

City of Toronto Ineligible to Bid Report March 2019

IE 2.5

We are aware of the Agenda for the above noted meeting and specifically Item IE 2.5 and the recommendation to declare Aplus General Contractors Corp ineligible to bid for Three (3) years. We provide the following statement of facts and are in total disagreement with the proposed recommendation by the City staff. My apologies as I am unable to be present in person due to previously arranged commitments that could not be altered.

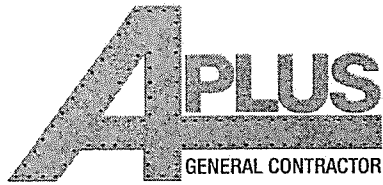
Firstly we feel strongly that this recommendation is unfair and Aplus does NOT deserve it. The construction business is a challenging one, for all stakeholders. Every site has different operating and environmental conditions. Aplus worked diligently and in good faith to work out of sequence at no additional cost through the incorrect survey issues at the onset of this project.

Aplus only took actions to suspend the site work at Ellesmere Project when City was in default for nonpayment under the contract. In November 2017 the City decided to decertify funds certified and paid previously and stop further progress payments. APlus still kept working for over 3 months in anticipation of fair and reasonable approach from The City. Subsequently in lieu of any further resolution and release of pending progress payments; Aplus was left with no recourse but to suspend the site work Mid March 2018. It would appear self serving to deem a contractor ineligible to bid City work after they acted within the terms of the contract in relation to non payments by the City. The City actions are act of bad faith instigated by the city project management team.

It is evident that less than favourable Contractors Performance Evaluations were provided as self serving. Contractors Performance Evaluations are used as a tool to support prejudiced opinions of City staff. Our disagreements and protests to all the CPEs provided to date on this project are disregarded. In particular CPE#5 was recently provided as an inaccurate evaluation. Our response was provided and we have been expressing same concerns for Interim CPE#1, #2, #3 and #4 to no avail or fairness. We have attached various correspondences/emails with embedded messages related to the CPE's and they are numbered 31-34.

We would also like to highlight two issues that occurred on the project that will highlight the attempts by City project manager to negatively affect the cooperative spirit and goodwill on the project.

Early in the project, where Aplus site super engaged in a verbal conversation with the consultant on a contentious project related issue; the [REDACTED] took this opportunity to claim that a threat complaint was lodged against APlus site super. In reality, this claim was denied by the consultant. When we proceeded to ask for a review of the matter and get required



Aplus General Contractors Corp.



evidence, we did not receive any. In spirit of good faith and build team approach on the project, APlus addressed the alleged issue in house and we have attached various correspondences/emails with imbedded messages related to this matter as numbered 10-16.

At project midstream, once again the [REDACTED] made derogatory remarks about Aplus in a site meeting in front of many witnesses. When we proceeded to ask for a review of the matter and look for fairness on the project, the issue was closed as the City manager deemed fit and was not resolved fairly. We have attached various correspondences/emails on this issue with imbedded messages numbered 21-25.

In conclusion, It should be noted that APlus has successfully completed many projects including the ones for the City of Toronto and has an excellent track record of good quality work and safe working project sites including being COR certified and ZERO fatality since being in business. On the project at Ellesmere Pumping Station, a combination of unreasonable actions from the City led to unfavourable and negative working relationship. For the City to judge Aplus based on one project is unfair and against good business practice.

Furthermore, Aplus has been in business for well over 20 years, and has completed over 1,000 projects successfully and to the complete satisfaction of our customers. We are proud of the many successful projects of all sizes we delivered for our many repeat customers. We are proud of our financial, banking and bonding relationships, who have been, and continue to be, highly supportive partners.

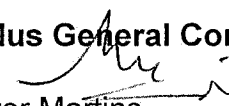
In so far as legal issues are concerned regarding the project at Ellesmere pumping station, we are confident that factual information will be determined through the judicial process in due course.

It is our sincere request that the Committee reconsider this report of ineligibility to bid and not proceed with the recommended decision that would be unfair and unjust.

Thanking you for your time in considering our submissions.

Yours Truly,

Aplus General Contractors Corporation


Peter Martins
President