Attachment 1 - Limits for Contract 16ECS-TI-11SP, showing the work zone on College Street, from Havelock Street in the west to Shaw Street in the east.
Attachment 2. Photo showing a pedestrian entering the work zone on the College Street project (Contract 16ECS-TI-11SP) without proper protection in violation of the Occupational Health and Safety Act and demonstrating Four Seasons' disregard for public safety.
Attachment 3. Photo showing pedestrians walking without adequate protection within the work zone for the College Street project (Contract 16ECS-TI-11SP), demonstrating Four Seasons’ disregard for public safety.
Attachment 4. Two photos showing how Four Seasons restricted access to business and resident premises by installing six foot high metal fencing along the perimeter of the work zone on the College Street project (Contract 16ECS-TI-11SP), right in front of business and residential doorways, effectively blocking individuals from leaving the business or residential property.
October 5, 2016

SENT BY EMAIL AND COURIER

Four Seasons Site Development Inc.
42 Wentworth Court, Unit 1
Brampton, Ontario
L6T 5K6

Attention: Rohit Bansal

Re: Contract No. 16ECS-TI-11SP - Sidewalk Construction, Streetscape Improvements, Tree trenches and construction of Parkettes on College Street and side streets between Shaw Street and Havelock Street (the “Contract”)

NOTICE OF TERMINATION

Dear Mr. Bansal:

This letter is in response to your letter dated September 30, 2016 and further to our letter dated September 28, 2016, with respect to the above-noted Contract.

The Contract requires Four Seasons to "execute and perform the whole of the Work" and "carry out, perform, observe, fulfill and abide by all the covenants, agreements, stipulations, provisos, terms and conditions mentioned and contained in the Contract Documents.

Four Seasons has failed to correct the default(s) noted in our September 28, 2016 letter. In response, the City is exercising its right under GC 4.08.01(b) to terminate Four Seasons' right to continue the remaining Contract work, effective immediately. Four Seasons is therefore required to remove all equipment and materials from the site and vacate the project working area without delay.
In accordance with the General Conditions of Contract, the City will be withholding further payments to Four Seasons with respect to the withdrawn work (GC 4.08.02(c)) and setting off from those funds any additional cost required to complete the remaining work (GC 4.08.02(d) / GC 8.02.03.08). If the cost to complete the work is less than the amount withheld, the balance will be paid to Four Seasons in accordance with GC 4.09.01, subject to any other set off in favour of the City. If the cost to complete the work is more than the amount withheld, the City will pursue Four Seasons for the additional cost.

Please note that all of Four Seasons’ obligations under the Contract with respect to quality, correction, and warranty of the work performed prior to today’s date remain in force.

The City reserves the right to pursue any other rights and remedies available to it, whether under the terms of contract or otherwise at law.

Yours truly,

[Signature]

Frank Clarizio, P.Eng.
Director, Design & Construction
Transportation Infrastructure
Engineering & Construction Services
City of Toronto
416-392-8412

CC: Mohammad Kashani, A/Manager, Streetcar Way & Special Projects
Shahid Virk, Senior Project Manager
Mike Major, Manager, Business Improvement Areas
AVIVA Insurance Company of Canada
Attachment 6. Contractor Performance Evaluations for Four Seasons on Contract 16ECS-TI-11SP
EX - EXCEPTIONAL - Far exceeded expectations due to exceptionally high quality of performance and/or work in all areas of responsibility, adding value to the project.

ME - MEETS EXPECTATIONS - Consistently met expectations in all essential areas of responsibility, usually meeting all project requirements.

I - IMPROVEMENT NEEDED - Performance did not meet expectations in one or more essential areas of responsibility; usually requires some additional effort and resources.

U - UNSATISFACTORY - Consistently below expectations in most essential areas of responsibility. Usually requires much additional staff time and resources.

For ranks of U and EX, Evaluator's must provide comments with details and links to specific minutes, consultant reports, memos, log sheets etc. Provides eDoc #s wherever possible. Comments for I, ME, EX ranks are optional.

A. SAFETY & COMPLIANCE - Laws & Standards

A1. Did the contractor comply with OSHA requirements?

EX - Performance in this area can not be Exceptional
EE - Did contractor comply with OSHA requirements with no exceptions
ME - Completes with OSHA requirements with very minor issues that are immediately remedied
I - Inconsistent compliance with OSHA requirements; major contraventions that are corrected; few if any lost time injuries and no critical injuries
U - Does not comply with an appropriate safety program; lost time injuries, including but not limited to: occupational injuries. Serious OSHA contraventions and/or convictions
NA - The question is not applicable to this evaluation.

A2. Did the contractor adhere to environmental, (non-OSHA) safety requirements, and other laws & policies?

EX - Performance in this area can not be Exceptional
EE - Fully complies with environmental and (non-OSHA) safety requirements, fair wages, human rights and other laws and policies required by the contract. No problems.
ME - Complies with laws and policies, minor problems, if any
I - Inconsistent compliance with (non-OSHA) safety requirements, fair wages, human rights or other laws and policies required by the contract; minor contraventions that are corrected
U - Failure to adhere to environmental and (non-OSHA) safety requirements, fair wages, human rights or other laws and policies required by the contract; not responsive to directions, requires much additional staff time and resources
NA - The question is not applicable to this evaluation.

A3. Did the contractor take adequate precautions with any hazardous materials and designated substances?

