



APPENDIX "C"

CERTIFICATE OF SUBSTANTIAL PERFORMANCE
(Form 7 – Construction Remedies Act, S.N.B. 2020, c.29, s.42)

Town in which land is located: Town of Riverview

Street/location of the land: Montgomery Avenue; Bradford East Rd. and Fairfax Rd.

Contract Name: Montgomery Avenue Reconstruction Phase 2

Contract No: 22-59

Name of the Owner: Town of Riverview
Address for service: 30 Honour House Court
Riverview, NB
E1B 3Y9

Name of Contractor: Foulem Construction Ltd.
Address for service: P.O. Box 5518
392 St-Pierre Ouest Blvd.
Caraguet, NB E1W 1B7

I, Dave Aube, Project Engineer, as per the *Construction Remedies Act*, do hereby certify that all works required under this contract are "Substantially Performed" as of the 28th day of October, 2022. It is understood that the "warranty and maintenance period" commences as of this date and that the following contract requirements have been fully met;

- a. All sewer mains have passed sewer leakage tests, which were carried out on N/A. (Attach completed Appendix "A")
- b. All required CCTV sewer video inspections were completed on August 5, 8 and 31 of August, 2022 and the video and video reports have been distributed as required. I hereby certify that the condition of the sewer meets or exceeds the requirements as outlined in the latest edition of the Town of Riverview Standard Municipal Specifications.
- c. All water mains have passed water pressure and bacteriological tests, which were carried out on July 11, August 24 and August 30, 2022. (Attach completed Appendix "B")
- d. All product and material tests conducted throughout the works of this contract have been reviewed and submitted. I hereby certify that the condition of the works meets or exceeds the requirements as outlined in the latest edition of the Town of Riverview Standard Municipal Specifications.
- e. Department of Environment Certificate of Approval, *if any*, and any applicable watercourse alteration approvals are attached.
- f. A letter from the Workers Compensation Board is attached, stating that the contractor whose name appears on the Certificate of Substantial Performance is in good standing and has paid all required premiums in full.



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2. A complete inspection of the works was carried out on October 31, 2022, and those present were: Dave Aube and Bailey Rogers of Englobe; Steven LeBouthillier of Town of Riverview Jean-Jacques and Daniel Thomas of Foulem Construction Ltd.

The deficiency list was prepared. Yes X No _____ (If yes, please attach). All items on the attached deficiency list have been addressed by the contractor and an additional inspection conducted on November 9, 2022, by Bailey Rogers of Englobe, confirmed that all deficiencies have been corrected and all work completed under this contract to date, meets or exceeds standards as required in the latest edition of the Town of Riverview Standard Municipal Specifications.

-OR -

3. The total contract price is: \$2,176,510.00 and as per the *Construction Remedies Act*, the contract is considered substantially performed when the cost to complete the contract and the cost to correct all know defect are less than the following:
(i) 3% of the first \$250,000 of the contract price,
(ii) 2% of the next \$250,000 of the contract price, and
(iii) 1% of the balance of the contract price.

Based on the above, the cost to complete the contract and the cost to correct all know defects are: _____ which is less than \$34,265.10.

4. Is this contract entirely complete? Yes X No _____.
If any portion of this contract is not entirely completed, a separate written list identifying all uncompleted items explaining the particulars must accompany this certificate.

7. The release of holdback will become due 60 days from the date of signing of this certificate, being the 27th day of December 2022.

Dated: November 9, 2022 Signed: David Aube
Project Engineer

We, the undersigned, do hereby certify that all matters relating to this contract have been completed to our satisfaction and that this Certificate of "Substantial Performance" can be issued.

Date: Nov 10, 2022 Signed: [Signature]
Director Engineering & Works

Cc: Owner
Contractor
Consultant