

I, LAWRENCE PATRICK BRADY of 12, The Peak Road Smiths Parish, FL06, Bermuda will say

I am the Chief Architect for the Government of Bermuda. I have been informed, though it has never been clearly confirmed, that I am currently attached to the Cabinet Office at Office of Project Management and Procurement. I report to the Permanent Secretary at the Ministry of Public Works.

I was appointed in November 2007 to the role of Chief Architect, then at Ministry of Works & Engineering, after serving for three years as a Senior Architect. I began my career with the Government in 1998 after more than 10 years in private practice.

At this date, I have had more than thirty years practicing architecture and have amassed wide experience at all stages of the design and build process, and project administration.

As Chief Architect, I supervised the Ministry's Department of Architectural Design and Construction (the "Department"). I was responsible for all issues related to the Capital Development programme, which is undertaken for the Government of Bermuda at any given time by the Ministry. I provided technical advice to the Permanent Secretary and the Minister of Works and Engineering and to other Government Ministries and Departments as required, and liaised with other Departments of the Ministry in developing operational policies and guidelines. I liaised with senior members of the Civil Service to keep them up to date on the activities within our division.

Among my primary responsibilities as the Chief Architect is the oversight of the delivery of construction projects. We have delivered numerous projects as required by the Government of day.

Under my oversight, the staff are involved in preparing, advising, and facilitating Government contracts for construction projects, and thereafter ensuring the contracting parties including contract managers, contractors, sub contractors, architects, etcetera, to provide services, plants, equipment, and materials in accordance with the contract terms and accepted building practices, codes and regulations. The Department is also responsible for ensuring that parties to contracts with the Government work within the contract price and time limits imposed.

My decisions and actions in my role as Chief Architect are governed by Bermuda Government's Financial Instructions, further defined and as per W&E internal publications: P.F.A. 2000 - Purchase of Goods & Materials and P.F.A. 2002 - Procurement of Contract Services.

From my appointment in 2007, it can be seen that my input and advice was increasingly rejected, while requests for that input and advice diminished, as the Permanent Secretaries and Ministers

took increasingly larger roles in the delivery of projects, as noted on various tabs in the attached binder.

I will not address this issue in depth, other than to provide the chronology of highlights in this document. I will say it marked the end of my ability to exercise my duties as Chief Architect due to the on-going interference of the top tier of government officials including consultants, permanent secretaries and Ministers.

In December 2008, a representative from the Auditor General's office, Michael MacPhee, attended my office and required the files for the Court and Police Building project, under the Audit Act of 1990. I assisted in obtaining the required documents from the consultant architectural firm, CS&P, which is located in Toronto, Canada.

While the Auditor's inquiries were continuing, in January 2009 the Police seized my office computer at the request of the Permanent Secretary, then Robert Horton. From that date, I had very little involvement in Government projects.

In February 2009 the Auditor Heather Matthews released their report about the Court & Police Building project.

In April 2009 I was arrested by the Police, though never charged, after which I was effectively shut out by Government's senior civil servants, and thus prevented from carrying out my roles and responsibilities.

In 2010, under Premier Paula Cox, the Office of Project Management and Procurement was established in the Ministry of Finance. This resulted in the architects being transferred to the Ministry of Finance.

In January 2011, former Premier Ewart Brown and Former Minister of Works & Engineering Derrick Burgess initiated legal action against me in the Canadian Courts, claiming (inter alia) they were defamed because of the documentation obtained by the Auditor General.

I was left to defend this lawsuit in Canada out of my own pocket, while Brown and Burgess's legal expenses were paid by the Bermuda Government. (This was also subject to an Auditor's Report, which condemned the Government's actions in paying these legal expenses. However, these monies have not been repaid, and despite my victory in the Canadian Court, my expenses have not been resolved and not reimbursed.)

In November/December 2011, Janet Albion, interim director of OPM&P, accused me of gross misconduct. This was resolved in December 2012, when I received a letter from the FS stating there were no grounds for these allegations. At this time, a computer was made available to me in order that I might conduct my duties. (I was being made redundant at about this time)

In 2012, Government's Management Services submitted a report (the Minola Report) which recommended a reorganization of the architectural role at OPMP. I was led to understand that it

identified serious staff concerns I had long been reporting. The PS promised to share that report; however, that has not occurred.

In 2015, a further restructuring report was submitted which was not shared either.

At around the same time, I was instructed to attend a psychological evaluation at the Employment Assistance Programme by the PS, Marva O'Brien. The stated intent was to assist with relations within the Department. I have not been made a party to the contents of that report, despite promises by the PS that a copy would be made available to me.

From 2004 to 2007, I held the position of Senior Architect, which required that I oversee the professional staff and support staff in the Architectural Division of the Ministry of Works and Engineering, ensure the Division's smooth operation, and the efficient progress of the projects for which we were responsible. During this period, we completed a significant number of major projects for the Government.

In 2006 I was invited to apply for, and was ultimately one of 15 selected to participate in the 'Management By Design' programme, whose participants were expected to become the next generation of top-level Civil Servants.

Throughout my career, I have always overseen several projects at any given time. My experience with the Bermuda Government has provided exposure to a wide variety of projects for a range of Departments and Services including administration, education, the judiciary, and the Police Service. The ability to handle the managerial and practical demands of a large number of projects is essential to all the senior positions in the Architectural division.

My view in respect to the Architectural division has remained consistent since I first joined the Bermuda Government: the projects entrusted to our office are the most interesting that arise in Bermuda. They are varied, challenging, exciting and important to the community.

My concern remains, as a civil servant, that by assisting the oversight bodies, such as the Commission of Inquiry, that I may again be leaving myself open to legal action, that while without foundation and may fall under the 'nuisance' category, is still time consuming, expensive, and damaging to my reputation.

I. The Dame Lois Browne Evans Building project

The Commission is inquiring into the decision to award the contract to Landmark Lisgar Construction Ltd (“LLC”), despite the recommendation by the Ministry of Works & Engineering (“W&E”) to award it to Apex Construction, since LLC's tender was considered incomplete.

We would be grateful if you could assist us, generally, by commenting on /confirming or correcting the Commission's understanding set out above.

November 2007

- 1 As noted in the email dated November 19, 2007 from PS Dr. Derrick Binns to the Chief Architect:
“... Minister completed his own analysis and came to a different position ...”

2. The Commercial Court / Ministry of Finance Renovations

The Commission's concern relates to apparent interference, in the tendering process, in favour of Bermuda Drywall and Ceilings Ltd ("BDCL").

The Commission's understanding is that, when the contract was first put out to tender, BDCL's bid was considered by W&E to be invalid and W&E recommended that DeCosta Construction be awarded the contract. After receiving the recommendation, the Minister requested W&E to undergo a value engineering exercise with DeCosta. This led to the project parameters changing. The project was then re-tendered with the new parameters. On this round, BDCL tendered a slightly lower bid than DeCosta. W&E again considered the BDCL bid to be incomplete but, before W&E could make its formal recommendation, the Ministry awarded the contract to BDCL and allowed BDCL to submit additional information which had been missing from its tender.

We would be grateful if you could assist us, generally, by commenting on /confirming or correcting the Commission's understanding set out above.

November 2008

2

- A. Lucy Chung was the Project Manager for W&E, with S.H.Y Architects as Architects of Record. My involvement was limited to providing information to W&E's Permanent Secretary Robert Horton when requested. The majority of the communication was between Lucy Chung, PS Horton and Minister Derrick Burgess.
- B. Email October 13, 2008 from PS Horton to Lawrence Brady: "Minister has requested that any contracts to be issued in connection with the new Commercial Court in Government Administration Building, Second Floor, be held until his return to the office on 21st October, 2008."
- C. Email November 4, 2008, November 6, 2008: "... reasons to support the decision to disqualify Bermuda Drywall & Ceilings as bidders ..."
- D. Email January 4, 2009, item #6: "... the PS said it is certainly going to be awarded to Bermuda Drywall & Ceilings and that he would send us an email to that effect."
- E. Report of the Auditor General December 2014, response from the Former Minister of Works and Engineering Derrick Burgess February 2016 re: 3.1.2 Commercial Courts/Ministry of Finance Renovations: "I did 'interfere'."

3. The Maintenance and Store Building

The Commission's concern relates to apparent interference in the tendering process in favour of Central Construction Ltd ("CCL").

The Commission's understanding is that, when the contract was first put out to tender, both CCL and another bidder, GEM Construction, submitted partially complete bids. Post-tender meetings were held with both bidders. W&E ultimately recommended that GEM Construction be awarded the contract. It appears that the Minister voiced concern about GEM Construction and Cabinet deferred its decision on whether to approve W&E's recommendation. It appears the Ministry later awarded the contract to CCL but without obtaining Cabinet approval.

We would be grateful if you could assist us, generally, by commenting on /confirming or correcting the Commission's understanding set out above.

3.

A. I have no knowledge of this Project.

4. Central Laboratory Building Project

The Commission's concern relates to an apparent failure to tender in relation to the hiring of Carruthers, Shaw & Partners to provide architectural drawings.

We would be grateful if you could assist us, generally, by commenting on the Commission's understanding set out above and, specifically, in providing some detail in relation to this project.

May 2008

4

The Project was as a result of the closure of the old hospital location for the laboratories in preparation for the new hospital building. Our instructions were that the Project was critical, and needed to be completed as a matter of urgency.

Minister Derrick Burgess requested an accelerated delivery of the Project for a start date of January 2009.

- A. This Contract was not tendered. This approach was initially utilized for the initial Project, slated for the Woodlands School with architects Entasis. There are additional examples I can provide. **See PFA 6.11 Exceptional Circumstances. 6.11.3. The method of procurement may be by negotiation with a single entity (subject to the approval of the Permanent Secretary) for projects such as continuation contracts, where there is single capable contractor, supplier and/or vendor, where there is an operational emergency or a national emergency. The procedure may vary depending on the circumstances and time allowed. Usually a lump-sum price or schedule of rates will be received from a contractor, supplier, and/or vendor based on the Tender Documents, which may possibly be incomplete. Depending on the information available, a fair price for the work will be negotiated based on measurement and allowances, re: 6.11.4. Should special circumstances, such as the economic climate or market conditions (including the unavailability of specialized services) exist, such that procurement of the contract services could not be carried out in accordance with Policy objectives, particularly with regard to fairness and value for money, the Permanent Secretary shall advise on method of procurement, if such circumstances make it necessary to deviate from this procedure.**

The Management Accountant is responsible for the review of payments and would have requested the contract and cabinet conclusion number before the payment was made to ensure the payment is in alignment with the contract. When it is determined there is no contract, Financial Instructions require that a written explanation is requested, and the infringement reported to the Permanent Secretary and the Accountant General. If Government is provided a service or goods, they are obligated to pay the vendor for that service or goods received. When

the technical officer/ project manager verifies that the work was completed, the Government is obligated to make the payment to the vendor for services rendered.

Price-based tenders do not generally result in the best value for money for design services. A firm's experience, expertise and workload capacity are some of the more important factors. (For example, would a local firm have had to employ overseas consultants?)

We are guided by the Institute of Bermuda Architects' (IBA) recommended scale of professional fees to ensure that the fee is fair and reasonable.

The current IBA scale of fees is attached for your information.

- B. In this case the fee proposal agreed with CS&P was divided into phases, allowing Government to cancel the design work at any time without any further liability other than the percentage completed in the phase that was underway at the time of the cancelation.
- C. CS&P letter of May 26, 2008 sets out an initial fee for a much larger project than the final Project.
- D. The fee proposal was based on the construction cost of a similar facility being built in Canada, which provided a significantly lower cost per square foot construction cost than could be achieved in Bermuda.
- E. PS Robert Horton and Minister Burgess were updated on the Project's progress regularly. Please see memo May 27, 2008, email June 04, 2008, July 23, 2008, email September 26, 2008, email October 7, 2008 October 27, 2008, etc.

5. Laboratory Contract for Southside

The Commission's concern relates to apparent interference in the tendering process in favour of Vernon Burgess, trading as Concorde Construction ("Concorde"). The Commission's current understanding is that the tender process changed from a tender to refit a building in Lolly's Well, to a tender to fit out a site in Southside. It appears that Minister Derrick Burgess was involved in the tendering process at an early stage and advocated in favour of Concorde, which is the trading name for Vernon Burgess. It further appears that the Minister agreed, during a site meeting with Concorde, to reduce the tender requirements for Concorde. Lastly, it appears that the recommendation from the technical specialists in W&E was then amended to remove references to these facts.

We would be grateful if you could assist us, generally, by commenting on the Commission's understanding set out above and, specifically, in answering the following questions:

- (i) Was the Minister / the Permanent Secretary involved in the evaluation of the tenders? If so, please explain the extent of such involvement.
- (ii) Was W&E's recommendation redrafted to produce the further version dated 12th April 2010? If so, please explain who you believe redrafted it.

March 2010

5.
 - A. I had no involvement in this Project. PS Robert Horton/Minister Derrick Burgess elected to instruct junior/seconded staff directly.
 - B. However, please see: email March 30, 2010: "We would advise against accepting any of the tenders."
 - C. Email October 1, 2010, confirms point A, showing Minister Burgess giving instructions to seconded staff.
 - D. Report of the Auditor General December 2014, response from the Former Minister of Works and Engineering Derrick Burgess, February 2016, III, (3) General Contractor Services – Interior Fit Out and Relocation of Environmental Health Laboratory, Lolly's Well Road, Smith's FL05. The Minister states: "I did 'interfere'." He continues: "I subsequently directed that the tender documents be modified and the job re-tendered. As a result of my 'interference', Cabinet approved a Contract Award Recommendation in the amount of \$974,500 for the laboratory to be relocated to Building 322, Southside, thereby effecting a savings of some \$316,500".
 - E. Please note, re: final quote above, " ... thereby effecting a savings of some **\$316,500**", the Payment Certificate for Contract Services #20 dated 18th January 2012 for **\$1,771,788.50**.

6. Renovations Department of Human Resources

The Commission's concern relates to the inappropriate tendering process in this project and apparent lack of Cabinet approval for this project. The paperwork suggests that the Head of the Civil Service instructed the Ministry to negotiate the contract directly with Greymane Contracting Ltd without following any tendering process.

We would be grateful if you could assist us, generally, by commenting on the Commission's understanding set out above. You should be aware that the Commission is considering not only whether Financial Instructions were properly followed but also whether Ministers and/or senior civil servants potentially breached and/or countenanced breaches of Financial Instructions in the

award of Government contracts and/or in the processing of payments to contractors out of public monies.

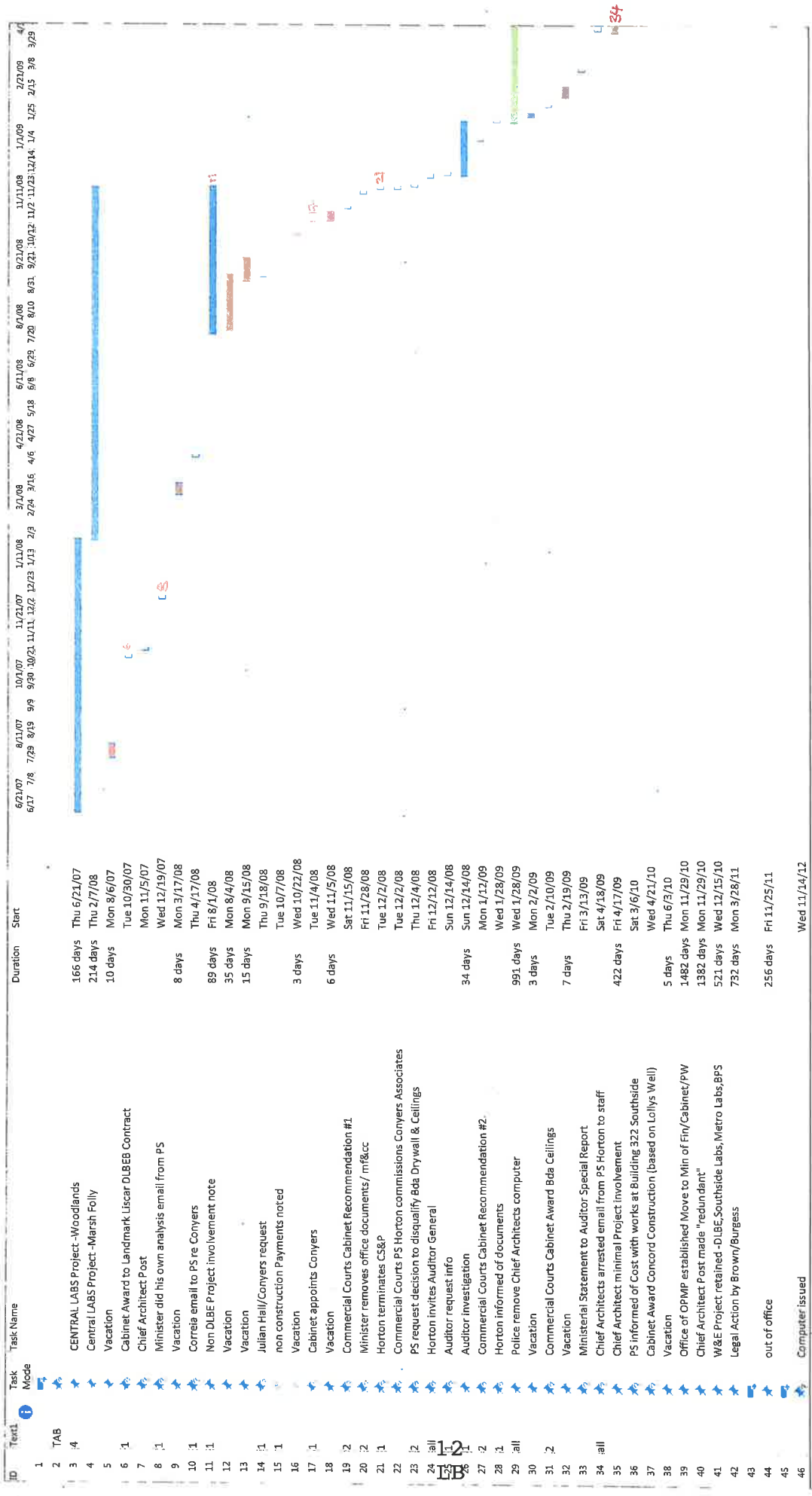
June 2008

6

- A. I had minimal input initially, then none as the Project developed.
- B. Project Manager for the Project was Lucy Chung of W&E, then Stephen Squires, a technician with the Department.
- C. Please see: email June 13, 2008, " ... there will be no new construction ..."
- D. Email 9, September 2008 11:14, Item 4: "There was mention that it may be possible to eliminate the Building Permit process and Tender Period. The latter is straightforward in that, with your permission, we will negotiate a cost with a Contractor who we are confident can work very quickly."
- E. Email September 9, 2008 11:44, Item 4: "Please proceed with negotiating a cost with a contractor..."
- F. **See PFA 6.11 Exceptional Circumstances. 6.11.3. The method of procurement may be by negotiation with a single entity (subject to the approval of the Permanent Secretary) for projects such as continuation contracts, where there is single capable contract, supplier and/or vendor, where there is an operational emergency or a national emergency. The procedure may vary depending on the circumstances and time allowed. Usually, a lump-sum price or schedule of rates will be received from a contractor, supplier, and/or vendor based on Tender Documents, which may possibly be incomplete. Depending on the information available, a fair price for the work will be negotiated based on measurements and allowances, re: PFA 6.11.4, that should special circumstances such as the economic climate or market conditions (including the unavailability of specialized services) be such that procurement of**

the contract services could not be carried out in accordance with Policy objectives, particularly with regard to fairness and value for money, the Permanent Secretary shall advise on the method of procurement, if such circumstances make it necessary to deviate from this procedure.

The Management Accountant is responsible for the review of payments and would have requested the contract and Cabinet conclusion number before the payment was made to ensure the payment is in alignment with the contract. When it is determined there is no contract, Financial Instructions require that a written explanation is requested and the infringement would be reported to the Permanent Secretary and the Accountant General. If the Government is provided a service or goods they are obligated to pay the vendor for services and goods received. When the technical officer/ project manager verifies that the work was completed the Government is obligated to make the payment to the vendor for services rendered.



ID	Task Mode	Task Name	Duration	Start
1	Text			
2	TAB	CENTRAL LABS Project - Woodlands	166 days	Thu 6/21/07
3		CENTRAL LABS Project - Marsh Folly	214 days	Thu 2/7/08
4		Vacation	10 days	Mon 8/6/07
5		Cabinet Award to Landmark Liscar DLBEB Contract		Tue 10/30/07
6		Chief Architect Post		Mon 11/5/07
7		Minister did his own analysis email from PS	8 days	Mon 3/17/08
8		Vacation		Thu 4/17/08
9		Corrale email to PS re Conyers	89 days	Fri 8/1/08
10		Non DLBE Project involvement note	35 days	Mon 8/4/08
11		Vacation	15 days	Mon 9/15/08
12		Vacation		Thu 9/18/08
13		Julian Hill/Conyers request		Tue 10/7/08
14		non construction Payments noted	3 days	Wed 10/22/08
15		Vacation		Tue 11/4/08
16		Cabinet appoints Conyers	6 days	Wed 11/5/08
17		Vacation		Sat 11/15/08
18		Commercial Courts Cabinet Recommendation #1		Fri 11/28/08
19		Minister removes office documents / mfg.cc		Tue 12/2/08
20		Horton terminates CS&P		Thu 12/4/08
21		Commercial Courts PS Horton commissions Conyers Associates		Fri 12/12/08
22		PS request decision to disqualify Bda Drywall & Ceilings		Tue 12/22/08
23		Horton invites Auditor General		Thu 12/24/08
24		Auditor request info		Fri 12/26/08
25		Auditor investigation		Sun 12/28/08
26		Commercial Courts Cabinet Recommendation #2		Sun 12/28/08
27		Horton informed of documents		Mon 1/12/09
28		Police remove Chief Architects computer		Wed 1/28/09
29		Vacation		Mon 2/2/09
30		Commercial Courts Cabinet Award Bda Ceilings		Tue 2/10/09
31		Vacation		Thu 2/19/09
32		Ministerial Statement to Auditor Special Report		Fri 3/13/09
33		Chief Architects arrested email from PS Horton to staff		Sat 4/18/09
34		Chief Architect minimal Project involvement		Fri 4/17/09
35		PS informed of Cost with works at Building 322 Southside		Sat 3/6/10
36		Cabinet Award Concord Construction (based on Lollys Well)		Wed 4/21/10
37		Vacation		Thu 6/3/10
38		Office of OPMP established Move to Min of Fin/Cabinet/PW		Thu 6/3/10
39		Chief Architect Post made "redundant"		Mon 11/29/10
40		W&E Project retained - DLBE, Southside Labs, Metro Labs, BPS		Mon 11/29/10
41		Legal Action by Brown/Burgess		Wed 12/15/10
42		out of office		Mon 3/28/11
43				
44				
45				
46		Computer issued		Fri 11/25/11

Project: TIME LINE
Date: Wed 8/24/16

Legend:

- Task
- Split
- Milestone
- Summary
- Project Summary
- Inactive Task
- Inactive Milestone
- Inactive Summary
- Manual Task
- Duration-only
- Manual Summary Rollup
- Manual Summary
- Start-only
- Finish-only
- External Tasks
- External Milestone
- Deadline
- Progress
- Manual Progress

1. The Dame Lois Browne Evans Building project

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We would be grateful if you could assist us, generally, by commenting on /confirming or correcting the Commission's understanding set out above.

November 2007

- 1 As noted in the email dated November 19, 2007 from PS Dr. Derrick Binns to the Chief Architect:
“... Minister completed his own analysis and came to a different position ...”

Brady, Lawrence

From: Horton, Robert
Sent: Thursday, January 10, 2008 6:19 PM
To: Hassell, Thomasina; Brady, Lawrence
Subject: RE: Conyers Dill and Pearman

Thomasina:

The Minister wishes to see the invoice associated with the \$2300 charge identified by Lawrence.

Thanks.

RKH

-----Original Message-----

From: Hassell, Thomasina
Sent: Thursday, January 10, 2008 5:23 PM
To: Horton, Robert
Subject: FW: Conyers Dill and Pearman

Sorry,

Here you go, the note from Brady.

Thomasina

-----Original Message-----

From: Brady, Lawrence
Sent: Thursday, January 10, 2008 10:50 AM
To: Hassell, Thomasina
Subject: Re: Conyers Dill and Pearman

Approx \$2300

----- Original Message -----

From: Hassell, Thomasina
To: Brady, Lawrence
Sent: Thu Jan 10 10:48:51 2008
Subject: RE: Conyers Dill and Pearman

How much is it? The Minister wants to know, got to go see him in a minute.

-----Original Message-----

From: Brady, Lawrence
Sent: Thursday, January 10, 2008 10:48 AM
To: Hassell, Thomasina
Subject: Re: Conyers Dill and Pearman

We just got the bill on tuesday and Jerry is doing a certicate now

----- Original Message -----

From: Hassell, Thomasina
To: Brady, Lawrence
Sent: Thu Jan 10 10:45:10 2008

14
LB
1

Subject: Conyers Dill and Pearman

Hi Lawrence,

Have you paid Conyers Dill and Pearman for the Police/Court legal services?

Thomasina

From: Horton, Robert
Sent: Tuesday, January 22, 2008 5:50 PM
To: Brady, Lawrence
Subject: RE: COURT/Police

Thanks!! RKH

From: Brady, Lawrence
Sent: Tuesday, January 22, 2008 5:18 PM
To: Horton, Robert
Subject: COURT/Police

Outstanding Construction Manager's responsibilities required under contract:

Required **prior to construction** start:

- Proof of Insurances in the name of Landmark Lisgar Construction Ltd.
 - Requested at Nov./07 Pre-Construction Meeting,
 - Dec. 7 & 17/07 & Jan. 10/08.
 - Response received Jan. 11/08 to be issued approximately at month's end.
- 10% and 5% Performance Bond
 - **At least three days before commencement of Work at the Project site**
 - Requested Dec. 7, 17/07 & Jan. 10/08.
 - Response received Jan. 11/08 to be issued approximately at month's end.

Required **soon after contract award**:

- Schedule of submittals (shop drawings, samples)
 - coordinated with Construction Schedule
 - with adequate time for preparation & processing. (Contractor to identify priority items.)
 - Contractor agreed to provide at Nov./07 Pre-Construction Meeting.
 - Requested again Dec.7/07.)
- Construction Schedule identifying dates for testing and inspection.
 - Contractor agreed to provide at Nov./07 Pre-Construction Meeting.
 - Requested again Dec. 7/07.)
- Construction Schedule identifying materials and equipment requiring long-lead-time procurement.
 - Schedule identifies mechanical items, electrical items in general terms and it is unknown what the specific components are.
 - Requested Pre-Construction Meeting Nov./07.
 - Requested Dec. 7/07.
- Schedule of major subtrades' establishing submission dates for unit rates.
 - Requested on Dec. 7, 17/07 & Jan 10/08 the
 - Contractor replied on Jan. 11/08 that ~~these~~ will be submitted as contracts are awarded.

