

5.1

Request to Speak to a Committee of Council 2014

If your request is for a specific committee meeting, this form must be received by NOON the day before the scheduled committee meeting. Requests for Monday meetings must be received by NOON the Friday before the meeting. Requests for meetings scheduled for the day after a statutory holiday must be received by NOON the last business day before the meeting. For summer meeting requests (July/August), please contact the City Clerk's Office at (905) 546-4408 for further information.

Committee Requested

Committee: *

Public Works



If you selected Advisory/Sub-Committee from the above list, please indicate name of Committee: : Public Works

Requestor Information

Name of Individual: *

Scott Mcpherson, President, Stephen Bauld, Purchasing Consultant

Name of Organization:

North America Construction (1993) Ltd.

Contact Number: *

Ph: 519-821-8000 Cell: 519-835-2583

Email Address: *

smcpherson@nacsworld.com

Mailing Address: *

21 Queen Street, Morriston, ON N0B 2C0

Reason(s) for delegation request: *

In regards to the Award of Project No. C13-49-14 Twenty Road (HC018) Wastewater Pumping Station Capacity Upgrades., we would like to speak to Council with regards to why city employees would not award a project saving \$325,600.00 to Hamilton Taxpayers on a 2.18 Million Project. City employees arbitrarily decide whom projects are awarded to with inconsistent adherence to Hamilton Purchasing Policies, Procedures and Polices. The \$360,000 lower tender would buy all of the 79,500 homeless of Hamilton a Christmas meal at \$3.62 a plate but instead this money has been squandered away. We would ask for the opportunity to inform Council of these inconsistencies.

Will you be requesting fund from the City?*

☐ Yes
☒ No

Will you be submitting a formal presentation?*

☐ Yes
☒ No

Are you a lobbyist?

☐ Yes
☒ No

(The information collected for the Lobbyist registry system was implemented by City Council in 2004 and information provided is on a voluntary basis.)

Requests to speak to Council are forwarded to the Committee and will be placed on a Committee agenda for consideration. Once considered by Committee, and approved, you will be notified of the date for your presentation.

This form is not for the purpose of presenting unsolicited proposals by Vendors to Committee. Such proposals are subject to a competitive process as required by the City's Purchasing Policy.

The City makes a video record of Committee and Council meetings. If you make a presentation to a Committee, the City will be video recording you and will make the recording public by publishing the recording on the City's website.

The City collects personal information as authorized under Section 5.11 of the City's Procedural By-law No. 10-053 for the purpose of entertaining individuals requesting an opportunity to appear as a delegation before Committee. The Procedural By-law is a requirement of Section 238(2) of the Municipal Act. Questions about the collection of personal information can be directed to the Manager, Legislative Services / Deputy Clerk, City Hall, 71 Main St. W., Hamilton, ON L8P 4Y5 (905 546-2424 ext. 4304).

The Voluntary Lobbyist Registry is a public document and will be available for viewing in the City Clerk's office.



Office of the City Clerk
71 Main St., W. 1st Floor
Hamilton, Ontario, Canada
L8P 4Y5
Phone: 905-546-2489
Fax: 905-546-2095

clerk@hamilton.ca
rose.caterini@hamilton.ca

To: Ms: Rose Caterini

COMMITTEE REQUESTED: PUBLIC WORKS

REQUESTOR INFORMATION:

Name of Individual: Scott McPherson, President, Stephen Bauld, Purchasing Consultant

Name of Organization: North America Construction (1993) Ltd.

Contact Number: * Ph.: 519-821-8000 Cell: 519-835-2583

Email Address: * smcpherson@nacsworld.com; stephenbauld@purchasingci.com

Mailing Address: * 21 Queen Street, Morriston, ON N0B 2C0

Reason(s) for delegation request: *

In regards to the Award of Project No. C13-49-14 Twenty Road (HC018) Wastewater Pumping Station Capacity Upgrades., we would like to speak to Council with regards to why city employees would not award a project saving \$325,600.00 to Hamilton Taxpayers on a 2.18 Million Project. City employees arbitrarily decide whom projects are awarded to with inconsistent adherence to Hamilton Purchasing Policies, Procedures and Polices. The \$360,000 lower tender would buy all of the 79,500 homeless of Hamilton a Christmas meal at \$3.62 a plate but instead this money has been squandered away. We would ask for the opportunity to inform Council of these inconsistencies.

Will you be requesting fund from the City?*

☐ Yes

☒ No

Will you be submitting a formal presentation?*

☐ Yes


☒ No

Are you a lobbyist?

☐ Yes

☒ No

Sincerely,


Scott McPherson

North America Construction (1993) Ltd. • NAC Constructors Ltd.