EX - Performance in this area can not be Exceptional
EE - Strict compliance with City's designated substances policy, contract requirements for hazardous materials, policies and systems
ME - Completes with City's designated substances policy, contract requirements for hazardous materials, policies and systems
I - Inconsistent compliance with the City's designated substances policy, contract requirements for hazardous materials, policies or systems; requires some additional staff time and resources
U - Failure to comply with the City's designated substances policy, contract requirements for hazardous materials, policies or systems; requires much additional staff time and resources
NA - The question is not applicable to this evaluation.

B. QUALITY - Compliance with Contractual Standards & Specifications

B1. Did the contractor comply with standards and specifications in the contract?

EX - Strict adherence to contract documents. Approved variations asked for.
EE - Strict adherence to contract documents, meeting standards and specifications
ME - Some approved deviations but essentially in compliance with standards and specifications
I - Problems with compliance with standards and specifications in the contract, but conflicts are resolved. Requires some additional staff time and resources
U - VU's requests do not adhere to contract standards and specifications resulting in delays and/or claims. Requires much additional staff time and resources
NA - The question is not applicable to this evaluation.
Temporary Suspension of Four Seasons Site Development Ltd. – AMENDED
<table>
<thead>
<tr>
<th>EX</th>
<th>EX - EXCEPTIONAL</th>
<th>For exceeded expectations due to exceptionally high quality of performance and work in all areas of responsibility adding value to the project.</th>
</tr>
</thead>
<tbody>
<tr>
<td>EE</td>
<td>EE - EXCEEDS EXPECTATIONS</td>
<td>Consistently exceeded expectations in all essential areas of responsibility and quality of performance and work overall excellent</td>
</tr>
<tr>
<td>I</td>
<td>I - IMPROVEMENT NEEDED</td>
<td>Performance fails to meet expectations in one or more essential areas of responsibility. Usually requires some additional staff time and resources.</td>
</tr>
<tr>
<td>U</td>
<td>U - UNSATISFACTORY</td>
<td>Consistently below expectations in most essential areas of responsibility. Usually requires much additional staff time and resources.</td>
</tr>
</tbody>
</table>

For ranks of U and EX, Evaluator's must provide comments with details and links to specific minutes, consultant reports, memos, leg notes etc. Provide eDoc as whenever possible. Comments for I, ME, EE ranks are optional.
### C4 Did the contractor adequately staff and resource the project in compliance with the contract?

<table>
<thead>
<tr>
<th>EX</th>
<th>EE</th>
<th>ME</th>
<th>U</th>
</tr>
</thead>
<tbody>
<tr>
<td>- The project was well staffed with highly qualified workforce, capable of successfully meeting the accelerated project schedule.</td>
<td>- The project was staffed with highly qualified workforce, capable of successfully meeting the accelerated project schedule.</td>
<td>- The project has a qualified workforce and maintains an aggressive schedule. Equipment need is usually available. No delays.</td>
<td>- Adequately staffed, periodically monitored. Equipment need is usually available. No delays.</td>
</tr>
<tr>
<td>U-Poorly staffed, equipment not available or reliable.</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
</tr>
</tbody>
</table>

The contractor failed to meet any of the requirements for site work as required by the contract. THE RANKING IS REVISED AND THE EVALUATION IS CONSIDERED FAIR.

### C5 Did the contractor provide adequate & competent site supervision?

<table>
<thead>
<tr>
<th>EX</th>
<th>EE</th>
<th>ME</th>
<th>U</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Exceptional site supervision anticipating problems and adding significant value to the project.</td>
<td>- Well supervised with highly qualified site supervision present in direct observer as needed.</td>
<td>- Qualified site supervision with necessary staff present in direct observer as needed.</td>
<td>- Adequately staffed with sufficient site supervision consistently monitoring project. Requires some additional staff time/effort.</td>
</tr>
<tr>
<td>U</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
</tr>
</tbody>
</table>

The site supervisor does not appear to have direct, hands-on City work experience and he also appears to be overworked in complying with the directions of the project staff. He has been observed to have a disconnect attitude towards the City staff and has also been observed taking his direction time to time. A time line for site supervision will also be included to provide timely notice of compliance problems. Site visits with weekly reports. It has been observed by the City staff at several occasions that the site supervision has been neglective and not productive. THE RANKING IS REVISED AND THE EVALUATION IS CONSIDERED FAIR.

### C6 Did the contractor effectively coordinate and manage the work of its subcontractors?

<table>
<thead>
<tr>
<th>EX</th>
<th>EE</th>
<th>ME</th>
<th>U</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Performance in this area can not be Exceptional. Site supervision coordinates and manages the work of its subcontractors.</td>
<td>- Site supervision coordinates and manages the work of its subcontractors.</td>
<td>- Site supervision coordinates and manages the work of its subcontractors.</td>
<td>- Adequate site supervision coordinates and manages the work of its subcontractors and requires additional effort.</td>
</tr>
<tr>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
</tr>
</tbody>
</table>

THE RANKING IS REVISED AND THE EVALUATION IS CONSIDERED FAIR.

### C7 Did a person with decision-making authority represent the contractor at pay/progess meetings?

<table>
<thead>
<tr>
<th>EX</th>
<th>EE</th>
<th>ME</th>
<th>U</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Pay/Progess meetings always attended by decision-making authority.</td>
<td>- Pay/Progess meetings attended by decision-making authority.</td>
<td>- Pay/Progess meetings mostly attended by decision-making authority.</td>
<td>- Pay/Progess meetings have little or no attendance by decision-making authority.</td>
</tr>
<tr>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
</tr>
</tbody>
</table>

THE RANKING IS REVISED AND THE EVALUATION IS CONSIDERED FAIR.

