

February 15, 2017

To all Contractors

Dear Sir:

Re: Notice of Safe Work Practices When Working in the Vicinity of Utilities

The City of Burlington and the Region of Halton undertake numerous construction projects each year through outside Contractors and as well with their own forces when applicable. Contractors working for private owners also make up a portion of the activity seen throughout the City. In all cases the contractors/workers are required to work in accordance with the Occupational Health and Safety Act (OHSA) and regulation complimented with their company's own internal safe work practices that extend beyond OHSA requirements.

The controlling utility (Burlington Hydro, Bell, Union Gas, Cogeco, etc.) must be advised of any conflict that impede the progress of construction projects. Unauthorized contact, regardless of the worker's qualifications, is not permitted without prior notification. Clearances are specified in OHSA. Backfill around an exposed utility is to consist of a minimum of 300 mm of sand. For specific burial requirement, Contractors are advised to contact the utility.

In all circumstances the controlling utility must be notified of equipment or worker conflicts. The utility will have a representative report to the site to assess the situation and provide instruction on how to proceed. Failure to follow this process could result in establishing a hazardous situation and harm to the worker and general public.

When a contact incident or accident occurs, the onus is on the General Contractor on site to report the incident or accident to the Ministry of Labour and to the local controlling authority.

We trust this notice to be sufficient in clarifying the City of Burlington's expectation and position on reporting.

Should you have any questions, please do not hesitate to contact me at 905-335-7600 ext. 7812.

Yours truly,



Scott Hamilton P. Eng., Manager of Design & Construction
Design and Construction
Capital Works



February 15, 2017

Dear Contractor,

Contractor performance is critical to the success of City Projects. Poor workmanship, unnecessary contract delays and unsafe work practices are not tolerated by the City's Project Management Staff.

To this end, the City of Burlington has adopted a Contractor Performance Evaluation system by which the Contractor's performance will be ranked at substantial completion of the project or more frequently if deemed necessary. The City's project team will complete the ranking. Once the ranking has been completed a copy of the Rating will be provided to the Contractor.

From this ranking will stem a recommendation to either:

- allow the Contractor to bid on future projects, or
- place the Contractor on two year probation, or
- to suspend the Contractor from bidding on any future contracts for a two year period, followed by a one year probationary period after re-instatement.

The Contractor may request a debriefing meeting within thirty (30) days following the delivery of the evaluation. The request in writing outlining comments or concerns with the rankings shall be sent to the City's Project Manager.

If the Contractor remains unsatisfied with the outcome of the debriefing meeting, they can request in writing to the Manager of Design and Construction and Manager of Purchasing , a further review by the City of Burlington Review Committee. The decision of the Review Committee shall be provided in writing and shall be final. It must also be noted that while overall performance is being evaluated, the City reserves the right to suspend a bidder for extreme or repeated inadequate grades on items A5, A6, A7, or A9.

A copy of the ranking sheet has been included for your information. If you have any questions regarding this process, please contact the undersigned by telephone or email, the numbers for which are noted above.



Contractor Performance Report

| SECTION I CONTRACTOR DATA | | | SECTION II PROJECT DATA | | | |
|---|---------------------------------|-----------------------|--|----------------------------|-------------------|------------------------|
| Report Type <input type="checkbox"/> Interim <input type="checkbox"/> Final | Tender Number : File Number: | Tender Title: | | | | |
| Contractor's Name: | | | Legal Description of Project Property: | | | |
| Address | | Phone # | Promised Working Days | Actual Working Days | Actual Start date | Actual Completion date |
| Project Principal | Site Superintendent | Contract award amount | | Contract completion amount | | |
| Brief Description of Work; | | | | | | |

| SECTION III CONTRACTOR PERFORMANCE | | | | |
|---|---|--|---|--|
| A - Administration/Management/Supervision | RANKING | | | |
| 1. Supervision and decision making, compliance with contract requirements | | | | |
| 2. Coordination and communication with own workers and subcontractors | | | | |
| 3. Submission of documents, reports, schedules, time cards, invoices. | | | | |
| 4. Adequacy, timeliness and the ability to maintain progress schedules | | | | |
| 5. Public safety and traffic control | | | | |
| 6. Compliance with all WSIB provisions | | | | |
| 7. Maintenance of employee safety standards | | | | |
| 8. Coordination and cooperation with Project Manager and City Staff | | | | |
| 9. Compliance Ministry of Labour regulations | | | | |
| 10. Relations with general public, other agencies & adjacent contractors | | | | |
| TOTAL | | | | |
| B - Quality of Work | | | | |
| 1. Adherence to plans, specifications and requirements of the contract | | | | |
| 2. Standards of Workmanship, ability to resolve issues | | | | |
| 3. Completion of final work and deficiencies | | | | |
| TOTAL | | | | |
| C - Progress of Work | | | | |
| 1. Completion of project within allotted time | | | | |
| 2. Scheduling and execution of schedule, delivery of timely service | | | | |
| 3. Efficient delivery of materials and supplies and/or equipment | | | | |
| 4. Operation and use of equipment, attention to WSIB & MOL regulations | | | | |
| 5. Housekeeping practices (clean, safe, organized site) | | | | |
| TOTAL | | | | |
| D - Equipment | | | | |
| 1. Condition, safety, reliability, suitability | | | | |
| 2. Maintenance, downtime due to maintenance issues. | | | | |
| TOTAL | | | | |
| GRAND TOTAL (A+B+C+D) | / 60 | | | |
| Overall Performance Rating: (Please Circle) | POOR Performance Points Totaling 0-29 | FAIR Performance Points Totaling 30-35 | AVERAGE Performance Points Totaling 36-49 | GOOD Performance Points Totaling 50-60 |