21 Queen Street, Morriston, Ontario N0B 2C0

Tel: 519-821-8000 Fax: 519-821-1111

www.nacsworld.com



November 12, 2014

VIA EMAIL TO: donna.drozdz@hamilton.ca
VIA FAX TO: 905-546-2327
VIA REGULAR MAIL

City of Hamilton
120 King Street West, 9th Floor
Hamilton, ON L8P 4V2

Attention: Donna Drozdz, CPP, CSCMP, CPPB
Senior Procurement Specialist

Re: Contract C13-49-14
Prequalified Contractors Required for the Twenty Road (HC018)
Wastewater Pumping Station Capacity Upgrades

Thank you for your letter of November 11, 2014, in regards to the Twenty Road Wastewater Pumping Station Capacity Upgrades.

We are somewhat confused with your latest letter threatening to disqualify North America Construction (1993) Ltd. for this project by 4:00 p.m. on November 12, 2014, for the following reasons:

1. We were a pre-qualified bidder by the City of Hamilton;
2. Our compliant tender is \$325,600.00, low to the next compliant bidder on a total of \$2,181,000.00 project, the next bid is as well over budget.
3. We have supplied confirmation of all post bid documentation as requested and required by your documents.
4. We have additionally supplied a letter from the Carpenters Union Signatory Contractor, Reimer Forming & Construction, performing all carpentry works which constitutes only 2.93% of the entire project.
5. The Carpenters Union should have no issue with how the carpentry work will be performed by Reimar Forming & Construction. This is exactly how the Tim Hortons Field Stadium has been built, by Keniadan Contracting.

In short, we believe we have not been treated in a fair, open and transparent manner by The City which is not following its own Policies, Procedures and By-laws.

North America Construction (1993) Ltd. • NAC Constructors Ltd.

21 Queen Street, Morrison, Ontario N0B 2C0

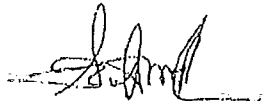
Tel: 519-821-8000 Fax: 519-821-1111

www.nacsworld.com

Why would a compliant bidder following your policies, procedures, by-laws and documents be disqualified costing the Hamilton tax payers an additional \$325,600.00?

We ask that you re-evaluate your letter and do what is right for the Hamilton tax payers. Should this not be resolved in an amicable manner today, we will be following the Vendor Dispute Policies and By-laws of Hamilton and be requesting an audience with City Council.

Yours truly,
North America Construction (1993) Ltd.



Scott McPherson
President

Enclosures

Copy: Chris Murray, City Manager, via email: CityManager@hamilton.ca
Bob Bratina, Mayor, via email: mayor@hamilton.ca
Brian McHattie, via email: Brian.McHattie@hamilton.ca
Jason Farr, via email: Jason.Farr@hamilton.ca
Bob Morrow, via email: Bob.Morrow@hamilton.ca
Sam Merulla, via email: Sam.Merulla@hamilton.ca
Chad Collins, via email: Chad.Collins@hamilton.ca
Tom Jackson, via email: Tom.Jackson@hamilton.ca
Scott Duvall, via email: Scott.Duvall@hamilton.ca
Terry Whitehead, via email: Terry.Whitehead@hamilton.ca
Brad Clark, via email: Brad.Clark@hamilton.ca
Maria Pearson, via email: Maria.Pearson@hamilton.ca
Brenda Johnson, via email: Brenda.Johnson@hamilton.ca
Lloyd Ferguson, via email: Lloyd.Ferguson@hamilton.ca
Russ Powers, via email: Russ.Powers@hamilton.ca
Robert Pasuta, via email: Robert.Pasuta@hamilton.ca
Judi Partridge, via email: Judi.Partridge@hamilton.ca



Hamilton

Donna Drozd, CPP, CSCMP, CPPB
Senior Procurement Specialist
Procurement Section
Finance Department
Phone (905) 546-2424 x 4831 Fax # (905) 546-2327
Email: donna.drozd@hamilton.ca

November 11, 2014

By Email: dwhite@nacsworld.com

By fax: 519-821-1111

North America Construction (1993) Ltd.
21 Queen Street
Morriston, ON N0B 2C0

Attention: Mr. Don White, Vice President Estimating

Dear Mr. White:

Subject: Contract C13-49-14
Prequalified Contractors Required for the Twenty Road (HC018)
Wastewater Pumping Station Capacity Upgrades

On behalf of the City of Hamilton, I would like to thank you for taking the time to submit on the above noted Contract.

As per the terms and conditions set out in the Request for Prequalifications solicitation document C14-04-14 and the Request for Tenders solicitation document C13-49-14, this letter shall confirm to you that the City of Hamilton is only considering compliant Bids from bidders that are bound by the Carpenters' ICI Collective Agreement for this project.

In performing our due diligence with respect to this requirement, the City requested you to provide confirmation of this requirement by email on November 4, 2014 and again on November 6, 2014. Correspondence received from you to date indicates that you have not provided confirmation that North America Construction (1993) Ltd. is bound by the Carpenters' ICI Collective Agreement. Further to this, the City has retained an email confirmation from the Carpenters' District Council of Ontario, United Brotherhood of Carpenters and Joiners of America, Local 18 indicating that your company is not signatory to the Carpenters' ICI Collective Agreement.