### C8 Did the contractor submit timely, relevant requests for Information (RFIs) as needed?

<table>
<thead>
<tr>
<th>EX</th>
<th>EE</th>
<th>ME</th>
<th>U</th>
</tr>
</thead>
<tbody>
<tr>
<td>- No requests for Information (RFIs) submitted.</td>
<td>- No requests for Information (RFIs) submitted.</td>
<td>- No requests for Information (RFIs) submitted.</td>
<td>- No requests for Information (RFIs) submitted.</td>
</tr>
<tr>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
</tr>
</tbody>
</table>

THE RANKING IS REVISED AND THE EVALUATION IS CONSIDERED FAIR.
### TORONTO

**COPE Definitions & Comments: Back-up - Four Seasons Site Site Development**

**Version 1.2 - Feb 25-19**

#### EX - EXCEPTIONAL
- Far exceeds expectations due to exceptionally high quality of performance and work in all areas of responsibility adding value to the project.

#### EE - EXCEEDS EXPECTATIONS
- Consistently exceeds expectations in all essential areas of responsibility and quality of performance and work overall exceeds expectations.

#### ME - MEETS EXPECTATIONS
- Consistently meets expectations in all essential areas of responsibility.

#### I - IMPROVEMENT NEEDED
- Performance fails to meet expectations in one or more essential areas of responsibility. Usually requires some additional staff time and resources.

#### U - UNSATISFACTORY
- Considerably below expectations in most essential areas of responsibility. Usually requires much additional staff time and resources.

For ranks of I and EX, Evaluator must provide comments with details and links to specific minutes, consultant reports, memos, log notes etc. Provide examples whenever possible. Comments for ME, EE ranks are optional.

<table>
<thead>
<tr>
<th>Rank</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>EX</td>
<td>Timely, accurate and in accordance with contract, anticipating and avoiding problems and delays.</td>
</tr>
<tr>
<td>EE</td>
<td>Timely, accurate and in accordance with contract.</td>
</tr>
<tr>
<td>ME</td>
<td>Usually timely, accurate and in accordance with contract.</td>
</tr>
<tr>
<td>I</td>
<td>Frequently late, sometimes inaccurate, and sometimes not in accordance with contract. Requires some additional staff time and resources.</td>
</tr>
<tr>
<td>U</td>
<td>Constantly late, inaccurate, requiring frequent rework, seldom in accordance with contract. Requires much additional staff time and resources.</td>
</tr>
<tr>
<td>NA</td>
<td>The question is not applicable to this evaluation.</td>
</tr>
</tbody>
</table>

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Temporary Suspension of Four Seasons Site Development Ltd. – AMENDED Page 36 of 58
Temporary Suspension of Four Seasons Site Development Ltd. – AMENDED Page 37 of 58
Temporary Suspension of Four Seasons Site Development Ltd. – AMENDED
**Temporary Suspension of Four Seasons Site Development Ltd. – AMENDED**

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<table>
<thead>
<tr>
<th>Question</th>
<th>Ranking</th>
</tr>
</thead>
<tbody>
<tr>
<td>EX - Exceptional - For exceeded expectations due to exceptionally high quality of performance and work in all areas of responsibility setting the project.</td>
<td></td>
</tr>
<tr>
<td>ME - Meets Expectations - Consistently meets expectations in all essential areas of responsibility and quality of performance and work overall excellent</td>
<td></td>
</tr>
<tr>
<td>U - Unsatisfactory - Consistently below expectations in most essential areas of responsibility. Usually requires much additional staff time and resources.</td>
<td></td>
</tr>
</tbody>
</table>

For ranks of U and EX, Evaluate/Er's must provide comments with details and links to specific minutes, consultant reports, memos, log notes etc. Provide a Doe as wherever possible. Comments for ME, EE ranks are optional.

#### E3 Did the contractor demonstrate accountability for problems by which they were responsible?  
**Ranking = 1**

| EX - Coopirates in solving their problems and alters Creative provisions also value. Always accepts responsibility for their errors with no argument and quick resolution. |
| ME - Always cooperates in solving problems after resisting them. Always accepts responsibility for their errors with no argument and quick resolution. |
| U - Does not cooperate in solving problems (delays, errors, omissions, deviations) and usually accepting responsibility. Few arguments and quick resolution. |

**The contractor tends to keep on blaming the city for most of the issues which the contractor shall address e.g. the footing in the basement of the addition which shall have been prevented by the contractor. It has been decided due to the construction cost, however, the contractor reluctantly take any measures to prevent the water entering through the elevators and required the city to pay for such work. THE RANKING IS REVISED AND THE EVALUATION IS CONSIDERED FAIR**

#### E4 Did the contractor submit accurate, complete invoices in a timely manner?  
**Ranking = ME**

| EX - Performance is this area can not be Exceptional |
| ME - Few errors, accurate representation of work completed |
| U - Too many errors; frequent misrepresentations of completed work requiring much staff time/resources to resolve. |

**The question is not applicable to this evaluation.**

#### E5 Did the contractor provide consistent change order pricing?  
**Ranking = 1**

| EX - Change order quotes are reasonable, timely. Occasionally exceeds some at not cost to city. |
| EE - Change order quotes are reasonable and timely, no unresolved issues |
| ME - Change order quotes are reasonable and timely with complete backup documentation, few unresolved issues |
| U - Reluctant to resolve, sometimes compromising, some unresolved issues remain. Requires some additional staff time to resolve. |

