'entreprise qui a conclu une entente contractuelle avec l'entrepreneur ou le sous-traitant) responsable de toute prime impayée et autre montant que l'entrepreneur pourrait lui devoir pour la période de validité indiquée.

WSIB Head Office: 200 Front Street West
Toronto, Ontario, Canada M5V 3J1

Siège social : 200, rue Front Ouest
Toronto (Ontario) Canada M5V 3J1

1-800-387-0750 | TTY/ATS 1-800-387-0050
employeraccounts@wsib.on.ca | wsib.ca

APPLICATION FOR SUBSTANTIAL PERFORMANCE/CONTRACT COMPLETION

To: Geddes Mahabir
Manager, Highway Operations

Date: January 29th, 2024

West
Area

Contract No.: 2023-3015

In accordance with the contract requirements, I/We GIP Paving Inc. (Name of Contractor) hereby apply for:

- Certificate of Substantial Performance
 Certificate of Completion

All work invoiced to date	\$ <u>14,975,403.39</u>
Payments made to date	-\$ <u>14,119,212.33</u>
Less holdback	-\$ <u>1,662,311.29</u>
Less Owner's set-offs	-\$ <u>123,333.00</u>
Amount due	=\$ <u>856,191.06</u>

I/We GIP Paving Inc. (Name of Contractor) hereby declare that the Certificate of Substantial Performance shall be published in: Daily Commercial News (Name of the construction trade newspaper).
The link for the construction trade newspaper is: _____

I/We GIP Paving Inc. (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

Item #1 – Earth Ditch Cleanup: Culvert cleanup material deposited in medians need to be graded and seeded. Ditching around the Culvert #1 operation EBL outside shoulder needs to be cleaned out again and re-seeded. Culvert was damaged during ditch cleanup and needs to be repaired. Approx. 12+775 (Delaware) WBL outside.

Item #6 – SP12.5FC2 50mm: (5) Rejectable subplots, initial smoothness testing results. (6) subplot payment adjustments, initial smoothness testing results.

Item #8 – Granular A Shoulder: Colonel Talbot N-W SCL outside shoulder has washouts that need to be fixed

Item #29 – Ground Mounted Signs: existing Woodhull signs were re-used, new signs need to be installed (newly delivered signs were incorrect, waiting for new signs). New Hwy 402 EDR sign needs to be installed. Approx. 12+710 EBL outside, 94km Marker WBL & EBL outside not placed opposite from the median 94km Marker

Item #30 – Sign Removal: Hwy 402 Shield needs to be removed. Approx. 12+250 (Westminster) WBL outside, old Hwy 402 EDR signs needs to be removed. Approx. 12+710 EBL outside, 94km, 92km, and 90km Markers WBL & EBL median

Item #35 – Pavement Markings: pavement markings at Longwoods Road E-N/S ramp require application, damaged from paving operation, pavement markings on Colonel Talbot S-W SCL were completed as per contract drawings. To be removed and reinstated. _____



**APPLICATION FOR SUBSTANTIAL
PERFORMANCE/CONTRACT COMPLETION**

I/We GLP Paving Inc. (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 Act.

List outstanding liabilities:

n/a

Name: Erik Verbakel
Position: Estimator

Signature: 
Date: January 29th, 2024

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 GIP Paving Inc., (Contractor), at

MTO Contract Number: 2023-3015

I, Erik Verbakel

DO SOLEMNLY DECLARE:

1. that I am GIP Paving Inc. Estimator _____ of _____, 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.
- 3. that all accounts for labour, material suppliers and sub-contracts have been informed of the name of the construction trade newspaper, as declared.

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 City
Of London
in the County
of Middlesex this 29th
day of January **A.D. 2024**


JAMES MARK BRIAN BORU,
a Commissioner, etc., Province of Ontario,
for GIP Paving Inc.
A Commissioner etc. Expires April 27, 2024.


(Deponent)

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 MTO Construction Management Office

This is to certify that Contract # 2023-3015 for the following:

Highway 402

was substantially performed on: January 29, 2024

Recommended by: Jason Felker
Contract Administrator

January 29, 2024
Date Recommended

Approved by: Signature of Area Manager, Construction
(payment certifier) **Area Manager Construction**

Insert Date
Date Certified

Insert Address of Area Manager, Construction
Address

Middlesex County, City of London
County/District/Regional Municipality/Town/City in which the Work is located

Highway 402 – Longwoods Road to Colonel Talbot Road
street address and city, town, etc. If no street address, the work location as described in the executed contract

Name of Owner: His Majesty The King in Right of Ontario as represented by the Minister of Transportation

Address for Service: Ministry of Transportation
659 Exeter Road
London, ON
P7E 6P6

Name of Contractor: GIP Paving Inc.

Address for Service: 1865 Clarke Road, London, ON N5X 3Z6

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**

This notice published in the *Insert the name of Construction Trade Newspaper as declared by the Contractor on PH-CC-817* Daily Commercial News on: Insert Date

Distribution: 1) Contractor, 2) Contract Administrator (file), 3) Team Lead, Contract Tendering – Contract Management Office, St. Catharines, 4) Construction Management Office