- Schedule still required whether trades are awarded or not.
- Submission of Subcontractors' and suppliers' bids for Owner's & Construction Manager's acceptance **prior to awarding contract.**
 - Work in progress on site. Material deliveries (hoarding) no review occurred with Owner.
- **Outline of unit rates**
 - Organized on a per subtrade basis.
 - Agreed to provide shortly after the Nov./07 Pre-Construction Meeting.
 - Requested again Dec. 7, 17/07 & Jan. 10/08.
 - Reply 11 Jan./08 provided does not address request for outline of rates.
- List of proposed subtrades or entities:
 - Suppliers/manufacturers furnishing materials or equipment fabricated to a special design
 - Proposed for each principle portion
 - Schedule identifies excavation from Jan 21 – Feb 23/08
 - **This subtrade has not been made known to us or the amount of the award.**
 - Excavation followed by installation of water tank Feb 13- March 18/08
 - Subcontractors under consideration unknown.
 - Contractor agreed to provide shortly after Nov./07 Pre-Construction Meeting
 - Received Jan. 11/08.
- Schedule of Owner supplied items required by April 22/08
 - Schedule does not specified what is required.
- Schedule of Values (Cash Flow projection)
 - Requested at Nov./07 Pre-Construction Meeting
 - Requested again Dec. 7, 17/07 & Jan 10/08.
 - Received Jan. 14/08.
 - Request for revision on mobilization fee made Jan. 15/07
 - Response received without addressing the resubmission date of the revised Schedule of Values.
- Contractor's Value Engineering
 - Promised by Contractor at Pre-Construction Meeting in Nov./07)
- Resolution of missing allowances raised at contract signing Dec.5/07.
 - Automatic Door Openers installation \$10,000.00
 - Magnetic Locks/Electrical Strikes installation \$50,000
 -
- Hoarding drawings and crane locations.
 - Contractor to have met with CoH 29 Nov. 07
 - Submission of the hoarding drawings prior to manufacturing and installation on site

- Hoarding being installed has not been reviewed by W&E or consultants to determine conformance to Specifications.
- W&E advised Contractor of unsafe hoarding condition in Field Report No. L-1 Dec. 18/07.
- Contractor Jan. 11/08 response advises Hoarding drawings will be submitted after receipt of Corporations' response.
- Identification of project's Construction Manager, Site Superintendent and Project Manager. (Requested at Nov./07 Pre-Construction Meeting.)
- Contractor's distribution of comprehensive list of all Project Personnel
 - Including names, addresses, telephone and fax numbers of each participant.
 - Requested at Nov./07 Pre-Construction Meeting, Dec. 7, 17/07 & Jan. 10/08.
 - Construction Manager's reply will be available at month' end.
 -
- Proof of Contractor's application for Mechanical Permit.
 - Advised at Nov./07 Pre-Construction Meeting.
- List of off-site personnel associated with the Construction Management team
 - Project roles and rates.
 - Requested during contract review meetings 29 Nov./07 & Dec. 5/07 and requested again on Dec. 7, 17/07 & Jan. 10/08.)
- Submission of site photos at job start.

Brady, Lawrence

From: Horton, Robert
Sent: Thursday, April 17, 2008 11:34 PM
To: Brady, Lawrence
Subject: FW: 0087_001.pdf
Attachments: 0087_001.pdf.html

Lawrence:

What on earth might this be about?

RKH

From: Dennis Correia [<mailto:dcorreia@correia.bm>]
Sent: Thursday, April 17, 2008 6:44 PM
To: Burgess, Derrick
Cc: Horton, Robert
Subject: 0087_001.pdf

Good day Sirs,

This may be of interest to you. Apparently they were brought in to Berkley after all broke loose.
And from what I understand did a great job.

Don't know if you want to entertain for the magistrates court deal so that it runs well.

Thought it may be helpful

Best regards

This email has been scanned by the MessageLabs Email Security System.
For more information please visit <http://www.messagelabs.com/email>

From: Binns, Derrick Dr.
Sent: Friday, July 04, 2008 4:44 PM
To: Brady, Lawrence
Cc: Horton, Robert; Hall-Bean, Judith; Azhar, M. Rozy; Brewer, Martin
Subject: Work Permits for CS&P



GOVERNMENT OF BERMUDA
The Ministry of Labour, Home Affairs and Housing
HEADQUARTERS

Lawrence

Good to see you today.

I have advised Immigration re the issues with CS&P Architects being announced as working in Bermuda via a Government Press Conference prior to their work permit applications having been submitted. We understand how this came about. The Department recommends that your PS contact the local Architects association to explain the situation and to seek their understanding and support in an effort to avoid their objection once the applications are placed before them.

Regards

Derrick

Brady, Lawrence

From: Horton, Robert
Sent: Thursday, September 18, 2008 11:49 PM
To: Kokosky, Christina
Cc: Chung, Lucy; Brady, Lawrence
Subject: RE: MCHPS - Drawings and Specifications

Dear Christina:

I regret that I am just seeing this e-mail.

I have noted your concerns about the possibility of copyright infringement and have sought an opinion from Mr. Julian Hall. In the meantime, I suppose it is much too late to postpone delivery of the paper documents until receipt of a definitive view on the matter of copyright.

RKH

From: Kokosky, Christina
Sent: Thursday, September 18, 2008 6:16 PM
To: Horton, Robert
Cc: Chung, Lucy; Brady, Lawrence
Subject: FW: MCHPS - Drawings and Specifications
Importance: High

Dear P.S. Horton,

I have made arrangements with Bermuda Blue Printing Ltd. to deliver a paper copy of all of the Contract Documents. However, I have pulled the electronic disks from this delivery as I have strong concerns over copy-write issues. I am also concerned that the paper copies may represent a similar copy-write infringement without having the written permission of the original Architect to do so. The paper copies can be scanned and converted to electronic files that can be reproduced. As the delivery has not gone yet I thought I should voice my concerns to you in the 11th hour. Please advise. I can be reached on my cell phone at 737-3317 if you wish to discuss this. I will have to call Bda Blue tonight if the event that the delivery is to be put on hold while the copy-write issues are considered.

Regards,
Christina

From: Julian Hall [<mailto:halljulian@hotmail.com>]
Sent: Tuesday, September 16, 2008 4:05 PM
To: Sylvester, Lee
Cc: Burgess, Derrick; Brady, Lawrence; Kokosky, Christina; Horton, Robert; Harold Conyers
Subject: MCHPS - Drawings and Specifications

16th September, 2008

To: Lee Sylvester, Acting PS, Ministry of Works and Engineering
From: Julian Hall, Consultant to the Minister of Works and Engineering
Re: MC/HPS - Drawing and Specifications

The Minister is currently considering engaging the services of Conyers and Associates in certain respects in connection with the construction of the Dame Lois Browne-Evans Building [MC/HPS], As I said to you yesterday, I am directed by the Minister to request that a full set of the Drawings and Specifications (electronic and hard copy) be sent without delay to Harold Conyers of that firm so as enable Conyers to prepare a written proposal.

Please let me know immediately if there is any impediment to proceeding immediately with this request.

LB

jh

Julian Hall

Brady, Lawrence

From: Horton, Robert
Sent: Tuesday, October 07, 2008 11:07 AM
To: Brady, Lawrence; Kokosky, Christina; Burnham, Jeremy P.
Subject: RE: MCHPS

Noted.

RKH

From: Brady, Lawrence
Sent: Tuesday, October 07, 2008 10:52 AM
To: Kokosky, Christina; Burnham, Jeremy P.
Cc: Horton, Robert
Subject: MCHPS

Jerry/Christina,

On the last payment request from LLC did you review the back up documents for this request?

The reason I ask, is that I am very concerned that as part of a claim for payment on the Project documents submitted in particular an items dated

6/26/2008 cr card num 166 in the name of Progressive Labour Party noted as Charitable Donations in the amount of \$1,000.

6/12/2008 num 151 in the name of Elaine Goodman – car purchase \$14,000.

5/15/2008 num 109 Windsong Guest Apartments –living expenses \$38,293.

And the list goes on, we need to meet to discuss how these items and many others could even be considered as Project related cost.

LB



GOVERNMENT OF BERMUDA
Ministry of Works and Engineering

Office of the Permanent Secretary

2nd December, 2008

Our ref:34/112/02/05

Mr. Sam Spagnuolo
Carruthers Shaw & Partners Architects Inc.
Suite 200
2345 Yonge Street
Toronto
Ontario M4P 2E5
Canada

Dear Mr. Spagnuolo,

**CARRUTHERS SHAW & PARTNERS ARCHITECTS INC.
CONSTRUCTION OF NEW HAMILTON POLICE
STATION/MAGISTRATES' COURT BUILDING, BERMUDA**

I am writing with respect to our [Sam Spagnuolo, Julian Hall, Robert Horton] various discussions over the past several weeks with respect to the construction, on behalf of the Government of Bermuda, of the new Magistrates' Court/Hamilton Police Station Building on Court, Victoria and Church Streets in Hamilton. At our meeting yesterday, I undertook to write to you setting out the Government's plans with respect to the way forward. You will know from our ongoing discussions that the Hon. Derrick V. Burgess, JP, MP, Minister of Works and Engineering, has been carefully reviewing all arrangements in connection with this project. I also expressly stated yesterday that unless and until you formally hear from us to the contrary, you must continue to regard Carruthers Shaw & Partners Architects Inc. ["CSP"] as the administrating architects for this project.

You have already been advised that the Ministry of Works and Engineering has engaged, with the concurrence of the Contractor, Landmark Lisgar Construction Company Limited ["LLC"], Mr Eddy Henri as the Owners' Designated Representative. Mr. Henri is an experienced individual whose daily presence on site has already proven to be most helpful.

I now have a duty to advise you that the Government of Bermuda has concluded that it would be more efficacious to engage a local firm of architects for the balance of the construction administration stage of the project. Government has determined that this team should be headed by Conyers &

Associates Ltd. who will act henceforth as the Construction Administration Architects on the project.

As another significant step in the Minister's review, the Ministry of Works and Engineering yesterday concluded a new agreement with LLC for this construction. Under that new agreement, LLC will no longer serve as "Construction Manager"; instead, LLC is henceforth engaged as "Contractor" under a lump sum agreement. The new agreement also expressly supersedes the Construction Management Agreement of 5th December, 2007.

Needless to say, I deeply regret that that you were not apprised of these developments by me in the first instance. I understand that during a site meeting this morning, LLC's Mr. Patrick Smith told you of the existence of the new agreement. I want you to know that Mr. Smith had absolutely no authority to speak on this matter and that I shall address this occurrence in separate correspondence with LLC. I therefore understand fully the fact that you have taken umbrage having regard to the manner in which you were informed. I empathize with you in this regard. This development was not, I assure you, the Ministry's intention and I am most apologetic as a result.

I say at once and without equivocation that the Government of Bermuda generally and the Ministry of Works and Engineering specifically are most grateful to you and CSP for your diligence in assisting us to date on this, and other, very important projects.

From time to time during the construction administration stage of this project, it is likely that both the Ministry and the team of local consultants will wish to have the benefit of your input based on your job knowledge as the Design Architects. As this speaks to a level of service that is not entirely predictable, we would ask that you consider allowing us to retain your services for this stage on an 'as needed' hourly basis.

I look forward to receipt of a response from you, your Directors or CSP's legal advisers.

In the meantime, I remain,

Yours sincerely,



Robert K. Herton
Permanent Secretary

Brady, Lawrence

From: Brady, Lawrence
Sent: Wednesday, December 03, 2008 12:08 PM
To: 'cgoodman@csparch.com'; Chung, Lucy
Subject: Re: Magistrates Courts and Police Station: Hamilton Bermuda

Craig,

I have directed Lucy to inform OnSite of your instructions. In regards to your reference to a letter received yesterday from PS Horton, I have not been **copied in on this document or invited to any meetings with the PS, Minister or others relating to this Project from August 2008.**

----- Original Message -----

From: Craig Goodman <cgoodman@csparch.com>
To: Brady, Lawrence
Cc: Sam Spagnuolo <sspagnuolo@csparch.com>
Sent: Wed Dec 03 11:08:47 2008
Subject: Magistrates Courts and Police Station: Hamilton Bermuda

Lawrence:

With reference to the letter received from Mr. Horton yesterday, please advise, formally, OnSite Engineering to stop work related to our contract documents on the above noted project. All files and documents related to CS&P contract documents should be returned to our office, until further notice.

In addition, please request Keith, and his staff to refrain from any commentary with the press, or any other public venue.

Regards,

Craig Goodman

cgoodman@csparch.com <<mailto:cgoodman@csparch.com>>

CS&P Architects Inc.

T: 416.482.5002 F: 416.482.5040

2345 Yonge Street, Suite 200

Toronto, On M4P 2E5 Canada

www.csparch.com <<http://www.csparch.com/>>

26

LB

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This e-mail contains confidential information and is intended for the sole use of the party to whom it is addressed. Any other distribution, copying or disclosure is strictly prohibited. If you have received this e-mail in error, please notify us immediately by telephone and delete the message without retaining any hard or electronic copies of same.

From: Chung, Lucy
Sent: Tuesday, January 06, 2009 1:11 PM
To: Robinson, Jacqueline
Cc: Brady, Lawrence; Rogers, June
Subject: RE: RE:NEW HAMILTON POLICE STATION/ MAGISTRATES COURT

Jacquie,

My understanding is that the Architects' Department is no longer involved with the Magistrates' Court project. As such no paperwork for filing will be generated from this office except for some catch up filing that Alison is currently doing - this should be wrapped up by the beginning of February because Alison will be going on leave for 3 weeks.

While no paperwork will be generated from this office I mentioned that you should check if you will be expected to file documents generated from the Minister's office since there is now a Mr. Henri who is working on the project, reporting directly to the Minister. For example, I know of a recent payment certificate signed by Mr. Henri - which presumably should be filed. I also know that a private architectural firm - Conyers & Associates - has been hired by the Minister. Again, presumably there should be some paperwork associated with this arrangement.

Regards,

Lucy

From: Robinson, Jacqueline
Sent: Tuesday, January 06, 2009 11:31 AM
To: Chung, Lucy
Subject: RE:NEW HAMILTON POLICE STATION/ MAGISTRATES COURT

Good Day Lucy

Can you confirm what you discussed yesterday with Ms. Rogers and myself concerning the paperwork with New Hamilton Police Station and Magistrates Court . Please send as an e-mail so that I can put on file.

Many Thanks

Jacquie

Brady, Lawrence

From: Brady, Lawrence
Sent: Monday, January 19, 2009 3:47 PM
To: Horton, Robert
Subject: FW: New Magistrates Court

PS,

Just to confirm our earlier discussion on this matter, it was during the time that you were away that the direction of the Minister was conveyed to me, that **this Department was no longer to be involved on this Project** and that we should concentrate our efforts on other Projects.

LB

From: Burnham, Jeremy P.
Sent: Monday, January 19, 2009 12:46 PM
To: Horton, Robert
Cc: Brady, Lawrence
Subject: New Magistrates Court

PS

I have reviewed the arithmetic on Certificate # 9, and have found it to be correct.

I do however have a number of comments:

1. I have not reviewed the submission by the contractor with regards to the extent of works carried out. At this stage of the project, I would suggest that the engineers department would be in the best position to undertake this assessment.
2. There is no back-up documentation relating to what has been paid by the contractor to his sub-contractor/suppliers.
3. The name on the contractor on the wire payment form (Landmark Lisgar Construction Ltd) differs to that on the Certificate (LLC Bermuda Ltd).
4. The Certificate has not been signed by the Project Manager.

I have spoken to Lawrence Brady about the certificate, and our role in the project generally, and neither of us are sure what exactly that role is, particularly as we (MW&E) are no longer named in the contract.. Can we arrange a meeting as soon as possible in order that you may brief us and to put an end to the confusion.

29

LB

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Regards

Jerry Burnham

MINISTERIAL STATEMENT

SPECIAL REPORT OF THE AUDITOR GENERAL FEBRUARY 2009

**The Hon. Derrick V. Burgess, JP, MP
Minister of Works and Engineering**

Friday, 13th March, 2009

Mr. Speaker, I rise this morning to offer comment in response to the public discussion that is taking place with respect to the Special Report of the Auditor that was tabled in this Honourable House two days ago. I shall address, in particular, comments in relation to the ongoing construction of the Magistrates' Court/Hamilton Police Station situated at Church, Court and Victoria Streets in the City of Hamilton.

Mr. Speaker, I rise this morning with full understanding, respect and value for the Office of the Auditor General as set out in its Mission Statement: "*.....to add credibility to Government's financial reporting and to promote improvement in the financial administration of all Government departments and controlled entities for which the Government is accountable to Parliament.*" I fully understand, respect and value also the constitutionality of the post of Auditor General.

Mr. Speaker, it is my understanding and respect for the constitutionality of the Office of Auditor General that underpins the enormous concern that I have for many aspects of the Special Report, aspects that, in my view, are affronts to fairness, objectivity and good governance. I shall address these concerns as my Statement unfolds.

Mr. Speaker, during the past forty-eight hours, local newspapers, radio and television news programmes, talk shows and man in the street conversations have been flooded with comments related to the Special Report. Some of these comments have been thoughtful and rational. Others have been highly emotional and at times hysterical. Such reactions are hardly surprising, given the content and conclusions set out in the Special Report.

Mr. Speaker, since the inception of the building works at the Magistrates' Court/ Hamilton Police Station site, I have had occasion as Minister to make a number of decisions. In most cases, these decisions required to be made within a shorter period than is generally permitted by the normal demands of governmental activity. This will always be the case in respect of large building projects. My efforts to keep this project going in the face of some very formidable obstacles have borne fruit and I make no apologies

Mr. Speaker, I have been particularly mindful always that, so far as this Honourable House and the people of Bermuda are concerned, the buck of responsibility for what transpires in the Ministry of Works and Engineering stops with me. For this reason – and again, I make no apologies for this – I have been, and will continue to be as “hands on” a Minister as the law will allow. While always staying within the confines and boundaries of the Ministerial Code of Conduct and Financial Instructions, I have often had to navigate the murky waters between strict adherence to these rules and ultimate responsibility for projects and activities within the Ministry. This is not always easy. However, I can say without fear of contradiction that I have acted in accordance with the law and

in furtherance of my duties and responsibilities as a Minister in the Bermuda Government. While I accept that the Magistrates' Court/Hamilton Police Station project remains a work in progress, I am particularly proud of both its progress and the quality of work done to date. It is interesting to note, for example, that with all his criticism of the contract change which I authorized in respect of the project, the Auditor General prefers to ignore the fact that there was a corresponding reduction in the amount of over \$1 million in the contract price.

Mr. Speaker, I shall table this morning for the consideration of Honourable members my formal reply to the Special Report of the Auditor General, with the hope that the eventual debate on the matter will be characterized by fairness and objectivity and devoid of the oftentimes uninformed utterances that we have heard from the Opposition and some members of the community during the past two days.

Mr. Speaker, a copy of the Special Report in its final form was received by the Ministry of Works and Engineering on 10th March, 2009. I note *in its final form* to emphasize that the Ministry had been provided with two draft versions of the Special Report, the first on 16th February, 2009 via e-mail from the Office of the Auditor General and the second on 25th February, 2009 when a copy was handed to my Permanent Secretary, Mr. Robert K. Horton, and me during a meeting of the Government's Audit Committee held on 25th February, 2009.

Mr. Speaker, on 19th February, 2009, my Permanent Secretary and I met in my office with the Auditor General and two of his staff in order to comment upon the draft of the Special Report that had been received at the Ministry on 16th February, 2009, having been invited to point out any factual errors contained therein. During that meeting, the Auditor General and his staff were handed and asked to consider a comprehensive document entitled *Special Report of the Auditor General: Errata Identified by Ministry of Works and Engineering*. That document identified six significant aspects of the Special Report that the Ministry

found to be erroneous and sought clarification or offered comment with respect to additional aspects. In a number of cases, the Auditor General agreed that errors had been made; in others, he defended the position as set out in the Special Report.

Mr. Speaker, on 25th February, 2009, my Permanent Secretary, Construction Administration Architect, Harold Conyers, and I were afforded the opportunity to make representation on the Special Report during a meeting of Government's Audit Committee. During that meeting, at which time we received the second draft of the Special Report, we distributed for the Audit Committee's consideration the document entitled *Special Report of the Auditor General: Errata Identified by Ministry of Works and Engineering*, modified slightly [two additions] from the document that had been handed to the Auditor General and his staff six days earlier. The Ministry team, mindful of one of the Auditor General's principal criticisms that "*there was insufficient appropriate documentation or approvals to support payments*", explained to the Audit Committee in great detail the vetting process that was in place to ensure the legitimacy of payments made to contractors. In fact, the meeting with the Audit Committee included a full and detailed discussion canvassing virtually every paragraph of the Special Report.

Mr. Speaker, we left the meeting of the Audit Committee with some degree of confidence that both the Audit Committee and indeed the Auditor General himself had appreciated the validity and force of at least some of our representations and that significant changes would be made to the draft Special Report, if only in the interest of accuracy. However, the final version of the Special Report that was tabled in this Honourable House on Wednesday is, in almost every respect, identical to the draft Special Report that was considered by the Audit Committee at the meeting of 25th February, 2009. Many inaccuracies were, without doubt uncovered, yet many remain in the Special Report.

Mr. Speaker, of great concern also is the fact that in many cases the Auditor General seems to have reached conclusions without having engaged in the simple and professional courtesy of interviewing the individuals directly involved. While he does not say so in terms, the Auditor General appears to be giving the impression that the Audit Committee agreed with the entirety of his Special Report. The inconsistencies and inaccuracies contained within the draft Special Report have clearly been carried forward, either directly or by implication, into the final Report. I shall leave it to the Members of this Honourable House and the people of Bermuda to reach their own conclusions.

Mr. Speaker, there are four principal aspects of the Special Report that I wish to address in some detail during this Statement:

1. **The assertion that documentation to support progress payments on the construction project was inadequate, an assertion reflected in the hysterical and misleading headline '*Millions of public dollars spent without proper controls*' that greeted us in yesterday's edition of *The Royal Gazette*;**
2. **Alleged removal of "*technical control*" from the manner in which progress on the construction site is reported to the Permanent Secretary.**
3. **The concern about an advance payment of \$600,000 to LLC Bermuda Ltd.**
4. **The statements with respect to the withdrawal of Ministry cooperation.**

I. **The assertion that documentation to support progress payments on the construction project was inadequate.**

Mr. Speaker, the Auditor General appears to be greatly exercised regarding an alleged failure in the new contract in terms of how it manages the general contractor's monthly requests for payment.

The new contract with LLC Bermuda Ltd. does not 'fail', as both the old and new contracts use the AIA A201 *General Conditions of The Contract for Construction*. The old contract uses the 1997 version and the new one the 2007 version. Both define in clear language in Article 9 how payments are managed. Also, the method of progress payment deployment in place is contractually compliant.

Furthermore, **Mr. Speaker**, it is misleading in the extreme to state in any form or fashion that invoices are an apt or best means of validating a payment request, as there would be an unacceptable risk to either a public or private sector project of this size being managed retroactively on the 'cost-and-charge' basis implied by the 'payment on invoice' terms type of contract seemingly preferred by the Auditor General. For most construction projects, especially large ones, fixed costs are defined at the start by way of lump sum competitive bids for each element of the work and the work and values implemented into the project each month are drawn down against these fixed costs. Cash flow, product and resource allocations are all dependant on this and contractual paperwork support is provided for each monthly payment request. For the Auditor General to state in this section that \$6.5m under the new contract has been certified without validation is simply wrong, as the project record reflects that all certified requests for payment have been supported by work and or material in place and or material stored off site and dedicated for the project.

Mr. Speaker, in addition to the 'paperwork', the real and arguably best test, as is being applied, is the validation of a payment request and its supporting documentation by physical site inspection. To this end, the Ministry has installed the following system of checks and balances:

- The Owner's Designated Representative is on site daily and is fully engaged in the works, particularly in terms of how the contractors' element of work payment schedule becomes bricks and mortar. He can speak with absolute real-time information about what is and is not valid on the payment requests.
- Conyers & Associates Ltd. is on site and viewing the progress daily and is able to draw conclusions about the validity of a payment request before testing it against that of the Owner's Designated Representative.

Having made the point that submission of all invoices is not required by the contract, a point that seemed to gain general acceptance during the Audit Committee meeting on 25th February, 2009, we requested that LLC Bermuda Ltd. submit detailed invoicing with all future Payment Certificates in order to comply with the Auditor General's recommendation. I have in my hand, **Mr. Speaker**, Payment Certificate No. 11 that was received at the Ministry only yesterday; it will be seen that it contains the kind of supporting documentation recommended by the Auditor General, although not required by the contract.

2. Removal of "technical control" from the manner in which progress on the construction site is reported to the Permanent Secretary.

Mr. Speaker, the Auditor General speaks about changes in construction progress reporting, expressing the view that “*technical control*” has been removed from the manner in which progress on the construction site is reported to the Permanent Secretary.

Upon the signing of the new contract, a project team **replaced the overseas architects, consultants and some Ministry technical staff** -- Mr. Eddy Henri as the Owner’s Designated Representative and Conyers & Associates Ltd. as the Project Architects. Mr. Henri brings to his new role some thirty years’ experience and expertise and enjoys an outstanding reputation in the local construction industry. Similarly, Mr. Harold Conyers and his team at Conyers & Associates Ltd. have a record of proven excellence in the local building industry. These representatives work in close collaboration with the general contractor, LLC Bermuda Ltd., and its subcontractors to ensure absolute contractual compliance on behalf of the people of Bermuda. I am therefore confident at this time that the Magistrates’ Court/Hamilton Police Station building will be completed satisfactorily and in accordance with schedule.

Mr. Speaker, the Owner’s Designated Representative and Conyers & Associates Ltd. have contractual job descriptions to fulfill with respect to all aspects of the projects’ management, including the construction progress reporting mechanisms noted in the report and more. This is a powerful and working system of checks and balances as evidenced by the site progress and confidence that has been built in a short period of time.

Mr. Speaker, regarding the process as it stood, the so called ‘*technical control*’ noted in the Special Report was not nearly as effective as it needed to be and this had to be improved to avoid further risk to the critical path of construction. The industry standard and market proven changes in contract and management have led to the much improved

situation that we have today. Again, the evidence of this is the obvious progress on site since the change in management personnel and form of contract. On this basis, I find no grounds to support the criticisms of the Special Report in this regard.

3. The concern about an advance payment of \$600,000 to LLC Bermuda Ltd.

Mr. Speaker, it is true that a sum of \$600,000 was advanced to LLC Bermuda Ltd. to assist with cash flow. We were of the view that there was the likelihood that the project would experience significant difficulty, or falter altogether, in the absence of the cash advance, so we approved it. It is to be noted, however, that the advance payment of \$600,000 made under the new contract was within the gross contract sum and is being amortized at the fixed rate of \$30,000 per month back to the Ministry. Therefore, there is ultimately no net effect on the new contract sum. It was a contractually compliant solution and one based on proven means to move a project forward. Significantly, already some \$120,000 of that amount has been repaid.

At this juncture, **Mr. Speaker**, let us not forget the \$2,000,000 bail-out that the former Government provided during the construction of Westgate Correctional Facility some fifteen years ago, about 5.4% of the total cost of the project. That \$2,000,000 – quite a large sum, I might add -- marked an increase in the cost of Westgate, unlike the \$600,000 or 0.77% of the total cost of the project advanced to LLC Bermuda Ltd. which does not increase the cost of the project one cent.

There is no doubt in my mind, **Mr. Speaker**, that we made the right decision in this regard.

4. The statements with respect to the withdrawal of Ministry cooperation.

Mr. Speaker, among the most misleading and indeed disturbing aspects of the Special Report is the Auditor General's account with respect to the withdrawal of Ministry cooperation.

When I met with the Auditor General on 19th February, 2009, I made the point that his statements as they stood with respect to the withdrawal of Ministry cooperation were misleading and arguably irresponsible, as they left the reader to conclude his or her own reasons for the decision to do so. The facts follow.

During mid **January**, I was advised that staff of the Office of the Auditor General were contacting Ministry staff with questions about the Magistrates' Court/Hamilton Police Station construction project and other projects managed by the Department of Architectural Design and Construction and the Department of Operations and Engineering within the Ministry of Works and Engineering. Fully cognizant of the requirement of an annual auditor's report on the financial statements of the Consolidated Fund, I understood fully and had no concerns about the enquiries underway.

On **28th January, 2009**, whilst I was abroad, I was informed by my Permanent Secretary that he had received from the Auditor General a letter advising that, in accordance with provisions of section 12 of the Audit Act 1990, he was conducting a "value-for-money" audit relating to the Magistrates' Court/Hamilton Police Station construction project.

I immediately requested that my Permanent Secretary advise the Auditor General that the Ministry would comply fully with the audit process. My

Permanent Secretary wrote to the Auditor General the next day advising that the Ministry agreed the terms of the audit engagement as set out in his, the Auditor General's, letter of 28th January, 2009.