**The contractor controverts...**

#### E6 Did the contractor accept responsibility for the full scope and extent of the contract?  
**Ranking = 1**

| EX - Complete acceptance of their scope and financial responsibility. No arguments, no issues. Value added to project by suggestions Improving scope at reducing City cost. |
| EE - Complete acceptance of their scope and financial responsibility. No additional issues, no arguments. |
| ME - Good acceptance of their scope and financial responsibility. Few issues arising, and several arguments, some not required at City's satisfaction. Requires some additional staff time/effort. |
| U - Poor acceptance of their scope and financial responsibility. Many issues arising, and few additional arguments, some not required at City's satisfaction. Requires much additional staff time/effort. |

**The contractor continuously argues over most of the issues and is found to be reluctant to cooperate in helping to the resolution and has too many extras out of a meeting where discussing the issues of backstop installation. THE RANKING IS REVISED AND THE EVALUATION IS CONSIDERED FAIR**

#### E7 Did the contractor coordinate to minimize disruption to the public and City operations?  
**Ranking = 1**

| EX - Complete acceptance of their scope and financial responsibility. |
| EE - Complete acceptance of their scope and financial responsibility. |
| ME - Good acceptance of their scope and financial responsibility. Few issues arising, and several arguments, some not required at City's satisfaction. Requires some additional staff time/effort. |
| U - Poor acceptance of their scope and financial responsibility. Many issues arising, and few additional arguments, some not required at City's satisfaction. Requires much additional staff time/effort. |

**The question is not applicable to this evaluation.**
Attachment 7 - Photo showing the placement of paving stone material at the incorrect elevation within the sidewalk area on the College Street project (Contract 16ECS-TI-11SP).
Attachment 8. Map showing limits for Contract 16ECS-TI-18SP along Shuter Street from Yonge Street in the west to Sherbourne Street in the east.
Attachment 9. Contractor Performance Evaluations for Four Seasons on Contract 16ECS-TI-18SP
Temporary Suspension of Four Seasons Site Development Ltd. – AMENDED

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Temporary Suspension of Four Seasons Site Development Ltd. – AMENDED

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Did the contractor adequately staff and resource the project in compliance with the contract?

- **EX**: The project is well-staffed with highly qualified workforce, capable of successfully maintaining an accelerated project schedule, appropriate equipment always well-maintained and available when needed, adding significant value to the project.
- **EE**: The project is well-staffed with highly qualified workforce, capable of successfully maintaining an accelerated project schedule, equipment always well-maintained and available when needed.
- **ME**: The project has a qualified workforce and maintains an aggressive schedule. Equipment is installed as available, no delays.
- **U**: Adequately staffed, periodically hinders project, equipment is not available or fails constantly resulting in delays.
- **NA**: The question is not applicable to this evaluation.

**Ranking:** 1

Did the contractor provide adequate & competent site supervision?

- **EX**: Exceptional site supervision anticipating problems and adding significant value to the project.
- **EE**: Well-staffed with highly qualified site supervisor trained to direct others as needed.
- **ME**: Qualified site supervisor with necessary skill present to direct others as needed.
- **U**: Poorly staffed with sufficient site supervision periodically hindering project. Requires additional staff time/resources.
- **NA**: The question is not applicable to this evaluation.

**Ranking:** 1

Did the contractor effectively coordinate and manage the work of its subcontractors?

- **EX**: Performance in this area can not be exceptional.
- **EE**: Superb workmanship. Contractor effectively coordinates and manages the work of its subcontractors.
- **ME**: Minimal problems, the majority of coordination and management of subcontractors is good.
- **U**: Coordinator does not effectively coordinate and manage the work of its subcontractors and requires extensive rework. Requires much additional staff time/resources.
- **NA**: The question is not applicable to this evaluation.

**Ranking:** 1

Did a person with decision-making authority represent the contractor at pay/progess meetings?

- **EX**: Pay/progess meetings always attended by decision-making authority. Adequate notice prior to project.
- **EE**: Pay/progess meetings always attended by decision-making authority.
- **ME**: Pay/progess meetings usually attended by decision-making authority.
- **U**: Pay/progess meetings have little or no attendance by decision-making authority.
- **NA**: The question is not applicable to this evaluation.

**Ranking:** ME

Did the contractor submit timely, relevant requests for information (RFIs) as needed?

- **EX**: Timely, accurate and in accordance with contract stipulating existing problems and delays.
- **EE**: Timely, accurate and in accordance with contract.
- **ME**: Usually timely, accurate and in accordance with contract.
- **U**: Constantly late, inaccurate, requiring frequent reiterations, seldom in accordance with contract. Requires much additional staff time and resources.
- **NA**: The question is not applicable to this evaluation.

**Ranking:** ME
<table>
<thead>
<tr>
<th>Condition</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>EX - EXCEPTIONAL</td>
<td>For extended performance due to exceptionally high quality of performance and work in areas of responsibility adding value to the project.</td>
</tr>
<tr>
<td>EE - EXCEEDS EXPECTATIONS</td>
<td>Consistently exceeds expectations in all essential areas of responsibility and other areas of performance and work with excellent record.</td>
</tr>
<tr>
<td>ME - MEETS EXPECTATIONS</td>
<td>Generally meets expectations in all essential areas of responsibility.</td>
</tr>
<tr>
<td>U - UNSATISFACTORY</td>
<td>Consistently below expectations in most essential areas of responsibility. Usually requires some additional staff time and resources.</td>
</tr>
</tbody>
</table>

For ranks of U and EX, Evaluator’s must provide comments with details and links to specific minutes, consultant reports, memos, log notes etc. Provide eDocs wherever possible. Comments for ME, EE ranks are optional.