As a demonstration of good faith, the City is hereby allowing North America Construction (1993) Ltd. a third opportunity to provide the requested confirmation. Therefore, North America Construction (1993) Ltd. is to provide a signed copy of the voluntary recognition agreement between Carpenters' District Council of Ontario, United Brotherhood of Carpenters and Joiners of America and North America Construction (1993) Ltd. indicating that the Employer is bound by the Carpenters' Provincial Collective Agreement made between the Carpenters Employer Bargaining Agency and

the Union, no later than 4:00 p.m. (Hamilton time) Wednesday, November 12, 2014.
Failure to provide this will cause your Bid to be rejected.

Thank you for your interest in doing business with the City of Hamilton. If you have questions or require further clarification, please do not hesitate to contact me at the numbers above.

Sincerely,

Donna Drozd
Senior Procurement Specialist

Cc: Richard Pajor



Thursday, November 6th, 2014

Richard Pajor, CPP / CSCMP
Procurement Specialist, Procurement Section, City of Hamilton
Email: Richard.Pajor@hamilton.ca

Re: The City of Hamilton, Contract C13-49-14, Prequalified Contractors Required for the
Twenty Rd (HC018) Waste Water Pumping Station Upgrades

Dear Mr. Richard Pajor;

I have reviewed the request for confirmation from the City of Hamilton that our company be bound by the Carpenters' ICI Collective Agreement for the above-noted project. NAC, as a prequalified bidder confirms that we are bound by the Carpenters' ICI Collective Agreement, and our contractor for all carpentry works is Reimar Forming & Construction. Reimar is signatory and a member in good standing with the United Brotherhood of Carpenters and Joiners.

We are very pleased with the tender results and together with Reimar Forming & Construction per the attached letter we look forward to a very successful and mutually beneficial relationship with the City of Hamilton.

Regards

A handwritten signature in dark ink, appearing to read "Don White", is written over a light-colored background.

Don White
VP – Estimating

North America Construction (1993) Ltd. • NAC Constructors Ltd.
21 Queen Street, Morriston, Ontario N0B 2C0
Tel: 519-821-8000 Fax: 519-821-1111



328 Trinity Church Road
Hannon, ON L0R 1P0
Tel- 905.892.9900 Fax- 905.892.0900
www.reimar.ca • info@reimar.ca

Date: Wednesday, November 05, 2014

Re: The City of Hamilton
Contract C13-49-14, Prequalified Contractors Required for the Twenty Rd.
(HC018) Waste Water Pumping Station Upgrades

CC: North America Construction (1993) Ltd.

Hi Don,

We are very pleased that NAC is low bidder. Our team worked effectively in pre-bid discussions and review prior to tender. We appreciate your commitment prior to tender that NAC was carrying our quote and if awarded to NAC, it would subcontract the ICI carpentry to Reimar.

This letter is also to confirm that Reimar Forming & Construction is signatory and a member in good standing with the United Brotherhood of Carpenters and Joiners.

Sincerely,

A handwritten signature in black ink, appearing to read "Sean Martin". The signature is stylized with a large, sweeping initial "S" and "M".

Sean Martin
Director of Operations
Reimar Construction Corporation
328 Trinity Church Rd
Hamilton, ON L0R 1P0
smartin@reimar.ca
C 905-971-2359
P 905-892-9900
F 905-892-0900

Don White

From: Don White
Sent: November-10-14 9:03 AM
To: 'Pajor, Richard'
Subject: RE: Contract No. C13-49-14 - Twenty Road Wastewater Pumping Station Upgrades

Tracking:	Recipient	Delivery	Read
	'Pajor, Richard'		
	Scott McPherson		
	Louis Landry	Delivered: 10/11/2014 9:03 AM	Read: 10/11/2014 9:04 AM
	smcpherson@nacsworld.com	Delivered: 10/11/2014 9:03 AM	

Good Morning Richard,

I'm responding to your previous e-mail requesting that North America Construction (1993) Ltd. provide evidence that "... It needs to be bound by the Carpenters' ICI Collective Agreement, and be signatory to the Union." I've highlighted the last portion of your sentence as the statement of NAC being signatory is a new requirement not specified in any of your tender or prequalification documents. The wording contained within the documents states that contractors are to be bound. NAC confirms that it is 100% bound and compliant to the agreement by contracting to Relmar Forming & Construction.

We understand the City of Hamilton's requirement is to ensure all carpentry work be performed by members of the Carpenters' Union who are employed by a signatory contractor to directly undertake the work. Again, NAC confirms that Relmar will perform all carpentry work.

It is industry practice for non-signatory contractors to be bound to the Carpenters' ICI Collective Agreement by routinely contracting to signatory contractors to perform this work. Some examples of this practice occurring with Owners bound to such agreements are The City of Toronto, The City of Sault Ste. Marie and Hydro One.

I trust this response provides the evidence requested as it confirms that NAC has met all of the tender requirements. NAC looks forward to working with the City of Hamilton on this project.

Regards,
Don White