However, **Mr. Speaker**, on the morning of 4th February, 2009, I was shown photocopies of returned Landmark Lisgar Construction Ltd. cheques from HSBC Bank of Bermuda Ltd. that had been discovered in the files of the Ministry of Works and Engineering, one cheque made out to 'Dr. E. Brown' and the other made out to a 'D. Burgess'. As I have stated publicly on numerous occasions already, I was astonished to see these cheques, as I knew that I had received no funds from Landmark Lisgar Construction Ltd. Within the next two hours or so, I had proven that I was not the 'D. Burgess' whose name appeared on the cheque. By this time, I had also learned that many days earlier the Auditor General, having seen the photocopies of these cheques, had informed His Excellency the Governor, yes, His Excellency the Governor, among others, that I was indeed the 'D. Burgess' whose name appeared on the cheque. I was unable to understand then – and I not understand now – the Auditor General's failure to confirm the authenticity of the cheques.

Mr. Speaker, I felt that my integrity had been impugned, not only as a Minister, but as a citizen of this country. I felt that my family had been insulted. I felt justifiably outraged. Consequently, I questioned the motive and credibility of the Auditor General in the entire "value-for money" audit process. Having sought and received legal advice regarding the matter, I instructed my Permanent Secretary to write to the Auditor General advising that "*certain matters had come to the Minister's attention that have caused him to instruct that the Ministry should not cooperate any further with his audit until satisfied that he is properly authorized to conduct it.*"

Mr. Speaker, it had been my intention to seek the views of the Attorney-General's Chambers regarding the decision to instruct non-cooperation on the part of Ministry staff. Having seen the Auditor General's e-mail of 6th February, 2009 to my Permanent Secretary in which he threatened criminal proceedings unless all impediments to the conduct of his audit were immediately removed and having received the advice of the Attorney-General's Chambers, I requested that my Permanent Secretary advise the Auditor General that the Ministry would resume cooperation with the Office of the Auditor General with immediate effect. That communication was sent to the Auditor General on 10th February, 2009, the day preceding his stated deadline.

Mr. Speaker, this section of the Special Report causes me particular discomfort and concern. During our meeting of 19th February, 2009, my Permanent Secretary and I met with the Auditor General briefly after his staff had left my office. I explained in detail the reason for the instruction to withdraw Ministry cooperation and made the point that fairness and objectivity demanded that the Special Report should set out that reason. The Auditor General stated that he understood my reaction in this regard, noting that had the same thing happened to him, he would have done the same thing!

However, **Mr. Speaker**, that section of the Special Report remained unchanged in the draft that I was given during the meeting with the Audit Committee on 25th February, 2009. During that meeting, the Ministry team, supported, I believe, by the Audit Committee and others in attendance at that meeting, made the point that the reference to withdrawal of Ministry cooperation should be removed altogether from the Special Report or, failing that, the reasons for the decision should be included. Disturbingly, that section of the Special Report remains

unchanged in the document that was tabled in the House of Assembly on Wednesday.

Mr. Speaker, I have set out in some detail the circumstances of the withdrawal of Ministry co-operation to underscore my recognition of the seriousness of such withdrawal and in the cause of fairness, objectivity, and good governance, surely the expected underpinnings of any Special Report or any other Report emanating from the Office of the Auditor General.

Mr. Speaker, it is in the cause of fairness, objectivity and good governance also that I have offered observations on other aspects of the Special Report.

Thank you, **Mr. Speaker**.

Brady, Lawrence

From: Horton, Robert
Sent: Saturday, April 18, 2009 8:32 PM
To: Brown, David; Hassell, Thomasina; Sylvester, Lee; Chung, Lucy
Cc: Brady, Lawrence
Subject: Lawrence

Colleagues:

I telephoned Lawrence this evening to let him know that he is in our thoughts and prayers at this undoubtedly difficult time.

I knew nothing of the events of yesterday until early this afternoon when I saw the front page of today's edition of *The Royal Gazette*.

RKH

From: Horton, Robert
Sent: Monday, November 15, 2010 11:05 PM
To: Manders, Anthony
Cc: Scott, Donald; Hall-Bean, Judith; Brady, Lawrence; Chung, Lucy
Subject: Environmental Health Lab at Southside

Mr. Anthony Manders
Acting Financial Secretary
Ministry of Finance

Dear Anthony:

Mrs. Judith Hall-Bean, Assistant Financial Secretary (Committees), today advised that you would be serving as Acting Financial Secretary with immediate effect. Congratulations!

You will know that with effect **from 29th October, 2010, responsibility for the Department of Architectural Design and Construction was transferred from the former Ministry of Works and Engineering to the Ministry of Finance.** In this regard, please be advised that the Hon. Derrick V. Burgess, JP, MP, Minister of Public Works, has informed me that the Hon. Paula A. Cox, JP, MP, Premier and Minister of Finance, **has agreed that the following four projects** may **continue with Ministry of Public Works oversight** until they have been completed or until 31st January, 2011 at the latest:

- (1) **Dame Lois Browne-Evans Building**
- (2) Environmental Health Lab at Southside
- (3) Department of Health Vector Control at Former Metro Building, Devonshire
- (4) Bermuda Police Service Senior Officers' Accommodation at "Veritas Place", 65 Court Street, Hamilton

My concern relates to (2) Environmental Health Lab at Southside.

You will note from the attached e-mail chain that Mr. Peter Corday, a consultant architect within the Department of Architectural Design and Construction, is refusing to report to me or to sign-off on documents relating to this critically important project, notwithstanding the requests of Mr. Lawrence Brady, Chief Architect, and Mrs. Lucy Chung, Senior Architect, that he do so. With the lab scheduled to be opened in a matter of weeks, Mr. Corday's position is likely to delay considerably the lab's completion. The Environmental Health lab has already commenced its move from Point Finger Road and is to be housed at costly alternative locations until the lab at Southside is completed. You will appreciate, therefore, the myriad challenges associated with any delay in this regard.

In these circumstances, I would like to meet with you at the earliest possible time this week in order that we might resolve a matter that has the potential of being enormously embarrassing to the Government. No doubt you would wish Mr. Brady and Mrs. Chung to be in attendance also.

Many thanks for your consideration in this regard.

Robert K. Horton
Permanent Secretary
Ministry of Public Works

2. The Commercial Court / Ministry of Finance Renovations

The Commission's concern relates to apparent interference, in the tendering process, in favour of Bermuda Drywall and Ceilings Ltd ("BDCL").

The Commission's understanding is that, when the contract was first put out to tender, BDCL's bid was considered by W&E to be invalid and W&E recommended that DeCosta Construction be awarded the contract. After receiving the recommendation, the Minister requested W&E to undergo a value engineering exercise with DeCosta. This led to the project parameters changing. The project was then re-tendered with the new parameters. On this round, BDCL tendered a slightly lower bid than DeCosta. W&E again considered the BDCL bid to be incomplete but, before W&E could make its formal recommendation, the Ministry awarded the contract to BDCL and allowed BDCL to submit additional information which had been missing from its tender.

We would be grateful if you could assist us, generally, by commenting on /confirming or correcting the Commission's understanding set out above.

November 2008

2

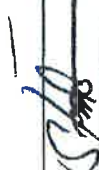


- A. Lucy Chung was the Project Manager for W&E, with S.H.Y Architects as Architects of Record. My involvement was limited to providing information to W&E's Permanent Secretary Robert Horton when requested. The majority of the communication was between Lucy Chung, PS Horton and Minister Derrick Burgess.
- B. Email October 13, 2008 from PS Horton to Lawrence Brady: "Minister has requested that any contracts to be issued in connection with the new Commercial Court in Government Administration Building, Second Floor, be held until his return to the office on 21st October, 2008."
- C. Email November 4, 2008, November 6, 2008: "... reasons to support the decision to disqualify Bermuda Drywall & Ceilings as bidders ..."
- D. Email January 4, 2009, item #6: "... the PS said it is certainly going to be awarded to Bermuda Drywall & Ceilings and that he would send us an email to that effect."
- E. Report of the Auditor General December 2014, response from the Former Minister of Works and Engineering Derrick Burgess February 2016 re: 3.1.2 Commercial Courts/Ministry of Finance Renovations: "I did 'interfere'."

Ministry of Work and Engineering

TENDER OPENING RECORD

FILE REF.	OPENING DATE	TENDER PACKAGE DETAILS	TIME	P&T CMTTEE.	OFFICER	LOCATION
34/73/56 (55)	19- Sept-2008	Ministry of Finance Headquarters and New Commercial Courts GAB, 2nd Floor	3:00	Troy Symonds	Alison Rowe	W&E Boardroom
SEQ.	TENDER SUBMITTED BY			AMOUNT BID 1	AMOUNT BID 2	AMOUNT BID 3

1	Bermuda Dry Wall.	\$2,283,000. ⁰⁰	
2	A J N Construction LTD.	\$2,445,240. ⁰⁰	
3	Patterson Construction Ltd)	\$2,653,155. ⁰⁰	
4	Decousta Construction Ltd.	\$2,334,000. ⁰⁰	
5	RE CON LTD.	\$2,616,053. ⁰⁰	
6	CAT LOW Group	3,179,000. ⁰⁰	
7			
8			
9			
10			
11			

COMMENT	REPRESENTATIVE	PRINT NAME	SIGNATURE
	P. T. C. MEMBER	Troy Symonds	
	Purchasing & Supply Officer	Stanley Williams	
	Other Witness	Robin A.V. Woodley	

cc Purchasing Officer – Officiating
Project Officer
MWEPH Reception

FILE COPY



GOVERNMENT OF BERMUDA

Ministry of Works and Engineering

FILE COPY

34.73.55/04

Department of Architectural Design and Construction

Minutes – Meeting with PS & Minister

Projects: GAB, 2nd floor – Finance & Commercial Courts
129 Front St., 3rd Floor – DHR etc.

Date of Meeting: Sept 26, 2008
Date of Issue: Oct 17, 2008

Attendees: Derek Burgess, Minister of Works & Engineering
Robert Horton, Permanent Secretary W&E
David Brown, Chief Surveyor, W&E
Lucy Chung, Architect, W&E

Project No.: 34.73.55; 34.73.56 & 13.254.52

File No.: 14

Method of Transmission: Email

Table with 3 columns: No., Description, Action. Contains 5 numbered items describing meeting minutes.



GOVERNMENT OF BERMUDA

Ministry of Works and Engineering

Department of Architectural Design and Construction

No.	Description	Action
6.0	L. Chung noted that another big cost was for the furniture. PS Horton will speak with each Client department and advise them that they will have to fund their own furniture. L.Chung to provide estimate.	L. Chung
7.0	PS Horton advised that any remaining furniture from the Accountant General's former office be reused at Global House.	
8.0	L. Chung to provide estimate for works at 129 Front Street to PS Horton to sort out who would be funding what portions.	L. Chung
9.0	Minister Burgess advised that we do not need to submit for a Building Permit because it is a minor renovation.	
10.0	L. Chung noted that she was under the impression that the General Building Permit W&E had in place for minor renovations was revoked. D. Brown noted that his department still uses it. Minister Burgess asked for a copy of it so that he could discuss it with his counterpart.	L. Chung

Prepared by: Lucy Chung, Project Architect
Please report any errors & omissions

Distribution: All attendees
Lawrence Brady, Chief Architect

FILE COPY

34.73.55/04

Chung, Lucy

From: Horton, Robert
Sent: Monday, October 13, 2008 12:04 AM
To: Brady, Lawrence
Cc: Chung, Lucy; Burgess, Derrick
Subject: Commercial Courts

Lawrence:

The Minister has requested that any contracts to be issued in connection with the new Commercial Court in the Government Administration Building, Second Floor, be held until his return to the office on 21st October, 2008.

Thank you for your attention in this regard.

Robert K. Horton
Permanent Secretary
Ministry of Works and Engineering

FILE COPY

34.73.55/01A

104

102/D

Chung, Lucy

From: Chung, Lucy
Sent: Wednesday, October 15, 2008 4:35 PM
To: Brady, Lawrence
Subject: RE: Finance & Commercial Courts: Cabinet recommendation for GC

Follow Up Flag: Follow up
Flag Status: Completed

Lawrence,

Attached please find the document with additional information.

Regards,
Lucy



347355
inet_GC-02.doc (73

From: Chung, Lucy
Sent: Wednesday, October 15, 2008 3:52 PM
To: Brady, Lawrence
Subject: Finance & Commercial Courts: Cabinet recommendation for GC

Lawrence,

Attached please find our recommendation to Cabinet for DeCosta Construction as the GC.

Regards,
Lucy

<< File: 347355 Cabinet_GC.doc >>

FILE COPY

34.73.55 /01A

CC/04

MINISTRY OF WORKS AND ENGINEERING
Department of Architectural Design and Construction

COPY

General Contractor Services - Interior Fit out
Ministry of Finance Headquarters & Commercial Courts
Government Administration Building, 2nd Floor

CONTRACT AWARD RECOMMENDATION

1. Scope of Work

The scope of work of this tender comprises the phased construction of the complete second floor of the Government Administration Building, an area of approximately thirteen thousand (13,000) square feet. This project comes about following the Accountant General's Department vacating their space on this floor and relocating to Andrew's place. The Ministry of Finance Headquarters and the Commercial Courts will share the floor in approximately equal parts.

The Ministry of Finance Headquarters project involves the complete renovation of their existing space as well as an extension to provide additional offices; they will continue to occupy their existing space during the construction period.

The Commercial Courts project involves the creation of two new courtrooms along with offices and support areas.

Furniture, carpet, access control, telephone and structured cabling are not included in this Contract – these will be awarded under separate contracts.

2. Tender Procedure

- The project was advertised as a public tender in the Bermuda Sun on August 27th and 29th, 2008;
- Five addenda were issued during the tender period;
- Tenders were due on Sept 19th at 3pm.
- The tender opening was public.

3. Tender Response

Seven companies responded to the Call for Tender, they were as follows (in alphabetical order):

1. AJW Construction Ltd
2. Bermuda Drywall & Ceilings
3. CatCon Group
4. DeCosta Construction
5. Paterson Contracting
6. Recon Limited
7. Riley Construction

- One incomplete bid was received. Bermuda Drywall & Ceilings did not include in his price for the 5 addenda and did not complete all sections of the Form of Tender. Neither Previous Projects Information nor Schedule of Values were provided, therefore the bid is invalid.
- One company picked up the tender package but did not submit a bid. This was Riley Construction.
- Five valid bids were received as follows, from lowest to highest bidder:

Company	Bid
DeCosta Construction	\$2,334,000.00
AJW Construction	\$2,445,240.00
Recon Limited	\$2,616,053.00
Paterson Contracting	\$2,653,155.00
CatCon Group	\$3,179,000.00

4. Tender Evaluation

The lowest bidder is DeCosta Construction; the second lowest bidder's price is within 5% of the low bid. The closeness of the bids is a good indicator that the bidders understood the same scope of work.

5. Financial Checks:

Financial checks have been requested in relation to the Ministry of Works and Engineering, the Department of Social Insurance and the Office of the Tax Commissioner. Any negative results which the successful bidder is unable to rectify immediately via a payment plan may result in the contract award being placed with an alternative successful bidder.

6. Named Principals:

The names of the principals of the companies that submitted valid tenders were as follows:

Company	Principal(s)
DeCosta Construction	Michael DeCosta
AJW Construction	Andrew Famous, Rickie Caines, Wendell Brown & John Tomilson
Recon Limited	Mark Butt, John Straw & Scott Correia
Paterson Contracting	Kevin Petty
CatCon Group	Chris Maiato & Jerry Vandenbroek

7. Recommendation

We would recommend awarding the Contract to DeCosta Construction.

Cabinet is invited to:

Authorise the Ministry of Works and Engineering to award the contract for the General Contractor for the interior fit-out for the Ministry of Finance Headquarters & Commercial Courts at the Government Administration Building, 2nd Floor to DeCosta Construction for the sum of \$2,334,000 (Two million three hundred thirty four thousand dollars).

Date: 15th October 2008

File: 34.73.55 & 34.75.56

Chung, Lucy

From: Chung, Lucy
Sent: Friday, October 17, 2008 3:12 PM
To: Horton, Robert; Brown, David; Brady, Lawrence; Burgess, Derrick
Subject: Finance & Commercial Courts - Meeting Minutes 2008-09-26

Attached please find Minutes of the meeting held on September 26, 2008 along with an expired version of the General Building Permit referenced in the meeting minutes.

Regards,
Lucy



Meeting PS 01.pdf
(87 KB)



General Building
Permit 2001.P...

Lucy Chung, Architect
W&E, Bermuda Government
Tel: 441-297-7679
Fax: 441-295-4675
Email: lchung@gov.bm



GOVERNMENT OF BERMUDA

Ministry of Works and Engineering

FILE COPY

3A.73.55/04

Department of Architectural Design and Construction

Minutes – Meeting with PS & Minister

Projects: GAB, 2nd floor – Finance & Commercial Courts
129 Front St., 3rd Floor – DHR etc.

Date of Meeting: Sept 26, 2008

Date of Issue: Oct 17, 2008

Attendees: Derek Burgess, Minister of Works & Engineering
Robert Horton, Permanent Secretary W&E
David Brown, Chief Surveyor, W&E
Lucy Chung, Architect, W&E

Project No.: 34.73.55; 34.73.56 & 13.254.52

File No.: 14

Method of Transmission: Email

No.	Description	Action
1.0	The meeting was called to discuss the cost of Finance HQ's & Commercial Court's renovation. Other matters were discussed tangentially.	
2.0	The project is being funded from the Office Relocation Vote.	
3.0	L.Chung provided an assessment by J.Burnham, W&E Quantity Surveyor, in which he noted that the specification for the GAB project is basic and therefore there is only one way of reducing costs – to omit part of the work. This would be problematic as it would not satisfy the Clients' requirements.	
4.0	L.Chung provided some figures from recently completed projects to illustrate the fact that the square foot costs were similar. The figures that did not correspond were the electrical / mechanical costs. This was much higher for the GAB project due to the poor state of the current air conditioning in the building. L.Chung noted that we were advised by the Buildings Section at the start of the project not to rely on the chillers being changed out in time to coincide with the completion of our project.	
5.0	D.Brown now confirms that the chillers will be upgraded in early 2009. L.Chung noted that if this is indeed the case then no doubt there would be cost savings because portions of the mechanical design can now be omitted. This would be a cost savings to the project.	



GOVERNMENT OF BERMUDA

Ministry of Works and Engineering

Department of Architectural Design and Construction

No.	Description	Action
6.0	L. Chung noted that another big cost was for the furniture. PS Horton will speak with each Client department and advise them that they will have to fund their own furniture. L.Chung to provide estimate.	L. Chung
7.0	PS Horton advised that any remaining furniture from the Accountant General's former office be reused at Global House.	
8.0	L. Chung to provide estimate for works at 129 Front Street to PS Horton to sort out who would be funding what portions.	L. Chung
9.0	Minister Burgess advised that we do not need to submit for a Building Permit because it is a minor renovation.	
10.0	L. Chung noted that she was under the impression that the General Building Permit W&E had in place for minor renovations was revoked. D. Brown noted that his department still uses it. Minister Burgess asked for a copy of it so that he could discuss it with his counterpart.	L. Chung

Prepared by: Lucy Chung, Project Architect
Please report any errors & omissions

Distribution: All attendees
Lawrence Brady, Chief Architect

Ministry of Works and Engineering
MEMORANDUM

To: ~~Acting Chief Architect~~
Assistant Chief Engineer
Building Manager

Date: 16th August 2001

From: Chief Surveyor

File No: 30/16

Re: Annual General Building Permit – Permit # B-0000/01.

Please find attached a further copy of the above permit. As instructed by the Acting Permanent Secretary, would the addressees please review the scope and classification of work for which any new permit should be drafted.

By copy of this memorandum will the Building Manager please convene a meeting of the addressees in order confirm and formalise the draft for inclusion in the next General Building Permit.

David Andrews
David Andrews
Chief Surveyor.


AUG 21 2001

Cc: Acting Permanent Secretary

- Minor works covered by this permit – no construction, or only ^{written} scope submit
- More extensive work, although still may be covered by the permit – submit drawings for info
- Work beyond scope of this permit – full approval to be obtained.
- Listed or Historical Buildings – Full Planning & Building Approvals to be obtained
- All non-Govt. owned buildings 57



**BUILDING CONTROL DIVISION
DEPARTMENT OF PLANNING
TELEPHONE 297-7755**

CALL 297-7828 FOR INSPECTIONS

PERMIT March 2001 - **DATE** March, 2002

Number: **B-0000/01**

Type: **BUILDING/ELECTRICAL/PLUMBING/MECHANICAL**

Site: **ALL GOVERNMENT OWNED PROPERTIES ISLANDWIDE**

Applicant: **Bermuda Government
P.O. Box HM 525, Hamilton HM CX.**

Owner: **Applicant**

Eng/ Arch.: **Russell Wade, Works & Engineering**

Contractor: **Various (In House/Tender)**

Scope of Work: **Replacements/Alterations/Repairs/Internal Modifications/Minor
Improvements**

Conditions: All of the permit conditions on the back of this page plus the following:

Work is restricted to that described by Building Official's letter dated 14th March, 2001.

All work will be designed and performed in accordance with the Bermuda Building Code 1998 and associated Health and Fire Codes.

WORK SHALL NOT PROCEED UNTIL THE INSPECTORS HAVE APPROVED THE VARIOUS STAGES OF CONSTRUCTION.

Amberus Carter
Signature of Contractor or Responsible Person **21-03-01**

[Signature]
Building Official or Responsible Person

58 (Date issued)

ISSUED PURSUANT TO THE BUILDING ACT 1988 AND BERMUDA BUILDING CODE REGULATIONS 1998

MEMORANDUM

TO: Russell Wade, Acting Permanent Secretary
Ministry of Works & Engineering

FROM: Nicky Gurrett, Building Control Officer

DATE: 14th March, 2001

SUBJECT: ANNUAL GENERAL PERMIT RENEWAL: BUILDING PERMIT
NUMBER B-0000/01: EFFECTIVE DATES 14TH MARCH 2001 - 14TH
MARCH, 2002

This responds to your letter dated 14th February, 2001. You sought agreement on scope of work for which Works and Engineering could perform and supervise work without the necessity of application for permit, and subsequent external agency inspections on Government owned facilities. The following approvals are granted.

In accordance with authority provided by Article A-102.1 and Article A-102.2, the following items are not subject to building permit applications:

- Replacement of windows (visual aesthetics remain the same).
- Floors, doors, non load-bearing partitions within offices - fire resistance or means of egress (corridors, aisles, travel distance, exit illumination is maintained or improved).
- Replacement of defective roofs and roof coverings (if more than 25% of total, must comply with Chapter 15 of the Bermuda Building Code 1998 and meet Bermuda aesthetic requirements).
- Replacement in kind of defective plumbing, fittings, units.
- Upgrade of ceilings which do not decrease fire resistance requirements.
- Minor electrical or mechanical repairs, alterations or replacements which do not increase service requirements or performance characteristics of the systems which are required to meet present code standards.

Therefore, in accordance with Section A-102 of the Bermuda Building Code: 1998, could you please arrange to collect and sign for the General Permit B-0000/01 for your use and record until the 14th March, 2002. It is requested that at least 30 days before expiration you make application to renew said permit for another period of time and certify that you have complied with Code requirements for any work undertaken during the previous year.

FILE

MAR 21 2001

If you have any questions, or if any work is questionable, please do not hesitate to contact this office and we will respond in an expedient manner.



Nicky Gurrett
Building Control Officer

NG/caw

Enclosure

c.c. R. Hollis, Director of Planning
Chief Environmental Health Officer, Health Department
Chief Fire Officer, Bermuda Fire Service

Minister, PS, David Brown, Way

Sept. 26, 2008

- 1/ Met w/Premier re: plans on Mag. courts
- PS + Minister updated Premier.
- 2/ AG sent to Global.
- 3/ Furniture by Chert dept.
- 4/ 80099 → 124 Frnt.
- 5/ Email PS → Jan fin + annual cont
- 6/ Email PS → HR, moneys + cont sum
- 7/ HR + Margaret = 2% for rent/cleaning
- 8/ Letter ~~removing~~^{who} removed our 1 day.
- 9/ do not submit to planning
- 10/ Minister inquired about hfu fees.

Brady, Lawrence

From: Horton, Robert
Sent: Tuesday, November 04, 2008 6:58 PM
To: Brady, Lawrence
Cc: Ming, Ari
Subject: FW: Need your help

Lawrence:

Please do not forget to provide for me by tomorrow the additional/expanded reasons to support the decision to disqualify Bermuda Drywall & Ceilings as bidders on the Ministry of Finance/Commercial Court construction project, Government Administration Building.

I am now on my way to Ascots!!

RKH

Brady, Lawrence

From: Horton, Robert
Sent: Thursday, November 06, 2008 1:02 AM
To: Brady, Lawrence
Subject: RE: Need your help

Lawrence:

Many thanks.

RKH

-----Original Message-----

From: Brady, Lawrence
Sent: Wednesday, November 05, 2008 11:10 AM
To: Horton, Robert
Subject: Fw: Need your help

PS,
The requested information on Bermuda Drywall and Ceiling.
LB

----- Original Message -----

From: Chung, Lucy
To: Brady, Lawrence
Sent: Wed Nov 05 10:28:36 2008
Subject: RE: Need your help

Incomplete bid submission from Bermuda Drywall & Ceiling - details as follows:

1. Only pages 1 to 5 of the 8 pages that comprised the "Form of Tender" were returned. It is clearly indicated at the top of each page that "All sheets form part of the tender".
2. Five addenda were issued during the bid process. The addenda revised the scope of work. These changes to the scope of work have financial implications. Bermuda Drywall & Ceiling did not allow for these addenda in their price.
3. Page 5 of the "Form of Tender" requests information about the company. Bermuda Drywall's submission was missing the principals of the firm; All Risks insurance policy; Workers' Compensation policy and Social Insurance No.
4. Page 6 is for "Previous Projects Information". This was not submitted.
5. Pages 7 & 8 comprises the "Supplemental Instructions". This was not submitted. The return of these pages serves as a basis for the bidder's agreement to the terms of the project.

The guidelines we follow require an automatic rejection of the bid for the above outlined irregularities.

-----Original Message-----

From: Brady, Lawrence
Sent: Wednesday, November 05, 2008 9:23 AM
To: Chung, Lucy
Subject: FW: Need your help

63
LB
1

Lucy,
Info required by the PS

-----Original Message-----

From: Horton, Robert
Sent: Tuesday, November 04, 2008 6:58 PM
To: Brady, Lawrence
Cc: Ming, Ari
Subject: FW: Need your help

Lawrence:

Please do not forget to provide for me by tomorrow the additional/expanded reasons to support the decision to disqualify Bermuda Drywall & Ceilings as bidders on the Ministry of Finance/Commercial Court construction project, Government Administration Building.

I am now on my way to Ascots!!

RKH

Chung, Lucy

From: Chung, Lucy
Sent: Thursday, November 27, 2008 3:06 PM
To: Horton, Robert; Burgess, Derrick
Cc: Brady, Lawrence; Squire, Stephen
Subject: Key points of meeting: Finance & Commercial Courts and DHR & Management Services

Key Points of Meeting

Project: Finance & Commercial Courts and DHR & Management Services
 Project No.: 34.73.55 & 13.254.52
 Location of Meeting: GAB, 2nd floor & 129 Front St.
 Date: November 26, 2008
 In attendance: Minister Burgess, PS Horton, Lucy Chung

Finance & Commercial Courts Project:

1. L. Chung is to seek pricing for dismantling the Accountant General's old workstations; she will also inquire about the area required to store the furniture.
2. The Minister will find out if the St. George's Police Station could use any of the workstations.
3. In order to reduce costs the Minister instructed that the existing offices along the perimeter of the GAB be reused in the new plan. L. Chung to review the plan and advise of any implications (i.e. how does the numbers compare etc.)
4. The Minister is considering a different method of project delivery. He believes he can cut costs by not hiring a General Contractor and hiring Sub Contractors' directly. He will consult with his advisor before issuing his instructions.
5. There were a large number of phones remaining at the Accountant General's old offices'. L. Chung advised that Eddie Neverson did not intend to reuse them and as such she was tasked with disposing them. PS Horton to inquire about the possibility of reuse since it appears to be a waste of resources.