### 6. Where shop drawings submitted according to shop drawing schedule and in compliance with the contract? (ranking = ME)

- EX - Schedule and shop drawing submissions on time and complete. Creative, approved substitutions added value to the project.
- EE - Schedule and shop drawing submissions on time and complete.
- ME - Schedule and shop drawing submitted on time and complete.
- U - Poor shop drawing schedule and shop drawings submitted on time, causing problems. Requires much additional staff time and resources.
- NA - The question is not applicable to this evaluation.

### 2. EXECUTION - Work Performance

#### D1. Did the contractor complete the project on time? (ranking = ME)

- EX - Contractor meets contractual completion date.
- EE - Contractor meets contractual completion date with no additional staff time.
- ME - Contractor meets contractual completion date with no additional staff time.
- U - Contractor misses contractual completion date. Requires some additional staff time.
- NA - The question is not applicable to this evaluation.

#### D2. Did the contractor follow the approved schedule and milestones? (ranking = ME)

- EX - Maintain an accurate project schedule resulting in early completion of project before contract completion date.
- EE - Meets all milestones and schedule.
- ME - Meets schedule and key milestones.
- U - Continually behind schedule and most key milestones missed. Requires more additional staff time.
- NA - The question is not applicable to this evaluation.

#### D3. Did the contractor provide effective quality control? (ranking = ME)

- EX - Exceptional QA/QC. No deficiencies. Adds value to Project.
- EE - Excellent QA/QC. Minor deficiencies which are corrected quickly with no additional staff effort required.
- ME - Adequate quality control. Few deficiencies which are corrected quickly.
- U - Poor quality control. Some deficiencies which takes some additional staff time and effort to correct.
- NA - The question is not applicable to this evaluation.

#### D4. Did the contractor keep the site clean and free of trash and debris in compliance with the contract? (ranking = ME)

- EX - Performance in this area can not be Exceptional.
- EE - Project site kept very clean and free of trash and debris.
- ME - Site, trash, debris cleaned up on a daily basis from project site.
- U - Inoperative on 10 repeated directives to clean up project site. Site not clean and visible trash and debris.
- NA - The question is not applicable to this evaluation.

#### D5. Did the contractor promptly comply with change orders, change directives, site instructions, and RFCs? (ranking = ME)

- EX - Performance in this area can not be Exceptional.
- EE - All change orders, change directives, site instructions, RFC's responded to in a timely manner with proper accurate documents.
- ME - All change orders, change directives, site instructions, RFC's responded to in a timely manner with some delays and problems.
- U - Generally, non-responsive to change orders, change directives, site instructions, slow response to RFC's.
- NA - The question is not applicable to this evaluation.
| Page 6 of 6 |

**Temporary Suspension of Four Seasons Site Development Ltd.**

**CPE Definitions & Comments/Backup - Four Seasons Site Development Ltd.**

**version 1.3 - Feb 25-15**

**CPE**

**EX** - EXCEPTIONAL - For exceptional performance, exceeds expectations in all aspects of the project.

**EE** - EXCEEDS EXPECTATIONS - Consistently meets expectations in all areas of the project.

**ME** - MEETS EXPECTATIONS - Consistently meets expectations in all areas of the project. Usually requires some additional staff time and resources.

**U** - UNSATISFACTORY - Consistently below expectations in most essential areas. Requires substantial additional staff time and resources.

---

**D6 Did the contractor seek authorization to perform extra or additional work?**

<table>
<thead>
<tr>
<th>ranking</th>
<th>ME</th>
</tr>
</thead>
</table>

**D7 Did the contractor adequately address disputes, damages and claims with third parties in City's knowledge?**

<table>
<thead>
<tr>
<th>ranking</th>
<th>ME</th>
</tr>
</thead>
</table>

**D8 Was the quality and submission timings of the following areas acceptable?**

| 1. | 1 |

**D9.1 | 1 |

**D9.3 | 1 |

**D9.4 | 1 |

**D9.5 | 1 |

---

**E1 Did the contractor communicate, cooperate, collaborate with the contract administrator, project team & stakeholders?**

<table>
<thead>
<tr>
<th>ranking</th>
<th>ME</th>
</tr>
</thead>
</table>

**E2 Did the contractor participate in resolving project problems and display initiative to implement solutions?**

<table>
<thead>
<tr>
<th>ranking</th>
<th>ME</th>
</tr>
</thead>
</table>

---

**Schedule not provided in a timely manner.**

**Scoping study has not provided a proper proposal.**

---

**CONCLUSIONS & RECOMMENDATIONS**

**CPE**

**EX** - EXCEPTIONAL - For exceptional performance, exceeds expectations in all aspects of the project.

**EE** - EXCEEDS EXPECTATIONS - Consistently meets expectations in all areas of the project.

**ME** - MEETS EXPECTATIONS - Consistently meets expectations in all areas of the project. Usually requires some additional staff time and resources.

