



## Rural Municipality of West River Resolution

**Title:** Afton Community Hall Expansion Project- Holdback Release

<b>Motion Carried</b>	_____	<b>Motion No</b>	2023-43
<b>Motion Lost</b>	_____	<b>Date</b>	May 25, 2023
<b>Motion Withdrawn</b>	_____	<b>Council Meeting No</b>	2023-05
<b>Moved by</b> Councillor Shaun MacArthur	_____		
<b>Seconded by</b> Councillor Lillian MacCannell	_____		

### WHEREAS

According to Motion #2021-41, E.F. MacPhee Construction LTD was awarded the contract of the Community of Afton Recreation Center Addition (Gas Tax Project 27.1.1) a fixed-price contract at the cost of \$ 231,632.00 plus HST, and

### WHEREAS

Pursuant to Motion #2021-40, the Rural Municipality of West River hired a Project Manager to provide administrative services for this project, and

### WHEREAS

The Project Manager provided the Certificate of Substantial Performance (Appendix A, attached hereto, forming a part of this resolution) on February 15, 2023, and

**WHEREAS**

The Project Manager received the CCDC 9B form (Appendix B, attached hereto, forming a part of this resolution) from the contractor on April 15, 2023, and

**WHEREAS**

The project manager provided the Certificate for Payment Holdback Release (Appendix C, attached hereto, forming a part of this resolution) on May 24, 2023,

**BE IT RESOLVED**

The Council for the Rural Municipality of West River approves the release of the holdback of the contract under Motion #2021-41 and authorizes the CAO to execute it.

I certify that this is a true copy of the resolution.

Helen Smith-MacPhail

Laala Jahanshahloo

Mayor \_\_\_\_\_

Chief Administrative Officer ..\_\_\_\_\_

## Appendix A



### Certificate of Substantial Performance

**Date of Inspection:** February 15, 2023

**Project:** Affton Community Hall Renovation/Addition, New Dominion, PEI,

**Contractor:** E.F. MacPhee

**Owner:** Rural Municipality of West River

With Item number 1 on Change Order number one (Re: VCT flooring) separated from this contract and to be executed under its own contract, I hereby certify on behalf of the Owner and on the basis of an inspection conducted on the above date, that the Renovation/Addition in New Dominion, Prince Edward Island has achieved Substantial Performance of the Construction documents as of February 15, 2023

The date of this Certificate shall be the commencement of the period for registration of mechanics' liens. The Contractor and his Sub consultants shall continue to work towards total completion of the contract during this period. Provided no liens are registered, holdback monies, less an amount to ensure completion of the work in accordance with above, are due and payable one day after termination of this period.

The issuance of this Certificate does not release the Owner, Contractor or any Subcontractor from the duty of completing the work pursuant to the terms of the contract, the National Building Code, and all applicable bylaws and regulations.

Respectfully submitted,

Christopher Jette, architect (M.Arch., MAAPEI, MAANB, MRAIC)

architecture 360

45 Harrington Lane

Rice Point

PEI

COA 1H6

# Appendix B

## Statutory Declaration of Progress Payment Distribution by Subcontractor

Standard Construction Document

**CCDC 9B – 2018**

To be made by the Subcontractor as a condition for either

- second and subsequent progress payments; or  
 release of holdback.

Application for payment number \_\_\_\_\_  
dated \_\_\_\_\_ is the last  
application for payment for which the Subcontractor has  
received payment.

### Information Appearing in the Subcontract Documents

Name of Project  
Afton Community Centre - Addition / Renovation

Date of Subcontract: April 9, 2021

Name of Contractor  
Architecture 360 Inc.

Name of Subcontractor  
E.F. MacPhee Construction Ltd.

### Declaration

I solemnly declare that, as of the date of this declaration, I am an authorized signing officer, partner or sole proprietor of the Subcontractor, and as such have authority to bind the Subcontractor, and have personal knowledge of the fact that all accounts for labour, sub-subcontracts, products, services, and construction machinery and equipment which have been incurred directly by the Subcontractor in the performance of the work as required by the subcontract, and for which the Contractor might in any way be held responsible, have been paid in full as required by the subcontract up to and including the latest progress payment received, as identified above, except for:

- 1) holdback monies properly retained,
- 2) payments deferred by agreement, or
- 3) payment withheld by reason of legitimate dispute which has been identified to the party or parties from whom payment has been withheld.

I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath.

Declared before me in Bonshaw, PE this 13 day of April in the year 2023  
City/Town and Province

Sean MacPhee  
Name  
Secretary



**The making of a false or fraudulent declaration is a contravention of the Criminal Code of Canada, and could carry, upon conviction, penalties including fines or imprisonment.**

**Apply a CCDC 9  
copyright seal here.**

*Use of this form without a CCDC 9 copyright seal constitutes an infringement of copyright. Use of this form with a CCDC 9 copyright seal demonstrates that it is intended by the parties to be an accurate and unamended version of CCDC 9B – 2018.*

**CCDC** Copyright 2018  
Canadian Construction Documents Committee

# Appendix C



## CERTIFICATE FOR PAYMENT HB RELEASE (for E.F. MACPHEE INV. # A2302)

**Project:** Afton Community Hall Expansion

**Owner:** Rural Municipality of West River

**General Contractor:** E.F. MacPhee Construction Ltd.

**Consultant:** Chris Jette, architect (M.Arch., M.AAPEI, MAANB, MRAIC), Architecture 360 Inc.

**Certificate Number:** Holdback Release, Dated, May 24, 2023

This is to certify that the total value of Work performed and Products delivered to the Place of the Work as of February 15, 2023 was \$231,632.00 (exclusive of HST).

**Certified by the Consultant:** Chris Jette, architect May 24, 2023

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<b>Contract Summary:</b> Change order #1 was removed from this contract	\$231,632.00
Value of Contract on the last day of the payment period	\$231,632.00 <sup>(4)</sup>
Tax (15%)	\$34,744.80 <sup>(5)</sup>
Total amount of the construction of the Work including Tax <sup>(4+5)</sup>	\$266,376.80 <sup>(6)</sup>

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**Certification Summary:**

Value of Work performed and Products delivered to the Place of the Work =	\$231,632.00 <sup>(7)</sup>
Total Holdback (15%)	\$34,744.80 <sup>(8)</sup>
Holdback Released	\$34,744.80 <sup>(8)</sup>
Holdback Retained <sup>(8-9)</sup>	<u>\$0.00</u>
Certificate of Substantial Performance -dated February 15, 2023	
Statutory Declaration CCDC 9B – April 13, 2023	
HST 15%	<u>\$5,211.72</u>
<b>Total amount payable - holdback plus HST</b>	<b>\$39,956.52</b>

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