DHR & Management Services project:

6. L. Chung to provide a summary of monies spent on Management Services' space at 129 Front Street per the Minister's request.
7. L. Chung advised that the Architect's Department have received no information from the Attorney General's Department in terms of their requirements for their upcoming move to the Department Human Resources space when it is vacated; she also noted that existing plans were sent to them many months ago.
8. L. Chung updated the PS and Minister on the DHR (Department of Human Resources) project following her meeting with them earlier on in the day. A number of issues came to light as follows:
 - a. DHR had selected demountable partitions rather than panels. The selection of this product would push the completion date until March 2009. In order to not hold up the move, since other Department moves are predicated on DHR's move, L. Chung asked if DHR would consider moving in without the partitions. This option was not acceptable to DHR.
 - b. It is important to note that a completion date of January would be required if the washroom renovations are to take place. The original completion date of December 9th is only possible if we do not renovate the washrooms; however, this would not include the panels because W&E has been slow in placing the order. As such, a December move would only be possible if DHR is prepared to move without the panels in place; however, it was W&E's understanding that due to holidays (staff leave) and programme obligations (courses etc.) the move would only had been possible in January with perhaps a partial phased move in December in the best case scenario.
 - c. There is some discrepancy between DHR's understanding and the Architects' understanding of the implication of the lease having been extended from summer 2009 to the following year. The Architects' understanding is that this extension does not fundamentally change the fact that the move is still considered short term and as such the reduced scope of work still applies. DHR's understanding is that this lease extension changes the status of the move (i.e. it is no longer considered short term) and as such the reduced scope of work no longer applies; according to DHR PS Horton's agreement to allow for the washroom renovations attests to this.
 - d. DHR expressed concern that the plans were not reviewed by the Fire Service. L. Chung advised review with the Fire Service is the usual course of action but that they were delayed because of the extreme urgency that was placed on getting the space ready and the Departments moved in. The Architects still have full intentions of going through the process and any deficiencies would be remedied as soon as they are identified by the Fire Service – as it is the normal process.

6. At the walkthrough of 129 Front Street L. Chung pointed out some additional works that were requested from DHR & Management Services. They were as follows:
 - a. DHR – additional interior windows in 2 offices
 - b. DHR – renovate bathrooms
 - c. Management Services – sink next to new washroom in order to create a kitchenette
 - d. Management Services – drywall partition to create coffee area outside the boardroom (original scope called for panels only)
 - e. Management Services – drywall partition to create new storage room near boardroom
7. The Minister gave instructions not to proceed with any of the additional works since this move is considered short term and it is not a good use of funds.
8. PS Horton agreed that he will follow up with Carlita O'Brien to clarify the agreed scope of work.

Lucy Chung, Architect
W&E, Bermuda Government
Tel: 441-297-7679
Fax: 441-295-4675
Email: lchung@gov.bm

Brady, Lawrence

From: Castro, Jonathan
Sent: Friday, November 28, 2008 9:30 AM
To: Chung, Lucy
Cc: Brady, Lawrence

Lucy,

Minister Burgess with an unknown person came in this morning about 8:35am asking for you. I had told him that you were not in yet, and then he asked where you sat. When I showed him your desk, he said he was taking the plans for, what I believed to have heard, Magistrates Court/Hamilton Police Station. However he may have meant Ministry of Finance and Commercial Courts, as those were the plans that he took with him. Looking at what his guest had in his hands, I notice the logo of SHY Architecture.

Minister Burgess than introduced himself to me as "Mr. Burgess, the Minister" on their way out. This unknown gentleman I would describe as: a Caucasian male, slightly taller than Minister Burgess with grayish/silver/white hair. I did not introduce myself to him, nor did he introduce himself to me.

Jonathan Castro

Student Architect

Ministry of Works and Engineering

The Government of Bermuda

P.O. Box HM 525

Hamilton HM CX

t. 441 297 7846

f. 441 295 4675

Brady, Lawrence

From: Castro, Jonathan
Sent: Friday, November 28, 2008 9:23 AM
To: Chung, Lucy
Cc: Brady, Lawrence
Subject: Ministry of Finance and Commercial Courts

Lucy,

Minister Burgess with an unknown person came in this morning about 8:35am asking for you. I had told him that you were not in yet, and then he asked where you sat. When I showed him your desk, he said he was taking the plans for, what I believed to have heard, Magistrates Court/Hamilton Police Station. However he may have meant Ministry of Finance and Commercial Courts, as those were the plans that he took with him. Looking at what his guest had in his hands, I notice the logo of SHY Architecture.

Jonathan Castro
Student Architect

Ministry of Works and Engineering
The Government of Bermuda
P.O. Box HM 525
Hamilton HM CX

t. 441 297 7846
f. 441 295 4675

Brady, Lawrence

From: Brady, Lawrence
Sent: Friday, November 28, 2008 11:15 AM
To: Horton, Robert
Subject: FW: Documents removed

PS,

I refer to Mr. Castro's EMAIL received this morning.

Needless to say this action causes me great distress that someone, be it a Minister or any other member of Government or the public could enter into any government office and remove any documents without a request from the PS or Head of Department being made.

In light of our meeting with the Auditor General this week we are entering a very risky approach in best practice and procedures.

LB

From: Castro, Jonathan
Sent: Friday, November 28, 2008 9:30 AM
To: Chung, Lucy
Cc: Brady, Lawrence
Subject:

Lucy,

Minister Burgess with an unknown person came in this morning about 8:35am asking for you. I had told him that you were not in yet, and then he asked where you sat. When I showed him your desk, he said he was taking the plans for, what I believed to have heard, Magistrates Court/Hamilton Police Station. However he may have meant Ministry of Finance and Commercial Courts, as those were the plans that he took with him. Looking at what his guest had in his hands, I notice the logo of SHY Architecture.

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Jonathan Castro

Student Architect

Ministry of Works and Engineering

The Government of Bermuda

P.O. Box HM 525

Hamilton HM CX

t. 441 297 7846

f. 441 295 4675

FILE COPY
34 73 55/01

Chung, Lucy

From: Scott, Donald
Sent: Friday, November 28, 2008 12:09 PM
To: Horton, Robert
Cc: Chung, Lucy
Subject: RE: Finance & Commercial Courts - status

PS,

Please explain what is going on. The project was tendered and I understood an award of the contract was imminent. The delays are impacting MOF's business operations. When will the contract be awarded? I have to say that my patience is at an end.

FS

From: Chung, Lucy
Sent: Wednesday, November 26, 2008 3:59 PM
To: Scott, Donald
Subject: FW: Finance & Commercial Courts - status

Mr. Scott,

I understand Tyler is off island. Please find an update below.

Regards,
Lucy

From: Chung, Lucy
Sent: Wednesday, November 26, 2008 3:55 PM
To: Moniz, Tyler; Scott, Charlene
Cc: Horton, Robert; Brady, Lawrence
Subject: Finance & Commercial Courts - status

Tyler & Charlene,

I met with our PS and Minister today; they are reviewing options that may help reduce the cost of the project – this may include reusing existing walls in Finance's section and the overall method of project delivery. I shall advise as soon as we receive our instructions.

Regards,
Lucy

Lucy Chung, Architect
W&E, Bermuda Government
Tel: 441-297-7679
Fax: 441-295-4675
Email: lchung@gov.bm

From: Horton, Robert
Sent: Tuesday, December 02, 2008 8:51 PM
To: Chung, Lucy
Cc: Brady, Lawrence
Subject: RE: 898 MINISTRY OF FINANCE HQ AND COMMERCIAL COURTS - PARLIAMENT STREET

Dear Lucy:

I am persuaded 100% by your e-mail!! You may be assured that UNDER NO CIRCUMSTANCES would I request that you act in contempt of the professional ethics set out by architects' associations and affiliations.

The cost saving methodology that you set out in your second paragraph is clearly the correct way forward.

I shall apprise the Minister.

RKH

From: Chung, Lucy
Sent: Tuesday, December 02, 2008 5:20 PM
To: Horton, Robert
Cc: Brady, Lawrence
Subject: RE: 898 MINISTRY OF FINANCE HQ AND COMMERCIAL COURTS - PARLIAMENT STREET

PS Horton,

The documents belong to SHY and we would need their permission to provide them to Conyers & Associates. Architects practice under a professional code of conduct and are bound by certain professional ethics; in addition, there are issues of professional liability. If directed, I will make the request to SHY but please be cognizant of the fact that if I do so, as a professional Architect, you are asking me to act in contempt of the professional ethics set out by Architects' associations and affiliations.

Please note that the approach you and/or the Minister is proposing through Conyers & Associates is not considered good practice in the industry and is putting our Department at risk. We would advise against it and if cost savings is the goal then we would suggest approaching all the current stakeholders (client, consultants, and perhaps the bidders) on ways in which this can be achieved.

Regards,
Lucy

From: Horton, Robert
Sent: Tuesday, December 02, 2008 3:29 PM
To: Chung, Lucy
Cc: Brady, Lawrence
Subject: FW: 898 MINISTRY OF FINANCE HQ AND COMMERCIAL COURTS - PARLIAMENT STREET

Lucy:

Your attention is drawn to the third paragraph of Mr. Paynter's e-mail.

Are you able to assist here?

RKH

From: Richard Paynter [mailto:Rpaynter@cassoc.bm]
Sent: Tuesday, December 02, 2008 10:47 AM
To: Horton, Robert
Cc: Harold Conyers
Subject: 898 MINISTRY OF FINANCE HQ AND COMMERCIAL COURTS - PARLIAMENT STREET

Dear Permanent Secretary Horton,

With regard to the above project I understand that we have been requested to carry out a value engineering exercise on a design and supporting drawings and documentation that has been undertaken by the following consultants:

S.H.Y Architecture
Woodbourne Associates Mechanical Design
Spectrum Consulting Electrical Design

Please could you confirm if there has been any other consultants engaged on the project who may have information useful to this exercise.

We are in receipt of the following drawings:

Architectural

A1 Phasing Drawing – Phase 1
A1 Phasing Drawing – Phase 2
A1 Phasing Drawing – Phase 3
A1 Demolition Plan
A1 Partition/Millwork Location Plan
A1 Reflected Ceiling Plan
A1 Power/Communications Plan
A1 Floor Finishes Plan
A1 Wall Finishes Plan
A1 Furniture Plan

Mechanical

M101 Phasing Details Plan
M102 Existing Details Plan
M103 Demolition Details HVAC Plan – Phase 1
M104 Demolition HVAC Plan – Phase 2
M110 Construction Details HVAC
M111 Construction Details HVAC
M112 Cut Sheet
M113 New Chilled Water Pipe Installation Phase 1 & 2
M114 Rooftop Plan Installation of Condensing Unit Fresh Air DX Coil
M120 Plumbing Plan
M130 Specifications

Electrical

E.0 Legend, Drawings List & Details
E0.1 Detail Sheet 1 of 2 Electrical
E0.2 Detail Sheet 2 of 2 Electrical
E0.3 Panel Schedule Electrical
E0.4 Computer Room Ground Detail
E0.5 AV Details Electrical (Not Issued)
E0.6 Specification Electrical
E1.0 Lighting Plan Electrical
E2.0 Power & Systems Plan Electrical

There is a specification document to which many drawings make reference – please could you advise how we may obtain a copy of the specification for the project.

In order to make the most comprehensive and thorough examination of where cost savings can be achieved we would benefit from the fullest information that can be made available including any further documentation including any of the following:

- Project addendums.
- Permit applications / correspondence.

I understand that the project has been put through a bid process, any bid documentation would be most useful in establishing where the best opportunities to achieve economies lie.

We note that the budget for the project is BD1.7m. Could you confirm whether this figure includes the following:

- Furniture / fixtures / equipment.
- Structured cabling.
- Professional fees.
- Statutory fees.
- Project contingencies.

For the purposes of value engineering could you confirm whether or not there is a specific target for the base build construction cost?

We have already met with Leroy Robinson of EMT and reviewed their work at St. George Police Station and Mark Britton of Woodbourne Associate following which we believe that substantial savings can be made to the mechanical system costs.

I understand our specific instructions can be summarized as follows:

- Value engineering.
- Negotiation of revised contract sum for base build with EMT (we understand that there is no requirement for further bid action).
- Investigate the most expeditious means of project delivery and draw up a Project Schedule.
- Upon approval of revised Contract Sum and Project Schedule we are to draw up revised construction documents (based upon necessary revisions to latest project documentation) and Construction Contracts for Execution.
- Implement the most expeditious start on site.
- Undertake construction Contract Administration.

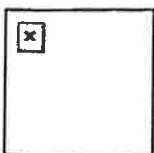
We are proceeding on a hourly basis at present but we will draw up a formal fee agreement with the most accurate estimation of our resource / fee requirements for your budgeting purposes.

I trust we have accurately understood your project requirements and thank you for the opportunity to provide professional services on this project.

We look forward to your reply and assure you our our closest attention.

Regards,

Richard Paynter *RIBA APMP MIBA*
Senior Architect and Project Manager



Conyers & Associates Ltd
Architectural, Interior & Landscape Design, Project Management
Andrews Place, 5th Floor
51 Church Street, Hamilton HM12, Bermuda
P.O. Box HM 3185, Hamilton HM NX, Bermuda 74

LB

T: 441-292-8503 F: 441-292-8362 E: rpaynter@cassoc.bm W: www.conversassociates.com

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FILE COPY

34 73.55/04

Chung, Lucy

From: Horton, Robert
Sent: Tuesday, December 02, 2008 8:54 PM
To: Chung, Lucy
Cc: Brady, Lawrence
Subject: RE: Commercial Courts/Expanded Ministry of Finance

Lucy:

Thank you for yet another excellent and most helpful e-mail.

You may be assured that I shall discuss this matter fully with the Minister.

RKH

From: Chung, Lucy
Sent: Tuesday, December 02, 2008 4:00 PM
To: Horton, Robert
Cc: Brady, Lawrence
Subject: FW: Commercial Courts/Expanded Ministry of Finance

PS Horton,

For the avoidance of doubt please note that we are on hold on this project pending further instructions from you.

You stated that the Minister is consulting with another architectural firm with expectations that they can assist in completing the project more cheaply. If cost savings is the goal then normally we would look at 2 things: the scope of work and the quality of the work. There is nothing excessive about the finishes selected - as such the latter, the quality of the work, cannot be reduced in order to gain significant savings. The scope of work is determined in response to the Clients' requirements. If we are to reduce the scope of work then we would normally work with the Clients to determine if, say, they really needed that many offices or storage units etc.

Since the project was a public tender - all bid submissions are a matter of public record - we would normally meet with the most responsive bidder to assist us in bringing the price down. In some instances their prices may be so low and the specification so basic that there is very little to be gained from the exercise - in which case they may inform us that they are not in a position to deliver the project any cheaper.

I believe the Minister had mentioned a figure of \$300,000 that he expected to save by not having a General Contractor on the project. On the surface this may appear to be a straight forward way of saving some money because we no longer have to pay for a GC to coordinate the work; however, if the GC is not coordinating the work someone else must. This then becomes an exercise in shifting costs but not really reducing costs. In addition, when we pay a GC to coordinate works then he is taking on the responsibility of controlling construction costs and schedule.

General facts for your information:

1. Estimate based on square footage from the Interior Designer was \$2,423,150.00
2. Estimate by our QS was \$2,767,526.71 (please note there is \$251,593.34 Owner contingency included in this figure)
3. Most responsive bidder price was \$2,344,000.00
4. We are within the approved budget for this project

76
LB¹

5. One area of significant savings will come about due to the upgrade to the chiller in the whole of the GAB. We do not have this savings priced yet because we were waiting to negotiate with the successful bidder

Please let me know if you require any more information.

Regards,
Lucy

-----Original Message-----

From: Chung, Lucy
Sent: Tuesday, December 02, 2008 9:26 AM
To: Horton, Robert
Cc: Brady, Lawrence; Burgess, Derrick
Subject: RE: Commercial Courts/Expanded Ministry of Finance

PS Horton,

The set of drawings that the Minister took on Friday has all the specifications on it. Some items such as carpet, furniture & access control, which are not part of the construction contract, will be tendered separately. The court reporting system will be tendered by the Client so none of that information is on the set. Another item not on the drawings is the bid package which comprises the letter to bidders, form of tender and instruction to bidders.

Please also be reminded that since it has been decided that the chillers for the GAB would be upgraded this year we will have some cost savings due to redundant work that would have been previously required (i.e. our space was designed to compensate for the deficient existing chillers). This was discussed some months ago in a meeting with you, the Minister & David Brown.

Regards,
Lucy

-----Original Message-----

From: Horton, Robert
Sent: Tuesday, December 02, 2008 8:57 AM
To: Chung, Lucy
Cc: Brady, Lawrence; Burgess, Derrick
Subject: Commercial Courts/Expanded Ministry of Finance

Lucy:

I should be grateful if you would provide me with a copy of the specifications for the Commercial Courts/Expanded Ministry of Finance job. As he told us last week, the Minister wishes to share these with another architectural firm in the expectation that the job can be completed more cheaply.

Thanks.

RKH

Sent from my BlackBerry Wireless Handheld

FILE COPY

34.73.55/02

Chung, Lucy

From: Chung, Lucy
Sent: Wednesday, December 03, 2008 3:47 PM
To: Horton, Robert
Cc: Brady, Lawrence
Subject: RE: 898 MINISTRY OF FINANCE HQ AND COMMERCIAL COURTS - PARLIAMENT STREET

PS Horton,

Thank you, we shall await your instructions tomorrow.

Please note that we did not hand over any documents. The Minister came into our office last Friday morning with another man, presumably someone from Conyers & Associates given the recent turn of events, and took them from my desk – I was not in at the time.

Regards,
Lucy

From: Horton, Robert
Sent: Wednesday, December 03, 2008 1:51 PM
To: Chung, Lucy
Subject: RE: 898 MINISTRY OF FINANCE HQ AND COMMERCIAL COURTS - PARLIAMENT STREET

Lucy:

Please do not hand over any further documents regarding this matter. I shall discuss fully with the Minister tomorrow.

RKH

From: Chung, Lucy
Sent: Wednesday, December 03, 2008 10:54 AM
To: Horton, Robert
Cc: Brady, Lawrence
Subject: RE: 898 MINISTRY OF FINANCE HQ AND COMMERCIAL COURTS - PARLIAMENT STREET

PS Horton,

I received a message from Richard Paynter of Conyers this morning asking for a copy of the specifications (it's actually the detail manual). He noted that he has a 2pm meeting with the Contractor who he has been instructed to negotiate with. In addition, SHY has inquired about the situation since Leroy Robinson of Bermuda Drywall & Ceiling (I thought he is from EMT or Island Electric?) called them yesterday asking for a set of the documents. When SHY told them that they would need our approval he told them that you had asked him to get the documents and that you told him the Architects' Department is no longer working on the project.

One of the Clients – the Ministry of Finance – has been asking for an update. I shall advise them of the current course, which includes Conyers' involvement.

Again, I would like to note that this is highly irregular. Please could you advise us on how you wish for us to proceed?

Regards,
Lucy

Chung, Lucy

From: Chung, Lucy
Sent: Thursday, December 18, 2008 3:54 PM
To: Burgess, Derrick; Horton, Robert
Cc: Brady, Lawrence
Subject: Finance & Commercial Courts - Key points of meeting

Key Points of Meeting

Project: Finance & Commercial Courts
Project No.: 34.73.55
Location of Meeting: Minister's office
Date: December 17, 2008
In attendance, Minister Burgess, PS Horton & Lucy Chung

1. The Minister instructed the Architects' Department to ask all the bidders to re-bid the project based on a reduced scope of work. The Architects' is to issue a text description of the reduced scope of work.
2. The reduced scope of work will include all items on the "Proposed Cost Reductions" list issued on December 8th, 2008 with the exception of Note 1 (central lighting system) and Note 3 (possible additional secondary savings). This will include reusing all the existing walls, doors, frames and sidelights on the perimeter office of the Ministry of Finance Headquarters.
3. The Minister wants the prices in by Tuesday December 23rd at 10am and as part of the submission the bidders must be prepared to start on January 2nd or earlier.
4. The PS noted that the request for the re-bid should be put in the context of government wishing to reduce spending given the current economic environment.
5. The Minister instructed the Architects' Department to immediately seek pricing from the various carpet suppliers. One key element will be the lead time.
6. The Minister wishes Finance's space to be ready by the end of January. L. Chung noted that this does not seem realistic.
7. The Architects' Department is to expedite the moving out of the Accountant General's old workstations. The various departments who expressed interest in the workstations was discussed.
8. The PS is to chase the Attorney General's Chambers to confirm how many of the Accountant General's old workstations they want to reuse at Global House.
9. The PS gave instructions to include all bidders and to allow bidders to make corrections to irregularities that may have disqualified their bid.

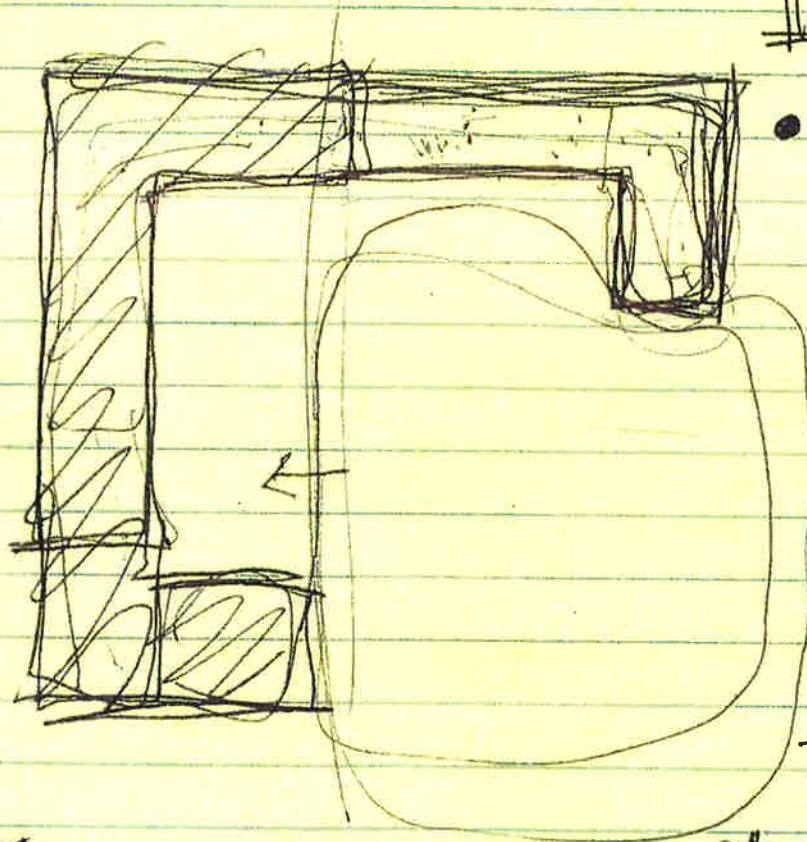
Lucy Chung, Architect
W&E, Bermuda Government
Tel: 441-297-7679
Fax: 441-295-4675
Email: lchung@gov.bm

Minister + PS

Dec. 17, 2008

Finance + Commercial Units

• 23rd December
Toesday Dinner



- Start January 2nd
- workstation ^{ACG}
 - central
 - panel
 - mirror
 - furniture
 - ATG.

- whole list
- keep low voltage for system
- reuse existing walls.
- PS to confirm w/ client.

- send it to all bidders.

→ post tender addendum

in light of recent economic situation

Lucy

May/June

- office space - any surplus space? = ask Lawrence

(LG)

→ carpet prices - from the 3 selected

Members lounge

- go to 3 more bidders → wants 6 in general

not valid - bin - please review correct.

Rogers, June

From: White, Je'nay
Sent: Thursday, December 18, 2008 4:37 PM
To: Rogers, June
Subject: Tender Opening

Mrs. Rogers,

Lucy has requested a tender opening for the Finance Headquarters & Commercial Courts to be held on Dec 23 @ 10am. It was requested by **the Minister and Permanent Secretary** that it be held at that time. The opening will not be advertised.

I will book the boardroom for the opening as requested.

Jenay

FILE COPY
24.73.55/04

Chung, Lucy

From: Scott, Donald
Sent: Friday, January 02, 2009 4:51 PM
To: Brady, Lawrence; Horton, Robert
Cc: Chung, Lucy; Moniz, Tyler
Subject: Contract Award

Importance: High
Sensitivity: Confidential

PS,

I understand that the award of a contract for the Commercial Courts/MOF project has been determined. Please advise whether the award complies with Financial Instructions in the following respects:

- 8.2.1(3) the same supplier should not be used repeatedly without good reason
- 8.2.3(8) unsuccessful suppliers should not be allowed to resubmit a lower quotation price
- 8.3.1 contracts totaling over \$50,000 must be submitted to Cabinet for approval before acceptance.

In addition, please provide information pertaining to the principal(s) of the company which has been determined to receive the contract.

FS

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34.73.55/0A

Chung, Lucy

From: Horton, Robert
Sent: Sunday, January 04, 2009 9:14 PM
To: Brady, Lawrence; Chung, Lucy
Subject: RE: GAB, 2nd Floor

Lucy:

I of course share your concern about what you aptly describe as a "highly irregular way of running a project". I am also greatly concerned about the apparent lack of coordination and construction drawings.

I was at the site late this afternoon as Leroy Robinson and Winston Simmons, assisted by others, took away the remaining work stations. I noted that all were being transported to Southside. Was Mr. Simmons instructed to leave eight of the units [3 for Records and five for the Purchasing Section] on site?

Mr. Robinson said that he had attended to the dismantling of the electrical elements associated with the stations. He assured me that the provision of information technology support to the Ministry of Finance had not been compromised. I pray that he is right.

Lawrence:

You are right. The award of this tender to Bermuda Dry Walling has not yet been approved by Cabinet. It is the Minister's expectation that it will be approved retroactively.

There can be no doubt re the urgent need for a meeting [Minister, Lawrence, Lucy, RKH] in order to discuss the way forward regarding this project.

RKH

From: Brady, Lawrence
Sent: Friday, January 02, 2009 10:52 AM
To: Chung, Lucy
Cc: Horton, Robert
Subject: RE: GAB, 2nd Floor

Lucy,

I concur with your observation and report; this is not how Projects are or should be run. It should be noted that a review of the recent Tender was not carried out by this Department nor any recommendation put forward by this Department or Cabinet approval given to my knowledge. The decisions to award any contracts were carried out at a higher level. I am also concerned that "additional works" are going to be added and that the final expenditure is going to exceed the original Tender amount and that the quality is going to be compromised.

LB

From: Chung, Lucy
Sent: Friday, January 02, 2009 10:19 AM
To: Brady, Lawrence
Cc: Horton, Robert
Subject: GAB, 2nd Floor

Lawrence,

The PS called me on Wednesday December 31st to discuss the Accountant General's old workstations. Please note the following:

1. The Minister asked if we had made a commitment to EPS. We did not. As such he has gone ahead and hired a Dennis Trott who is supposed to have experience dismantling and reassembling workstations.
2. The Minister had scheduled for Dennis Trott to start today.
3. I agreed to meet him on site this morning.
4. When asked about the required electrical disconnection work the PS advised that Leroy Robinson would be doing it because the decision has been made to award the contract to Bermuda Drywall & Ceiling.
5. I asked if this was confirmed in light of the FS's concerns.
6. The PS said it is certainly going to be awarded to Bermuda Drywall & Ceiling and that he would send us an email to that effect.
7. This morning the Minister was there briefly and left me with Leroy Robinson (of Bermuda Drywall & Ceilings) and a fellow called Winston Simmons who is actually doing the dismantling.
8. Leroy Robinson was directed by the Minister to dismantle all the workstations and move them to his storage warehouse in Southside.
9. Winston Simmons works directly for the Ministry (the PS & Minister) and not Bermuda Drywall & Ceiling.
10. We've asked Winston Simmons to store the units in groups according to the 5 departments into which they will eventually be moved.
11. Alison and I will go over the workstation allocations with Winston Simmons. She'll be in the office so can be the liaise if things come up.
12. Leroy has advised that the stations will be dismantled today. He will disconnect the electrical and data (Leroy is an electrician). They will clear out the space over the weekend so work can start on Monday.
13. Leroy just called minutes ago asking that we get ITO to isolate the lines because some are connected to the Finance Department. I told him that would not be possible now because most of ITO's staff in on leave (this we know from coordination work for 129 Front Street).
14. I'm not sure what they will be starting on Monday. Perhaps they can start with demolition.
15. This is a highly irregular way of running a project, and I am concerned that the lack of coordination and, more importantly, construction drawings will create problems that may end up costing us more money in the end.