**U** - UNSATISFACTORY - Consistently below expectations in most essential areas. Requires substantial additional staff time and resources.

---

**Page 6 of 6**
Temporary Suspension of Four Seasons Site Development Ltd. – AMENDED

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Temporary Suspension of Four Seasons Site Development Ltd. – AMENDED Page 52 of 58
Temporary Suspension of Four Seasons Site Development Ltd. – AMENDED

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### C4 Were shop drawings submitted according to shop drawing schedule and in compliance with the contract?

<table>
<thead>
<tr>
<th>Rating</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>ME</td>
<td>EX - Schedule and all shop drawings submitted on time and complete. Latest, approved submittals added value to the project. EE - Schedule and all shop drawings submitted on time and complete. ME - Schedule and all shop drawings submitted on time and complete. C - Final shop drawings and shop drawings submitted on time and complete.</td>
</tr>
<tr>
<td></td>
<td>U - Poor or no schedule and shop drawings submitted on time, causing problems. Requires much additional staff time and resources.</td>
</tr>
<tr>
<td></td>
<td>NA - This question is not applicable to this evaluation.</td>
</tr>
</tbody>
</table>

### D1 Did the contractor complete the project on time?

<table>
<thead>
<tr>
<th>Rating</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>ME</td>
<td>EX - Contractor exceeds contractual completion date. EE - Contractor meets contractual completion date with approved extensions. ME - Contractor meets contractual completion date with approved extensions.</td>
</tr>
<tr>
<td></td>
<td>C - Contractor meets contractual completion date.</td>
</tr>
<tr>
<td></td>
<td>U - Contractor exceeds contractual completion date.</td>
</tr>
<tr>
<td></td>
<td>NA - N/A (progress not to be delayed. Requires much additional staff time and resources.</td>
</tr>
<tr>
<td></td>
<td>NA - This question is not applicable to this evaluation.</td>
</tr>
</tbody>
</table>

### D2 Did the contractor follow the approved schedule and meet milestones?

<table>
<thead>
<tr>
<th>Rating</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>ME</td>
<td>EX - Maintains an accelerated project schedule resulting in early completion of project before contract completion date. EE - Meets all milestones and schedule. ME - Meets schedule and key milestones.</td>
</tr>
<tr>
<td></td>
<td>C - Schedules and some key milestones missed. Requires some additional staff time and resources.</td>
</tr>
<tr>
<td></td>
<td>U - Continuously behind schedule and most key milestones missed. Requires much additional staff time and resources.</td>
</tr>
<tr>
<td></td>
<td>NA - This question is not applicable to this evaluation.</td>
</tr>
</tbody>
</table>

### D3 Did the contractor provide effective quality control?

<table>
<thead>
<tr>
<th>Rating</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>ME</td>
<td>EX - Exceptional QAQC; no deficiencies. Add value to project. EE - Excellent QAQC; Minor deficiencies are corrected quickly.</td>
</tr>
<tr>
<td></td>
<td>ME - Adequate quality control. Few deficiencies which are corrected quickly.</td>
</tr>
<tr>
<td></td>
<td>C - Poor quality control. Some deficiencies which take some additional staff time and effort to correct.</td>
</tr>
<tr>
<td></td>
<td>U - Unacceptable QAQC; Many deficiencies which require much additional staff time and effort to correct.</td>
</tr>
<tr>
<td></td>
<td>NA - This question is not applicable to this evaluation.</td>
</tr>
</tbody>
</table>

### D4 Did the contractor keep the site clean and free of trash and debris in compliance with the contract?

<table>
<thead>
<tr>
<th>Rating</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>EX - Performance in this area is not exceptional. EE - Project site kept very clean and free of trash and debris. ME - Site clean and free of trash and debris.</td>
</tr>
<tr>
<td></td>
<td>C - Performance is not exceptional.</td>
</tr>
<tr>
<td></td>
<td>U - Performance is not exceptional.</td>
</tr>
<tr>
<td></td>
<td>NA - This question is not applicable to this evaluation.</td>
</tr>
</tbody>
</table>