RANKING KEY:
Non Compliance – 0

Below Expectations-1
In order to achieve a below expectations ranking, the contractor will have, on several or repeated occasions, been in contravention of the requirements of the contract. For example, they may, on a regular basis, not follow the direction of the project manager or fail to resolve issues brought forward to by the Project Manager in a timely manner. They have on occasion been confrontational to the Project Manager, Staff or disrespectful to the Public.
Any safety issues will be ranked below expectations.

Meets Expectations – 2
A meets expectations ranking means that the contractor has fulfilled all the duties and requirements of the contract in a timely and efficient manner. They follow the direction of the Project Manager, appropriately and conscientiously. They are professional in all dealing with their staff, City staff and the public. They resolve issues quickly and repetitive problems do not often occur. Their equipment and work methods are conducted safely.

Above Expectations – 3
This ranking is used when the contractor has exceeded expectations. When their work methods are above reproach and their dealings with public and staff are without issue.

***An explanation must be provided for any Poor, Good and High rating in Narrative Section (IV), (page 2)**
DISTRIBUTION:
Original: Capital Works
Copy: Departmental Project File
Copy: Contractor

SECTION IV - Narrative Rating

A Non Compliance Enter comments which describe the contractor's overall performance and administration of the project

B Meets Expectations Elements Enter comments which describe the contractor's overall performance and administration of the project

C Below Expectations Elements Enter comments to substantiate any inadequate or below standard ratings.

D Above Expectations Elements Enter comments to substantiate any superior ratings.

SECTION V Authentication and Review

This report has been objectively prepared based upon data contained in available project records.

I have reviewed this report for objectivity and accuracy. I have provided a copy of this report to the rated contractor and I have advised the contractor that any appeal must be made in writing to the Manager of Design and Construction within 20 calendar days

Comments

_____ Date provided to Contractor

_____ Signature of Project Manager

_____ Date Report Completed

RECOMMENDATION: based on the above data and comments, the overall performance recommendation for this contractor is:

- Approved to bid on future work
 Placed on two year probation where ability to bid projects will be limited and additional contract conditions will be incorporated.
 NOT recommended for future work (max period – 2 years with 1 year probation on re-instatement)



**Ontario Regulation 191/11:
INTEGRATED ACCESSIBILITY STANDARDS TRAINING ACKNOWLEDGEMENT FORM
for Contractors and Third Party Providers to
The Corporation of the City of Burlington**

Section 7 and Section 80.49 of Ontario Regulation 191/11 made under the *Accessibility for Ontarians with Disabilities Act, 2005* states that:

7. (1) Every obligated organization shall ensure that training is provided on the requirements of the accessibility standards referred to in this Regulation and on the *Human Rights Code* as it pertains to persons with disabilities to,
- (a) all persons who are an employee of, or a volunteer with, the organization;
 - (b) all persons who participate in developing the organization's policies; and
 - (c) all other persons who provide goods, services or facilities on behalf of the organization.

80.49 (1) In addition to the requirements in section 7, every provider shall ensure that the following persons receive training about the provision of the provider's goods, services or facilities, as the case may be, to persons with disabilities:

- 1. Every person who is an employee of, or a volunteer with, the provider.
- 2. Every person who participates in developing the provider's policies.
- 3. Every other person who provides goods, services or facilities on behalf of the provider.

We acknowledge and confirm that we are in full compliance with Section 7 and Section 80.49 of Ontario Regulation 191/11 (Integrated Accessibility Standards) made under the *Accessibility for Ontarians with Disabilities Act, 2005*. We confirm that all employees, agents, volunteers, or others for whom we are at law responsible who are required to receive training under the Act have completed the training. We will provide to the City any further documentation that confirms this training upon the request of the City.

We will indemnify the City from and against any costs, expenses, fines, penalties, damages or losses that the City incurs or suffers as a result of our failure to comply with the Act.

Name of Contractor or Third Party Provider

Signature of Authorized Signing Officer

Printed Name of Person Above

Date