Lucy Chung, Architect
W&E, Bermuda Government
Tel: 441-297-7679
Fax: 441-295-4675
Email: lchung@gov.bm

FILE COPY
34.73.55/04
102

Chung, Lucy

From: Horton, Robert
Sent: Wednesday, January 07, 2009 7:10 PM
To: Brady, Lawrence
Cc: Chung, Lucy
Subject: Contract Award Recommendation -- Commercial Courts/Ministry of Finance Expansion

Lawrence:

DATE: DON'T MATCH
CARE MIN. FEB 18 2009
CONTRACT APPROV.

I am writing to confirm that the Hon. Derrick V. Burgess, JP, MP, Minister of Works and Engineering, has approved the award of the contract for the construction and fit-out of the entire second floor of the Government Administration Building in order to accommodate the construction of two Commercial Courts and the renovation and expansion of the Ministry of Finance Headquarters to Bermuda Drywall & Ceilings Ltd. in the amount of **\$1,696,553.18**

Robert K. Horton
Permanent Secretary
Ministry of Works and Engineering



GOVERNMENT OF BERMUDA
Ministry of Works and Engineering

COPY

347355/04
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Office of the Permanent Secretary

8th January, 2009

34.73.55

Our Ref: 35/67/B6

↳ BOUND COPY NOTED
OF PAR 10 2009 WITH

Mr. Devree Hollis
Bermuda Drywall & Ceilings Ltd.
4 Addendum Lane
Pembroke HM 07

Dear Mr. Hollis,

**EXPANSION OF MINISTRY OF FINANCE/CONSTRUCTION OF
COMMERCIAL COURTS
SECOND FLOOR, GOVERNMENT ADMINISTRATION BUILDING
30 PARLIAMENT STREET, HAMILTON HM12**

We are pleased to inform you that your submitted tender for the sum of One Million, Six Hundred and Ninety Six Thousand, Five Hundred and Fifty Three Dollars and Eighteen Cents [\$1,696,553.18] for the captioned work has been accepted.

Please be advised that a formal agreement will be drawn up in due course. However, until such time that the formal agreement is executed, your tender and this acceptance letter shall constitute a binding contract between us.

Kindly provide copies of your insurances as per Clause 18 of the proposed FIDIC Conditions of Contract for Construction, For Building and Engineering Works Designed by the Employer, First Edition 1999.

We warmly congratulate you upon the success of your tender.

Yours sincerely,

Robert K. Horton
Permanent Secretary

clarify that
this is not
the contract
to Devree

cc. Mr. Lawrence Brady, Chief Architect, Department of Architectural Design and Construction, Ministry of Works and Engineering
General Post Office Building, 56 Church Street, Hamilton HM 12, BERMUDA
PO Box HM 525, Hamilton HM CX, BERMUDA
Phone (441) 297-7816 Fax: (441) 295-0170 Email: rhorton@gov.bm Website: www.gov.bm

MINISTRY OF WORKS AND ENGINEERING

Department of Architectural Design and Construction

TENDER:
MAIN CONTRACT**GENERAL CONTRACTOR SERVICES – INTERIOR FIT OUT****Construction of Commercial Courts****Renovation and Expansion of Ministry of Finance and Economic
Development Headquarters***Government Administration Building, Second Floor
30 Parliament Street, Hamilton HM 12***CONTRACT AWARD RECOMMENDATION****1. Scope of Work**

The scope of work comprises the phased reuse and renovation of the second floor of the Government Administration Building, an area of approximately thirteen thousand (13,000) square feet, in order to accommodate the construction of two Commercial Courts and the renovation and expansion of the Ministry of Finance and Economic Development Headquarters. This project follows the Accountant General's Department leaving the Government Administration Building and re-locating to Andrews Place, 51 Church Street Hamilton HM 12.

The Commercial Courts project involves the construction of two new courtrooms, office space and support areas.

The Ministry of Finance and Economic Development Headquarters project involves the renovation of its existing space along with its expansion to provide additional office space. This renovation includes for the reuse of existing office partitions along the perimeter of the building. It is to be noted that Ministry Headquarters will continue to occupy its existing space during the construction period.

It is to be noted that furniture, carpet, access control, telephone and structured cabling are not included in this Contract Award Recommendation. These will be awarded under separate contracts.

2. Summary of Tender Process

- Initial Tender Procedure
- Initial Tender Response
- Initial Tender Evaluation
- Value Engineering with most responsive bidder
- Re-Tender Procedure
- Re-Tender Response
- Award of Contract by Minister
- Re-tender Evaluation

3. Initial Tender Procedure

The project was advertised as a public tender in the Bermuda Sun on 27th and 29th August, 2008 with the due time and date set at 3:00 p.m. on 19th September, 2008. Five addenda were issued during the tender period and the tender opening was public.

4. Initial Tender Response

Seven companies, listed below in alphabetical order, responded to the Call for Tender:

1. AJW Construction Ltd.
2. Bermuda Drywall & Ceilings
3. CatCon Group
4. DeCosta Construction
5. Paterson Contracting
6. Recon Limited
7. Riley Construction

An incomplete bid was received from Bermuda Drywall & Ceilings. This bid did not include the five addenda, nor were all sections of the Form of Tender completed as required. Previous Projects Information and Schedule of Values were not provided, therefore the Bermuda Drywall & Ceilings bid was deemed invalid.

Riley Construction collected the tender package, but did not submit a bid. Consequently, this company was not considered for the job.

Five valid bids were received as follows, shown from lowest to highest bidder:

Company	Bid
DeCosta Construction	\$2,334,000.00
AJW Construction Ltd.	\$2,445,240.00
Recon Limited	\$2,616,053.00
Paterson Contracting	\$2,653,155.00
CatCon Group	\$3,179,000.00

5. Initial Tender Evaluation

The lowest bidder is DeCosta Construction while the bid from the second lowest bidder, AJW Construction, is within 5% of the lowest bid. The closeness of the bids is a good indicator that the bidders understood the same scope of work.

6. Value Engineering with most responsive bidder

As requested by the Minister, the design team along with the most responsive bidder, DeCosta Construction, underwent a value engineering exercise in order to reduce costs. This exercise commenced on December 4th, 2008 with price reductions provided on December 8th and more on December 15th.

7. Re-Tender Procedure

The Minister instructed the Department of Architectural Design and Construction to re-tender the project (to all bidders - including disqualified bidders) with the reduced of scope of work as developed in the value engineering exercise plus maintaining existing office partitions along the perimeter of the building in the Ministry of Finance's existing and future offices. A Post -Tender Addendum was issued to all bidders on Thursday December 18th, 2008. Re-tender prices were required by Tuesday December 23rd, 2008.

8. Re-Tender Response

Revised bids were received from 3 of the 7 original bidders: Bermuda Drywall & Ceiling; DeCosta Construction and AJW Construction Ltd. shown from lowest to highest price:

Company	Bid (re-tender)

Bermuda Drywall & Ceiling	\$1,696,553.18
DeCosta Construction	\$1,725,000.00
AJW Construction Ltd.	\$2,110,500.00

9. Contract Award

The Minister effectively awarded the Contract to Bermuda Drywall & Ceilings and gave them authority to start on site January 2nd, 2009. A formal letter of intent was sent from PS Horton to Bermuda Drywall & Ceiling on January 8th, 2009.

10. Re-Tender Evaluation

Bermuda Drywall & Ceiling submitted the lowest price and it would appear that the Contract was awarded to them by the Minister on this basis. The difference between the lowest price and the next lowest price was \$28,446.92 – this represents a 1.7% difference. Bermuda Drywall & Ceiling's re-bid did not include the five addenda, nor were all sections of the Form of Tender completed as required.

As instructed by the Minister, the Department went back to Bermuda Drywall & Ceiling to ask if all the addenda were included and to fill in the Company Information Sheet – this was eventually confirmed and provided.

A requirement of the bid was to provide a list of relevant past experience. Bermuda Drywall & Ceilings noted 2 past projects – the St. George's Police Station and the Police's Commercial Crime Department. It is worthwhile pointing out that the millwork supplied and installed for the Police's Commercial Crime Department was of mediocre quality. There are still deficiencies to be corrected over six months after the Client has moved into the space.

11. Financial Checks:

Financial checks have been requested in relation to the Ministry of Works and Engineering, the Department of Social Insurance and the Office of the Tax Commissioner. Any negative results which the successful bidder is unable to rectify immediately via a payment plan may result in the contract award being placed with an alternative successful bidder.

12. Named Principals:

The names of the principals of the companies that made submissions are as follows:

Company	Principal(s)
DeCosta Construction	Michael DeCosta
AJW Construction	Andrew Famous, Rickie Caines, Wendell Brown, John Tomilson
Recon Limited	Mark Butt, John Straw, Scott Correia
Paterson Contracting	Kevin Petty
CatCon Group	Chris Maiato, Jerry Vandenbroek
Bermuda Drywall & Ceiling	Devree Hollis

13. Conclusion and Recommendation

The Ministry of Works and Engineering, having considered the quality of work on past projects; bidding deficiencies; and the actual prices is of the opinion that DeCosta Construction can best satisfactorily provide the services required.

As such, it is recommended that the contract for the construction of two Commercial Courts and the renovation and expansion of the Ministry of Finance and Economic Development Headquarters on the Second Floor, Government Administration Building, 30 parliament Street, Hamilton HM 12 be awarded to **DeCosta Construction** for the sum of \$1,725,000.00 [One Million, Seven Hundred Twenty Five Thousand Dollars and Nil Cents].

12th January, 2009

3. The Maintenance and Store Building

The Commission's concern relates to apparent interference in the tendering process in favour of Central Construction Ltd ("CCL").

The Commission's understanding is that, when the contract was first put out to tender, both CCL and another bidder, GEM Construction, submitted partially complete bids. Post-tender meetings were held with both bidders. W&E ultimately recommended that GEM Construction be awarded the contract. It appears that the Minister voiced concern about GEM Construction and Cabinet deferred its decision on whether to approve W&E's recommendation. It appears the Ministry later awarded the contract to CCL but without obtaining Cabinet approval.

We would be grateful if you could assist us, generally, by commenting on /confirming or correcting the Commission's understanding set out above.

3.

A. I have no knowledge of this Project.

4. Central Laboratory Building Project

The Commission's concern relates to an apparent failure to tender in relation to the hiring of Carruthers, Shaw & Partners to provide architectural drawings.

We would be grateful if you could assist us, generally, by commenting on the Commission's understanding set out above and, specifically, in providing some detail in relation to this project.

May 2008

4

The Project was as a result of the closure of the old hospital location for the laboratories in preparation for the new hospital building. Our instructions were that the Project was critical, and needed to be completed as a matter of urgency.

Minister Derrick Burgess requested an accelerated delivery of the Project for a start date of January 2009.

- A. This Contract was not tendered. This approach was initially utilized for the initial Project, slated for the Woodlands School with architects Entasis. There are additional examples I can provide. See PFA 6.11 Exceptional Circumstances. 6.11.3. The method of procurement may be by negotiation with a single entity (subject to the approval of the Permanent Secretary) for projects such as continuation contracts, where there is single capable contractor, supplier and/or vendor, where there is an operational emergency or a national emergency. The procedure may vary depending on the circumstances and time allowed. Usually a lump-sum price or schedule of rates will be received from a contractor, supplier, and/or vendor based on the Tender Documents, which may possibly be incomplete. Depending on the information available, a fair price for the work will be negotiated based on measurement and allowances, re: 6.11.4. Should special circumstances, such as the economic climate or market conditions (including the unavailability of specialized services) exist, such that procurement of the contract services could not be carried out in accordance with Policy objectives, particularly with regard to fairness and value for money, the Permanent Secretary shall advise on method of procurement, if such circumstances make it necessary to deviate from this procedure.

The Management Accountant is responsible for the review of payments and would have requested the contract and cabinet conclusion number before the payment was made to ensure the payment is in alignment with the contract. When it is determined there is no contract, Financial Instructions require that a written explanation is requested, and the infringement reported to the Permanent Secretary and the Accountant General. If Government is provided a service or goods, they are obligated to pay the vendor for that service or goods received. When

the technical officer/ project manager verifies that the work was completed, the Government is obligated to make the payment to the vendor for services rendered.

Price-based tenders do not generally result in the best value for money for design services. A firm's experience, expertise and workload capacity are some of the more important factors. (For example, would a local firm have had to employ overseas consultants?)

We are guided by the Institute of Bermuda Architects' (IBA) recommended scale of professional fees to ensure that the fee is fair and reasonable.

The current IBA scale of fees is attached for your information.

- B. In this case the fee proposal agreed with CS&P was divided into phases, allowing Government to cancel the design work at any time without any further liability other than the percentage completed in the phase that was underway at the time of the cancellation.
- C. CS&P letter of May 26, 2008 sets out an initial fee for a much larger project than the final Project.
- D. The fee proposal was based on the construction cost of a similar facility being built in Canada, which provided a significantly lower cost per square foot construction cost than could be achieved in Bermuda.
- E. PS Robert Horton and Minister Burgess were updated on the Project's progress regularly. Please see memo May 27, 2008, email June 04, 2008, July 23, 2008, email September 26, 2008, email October 7, 2008 October 27, 2008, etc.

From: Galea, Joseph
Sent: Thursday, June 21, 2007 3:42 PM
To: Brady, Lawrence
Subject: Environmental Health

Lawrence,

Sudell Joseph called to say that she was getting some heat from the Ministry of Health about the relocation of their Environmental Health Section to the Woodlands School. As you know, we did not find proper plans for the facility and there's nobody on staff that we could send to measure it up and get as-builts for it, without disrupting other projects. I don't think we can send our summer student to do it - he would need assistance anyway. (Although I'm sure he would give it a try, I do not think he has the required experience to do it on his own.)

I would suggest that we commission someone to measure the building and prepare as-built, CAD drawings. When we did the rest homes a few years back we had engaged Ted Gauntlett. They had done a decent job. Maybe you can give them a call and get a price.

MoH said that they have some money to carry out the works (although I'm never sure. People are surprised to find out what building works cost, and don't seem to realise that they cannot transfer operational funds to capital work.) Anyway, we could certainly fund the measurement and drawing preparation from our Office Relocations vote. We have a very healthy 'carry over' number from last year so we have sufficient funds in that vote - at least for the prep work if not to carry out the construction work.

Meanwhile, we can ask Sudell to find out how much money MoH have for this job and perhaps between MoH and us we can get a move on this.

J

Joseph Galea
Chief Architect

Ministry of Works and Engineering
Department of Architectural Design and Construction
P.O. Box HM 525, Hamilton HM CX
Bermuda

Tel: 441-297-7851 Fax: 441-295-4675
Mobile: 441-747-3058
e-mail: jgalea@gov.bm

NO.	DATE	BY	REVISION



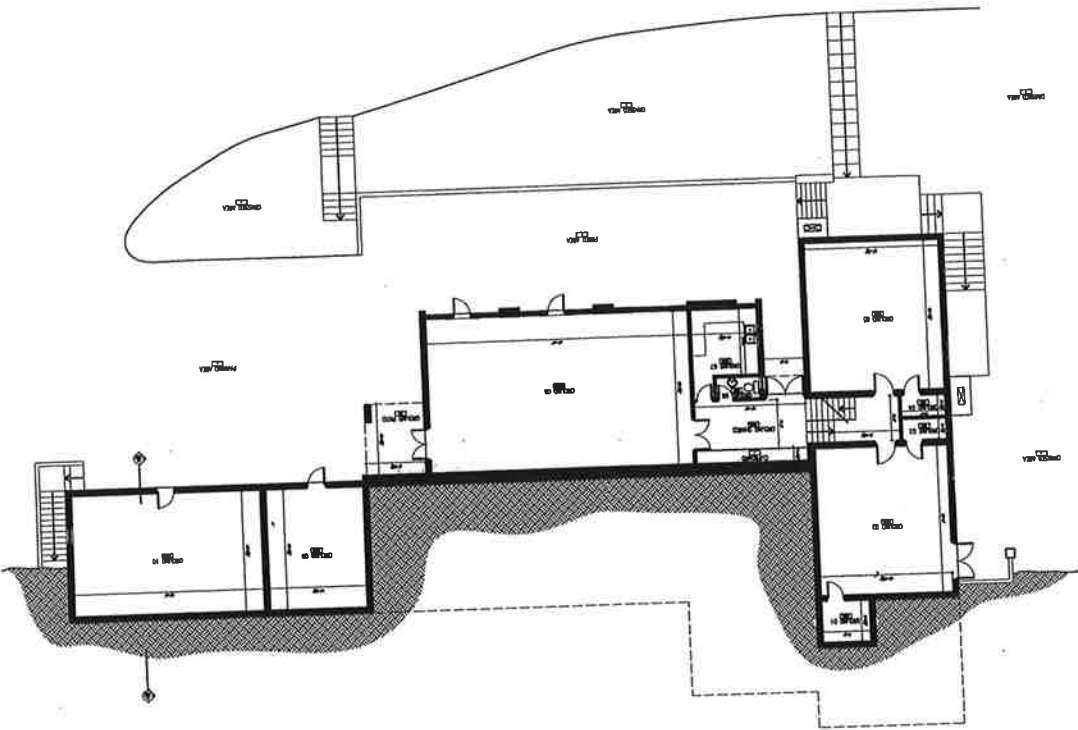
Consultant Architect
 RICHARD BATH
 ASSOCIATES
 1000 W. 10th St.
 Suite 100
 Anchorage, Alaska 99501
 Phone: (907) 562-1111
 Fax: (907) 562-1112
 E-mail: richard@richardbath.com



Architects
 1000 W. 10th St.
 Suite 100
 Anchorage, Alaska 99501
 Phone: (907) 562-1111
 Fax: (907) 562-1112
 E-mail: richard@richardbath.com

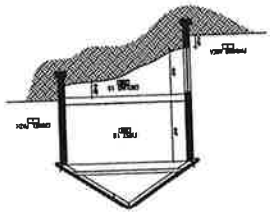
OLD WOODLAND SCHOOL
 PROJECT NO. 03 / 013
 DATE: July 28, 2007
 SHEET NO. 03 / 013
 SCHEDULED SECTION
 PLANS
 MOUNT HILL ROAD
 PEABODY, BERMUDA
 A200

30 GROUND FLOOR PLAN
 SCALE 1/8"=1'-0"

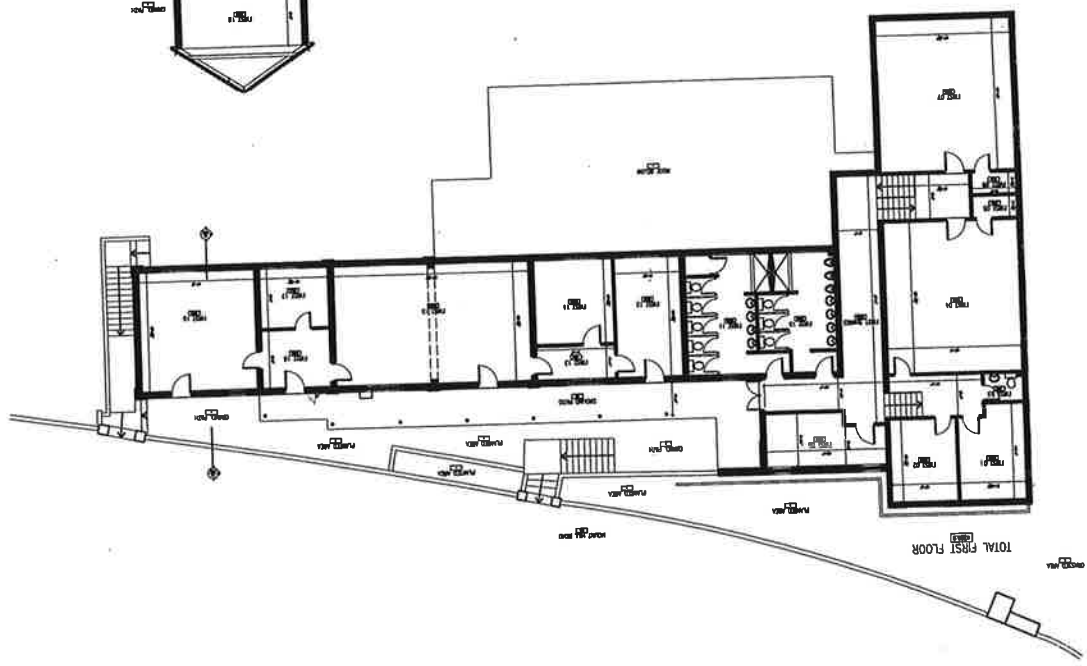


TOTAL GROUND FLOOR

31 SCHEMATIC SECTION AA
 SCALE 1/8"=1'-0"



31 FIRST FLOOR PLAN
 SCALE 1/8"=1'-0"



TOTAL FIRST FLOOR

**Old Woodlands School, Pembroke
Proposed Upgrade of Existing Building
14-Sep-07
Estimate # 1 Class D
Drawings by Entasis Architecture
Ground Floor Plan A201
First Floor Plan Schematic Section A202**

Item	Quant	Unit	Rate \$	Total \$
Take down & remove existing suspended ceiling	6,573	ft ²	6	39,438
Take up & remove existing floor covering	730	yd ²	2	1,460
Take out & remove windows	37	Nr	230	8,510
Take out & remove internal doors, frames & linings	33	Nr	110	3,630
Take out & remove external doors, frames & linings	16	Nr	110	1,760
Strip out existing electrics	6,573	ft ²	15	98,595
Remove existing kitchen		Item		1,000
Remove existing bathrooms; incl pipework etc				
Urinals	3	Nr	400	1,200
WC's	10	Nr	770	7,700
Basins	10	Nr	400	4,000
Cubicles	8	Nr	200	1,600
Supply & install new electrical system complete	6,573	ft ²	60	394,380
Supply & install windows	37	Nr	1,200	44,400
Supply & install internal doors, frames & linings, ironmongery	33	Nr	1,600	52,800
Supply & install external doors, frames & linings, ironmongery	16	Nr	2,000	32,000
Supply & install suspended ceiling	6,573	ft ²	15	98,595
Supply & install floor coverings	730	yd ²	50	36,500
Supply & install new bathrooms complete				
Urinals	1	Nr	2,000	2,000
WC's	5	Nr	2,000	10,000
Basins	6	Nr	2,000	12,000
Cubicles	3	Nr	2,000	6,000
Shower	2	Nr	5,000	10,000
Supply & install new kitchen complete		Item		10,000
Wall finishes internally (incl prep)	14,993	ft ²	4	59,972
Paint roof	6,640	ft ²	5	33,200
Paint external walls	5,934	ft ²	4	23,736
EO for air conditioning	6,573	ft ²	20	131,460
External works/parking for 18 vehicles		Item		200,000

				1,325,936
Prelims			10%	132,594
				1,458,530
Overheads & profit			15%	218,779
				1,677,309
Contingency			10%	167,731
Building Works				1,845,040
Fees				
Architects etc			12%	221,405
GRAND TOTAL				\$ 2,066,445

Notes

This estimate excludes the following items:

Lockers

Furniture & equipment

Water tanks

Removal of existing wall coverings. Assumed, wash down, prep and paint

Asbestos removal

Brady, Lawrence

From: Kendell, David
Sent: Thursday, September 27, 2007 1:43 PM
To: Brady, Lawrence
Cc: Washington, Shivon
Subject: Woodlands

Importance: High

Hi Lawrence

– looks like we have a good chance at getting 515k in this year!

Of the remainder will 100% be required for 2008/2009?

If NOT can you please give me a breakdown in this table:

Year	Amount	%
All	\$8,630,000	100%
2007/2008	\$515,000	6%
2008/2009		
2009/2010		
2010/2011		

Please “reply to all” so this can go straight to the Controller

Many thanks

David Kendell
Chief Environmental Health Officer
Direct # 336-9385

From: Washington, Shivon
Sent: Tuesday, September 25, 2007 4:14 PM
To: Daley, Denise
Cc: Jones, Warren; Kendell, David; Cann, John
Subject: FW: Woodlands - capital required to commence in 2007/2008
Importance: High

Hi Denise,

Further to our conversation we would like to start the Woodlands project ASAP. The total project will cost 8.63mil however we will need 515k for this fiscal year to begin the project.

As discussed, you will advise in approximately two days. Thank you for your assistance in this matter.

Regards,

Shivon Washington, C.P.A.
Comptroller
for The Ministry of Health and
The Ministry of Social Rehabilitation
Direct Line 441-278-4914

-----Original Message-----

From: Kendell, David
Sent: Tuesday, September 25, 2007 3:14 PM

98
LB
1

To: Washington, Shivon
Subject: FW: Woodlands - capital required to commence in 2007/2008

Hi Shivon

Here are the numbers...

I think that he meant to type "March 2008"

David Kendell
Chief Environmental Health Officer
Direct # 336-9385

From: Brady, Lawrence
Sent: Tuesday, September 25, 2007 2:39 PM
To: Kendell, David
Subject: RE: Woodlands - capital required to commence in 2007/2008

David,
Our very preliminary Class D for proposed works for this financial year.

Fees/surveys etc. \$200,000
Demolition/strip-out works \$315,000
Total \$515,000

This should take us up to the end of March 2007

Regards,
Lawrence

From: Kendell, David
Sent: Tuesday, September 25, 2007 12:54 PM
To: Brady, Lawrence; Kendell, David
Subject: Woodlands - capital required to commence in 2007/2008

Dear Lawrence

The Controller and the PS of Health have the class D estimate for Woodlands – thank you.

They have an additional question: How much money will be required in this financial year (2007/2008) in order to commence the project?

The Controller needs this figure so that she can request the funds from Finance.

Many thanks

David Kendell
Chief Environmental Health Officer
Direct # 336-9385

Brady, Lawrence

From: Michael Emery [michael.emery@entasis.bm]
Sent: Tuesday, November 06, 2007 1:09 PM
To: Brady, Lawrence
Subject: RE: Woodlands

Thanks for the response,

How soon can we meet.

Michael

From: Brady, Lawrence [mailto:lbrady@gov.bm]
Sent: Tuesday, November 06, 2007 11:27 AM
To: Michael Emery
Subject: RE: Woodlands

Michael,
I think we should have a meeting with Mr. Kendall and you can explain and document any concerns you may have and the impact on time and money regarding his new instructions.
LB

From: Michael Emery [mailto:michael.emery@entasis.bm]
Sent: Tuesday, November 06, 2007 11:23 AM
To: Brady, Lawrence
Subject: Woodlands

Hello Brady,

We have just received a call from Mr. Kendall of Environmental Health enquiring about the progress of the design development. I know that David Miller sent you an email before he left on vacation but did not receive a response. Due to the call from **Mr. Kendall I have instructed my staff to proceed with the design drawings that will be billed at an hourly rate until the design development is complete.** Please let me know asap if you are in agreement or what you would like for me to do.

Thanks

Michael

Director
Entasis Architecture
27 Front Street
Hamilton HM 11
Bermuda



441-292-6629 w
441-332-3340 c
441-296-2415 f
www.entasis.bm

100
LB
1

MICHAEL EMERY
DAVID MILLER
JON WILSON ALLEN

CONSULTANT ARCHITECT
RICHARD BATH, MIBA



November 16, 2007

07/073

Department of Health
P.O. Box HM 380
Hamilton HMBX
Att: David Kendell
Chief Environmental Officer

Dear Mr. Kendell

**CONDITIONS OF ENGAGEMENT
REF: OLD WOODLANDS SCHOOL PROPERTY**

Thank you for considering our firm to provide architectural services for your project.

Entasis will work on an hourly time charge basis for the first stage of the project (Stage a listed below). **Once the preliminary design stage is approved we will use the Institute of Bermuda Architects guideline 'Conditions of Engagement' to proceed with the remainder of the project.**

The fee invoices will be issued monthly and each invoice will clearly show the amount of time expended on your project. Reimbursable expenses will also be shown.

