



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

County in which land is located: Albert County

Civic address/location of the land: Darwin and Birkdale Drive

Contract Name/Description of the improvement: Darwin and Birkdale Drive Reconstruction

Contract No: 23-57

Name of the Owner: Town of Riverview  
Address for service: 30 Honour House Court  
Riverview, NB  
E1B 3Y9  
c/o Annette Crummev, Director/Town Clerk

Name of Contractor: MacArthur's Paving and Construction Co. Inc.  
Address for service: 25 Raymond Street  
Moncton, NB  
E1H 2K2

Name of Project Engineer (Payment Certifier): Eric Dubé, Project Manager  
Address: Englobe 1077 St. George Blvd, Suite 400  
Moncton, NB, E1E 4C9

I, Eric Dubé, Project Manager, as per the *Construction Remedies Act*, SNB 2020, c 29 (the "Act") do hereby certify that all works required under this contract are "Substantially Performed" as of the 8 day of November 2023. 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 September 5 and 26, October 13, 2023 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 September 14, 15, 26 and 27, October 11 and 12, 2023. (Attach completed Appendix "B")



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- 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.

2. A complete inspection of the works was carried out on November 7 and 8, 2023, and those present were: Eric Dubé and Bailey Rogers - Englobe corp.; Steven LeBouthillier – Town of Riverview; Richard Tracy MacArthur's Paving & Construction Co.Inc.

The deficiency list was prepared. Yes  No  (If yes, please attach). All items on the attached deficiency list have been addressed by the contractor and an additional inspection conducted on \_\_\_\_\_, by \_\_\_\_\_, 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: \$1 341 260,00 and as per the 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:  
\$6 500.00 which is less than \$20 912.60


4. Is this contract entirely complete? Yes  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 7<sup>th</sup> day of January 2024.

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Dated: November 9, 2023

Signed:   
Project Manager

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 22-2023

Signed:   
Director Engineering & Works

Cc: Owner  
Contractor  
Consultant