### D5 Did the contractor promptly comply with change orders, change directives, site instructions, and RFOs?

<table>
<thead>
<tr>
<th>Rating</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>EX - Performance in this area is not exceptional. EE - All change orders, change directives, site instructions, RFOs responded to in a timely manner. ME - All change orders, change directives, site instructions, RFOs responded to in a timely manner.</td>
</tr>
<tr>
<td></td>
<td>C - Change orders, change directives, site instructions, RFOs responded to in a timely manner.</td>
</tr>
<tr>
<td></td>
<td>U - Change orders, change directives, site instructions, RFOs responded to in a timely manner.</td>
</tr>
<tr>
<td></td>
<td>NA - This question is not applicable to this evaluation.</td>
</tr>
<tr>
<td><strong>Did the contractor seek authorization to perform extra or additional work?</strong></td>
<td><strong>Ranking</strong> = ME</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td><strong>EX-</strong> Performance in this area can名列 Exceptional.</td>
<td></td>
</tr>
<tr>
<td><strong>EE-</strong> Provides quite and proceeds only after approval received.</td>
<td></td>
</tr>
<tr>
<td>Occasionally receives request at no cost to City.</td>
<td></td>
</tr>
<tr>
<td>ME-** Provides quite and proceeds only after approval received.</td>
<td></td>
</tr>
<tr>
<td>Occasionally proceeds with work before quite reviewed and approved.</td>
<td></td>
</tr>
<tr>
<td>U-** Frequently proceeds with work without review or approval.</td>
<td></td>
</tr>
<tr>
<td>NA-** The question is not applicable to this evaluation.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Did the contractor adequately address disputes, damages and claims with third parties in City's knowledge?</strong></th>
<th><strong>Ranking</strong> = ME</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>EX-</strong> On exceptional terms with subcontractors, utilities and public.</td>
<td></td>
</tr>
<tr>
<td>Disputes are in formal claims. Excess work relationships exist value to the project.</td>
<td></td>
</tr>
<tr>
<td>EE-** On excellent terms with subcontractors, utilities and public. If any disputes are received promptly.</td>
<td></td>
</tr>
<tr>
<td>ME-** Ambly on good terms with subcontractors, utilities and public.</td>
<td></td>
</tr>
<tr>
<td>Financials are up to date and formal claims require some staff time and effort.</td>
<td></td>
</tr>
<tr>
<td>U-** Purly on good terms with subcontractors, utilities and public. If required, disputes, liens and formal claims require much staff time and effort.</td>
<td></td>
</tr>
<tr>
<td>NA-** The question is not applicable to this evaluation.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Was the quality and submission timely of the following items acceptable?</strong></th>
<th><strong>Ranking</strong> = ME</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Look ahead schedules or work plans</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Accurate and complete record documents</strong> (Dehorley)</td>
<td></td>
</tr>
<tr>
<td><strong>Complete construction and maintenance manuals and as-built documents</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Secure and/or Obtain applicable municipal permits</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Start up testing and commissioning reports</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Materials plans and manuals</strong></td>
<td></td>
</tr>
<tr>
<td><strong>EX-</strong> All submissions on time and of acceptable quality, adding value to the project.</td>
<td></td>
</tr>
<tr>
<td>EE-** All submissions on time and of acceptable quality.</td>
<td></td>
</tr>
<tr>
<td>ME-** Most submissions arrive on time and of good quality. Remaining reviewed and resubmitted quickly.</td>
<td></td>
</tr>
<tr>
<td>U-** Some submissions late and of poor quality. Remaining reviewed and resubmitted slowly requiring some additional staff time and effort.</td>
<td></td>
</tr>
<tr>
<td>NA-** The question is not applicable to this evaluation.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>ADMINISTRATION Contractor: Performance and Diligence</strong></th>
<th><strong>Comments/Backup</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Did the contractor communicate, cooperate, collaborate with the contract administrator, project team &amp; stakeholders?</strong></td>
<td><strong>Ranking</strong> = ME</td>
</tr>
<tr>
<td><strong>EX-</strong> Communication with the contract administrator and all stakeholders excellent and in alignment with the contract documents, adding significant value to the project.</td>
<td></td>
</tr>
<tr>
<td>EE-** Communication with the contract administrator and all stakeholders excellent and in alignment with the contract documents.</td>
<td></td>
</tr>
<tr>
<td>ME-** Communication with the contract administrator and all stakeholders poor and causes significant problems. Requires additional staff time and resources.</td>
<td></td>
</tr>
<tr>
<td>NA-** The question is not applicable to this evaluation.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Did the contractor participate in resolving project problems and develop initiatives to implement solutions?</strong></th>
<th><strong>Ranking</strong> = ME</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>EX-</strong> Cooperates in solving project problems often mitigating them.</td>
<td></td>
</tr>
<tr>
<td>Creative solutions offered.</td>
<td></td>
</tr>
<tr>
<td>U-** Reluctant to cooperate. Few reasonable solutions offered. Moderate number of arguments, expensive Change Orders and requires much additional staff time/resources to resolve.</td>
<td></td>
</tr>
<tr>
<td>NA-** The question is not applicable to this evaluation.</td>
<td></td>
</tr>
<tr>
<td>E3</td>
<td>Did the contractor demonstrate accountability for problems to which they were responsible?</td>
</tr>
<tr>
<td>----</td>
<td>-----------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td></td>
<td>EX - Cooperates in solving their problems and others. Creative solutions not when always accepts responsibility for their errors with no argument and quick resolution. SE - Always communicates in writing problems often mitigating them. Always accepts responsibility for their errors with no argument and quick resolution. ME - Consistently communicates in solving problems: always, errors, more, and drills work usually accepting responsibility. Few arguments and quick resolution. U - Sells itself on value, frequently avoiding responsibility for their errors. Absurdly numerous or arguments and requests side, staff time resources to resolve. U - Rarely acknowledges problems, avoiding responsibility and compounding them. Argumentative requiring much additional staff time resources to resolve.</td>
</tr>
<tr>
<td>ranking</td>
<td>ME</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>E4</th>
<th>Did the contractor submit accurate, complete invoices in a timely manner?</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>EX - Performance in this area can not be exceptional. Be - No errors, accurate representation of work completed. ME - Few billing errors, quickly corrected and submitted. SE - Some billing errors, correct and submitted using some staff time resources to resolve. U - Too many errors, frequent misrepresentations of completed work requiring much staff time resources to resolve.</td>
</tr>
<tr>
<td>ranking</td>
<td>ME</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>E5</th>
<th>Did the contractor provide competitive change as promised?</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>EX - Change orders are reasonable, timely. Occasionally agrees scope at not costs to City. SE - Change order quotes are reasonable and timely, no unresolved issues. ME - Change order quotes are reasonable and timely with complete price determination, low unresolved issues. U - Must accept negotiated, sometimes compromised, some unresolved issues remain. Requires some additional staff time resources. U - Contractor is not willing to compromise. Difficult, if not impossible, to negotiate with, many unresolved issues requiring much additional staff time resources.</td>
</tr>
<tr>
<td>ranking</td>
<td>ME</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>E6</th>
<th>Did the contractor accept responsibility for the full scope and extent of the contract?</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>EX - Complete acceptance of their scope and financial responsibility: No arguments, no arguments. Value added project by suggestions improving scope or reducing City cost. SE - Complete acceptance of their scope and financial responsibility: No squabbling, no arguments. ME - Good acceptance of their scope and financial responsibility. Few arguments and few arguments most resulted to City satisfaction. SE - Poor acceptance of their scope and financial responsibility. Several consultations and several arguments, some not included to City’s satisfaction. Requires some additional staff time resources. U - Poor acceptance of their scope and financial responsibility. Many consultations and many tedious arguments often not resolved to City’s satisfaction. Requires much additional staff time resources.</td>
</tr>
<tr>
<td>ranking</td>
<td>ME</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>E7</th>
<th>Did the contractor coordinate to minimize disruption to the public and City operations?</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>EX - Exceptional coordination/planning, always proactive, always meeting in satisfied staff and public. SE - Exceptional coordination/planning, always proactive, usually resulting in satisfied staff and public. ME - Good coordination/planning, usually proactive, often resulting in satisfied staff and public. SE - Poor coordination/planning, often reactive, sometimes resulting in unsatisfied staff and public. Requires some additional staff time resources. U - Poor or no coordination/planning, usually reactive, often resulting in unsatisfied staff and public. Requires much additional staff time resources.</td>
</tr>
<tr>
<td>ranking</td>
<td>1</td>
</tr>
</tbody>
</table>

