

# GERSON LAW

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May 27, 2015

**VIA EMAIL: [mpachol@toronto.ca](mailto:mpachol@toronto.ca)**

Purchasing and Materials Management Division

City Hall

18<sup>th</sup> Floor

West Tower

100 Queen Street West

Toronto, Ontario

M5H 2N2

Dear Mr. Pacholok:

**Re: May 27th (RFQs) 6032-15-0091 - 6032-15-0105**

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I have your letter of May 27th advising that you cannot accept reference no. 1 and 3, stating this would amount to "bid repair". We disagree strongly with the position taken in this regard and you are obligated to properly investigate these references to determine whether or not my client can be relied upon to complete its obligation under its bid.

With respect to reference #2, there is no good reason not to contact this reference. Whether or not Bevcon, at the time followed the appropriate procedure to identify Aquagran as its sub-contractor, is immaterial when in fact Aquagran **was** Bevcon's sub-contractor who completed this work for the City and where the City is able to confirm this fact. It is remarkable that the City refuses to contact this reference.

The City appears intent on looking for immaterial and highly technical reasons to support its position.

This points to the pressure undoubtedly being placed on the City by the incumbent bidder.

Please ensure that this letter is provided to the Committee, as I will be relying on it at the Hearing tomorrow.

Yours truly,

*per Howard Gerson*

Howard Gerson

HDG/gc

cc: Client

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