Our services will include;

- a. Preparation of sketch plans
- b. Preparation of drawings and documents sufficient for submission for Planning Approval (AIP/Final)
- c. Preparation of drawings and documents sufficient for submission for Building Permit
- d. Preparation of drawings and documents suitable for tendering purposes
- e. Contract Administration and periodic site observation during construction



November 16, 2007

Our ref: 07/073

Fee Payment Milestones.

1. Commencement

The signed Fee Agreement (this document) must be returned to this office together with payment of the retainer (if required) before work can commence.

2. Submittal of applications for Planning Approval/Building Permit.

The stage fee (or outstanding balance if payments have been made on account) is payable in full at the point of submittal of applications for Planning Approval /Building Permit. Payment must be received into this office before the planning application/building permit application can be submitted.

3. Receipt/release of Planning Approval/Building Permit.

Any outstanding account balance must be settled in full and relevant stage fees paid up to date before approval documents can be released.

Terms of Payment.

Accounts are due upon receipt and should normally be paid within 30 days. Accounts unpaid after 90 days will automatically be forwarded to a collection agency.

The following conditions and definitions are standard to all Conditions of Engagement letters.

Periodic Observation of the Works during construction.

Definition of service.

Periodic Observation of the Works means attendance at regular site meetings and other site visits as agreed and/or requested by the contractor or client during the construction period. Through its periodic observation of the works Entasis Architecture shall endeavor to protect the owner against construction deficiencies and to ensure that the work is carried out in accordance with the approved drawings.

Limitations.

Entasis Architecture is not obliged nor does it undertake to provide *continual* or *full-time* personal attendance on site during construction operations and as a consequence does not 'supervise' or 'oversee' construction work nor does it guarantee the performance of the contract.



November 16, 2007

Our ref: 07/073

Project Management.

Entasis Architecture offers a professional project management service to supplement or replace the standard site observation and contract administration functions of the architectural service. Fees for Project Management will be additional to the architectural services described in this Conditions of Engagement document.

Reimbursable Expenses.

The fee is exclusive of all reimbursable expenses, which will be charged separately. Reimbursable expenses may include but are not limited to travel and hotel expenses, telephone, fax, courier, postage and airfreight charges, printing, plotting and photocopying, materials ordered or purchased by the firm on the client's behalf, Government fees (including planning and building permit fees) and duties.

Additional Services.

Unless otherwise agreed the fee is exclusive of the following additional services.

Additional services offered by this firm including project management, interior design, modelmaking, presentation drawings, sample boards, graphics and brochures for display or marketing; assistance with the sourcing, selection, ordering and shipment of materials purchased directly by the client or by this firm on the client's behalf; administration of separate trades contracts and contracts where this firm is responsible for checking all accounting records of the contractor.

Additional time spent in connection with the Department of Planning over and above the normal planning procedure, e.g. land title, boundary location or other legal disputes, third party objections, onerous demands made by the Department of Planning, and Planning Appeals. In similar fashion, additional time spent in connection with onerous demands by the Bermuda Fire Service and any other regulatory body.

Consultant's services including but not limited to structural engineers, land, building and quantity surveyors and interior designers. These services shall be the subject of separate contracts, normally directly between the consultant and the client.



November 16, 2007

Our ref: 07/073

Copyright and Credits

Copyright in all documents and drawings and in any works executed from those documents and drawings shall, unless otherwise agreed, remain the property of Entasis Architecture. No documents or drawings produced by Entasis Architecture shall be reproduced other than on Entasis Architecture company letterhead and/or drawing sheets with the company name and logo clearly visible. If a design or completed project is published Entasis Architecture shall be given the appropriate credit/acknowledgement.

The Client will be entitled to execute Entasis Architecture's design on the site only to which the design relates and provided that Entasis Architecture has completed the scheme design and the construction drawings and provided also that any fees due to this firm have been paid. Exact or close replication of a design by this company on a subsequent site shall only be allowed with the express permission of Entasis Architecture and shall be the subject of a separate engagement agreement.

Interest Charges.

Payments are due within 30 days from the billing date. Interest will be charged on all accounts overdue after 30 days at the rate of 9% per annum.

Debt Collection.

Any accounts unpaid after 90 days will be referred to a collection agency. All agency fees and collection costs will be will be charged in addition to the outstanding account.

Abandoned Projects.

Should the project be abandoned Entasis Architecture will require full payment of the fees due for the fee stage or part thereof completed.



November 16, 2007

Our ref: 07/073

We trust you will find this document to be acceptable and ask you please to kindly sign below to indicate your agreement to the foregoing Conditions of Engagement.

Thank you once again for retaining our firm to provide architectural and interior design services for your project.

Yours faithfully,

David Miller
Director

I have carefully read and agree to the Conditions of Engagement.

Signed:
David Kendell Date



SCALE OF PROFESSIONAL CHARGES

The fees shown below are a guide to the recommended minimums and shall apply for standard services unless alternate fees and charges are agreed between Architect and Owner when the former is commissioned.

Cost of Total Construction

	New Work Except Residential		New Residential Work & Work to Existing Buildings		Work to Existing Residential Buildings	
	Percentage	Min. Fee	Percentage	Min. Fee	Percentage	Min. Fee
\$1,000,000 and over	6%	\$85,000	10%	\$125,000	12%	\$150,000
\$500,000 - \$1,000,000	10%	\$50,000	14%	\$65,000	By agreement	
\$225,000 - \$500,000	12%	\$26,000	By agreement		By agreement	
0 - \$225,000	By agreement		By agreement		By agreement	

In all cases the "cost of work" means the total construction (or contract) cost of all material, equipment and labour necessary to complete the whole of the work, including the Contractor's costs and expenses, as well as all labour and materials supplied or purchased by the Owner or by the Architect acting on the Owner's behalf, and all applicable freight and duty costs.

Notes:

1. A reduction in fees may be made for repetitive work where drawings can be reused without modification other than the handing of a plan.
2. Additional fees may be charged for contract administration of "Separate Trades Contracts" and "Cost Plus a Fee" Contracts.
3. Additional fees shall be charged where the Architect undertakes extra work arising from Owner's instructions where these instructions involve the Architect in abandoned work.
4. Where the Architect is requested to engage and manage the services of engineering and other specialist consultants on behalf of the Owner, the Architect shall be entitled to an additional fee of 10% of each consultant's fee or such other amount as expressly agreed between the Owner and Architect.
5. Additional fees shall be charged for contract administration services as defined in the Payment Schedule item e below where the contract completion is extended beyond the stipulated contract completion date. Such fees shall be rendered on a time charge basis unless otherwise agreed.

Fees Based on Time Charges

It is recommended that a schedule of hourly rates for all team members to be used for Time Charge purposes is agreed with the Owner at the time of the Architect's appointment and appended to the Fee Schedule.

Payment Schedule

Unless otherwise agreed, the Architect is entitled to monthly payments as the work proceeds. Fees based on a percentage of the work shall be paid in proportion to the following schedule (which should be reviewed and adjusted as necessary by the Architect to reflect actual project requirements):

Work Stage	Proportion	Cumulative
	<u>of Fee</u>	<u>Total</u>
a. Schematic Design Phase Services	15%	15%
b. Design Development Phase Services	20%	35%
c. Construction Documents Phase Services	35%	70%
d. Bidding or Negotiation Phase Services	2.5%	72.5%
e. Construction/Administration Phase Services	27.5%	100%

By agreement between the Owner and Architect fees for the construction stage item e above may be on a fixed fee or agreed time charge basis.

For work that is abandoned the Architect shall be paid the proportion of the fees due for the fee stage or part thereof completed, based upon the estimated cost of the project as given by the Architect, except where arrangements have been made to be reimbursed on a time charge basis.

Additional Services

Unless otherwise agreed, Additional Services by the Architect shall be charged on a time charge basis. Additional Services constitute work carried out by the Architect, which does not form part of the initial agreement. The Architect may also be entitled to Additional Services where any of the above noted Work Stages are exceeded through no fault of the Architect.

Reimbursable Expenses

The cost of the following are additional to the fee and shall be paid by the Owner at cost plus 15% unless otherwise agreed between the parties:

Travel and hotel expenses incurred by the Architect, overseas telephone and telefax calls and cables, courier service, overseas postage, air freight, printing, photocopying, materials ordered or purchased by the Architect on the Owner's behalf, Government fees and Customs duties.

Interest Charges

Unless otherwise agreed, interest will be charged on overdue accounts at the legal, prevailing rate plus 2%.

Brady, Lawrence

From: Jones, Warren
Sent: Tuesday, January 29, 2008 3:44 PM
To: Horton, Robert
Cc: Brown, David; Brady, Lawrence
Subject: RE: EHO relocation cabinet paper.doc
Attachments: smime.p7m.html

Thanks.

wj

-----Original Message-----

From: Horton, Robert
Sent: Tuesday, January 29, 2008 3:44 PM
To: Jones, Warren
Cc: Brown, David; Brady, Lawrence
Subject: RE: EHO relocation cabinet paper.doc

Confirmed!

Works and Engineering will soon advise re alternative accommodation for the two Departments originally scheduled for location at the site of the former Woodlands School.

RKH

-----Original Message-----

From: Jones, Warren
Sent: Tuesday, January 29, 2008 8:53 AM
To: Horton, Robert
Subject: FW: EHO relocation cabinet paper.doc

Good morning Mr. Horton, based on my understanding of our last conversation the Cabinet Memorandum I sent is now dead and the Ministry of Works and Engineering will lead the way towards Cabinet support for the new way forward. Look forward to hearing from you.

wj

-----Original Message-----

From: Kendell, David
Sent: Tuesday, January 29, 2008 8:49 AM
To: Jones, Warren
Subject: Fw: EHO relocation cabinet paper.doc

Fyi

Let me know what I can do to progress this (see below)

Regards

David Kendell
Chief Environmental Health Officer
336-9385
dskendell@gov.bm

----- Original Message -----

108
LB
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From: Brady, Lawrence
To: Kendell, David
Sent: Tue Jan 29 08:44:52 2008
Subject: Re: EHO relocation cabinet paper.doc

David- I think this should be dealt with at the PS to PS level we only follow direction given.

----- Original Message -----

From: Kendell, David
To: Brady, Lawrence
Sent: Tue Jan 29 08:40:32 2008
Subject: Fw: EHO relocation cabinet paper.doc

Hi Lawrence

Thanks again for the recent offer.

The PS + I are both agreeable.

Mr. Jones has asked me to raise with you the matter of the attached Cab Memo that he was preparing.

He is of the perception that your Ministry maybe now leading the project as W+E may also occupy part of the new building.

If that is the case would you share this memo with your PS so that it can be revised.

If W+E expects Health to stay as the lead Ministry, please let me know, and we will ammend the document in consultation with you.

Regards
David Kendell
Chief Environmental Health Officer
336-9385
dskendell@gov.bm

----- Original Message -----

From: Kendell, David
To: Payne, John
Cc: Washington, Shivon; Cann, John
Sent: Tue Jan 15 14:47:47 2008
Subject: EHO relocation cabinet paper.doc

<<EHO relocation cabinet paper.doc>> Thanks John

This was great help!

I suggested some minor changes.

Best regards

David

Brady, Lawrence

From: Kendell, David
Sent: Thursday, February 07, 2008 2:29 PM
To: Brady, Lawrence
Cc: Jones, Warren
Subject: Re: Woodlands

OK thanks

I will gather the deliverables and bring to you and will ask for the invoice at the same time from Entasis

I will let you know when

David Kendell
Chief Environmental Health Officer
336-9385
dkkendell@gov.bm

----- Original Message -----

From: Brady, Lawrence
To: Kendell, David
Cc: Jones, Warren
Sent: Thu Feb 07 13:37:47 2008
Subject: Re: Woodlands

David, we have discussed this a long time ago in my office-you were to sort these items out with Entasis. I raised the problem regarding the "hourly rate" and the deliverables with you to follow up.

I would suggest we have a meeting again so that you can instruct Entasis.

----- Original Message -----

From: Kendell, David
To: Brady, Lawrence
Cc: Jones, Warren
Sent: Thu Feb 07 13:29:55 2008
Subject: Re: Woodlands

No they have not worked on it in the last 2 weeks for DoH. Do you want them to work the site for a nursery school or some other use instead?

I just want a process for you to agree the deliverables for technical prposes. I can verif a match with needs. You can process payment....what is the process?

David Kendell
Chief Environmental Health Officer
336-9385
dkkendell@gov.bm

----- Original Message -----

From: Brady, Lawrence
To: Kendell, David
Cc: Jones, Warren
Sent: Thu Feb 07 13:18:07 2008

110
LB

Subject: Re: Woodlands

David,

This is what you were going to do as discussed some weeks ago. Are you saying that Entasis is still continuing with work on Woodlands when it was decided to locate the Project.

LB

----- Original Message -----

From: Kendell, David

To: Brady, Lawrence

Cc: Jones, Warren

Sent: Thu Feb 07 13:10:49 2008

Subject: Woodlands

Dear Lawrence

Please outline the process that you require for sign off and billing with Entasis.

Please communicate the process to both Entasis and myself so that everyone is on the same page and so that we can smoothly transition to the new site.

David Kendell

Chief Environmental Health Officer

336-9385

dskendell@gov.bm

Brady, Lawrence

From: Kendell, David
Sent: Tuesday, March 18, 2008 2:14 PM
To: Simmons, Danny
Cc: Brady, Lawrence
Subject: RE: Marsh Folly Proposal - follow on from Woodlands Project

Thanks Danny

I think that Lawrence will have to answer that one on March 31st.

I will let my PS know.

Thanks gain

David Kendell
Chief Environmental Health Officer
Direct # 336-9385

From: Simmons, Danny
Sent: Tuesday, March 18, 2008 12:57 PM
To: Kendell, David
Cc: Brady, Lawrence
Subject: RE: Marsh Folly Proposal - follow on from Woodlands Project

David,
I understand from the consultant architects that they have no direction to proceed with providing revised designs for a Marsh Folly site. Do you know if Lawrence has confirmed the Marsh Folly site for the Health Offices & Lab, or if not, what is involved in this decision ?

Best regards,
Danny

From: Kendell, David
Sent: Tuesday, March 18, 2008 9:58 AM
To: Simmons, Danny
Subject: RE: Marsh Folly Proposal - follow on from Woodlands Project

Hi Danny

Many thanks.

Look forward to the update.

Regards,

David Kendell
Chief Environmental Health Officer
Direct # 336-9385

From: Simmons, Danny
Sent: Tuesday, March 18, 2008 9:57 AM
To: Kendell, David
Subject: RE: Marsh Folly Proposal - follow on from Woodlands Project

112

LB

1

Thanks David - I just received a request on this from our PS via PS Jones. I'm looking into this now with our staff to get a reply back, hopefully today.

Best regards,
Danny

Danny Simmons

Danny R. M. Simmons, A.S.L.A.
Registered Landscape Architect

From: Kendell, David
Sent: Tuesday, March 18, 2008 9:53 AM
To: Simmons, Danny
Subject: FW: Marsh Folly Proposal - follow on from Woodlands Project

Dear Danny

Not sure if you can help?

Please see below my e-mail to which I got an out of office reply from Mr. Brady.

My PS has asked me to follow up on this matter.

Regards

David Kendell
Chief Environmental Health Officer
Direct # 336-9385

From: Kendell, David
Sent: Tuesday, March 18, 2008 9:43 AM
To: Brady, Lawrence
Subject: Marsh Folly Proposal - follow on from Woodlands Project

Hello Lawrence

Can you give me a status update on the Marsh Folly development for new offices and laboratories for Environmental Health please?

The Bermuda Hospital Board is getting their plans in train for the Point Finger Road site and we must continue to press forward with plans to move out.

Any information whatsoever at this stage is helpful.

Regards,

David Kendell
Chief Environmental Health Officer
Direct # 336-9385

Brady, Lawrence

From: Horton, Robert
Sent: Monday, May 19, 2008 1:49 PM
To: Brady, Lawrence
Cc: Burnham, Jeremy P.
Subject: RE: Micahel Emery, Entasis

Lawrence:

Thank you for this response.

Glad to have you back!

RKH

-----Original Message-----

From: Brady, Lawrence
Sent: Monday, May 19, 2008 8:13 AM
To: Horton, Robert
Cc: Burnham, Jeremy P.
Subject: RE: Micahel Emery, Entasis

PS,

Mr. Emery was correctly briefed by Mr. Burnham that I would be back in the office Monday (to day) to deal with this matter.

In the first instance Entasis presented what I considered an outrageous **bill of \$157,000+/-** for their services, I met with Entasis a few weeks ago and they quickly **reduced the bill by \$50,000 (fifty thousand)**.

After reviewing the information provided to date there is **no back up documentation to support the charges that** are being claimed as reimbursable.

We will have this resolved today.

LB

-----Original Message-----

From: Horton, Robert
Sent: Sunday, May 18, 2008 11:38 PM
To: Brady, Lawrence
Cc: Burnham, Jeremy P.
Subject: Micahel Emery, Entasis

Lawrence:

Your attention is drawn to the attached e-mail that the Minister received from Mr. Michael Emery of Entasis yesterday. What is the current status of the payment to Mr. Emery?

Many thanks for your kind attention in this regard.

RKH

----- Original Message -----

From: Michael Emery <michael.emery@entasis.bm>
To: Burgess, Derrick
Sent: Sat May 17 17:13:50 2008
Subject: Works and Engineering

114
LB

Good day Derek,

I hate to contact you about this matter but I have an outstanding account with W and E that has been outstanding for some time. After being promised several times that the bill will be paid shortly. It has not been paid. The bill is for work done on the proposed Health Department (Woodlands site). The bill was being handled by Lawrence Brady and Jeremy Burnham. Jeremy is waiting for Lawrence to sign off and give it back to him. Lawrence is off today and may be back on Monday. I would appreciate any assistance you can give in getting the bill paid.

Thanking you in advance,

Michael

CS&PArchitects

CS&P Architects Inc.

T: 416.482.5002 F: 416.482.5040
cspa@csparch.com

2345 Yonge Street, Suite 200
Toronto, ON M4P 2E5 Canada
www.csparch.com

May 26, 2008

Ministry of Works and Engineering
Government of Bermuda
Department of Architectural Design and Construction
Post Office Building
56 Church Street
Hamilton HM CX
Bermuda

Attention: Lawrence Brady, Chief Architect

Re: Consultant Scope and Fees for New Forensic Lab, Health Offices and Labs and Waste Management Staff Facilities at Marsh Folly
File: 08010-20

Dear Lawrence,

Further to our recent meeting, CS & P Architects would be pleased to provide Pre-Design consulting services for the new Lab and office facility at Marsh Folly. While a contract is not yet assigned, we are ready to proceed immediately with the initial space programme analysis and site review.

This initial phase will be developed for a fee not to exceed \$46,000 (USD), and will be completed during the month of June. At your request, we will be available to proceed further into schematic design and design development, based on an agreed space programme.

Thank you for giving us this opportunity to provide a response to this interesting and exciting project.
Yours very truly,



R. Craig Goodman, Principal

\\Csp-fs\projects\08010\DOC\Bermuda Forensics\LtrBrady2008-05-26.doc



GOVERNMENT OF BERMUDA
Ministry of Works and Engineering

Department of Architectural Design and Construction

MEMO

To: Minister Derrick Burgess

Re: Project Status

Date: May 27, 2008

Project: Marsh Folly

From: Lawrence Brady

File No.:

Letter received from Structures noting that the existing structure would have to be completely removed.

Electrical work to isolate the power and transformers still underway.

A meeting with the client department for the proposed new lab was held May 6, 2008.

A schematic design proposal was presented outlining the requirements and expectation of the project.

To summarize the meeting:

- Lab proposal was well received;
 - The concern of the location of the building from a security and possible odor emanating from the composting materials were discussed ;
 - Basic layout was accepted ;
 - Concern over the amount of traffic entering and exiting the area;
- 1) Out comes
- The requirements were better defined on exactly what is carried out in the facility;
 - It was noted that the Health Lab carries out some work for the Police;
 - Invitation into combining both facilities into the same building but keeping them as separate identities;
 - Means of a general site review use to be carried out;

Next meeting set for the week of June 2 2008 to finalize the brief and to establish a Project Management Plan.

CS&P Architects

CS&P Architects Inc.

T: 416.482.5002 F: 416.482.5040
cspa@csparch.com

2345 Yonge Street, Suite 200
Toronto, ON M4P 2E5 Canada
www.csparch.com

June 3, 2008

Ministry of Works and Engineering
Government of Bermuda
Department of Architectural Design and Construction
Post Office Building
58 Church Street
Hamilton HM CX
Bermuda

Attention: Lawrence Brady, Chief Architect

Re: Consultant Scope and Fees for Next Phases for New Forensic Lab, Health Offices and Labs and Waste Management Staff Facilities at Marsh Folly
File: 08010-20

Dear Lawrence,

Further to our recent discussions, CS & P Architects would be pleased to provide an outline for the balance of architectural services for the next phases of consultant scope to carry the design forward through Construction Documents, Tender, and Construction Review. As you know, we have been asked to develop additional programme area based on the comments from the user group related to the initial concept design presented last month. We have assumed we shall be proceeding with design following the basic concept shown with these additional areas.

We have included, as a separate attachment with the Contract, a schedule of anticipated consulting fees to complete these additional phases of work. (Part A and B were included under the first proposal.) The schedule includes for Basic Architectural fees, based on an estimated construction value equivalent to \$17 million Bermuda, (to include for Architectural, Structural, Mechanical and Electrical disciplines) as well as supplementary consultants we are presently aware of, including a Laboratory Design Specialist. We have assumed that Site Service Engineering will be carried by the Works and Engineering Department. In brief summary, the fee outline (all figures in US \$) includes for the following:

- | | |
|--|------------------|
| • Part B, including Schematic and Design Development | \$154,000 |
| • Part C, including Construction Documents | \$583,420 |
| • Part D, including Tender Phase Review | \$ 47,050 |
| • Part E, including Construction Review | \$282,300 |
| • Part F, including Post Tender Review | <u>\$ 28,230</u> |

Total fee (USD) \$ 1,095,000

Geoffrey Brown Paul Cravit Craig Goodman Abdul Kaderali Peter Ortvad Maureen O'Shaughnessy Robert Stiff
Suzanne Cooke Wooland Mariusz Gonlarz Susan Lewin Paul Marcoccie Peter Pastor Wayne Rosberg Sam Spagnuolo

CS&P Architects

In addition, we have listed a separate fee for the engaging of a local Engineer of Record (ONSite Engineering) for the amount of \$150,000 USD. While we have outlined each of the phases for the full scope of the project, we will not proceed into each new phase without prior authorization from you.

In the event that you require additional services beyond the scope of this agreement, we would suggest the following hourly rates as a guide for team members. (Additional scope of services not to be billed without prior authorization from you shall be calculated on an hourly basis according to the following Per Diem rates (USD):

Principal Architect and Engineers \$ 180.00/hr.
Intermediate Architect and Engineers \$ 150.00/hr
CAD Technician/ Technologist \$ 125.00/hr.

Project Development Schedule (2008)

April 30	Assign Project Architect
May 5 - 8	Access to existing site and meetings with users for clarification of space programme requirements
May-June	Confirm Programme Space Requirements
Late June	Submit Pre-Design report and initial concept design alternatives
July 1	Receive direction from Stakeholders for preferred design concept
July/August	Development of Schematic Design presentation material
Sept /Oct	Design Development
Oct to January	Construction Documents for Foundation and Shell

I hope that this outline and contract is suitable to the anticipated scope of work as you understand it. Please let me know if we need to provide any further clarifications. If this proposal is acceptable, please provide a record copy of the contract for our records.

Thank you for giving us this opportunity to provide a response to this interesting and exciting project.

Yours very truly,



R. Craig Goodman, Principal

2.
June 3, 2008

Brady, Lawrence

From: Horton, Robert
Sent: Wednesday, June 04, 2008 3:38 AM
To: Jones, Warren
Cc: Cann, John; Brady, Lawrence; Richardson, Paulette
Subject: RE: Transfer of Government Central Laboratory
Attachments: MEMO Mash Folly may27 2008.doc

Dear Warren:

Apologies for the late [or early!!] dispatch of this e-mail.

You will recall that a few months ago, you met with my Minister, the Chief Architect et al at the Ministry of Works and Engineering to discuss the fact that the new Government Central Laboratory would no longer be sited at the former Woodlands School. We advised that (1) Education now had use of the former Woodlands School for a preschool and (2) the decision to site the Government Central Laboratory at Marsh Folly in lieu of the former Woodlands School would be more cost effective and allow for a shortened timeline for the overall project. Since that meeting, the Ministry of Works and Engineering has been working steadfastly towards siting the Government Central Laboratory in a new purpose-built structure at Marsh Folly.

I am surprised, therefore, to learn that staff within your Ministry were either unaware of the planned construction of the new facility at Marsh Folly or unhappy at the decision to locate the new facility there. You express surprise that "with all of the discussion going on between our Ministers and senior team regarding this issue,anyone would approach the staff stage without first of all putting the Minister and (you) in the loop". I regret the confusion in this regard, as we at Works and Engineering truly believed that your Minister and you *were* in the loop. We also believed that your Minister's requested site visit to the current laboratory, Vector Control, etc. [Paulette's e-mail request of 27th May, 2008] was related to the planned move. By the way, my Minister has offered **12:00 noon on Thursday, 5th June, 2008** for the requested site visit. Kindly confirm your Minister's availability for that date and time.

You will find attached for your consideration the copy of the status report of 27th May, 2008 that my Minister received from the Chief Architect regarding the new facility. You will note that the Chief Engineer refers to his meeting of 6th May, 2008 with your staff. You will note also the Chief Architect's observation that whilst the proposal to site the laboratory at Marsh Folly was well received by Ministry of Health staff who accepted the proposed layout, there were expressions of concern about the proposed Marsh Folly location from a security perspective and about possible odour from compost material nearby. I deeply regret that you were not apprised of the meeting of 6th May, 2008.

You speak of the length of time that it is taking to bring this project to fruition and your Ministry's good fortune that there has been no industrial action as a result of the protracted timeline. Here, I am obliged to remind you of the Ministry of Works and Engineering's advice that the construction of a purpose-built facility at Marsh Folly location would be completed more quickly than reconfiguration/construction of a facility at the former Woodlands School site.

Please do not hesitate to contact the Chief Architect or me should you have any additional enquiries regarding the captioned matter.

RKH

From: Jones, Warren
Sent: Tuesday, June 03, 2008 4:51 PM
To: Horton, Robert
Subject: Transfer of Government Central Laboratory

Good afternoon Mr. Horton, during my regular meeting with the CMO this afternoon, he advised me of a troubling development as it relates to the ongoing issue of the transfer of the Lab and Environmental Health Section.

Apparently one of your staff met with members of staff of those two locations and advised them of plans to move them to Marsh Folly. This of course has not gone down well and has raised concerns that that we do not care about the staff if we would place them at the dump where the garbage trucks are cleaned and parked.

With all of the discussion going on between our Ministers and senior team regarding this issue, I am surprised that anyone would approach the staff stage without first of all putting the Minister and I in the loop.

I was not aware that this issue had progressed to any degree and you will be aware that I have been making contact with you on a regular basis for updates. Secondly, it is a very sensitive issue and has to be massaged. Therefore I would have wanted to be the first to know of any thinking regarding the way forward.

I have a Town Hall meeting with staff tomorrow and am sure this will be brought up. We will calm the waters the best we can but can you please provide me with an update on the where, when and how we intend to move this initiative forward at the earliest opportunity. We have been fortunate that industrial action hasn't happened over the length of time it is taking to resolve this and we will need to be careful that we don't bring it on as a result of not moving carefully and deliberately.

Warren

Lawrence:

The Minister has requested a status report on the plans for the Marsh Folly Building and the Work Shop at Ocean View Golf Club. He wonders if the plans have been submitted to Planning as yet? He has written that the plans for Marsh Folly were to have gone to Planning at the beginning of September and is under the impression that the much simpler plans for Ocea View should have been submitted even earlier.

Kindly advise soonest.

