

GERSON LAW

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VIA EMAIL: mpachol@toronto.ca

Purchasing and Materials Management Division

City Hall

18th Floor

West Tower

100 Queen Street West

Toronto, Ontario

M5H 2N2

Dear Mr. Pacholok:

Re: Aquagran Landscaping and Construction Ltd. and City of Toronto
RFQ 6032-15-0095

Further to our conversation of earlier today, I confirm that the City has accepted 1 of 4 references provided by Aquagran, but did not accept any of the 3 references from Bevcon for work completed by Aquagran for the City under sub-contract to Bevcon because it could not verify from Department Managers that Aquagran had actually completed the work.

You advised that if I provided you with the names of the City managers/inspectors with whom my client communicated, you would follow up with them. On that basis, I was to get back to you after communicating with my client.

References

After conferring with my client, I confirm I am advised that Tony Graneri of Aquagran had extensive contact and communication with the following individuals during the course of completing work for their Departments:

1. **Robert Watson** – Manager of Beautiful Streets Department. Mr. Watson in particular, had extensive contact and communication with Tony Graneri in relation to work completed by Aquagran for his department. The work completed includes park rehabilitation, beautifying major streets, as well as various planting and landscaping works. Please contact Mr. Watson, who worked with my client over many years, including at L'ameureux Park and the Centre Island Median at Danforth and Birchmount. While Mr. Watson is recently retired, we urge you to make every effort to contact him.

2. **Enzo Falcetta** – Senior City Inspector, Transportation Department. Mr. Falcetta had extensive contact and communication with Tony Graneri last summer during the course of Aquagran's completion of "decorative brick repairs" in various neighbourhoods, including the resetting of granite pavers at Yonge and Bloor Streets. We urge you to contact Mr. Falcetta.
3. **John Hollichuck** - Senior City Inspector, Transportation Department. Aquagran had direct contact with Mr. Hollichuck when it completed decorative brick repairs in the downtown core between 2010-2013. Please contact Mr. Hollichuck.

I am advised that my client's forces wear uniforms, vests and hard hats that prominently display the Aquagran logo, and the same is the case for Aquagran's trucks and equipment.

I believe the City will be able to verify that Aquagran completed these extensive works in respect of which the City was the sole beneficiary and to consider these works as strong evidence of Aquagran's ability to perform the work under its bid.

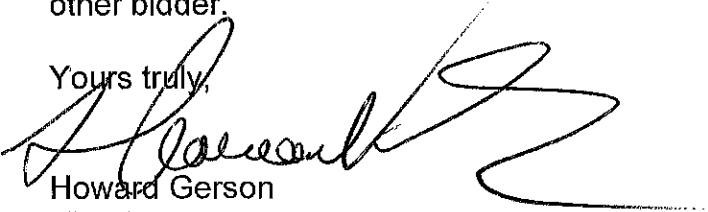
On this basis, it is submitted that the City should exercise its discretion to consider that Aquagran has satisfied the 2 reference requirement based on the 4 references provided. Indeed, there is no good reason why there should be any difficulty accepting a reference from Bevcon to satisfy the City's reference requirements, particularly when the work was performed for the City.

My client has also advised that it was very recently given a clean bill of health following an audit by The City of Toronto Fair Wage Office a few months ago.

Alleged Conflict/Unfair Advantage

My client does not agree that Bevcon assisted it to meet the mandatory requirements of the RFQ. Aquagran's work for Bevcon as a sub-contractor in past City contracts was not for the purpose of assisting Aquagran in a future bidding process. Bevcon agreed to act as a reference for Aquagran and there is nothing unfair or improper about the use of Bevcon as a reference. My client has been transparent and has acted lawfully throughout the bidding process and there is nothing it did or obtained from its relationship with Bevcon, that gave it an "unfair" or "undisclosed" advantage over any other bidder.

Yours truly,


Howard Gerson
HDG/gc

cc: Client