| NA | The question is not applicable to this evaluation. |
February 9, 2017

Rohit Bansal
Four Seasons Site Development Inc.
42 Wentworth Court, Unit 1
Brampton, Ontario
L6T 5K6

Re: Temporary Suspension from City of Toronto Procurement Calls
Supplier Performance Assessment: 16 ECS-TI-11SP; 16ECS-TI-18SP

Dear Mr. Bansal:

This letter is to provide notice that the City’s Engineering and Construction Services Division has carried out an assessment at the end of the above referenced contracts with Four Seasons Development Inc. ("Four Seasons"). This assessment, as set out in the attached memorandum from the Director of Engineering and Construction Services, was triggered by the following matters for which you have previous notice:

- Poor Interim Performance Rating (2.01) - Contract 16 ECS-TI-11SP (College Street Construction), September 14, 2016
- Termination for Default - Contract 16 ECS-TI-11SP, October 5, 2016
- Poor Interim Performance Rating #1 (2.17) - Contract 16ECS-TI-18SP (Shuter Street Construction), December 21, 2016, with a current average performance rating of 2.47 across two Interim Performance Ratings.

As Chief Purchasing Official, I am authorized to temporarily suspend any Contractor's eligibility to bid on City Contracts for up to six (6) months, for supplier performance matters as set out in the Purchasing Chapter of the Toronto Municipal Code (See: Section 195-13.11 - Supplier Performance and Section 195-13.14 - Suspension of Suppliers from future solicitations: [http://www.toronto.ca/legdocs/municode/1184_195.pdf](http://www.toronto.ca/legdocs/municode/1184_195.pdf)).

Based on the memo enclosed, I am exercising my authority to temporarily suspend Four Seasons from being awarded any contracts from the City for a period of six (6) months from the date of this letter or until this matter has been considered by Council. Any objections to the basis for this temporary suspension should be addressed to my attention in writing.

City staff are also in the process of preparing a Staff Report to City Council that will recommend that Four Seasons be suspended from being awarded contracts with the City of Toronto for a period of 1 to 5 years. The reasons for the suspension, as more particularly set out in the attached assessment, will also be included in the Staff Report. The Staff Report is scheduled to be on the agenda at the April 12th, Public Works and Infrastructure Committee.

Your firm will have an opportunity to present a deputation before Public Works and Infrastructure Committee by registering with the Committee Clerk (see [http://www.toronto.ca/legdocs/termix/have-year-say.htm](http://www.toronto.ca/legdocs/termix/have-year-say.htm) for more details).
The suspension of Four Seasons will be noted on the City's website initially as a six (6) month suspension, pending the decision by City Council. Four Seasons will not be eligible to be awarded any future City contracts or perform work as a subcontractor on those contracts for the duration of the suspension. The suspension will also apply to any of Four Season's affiliated persons within the meaning of the Purchasing Chapter.

This will not relieve Four Seasons from performing any existing contracts or subcontracts, unless otherwise notified.

Yours truly,

Michael Pacholok, J.D.
Chief Purchasing Official & Director
Purchasing & Materials Management

Encl.

• Memorandum from Director of Engineering and Construction Services

16ECS-T1-11SP – College
  • Revised Interim CPE 16ECS-T1-11SP
  • Warning Letter - Four Seasons - 16ECS-T1-11SP - Interim #1
  • 16ECS-T1-11SP - Termination – 161005

16ECS-T1-18SP – Shuter
  • 16ECS-T1-18SP - CPE - Interim #1 - Oct. 3 2016
  • 16ECS-T1-18SP - CPE - Interim #2 – Dec 6 2016
  • Warning Letter – Four Seasons 16ECS-T1-18SP - Interim#1