RKH

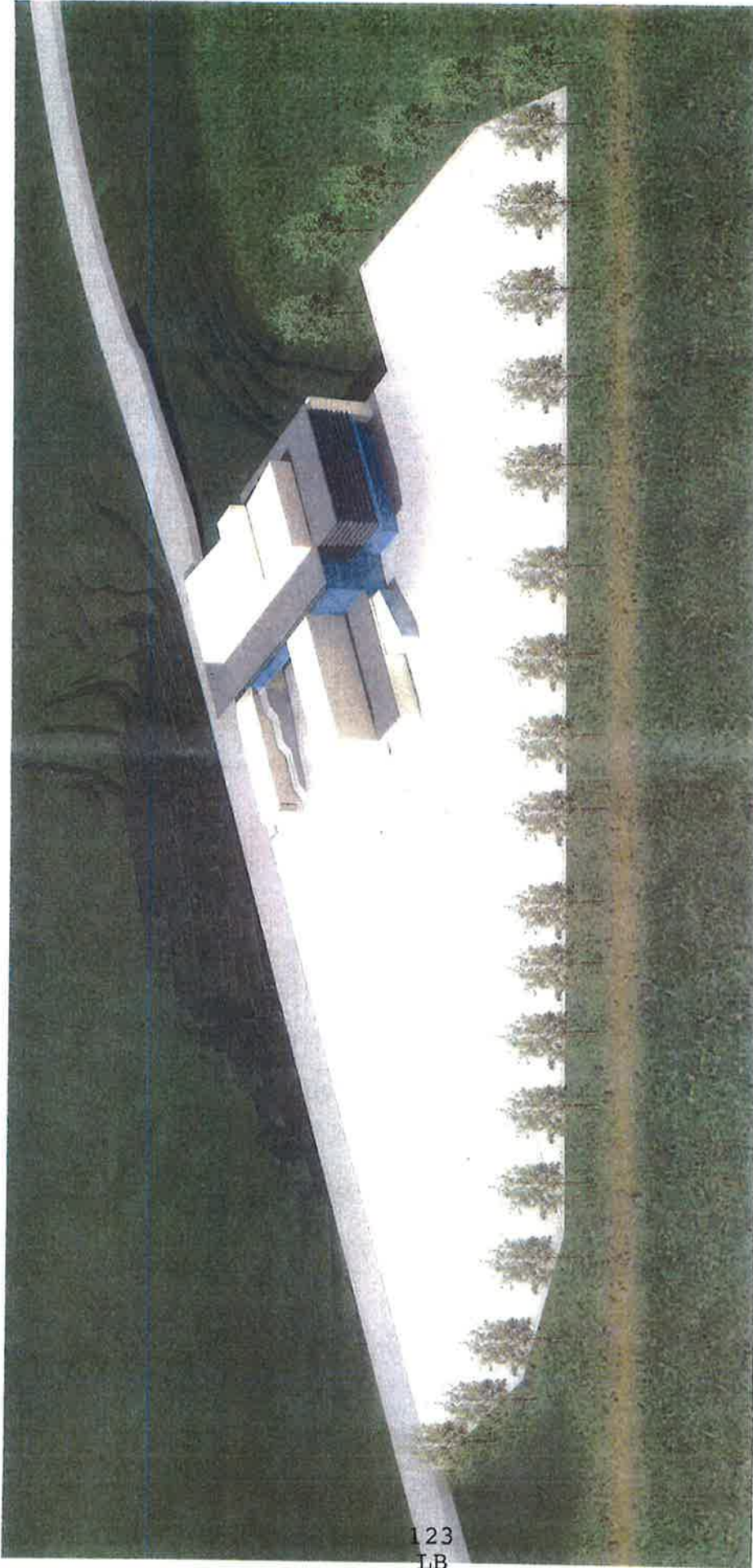
From: Brady, Lawrence
Sent: Wednesday, July 23, 2008 3:11 PM
To: Horton, Robert
Subject: FW: Marsh Folly and North Street

From: Brady, Lawrence
Sent: Wednesday, July 23, 2008 11:13 AM
To: Horton, Robert
Subject: Marsh Folly and North Street

PS,

North Street and Marsh Folly Projects for your records.

LB



123
LB

AERIAL VIEW2

Marsh Folly Labs and Administration
Hamilton, Bermuda

CS&P Architects

July 2008

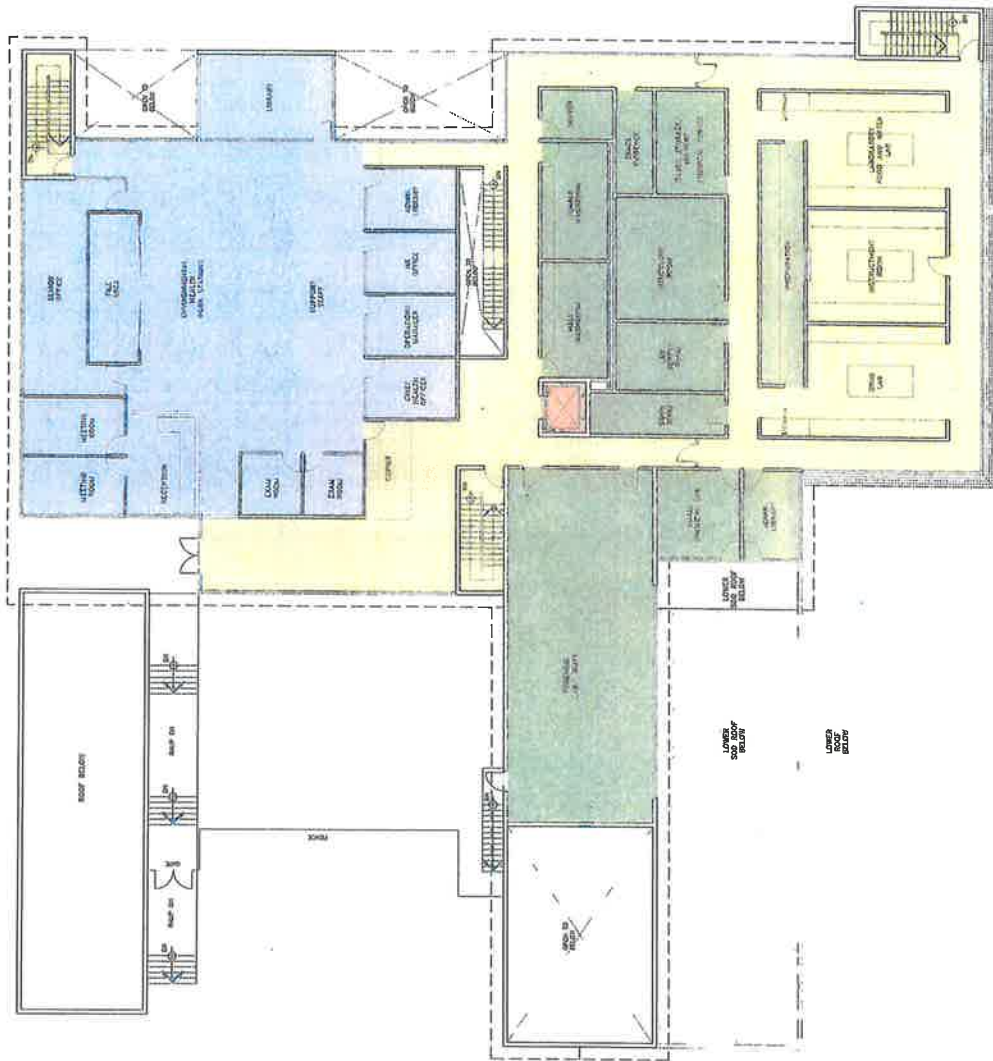


124
LB

AERIAL VIEW1

Marsh Folly Labs and Administration
Hamilton, Bermuda

CS&P Architects
July 2008



125
LB

FLOOR PLANS

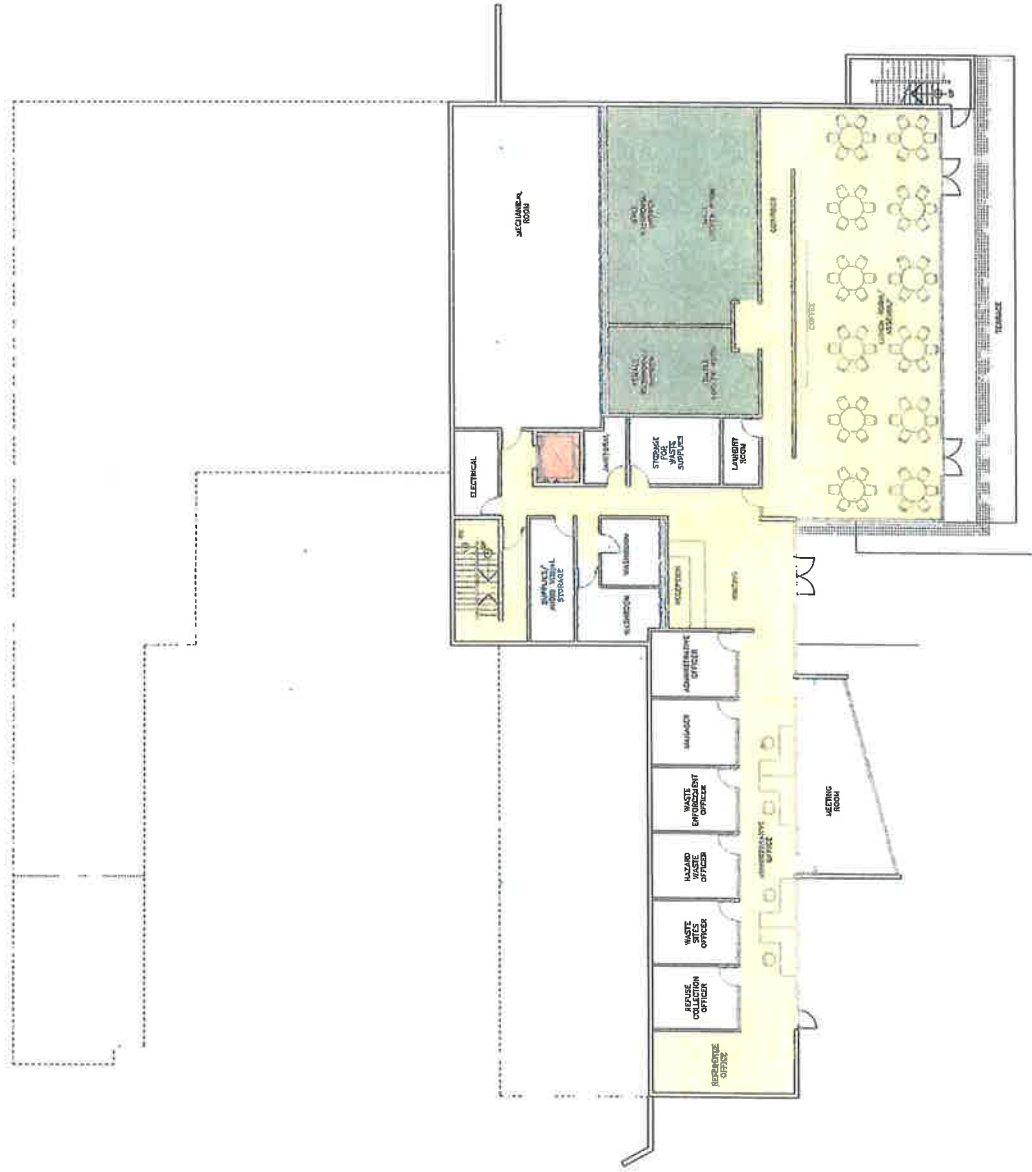
Marsh Folly Labs and Administration
Hamilton, Bermuda



126
LB

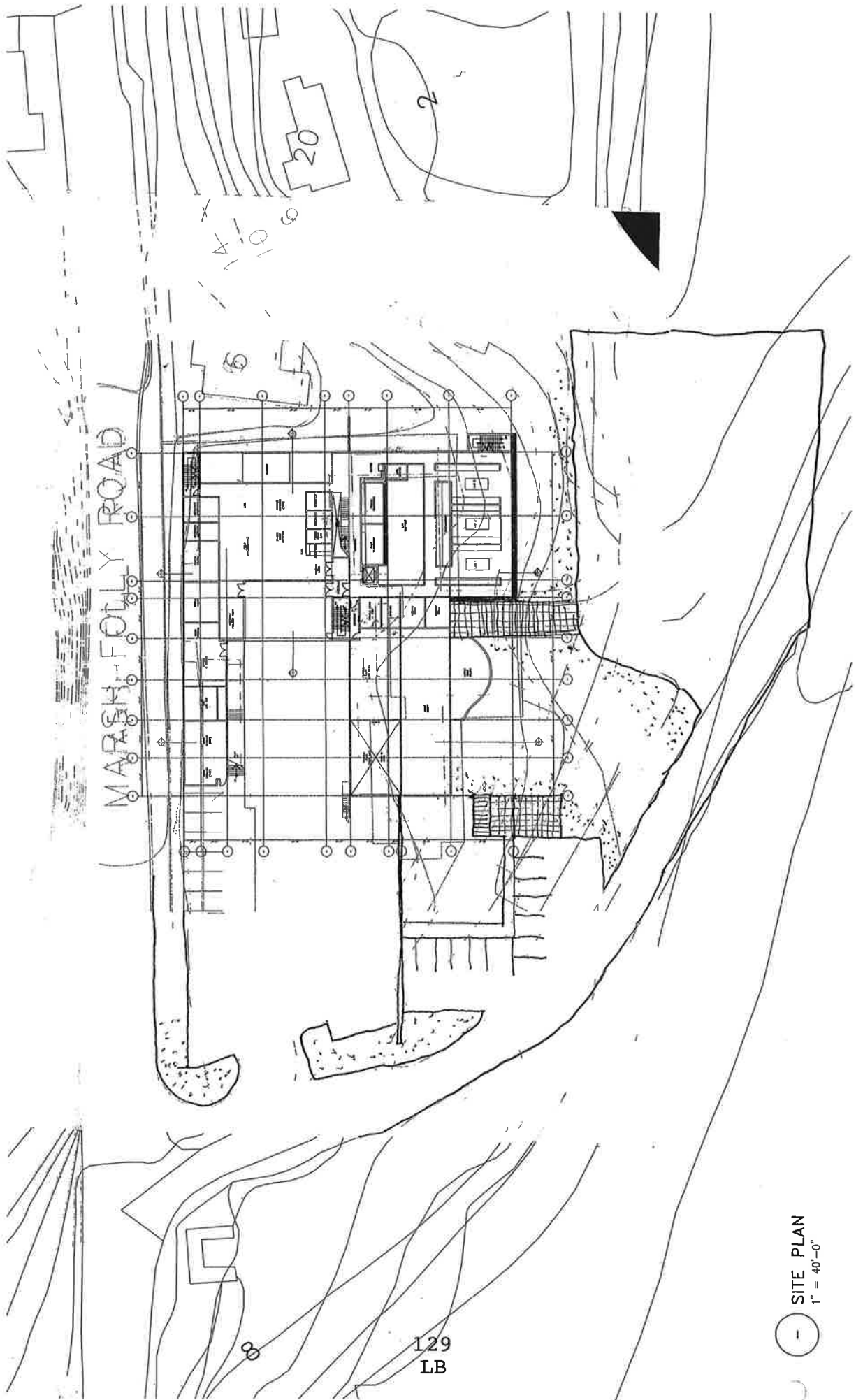
FLOOR PLANS

Marsh Folly Labs and Administration
Hamilton, Bermuda



FLOOR PLANS

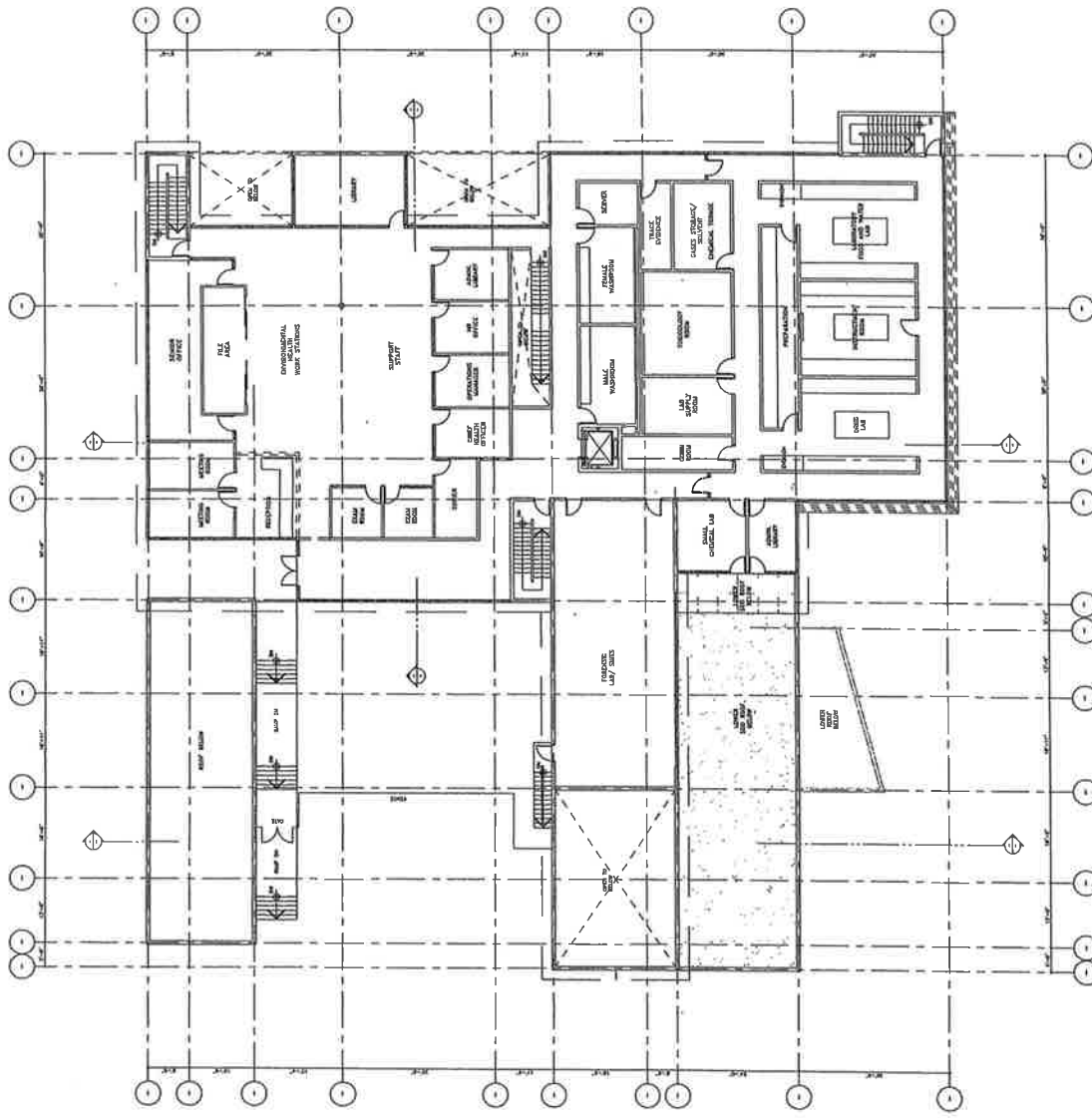
Marsh Folly Labs and Administration
Hamilton, Bermuda



MARSH FOLLY ROAD

129
LB

○ SITE PLAN
1" = 40'-0"



130
LB

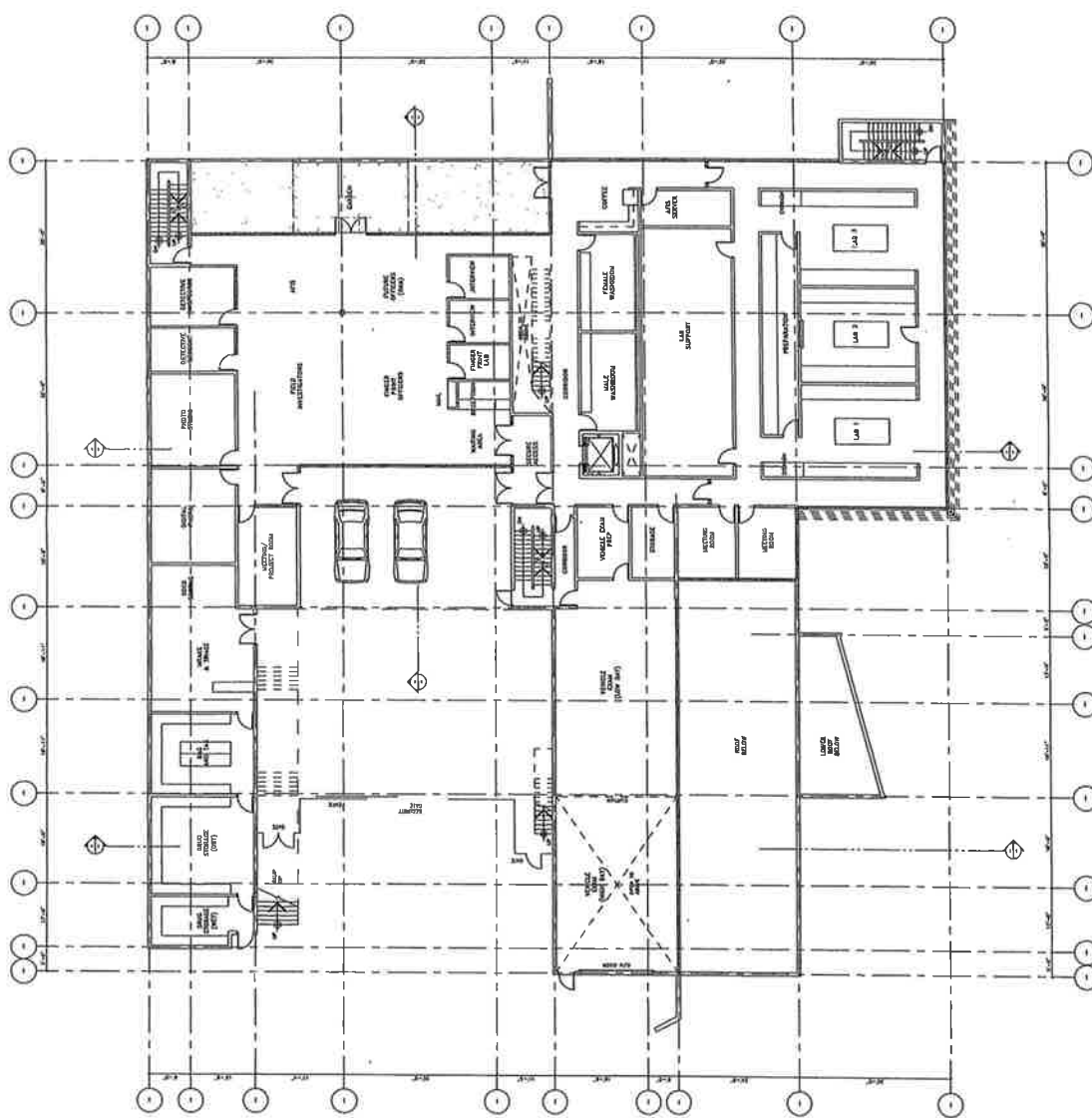
STREET LEVEL PLAN

scale: 1/24" = 1'-0"

Marsh Folly Labs and Administration
Hamilton, Bermuda

CS&P Architects

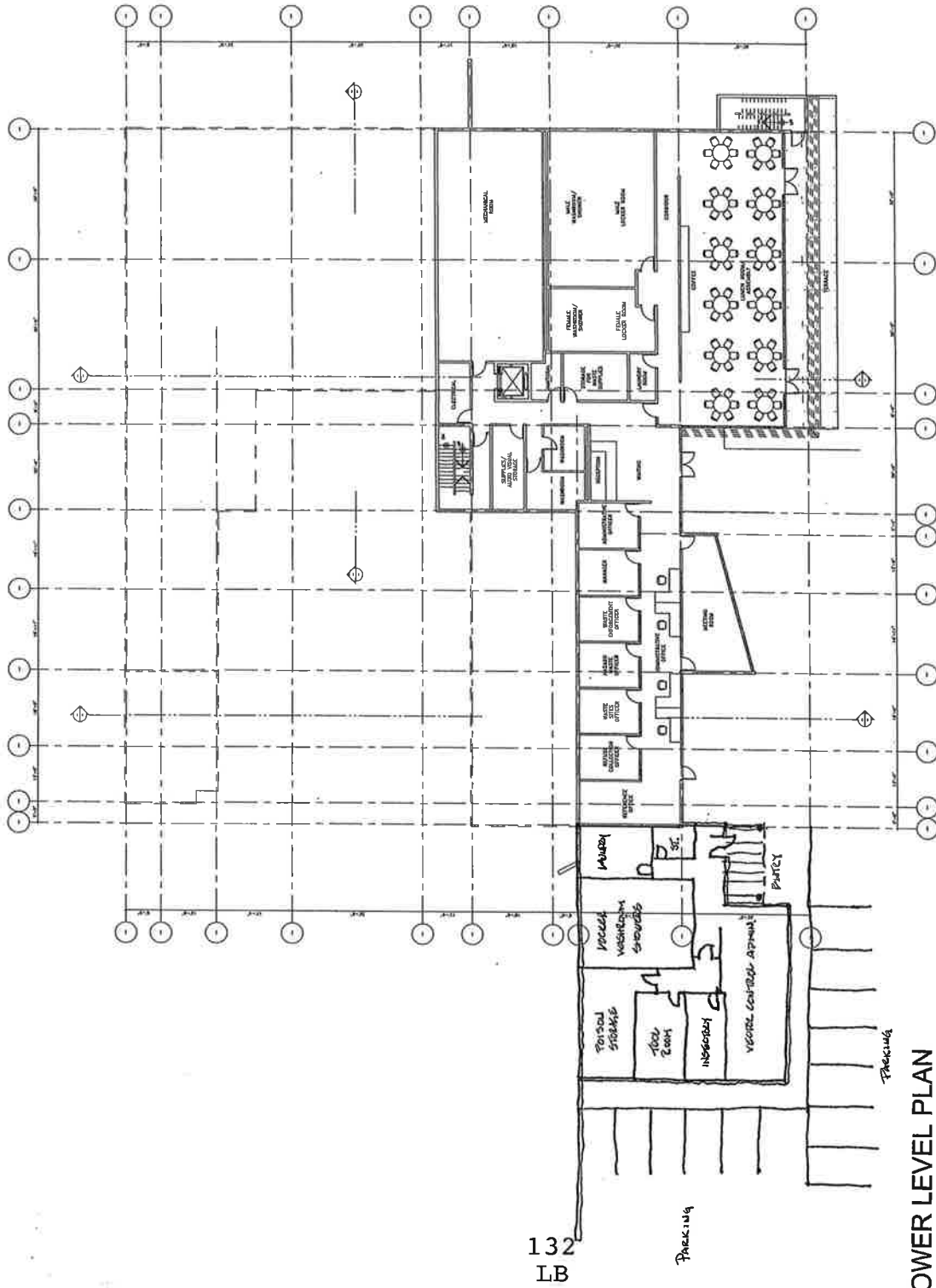
July 2008



131
LB

RECEIVING LEVEL PLAN
 scale: 1/24" = 1'-0"

Marsh Folly Labs and Administration
 Hamilton, Bermuda



132
LB

LOWER LEVEL PLAN
scale: 1/24" = 1'-0"

Marsh Folly Labs and Administration
Hamilton, Bermuda

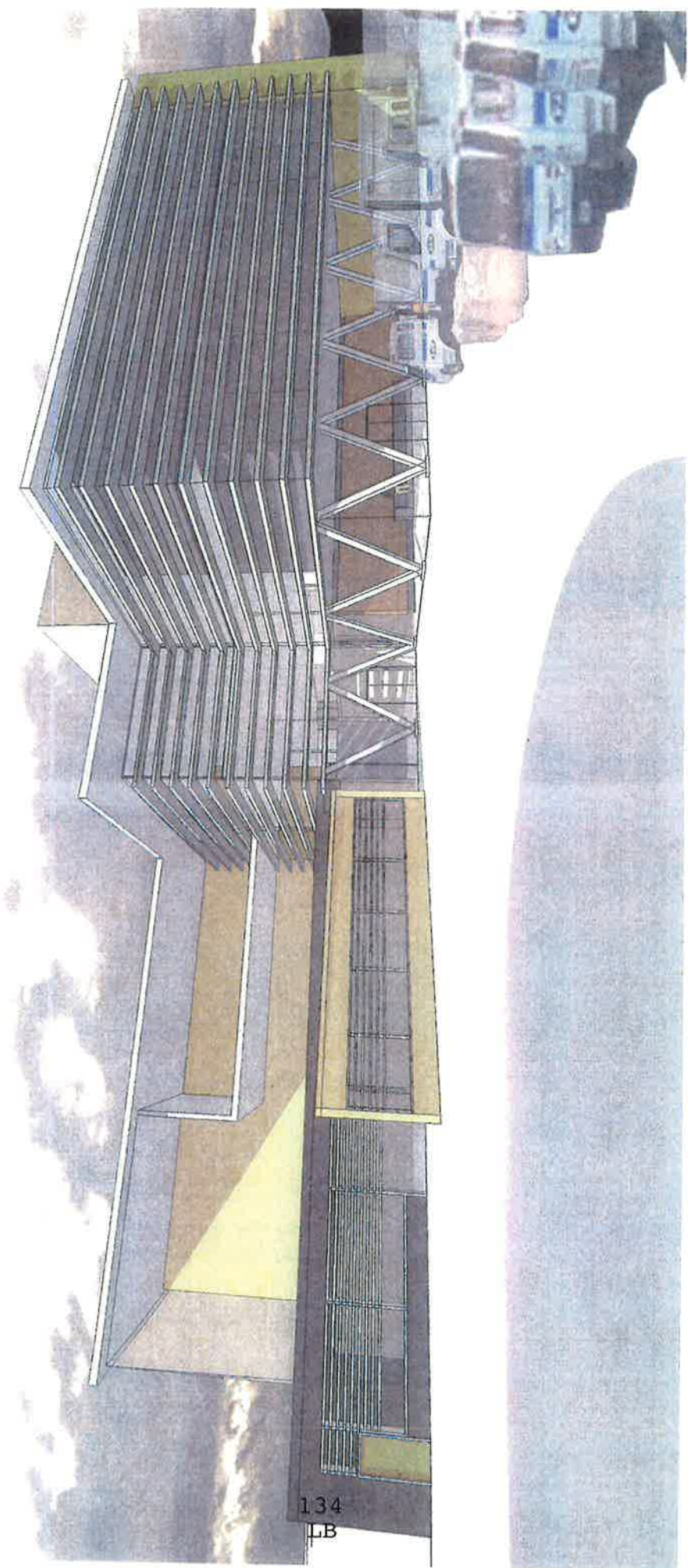
CS&P Architects

July 2008



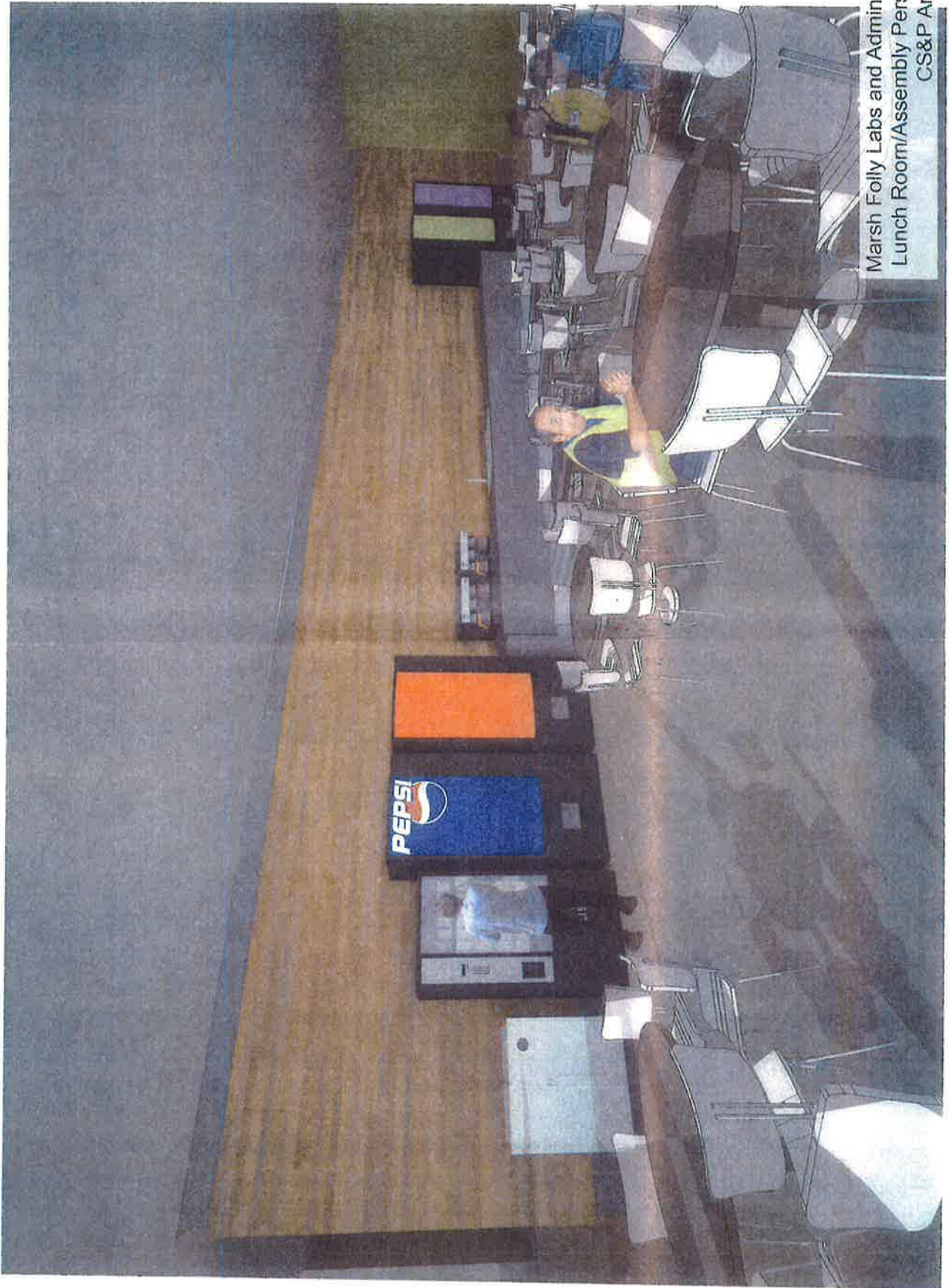
133
LB

Marsh Folly Labs and Administration
Administration Offices
CS&P Architects



134
LB

Marsh Folly Labs and Administration
Exterior Perspective
CS&P Architects



Marsh Folly Labs and Administration
Lunch Room/Assembly Perspective
CS&P Architects



GOVERNMENT OF BERMUDA

Ministry of Works and Engineering and Housing

Certificate No. 01

PAYMENT CERTIFICATE for PROFESSIONAL SERVICES

Contractor: C S & P Architects
Project Name: Marsh Folley Forensic Lab & Waste Management
Project No.: 34/79/51 File No.: 34/79/51/07

In accordance with your invoice(s) dated July 1 2008 INV 0012187
For work performed between May 1 2008 and June 30 2008

STATEMENT of ACCOUNT

Table with 2 columns: Description and Amount. Rows include Contract Sum (\$46,000.00), Total fees billed to date (\$46,000.00), and AMOUNT THIS BILLING (\$46,000.00).

CERTIFICATION

I certify that these goods or services are solely for Government Account, are proper charges against the votes indicated and will not cause any excess therein, and that all relevant Financial Instructions have been complied with.

Project Manager signature and date 14/00
for Permanent Secretary signature and date 2009

CHART of ACCOUNTS

Table with 3 columns: COST CENTRE, COST CODE, AMOUNT. Row 1: 80312, 84210, \$46,000.00. Row 2: TOTAL, \$46,000.00

CS&P Architects

CS&P Architects Inc.

T: 416.482.5002 F: 416.482.5040
cspa@csparch.com

2345 Yonge Street, Suite 200
Toronto, ON M4P 2E5 Canada
www.csparch.com

July 1st, 2008

Chief Architect
Government of Bermuda
Ministry of Works and Engineering Parks and Housing
PO Box HM525
Hamilton HM CX, Bermuda

Attention: Lawrence Brady, Project Manager

Dear Sir,

Re: Marsh Folley Forensic Lab and Waste Management
Project No. 08010

Enclosed please find our invoice number 0012187 for professional services to June 30th, 2008. This is for work on the Pre-Design phase of Marsh Folley Forensic Lab and Waste Management.

Please contact our office if you have any questions.

Yours truly,



Sam Spagnuolo
CS&P Architects Inc.

L:\AR\INV_FEES\08010.doc

CS&P Architects

Invoice

July 1, 2008
Project No: 08010.00
Invoice No: 0012187

CS&P Architects Inc.

T: 416.482.5002 F: 416.482.5040
cspa@csparch.com

2345 Yonge Street, Suite 200
Toronto, ON M4P 2E5 Canada
www.csparch.com

Ministry of Works & Engineering, Bermuda
Attention: Lawrence Brady
56 Church St.
Hamilton HM CX

Project: Marsh Folley Forensic Lab & Waste Mgmt.

THIS INVOICE IS CALCULATED AND PAYABLE IN US DOLLARS

Period: May 1, 2008 to June 30, 2008

Fee US\$46,000.00

<u>Phase</u>	<u>Fee</u>	<u>% Complete</u>	<u>Earned</u>	
Pre-Design	US\$46,000.00	100.00%	US\$46,000.00	✓
	Total Earned		\$46,000.00	✓
	Previous Fee Billing		\$0.00	✓
	Current Fee Billing		\$46,000.00	✓
	Total Fee		\$46,000.00	US\$46,000.00 ✓

Tax

GST Exempt

Total GST

\$0.00

Invoice No: 0012187

TOTAL AMOUNT DUE THIS INVOICE US\$46,000.00 ✓

PAYABLE IN US FUNDS

Wire payment to: Scotiabank, 145 King St. W., Toronto, ON M5H 1J8, Canada. Account No. 34322
0184012, Customer No. 6050 406 467 605, International Wire: NOSCCATT, US Wire Transfers:
026002532. PLEASE REFERENCE INVOICE NUMBER.

Brady, Lawrence

From: Chung, Lucy
Sent: Friday, September 26, 2008 12:29 PM
To: Horton, Robert
Cc: Brady, Lawrence
Subject: Marsh Folly

PS Horton,

The one thing I did forget to update you on this morning was Marsh Folly.

I spoke with Sam of CS&P yesterday and he provided the following update:

1. There is no "buy-in" from the Police yet. Sam is scheduled to be here the Week of October 6th (when Lawrence is back). There will be a meeting and presentation to the Police.
2. Health and waste groups have basically approved the design.
3. CS&P are going full steam on this project – they have 2 people working full time on it.
4. No soil testing has been undertaken. I am under the impression that this is a key requirement now (or in the very near future).
5. It is not realistic to expect work on site to begin before the end of the year.

Regards,

Lucy

Lucy Chung, Architect

W&E, Bermuda Government

Tel: 441-297-7679

Fax: 441-295-4675

Email: lchung@gov.bm

SCHEDULE A

**MINISTRY OF HEALTH OFFICES, FORENSIC LAB, VECTOR CONTROL
POLICE CENTRAL PROPERTY, DRUG STORAGE, FORENSIC LAB
CENTRAL GARAGE OFFICE & STAFF SERVICES**

MARSH FOLLEY - HAMILTON, BERMUDA

	ARCH	STRUCT	M&E	LAB	ACOUSTIC	CODE	TOTAL \$US
Part 1 (A): Pre-Design							\$ 46,000
Part 1 (B): Site Analysis, Schematic Design and Design Development							\$ 154,000
Part 2: Construction Documents (based on 48,000 sq.ft, construction cost 16M)	\$ 242,570	\$ 95,190	\$ 138,000	\$ 100,000	\$ 6,160	\$ 1,500	\$ 583,420
Part 3: Tender Period	\$ 17,990	\$ 6,800	\$ 12,000	\$ 10,000		\$ 260	\$ 47,050
Part 4: Construction Review	\$ 158,305	\$ 33,995	\$ 70,000	\$ 20,000			\$ 282,300
Part 5: Post Construction	\$ 18,230		\$ 10,000				\$ 28,230
TOTAL	100%						USD 1,141,000
Part 6: Local Engineers of Record							\$ 150,000
							USD 1,291,000

SCHEDULE A - Revised

**MINISTRY OF HEALTH OFFICES, FORENSIC LAB, VECTOR CONTROL
POLICE CENTRAL PROPERTY, DRUG STORAGE, FORENSIC LAB
CENTRAL GARAGE OFFICE & STAFF SERVICES**

01-May-09

MARSH FOLLEY - HAMILTON, BERMUDA

	ARCH	STRUCT	M&E	LAB	ACOUSTIC	CODE/COST	TOTAL \$US
Part 1 (A): Pre-Design							\$ 46,000
Part 1 (B): Site Analysis, Schematic Design and Design Development							\$ 154,000
Part 2: Construction Documents (based on 71,693 sq.ft, construction cost 35M)	\$ 420,570	\$ 120,190	\$ 180,000	\$ 150,000	\$ 16,160	\$ 9,500	\$ 896,420
Part 3: Tender Period	\$ 42,550	\$ 16,800	\$ 22,000	\$ 20,000		\$ 17,000	\$ 118,350
Part 4: Construction Review	\$ 300,000	\$ 53,000	\$ 90,000	\$ 55,000			\$ 498,000
Part 5: Post Construction	\$ 18,230		\$ 10,000				\$ 28,230
TOTAL							USD 1,741,000
Part 6: Local Engineers of Record							\$ 150,000
							USD 1,891,000

Brady, Lawrence

From: Horton, Robert
Sent: Monday, October 06, 2008 7:06 PM
To: Hassell, Thomasina; Brady, Lawrence
Cc: Jones, Warren
Subject: Department of Health labs

Colleagues:

This morning we wondered how much the Ministry of Health had within its budget to assist with the construction of the new labs, etc. at Marsh Folly.

Mr. Warren Jones, Permanent Secretary, Ministry of Health, has advised as follows:

\$2.5 million for fiscal 2009/10 and \$2.55 million for fiscal 2010/11 -- a total of \$5.million for the project.

RKH

FILE COPY

34-79-51/02

 You forwarded this message on 10/29/2008 2:37 PM.

Brady, Lawrence

From: Horton, Robert
To: Brady, Lawrence
Cc:
Subject: RE: Marsh Folly
Attachments:

Sent: Tue 10/7/2008 6:42 PM

Thank you.

RKH

From: Brady, Lawrence
Sent: Tuesday, October 07, 2008 11:18 AM
To: Horton, Robert
Subject: Marsh Folly

PS,

Further to our meeting with the Minister yesterday and the Ministers request to have the Marsh Folly project get underway in January 2009, I have instructed our consultants of the required deadline and they are proceeding as requested.

LB

Brady, Lawrence

From: Horton, Robert
Sent: Monday, October 27, 2008 2:42 PM
To: Burgess, Derrick
Cc: Brady, Lawrence
Subject: Fw: Marsh Folly and North Street
Attachments: July Concept Presentation.pdf; EXTERIOR low.jpg; OFFICE low.jpg; CAFETERIA low.jpg

Minister:

The attached response from Lawrence is provided for your consideration.

RKH

Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: Brady, Lawrence
To: Horton, Robert
Sent: Mon Oct 27 10:25:11 2008
Subject: FW: Marsh Folly and North Street

PS,

I refer to your e-mail below and note the following comments.

MARSH FOLLY

Is pretty much to our July schedule as submitted to you on July 23 2008. The only delay came about with the addition of the Health Headquarters, being added as this was not part of the original scheme.

This is just about ready to go to Planning.

OCEAN VIEW

I had informed the Minister some time ago that the Golf Club was advocating that the new workshop be located by the Bus Garage, in a woodland area and a location earmarked for another project.

It was my understanding that the Minister was going to have a word with "them" and get back to me.

In any case the drawings are at a stage that they can be ready to be submitted within a maximum of 10 working days.

It should be noted due to limited resources Stephen Squire was put on 129 Front Street to push that project out.

Lawrence:

The Minister has requested a status report on the plans for the Marsh Folly Building and the Work Shop at Ocean View Golf Club. He wonders if the plans have been submitted to Planning as yet? He has written that the plans for Marsh Folly were to have gone to Planning at the beginning of September and is under the impression that the much simpler plans for Ocea View should have been submitted even earlier.

Kindly advise soonest.

RKH

From: Brady, Lawrence
Sent: Wednesday, July 23, 2008 3:11 PM
To: Horton, Robert
Subject: FW: Marsh Folly and North Street

From: Brady, Lawrence
Sent: Wednesday, July 23, 2008 11:13 AM
To: Horton, Robert
Subject: Marsh Folly and North Street

PS,

North Street and Marsh Folly Projects for your records.

LB

Brady, Lawrence

From: Horton, Robert
Sent: Thursday, November 27, 2008 7:54 PM
To: Brady, Lawrence
Subject: FW: New building

Lawrence:

You will be able to provide me with responses to some of the questions below -- I know that other responses will have to come from the Ministry of Health. Kindly assist where you can.

Thank you.

RKH

-----Original Message-----

From: Elizabeth Roberts [<mailto:eroberts@royalgazette.bm>]
Sent: Thursday, November 27, 2008 2:42 PM
To: Horton, Robert
Subject: New building

Good afternoon Mr. Horton, I hope this email finds you well.

I hoped you might be able to help me with some further information about the building described below.

Plans are in the pipeline for a new Government building on Marsh Folly Road in Pembroke. The four-storey 48,421 square foot facility would provide offices and laboratory space for waste management, health and Police forensic lab workers. The application was received by the Department of Planning on November 12.

I wanted to find out:

- 1- are these new Police / Government labs for a new purpose or is this new building to replace labs already in existence in another location?
- if it is a new facility, does this mean more lab work will be done on-island in future rather than overseas?
- How many storeys is the building?
- How much will it cost? Will the project be impacted by current Government spending cuts and when is it hoped it will be ready?
- How many staff will work there?
- Is there already a building at the site?

I could not see any of the above info in the planning application although I must confess that planning is not my usual beat and I had trouble making sense of the file! I have also emailed Dwayne Caines and Robin Simmons at the Bermuda Police Service and left a telephone message for Lawrence Brady since his name is listed on the application.

With thanks in advance for any assistance you can offer on any / all of the above points. Ideally I would like to be able to file this story for tomorrow's edition.

Kind regards,

Elizabeth Roberts
Senior Reporter
The Royal Gazette
Bermuda
(441) 278 0156

146
LB



GOVERNMENT OF BERMUDA

Ministry of Works and Engineering and Housing

Certificate No. 05

PAYMENT CERTIFICATE for PROFESSIONAL SERVICES

Contractor: C S P Architects
Project Name: Marsh Falley Forensic Lab (Waste management)
Project No.: 34/79/51 File No.: 34/79/51/07

In accordance with your invoice(s) dated Dec 31 2008 - Inv 0012538

For work performed between Dec 1 2008 and Dec 31 2008

STATEMENT of ACCOUNT

Table with 2 columns: Description and Amount. Rows include Contract Sum (\$46,000.00), Authorised additional services (\$737,420.00), Revised contract sum (\$783,420.00), Total fees billed to date (\$375,026.00), Less previous payments (\$358,476.00), and AMOUNT THIS BILLING (\$16,550.00). Includes handwritten notes 'PART A' and 'PART B'.

CERTIFICATION

I certify that these goods or services are solely for Government Account, are proper charges against the votes indicated and will not cause any excess therein, and that all relevant Financial Instructions have been complied with.

Project Manager signature and date 17 February 2009
for Permanent Secretary signature and date 18th February 2009

CHART of ACCOUNTS

Table with 3 columns: COST CENTRE, COST CODE, AMOUNT. Row 1: 80312, 84210, \$16,550.00. Row 2: TOTAL, \$16,550.00. A diagonal line is drawn through the table.

Distribution of Copies:

White & Yellow - Accounts; Green - Payment File; Pink - Payee



GOVERNMENT OF BERMUDA

Ministry of Works and Engineering and Housing

Certificate No. 05

PAYMENT CERTIFICATE for PROFESSIONAL SERVICES

Contractor: C S Architects
Project Name: Marsh Falley Forensic Lab Waste Management
Project No.: 34/79/51
File No.: 34/79/51/07

In accordance with your invoice(s) dated Dec 31 2008 - Inv 0012538
For work performed between Dec 1 2008 and Dec 31 2008

STATEMENT of ACCOUNT

- 1. Contract Sum \$ 46 000 .00
2. Authorised additional services \$ 737,420 .00
3. Revised contract sum \$ 783,420 .00
4. Total fees billed to date \$ 375,026 .20
5. Less previous payments \$ 358,476 .00
6. AMOUNT THIS BILLING \$ 16,550 .00

CERTIFICATION

I certify that these goods or services are solely for Government Account, are proper charges against the votes indicated and will not cause any excess therein, and that all relevant Financial Instructions have been complied with.

Project Manager

Date

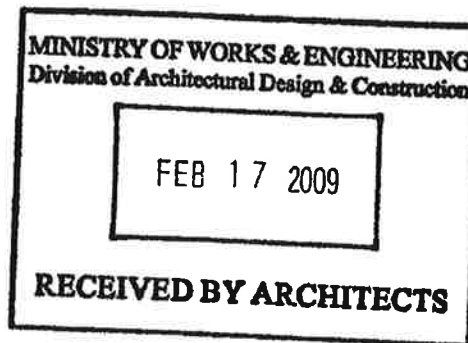
for Permanent Secretary

Date

CHART of ACCOUNTS

Table with 3 columns: COST CENTRE, COST CODE, AMOUNT. Row 1: 80012, 84210, \$16,550.00. Row 2: TOTAL, \$16,550.00.

CS&P Architects



CS&P Architects Inc.

T: 416.482.5002 F: 416.482.5040
cspa@csparch.com

2345 Yonge Street, Suite 200
Toronto, ON M4P 2E5 Canada
www.csparch.com

January 30, 2009

Chief Architect
Government of Bermuda
Ministry of Works and Engineering Parks and Housing
PO Box HM525
Hamilton HM CX, Bermuda

Attention: Lawrence Brady, Project Manager

Dear Sir,

Re: Marsh Folley Forensic Lab and Waste Management
Project No. 08010

Enclosed please find our invoice number 0012538 for professional services to December 31st, 2008.

This is for work on the Design Development through Construction Documents phases of the Marsh Folley Forensic Lab and Waste Management project.

Wire payment to our US Account: Scotiabank, 145 King St. W., Toronto, ON M5H 1J8, Canada. Account No. 34322 00678-14, Customer No. 6050 406 467 605, International Wire: NOSCCATT, US Wire Transfers: 026002532. PLEASE REFERENCE INVOICE NUMBER.

Along with payment instruction to our bank, send a fax or e-mail to our office indicating the date, currency and payment amount, and invoice reference.

Please contact our office if you have any questions.

Yours truly,

Sam Spagnuolo
CS&P Architects Inc.

L:\AR\INV_FEES\08010.fees.doc

CS&P Architects

Invoice

Ministry of Works & Engineering, Bermuda
 Attention: Lawrence Brady
 Post Office Building
 56 Church Street
 Hamilton HM CX

December 31, 2008
 Project No: 08010.00
 Invoice No: 0012538

CS&P Architects Inc.
 T: 416.482.5002 F: 416.482.5040
 cspa@csparch.com
 2345 Yonge Street, Suite 200
 Toronto, ON M4P 2E5 Canada
 www.csparch.com

Project: Marsh Folley Forensic Lab & Waste Mgmt.

IN ACCOUNT WITH CS&P ARCHITECTS (formerly Caruthers Shaw and Partners Limited Architects)

Period: December 1, 2008 to December 31, 2008

Fee

Total Fee 1,291,000.00

<u>Phase</u>	<u>Fee</u>	<u>Percent Complete</u>	<u>Earned</u>
Part A: Pre-Design	\$46,000.00	100.00	\$46,000.00 ✓
Part A: Site Analysis	\$40,000.00	100.00	\$40,000.00 ✓
Part A: Schematic Design	\$57,000.00	100.00	\$57,000.00 ✓
Part A: Design Development	\$57,000.00	100.00	\$57,000.00 ✓
Part B: Construction Documents	\$583,420.00	30.00	\$175,026.00 ✓
Part C: Tender Period	\$47,050.00	0.00	\$0.00
Part D: Construction Review	\$282,300.00	0.00	\$0.00
Part E: Post Tender	\$28,230.00	0.00	\$0.00
Local Engineers of Record	\$150,000.00	0.00	\$0.00
Total Earned			\$375,026.00 ✓
Previous Fee Billing			\$358,476.00 ✓
Current Fee Billing			\$16,550.00 ✓
Total Fee			\$16,550.00 ✓

Tax

GST Exempt 0.00% of 16,550.00 \$0.00
Total GST

\$0.00

Invoice No: 0012538

TOTAL AMOUNT DUE THIS INVOICE **\$16,550.00** *RS*

PAYABLE IN US FUNDS.

Wire payment to: Scotiabank, 145 King St. W, Toronto, ON M5H 1J8, Canada. Account No. 34322 00678-14, Customer No. 6050 406 467 605, International Wire: NOSCCATT, US Wire Transfers: 026002532.
 PLEASE REFERENCE INVOICE NUMBER.

****INVOICE IS DUE WHEN RENDERED*OVERDUE ACCOUNTS WILL BE CHARGED INTEREST****

Payment Schedule

Project Name: Marsh Folley Forensic Lab & Waste Management
 Contractor: CS&P ARCHITECTS
 Project No. 34/79/51
 Contract Sum: \$1,291,000.00
 Contract Date:
 Contract Completion Date:

Phase	Contract Amount	Payment Cert. 1	Payment Cert. 2	Payment Cert. 3	Payment Cert. 4	Payment Cert. 5	Total Completed	Balance to be Paid
Part A								
Pre-Design	\$46,000.00	\$46,000.00					\$46,000.00 ✓	\$0.00 ✓
Site Analysis	\$40,000.00		\$32,000.00				\$40,000.00 ✓	\$0.00 ✓
Schematic Design	\$57,000.00		\$39,900.00	\$17,100.00		\$8,000.00 ✓	\$57,000.00 ✓	\$0.00 ✓
Design Development	\$57,000.00		\$17,100.00	\$25,650.00	\$5,700.00	\$8,550.00 ✓	\$57,000.00 ✓	\$0.00 ✓
Part B								
Construction Documents	\$583,420.00			\$116,684.00	\$58,342.00		\$175,026.00 ✓	\$408,394.00 ✓
Part C								
Tender Period	\$47,050.00							\$47,050.00 ✓
Part D								
Construction Review	\$282,300.00							\$282,300.00 ✓
Part E								
Post Tender	\$28,230.00							\$28,230.00 ✓
Local Engineers of Record	\$150,000.00							\$150,000.00 ✓
TOTAL	\$1,291,000.00	\$46,000.00	\$89,000.00	\$159,434.00	\$64,042.00	\$16,550.00	\$375,026.00	\$915,974.00

MA



GOVERNMENT OF BERMUDA

Ministry of Works and Engineering

Certificate No. 06

PAYMENT CERTIFICATE for PROFESSIONAL SERVICES

Contractor: C S P Architects
Project Name: Marsh Folley Forensic Lab Waste Management
Project No.: 34/79/51 File No.: 34/79/51/07

In accordance with your invoice(s) dated March 15, 2009 - INV. 0012677
For work performed between Jan 1, 2009 and March 15, 2009

STATEMENT of ACCOUNT

Table with 2 columns: Description and Amount. Rows include Contract Sum (\$46,000.00), Authorised additional services (\$737,420.00), Revised contract sum (\$783,420.00), Total fees billed to date (\$550,052.00), Less previous payments (\$375,026.00), and AMOUNT THIS BILLING (\$175,026.00). Includes handwritten note 'UP TO PART B'.

CERTIFICATION

I certify that these goods or services are solely for Government Account, are proper charges against the votes indicated and will not cause any excess therein, and that all relevant Financial Instructions have been complied with.

Project Manager signature and date March 25, 2009
for Permanent Secretary signature and date

CHART of ACCOUNTS

Table with 3 columns: COST CENTRE, COST CODE, and AMOUNT. Row 1: 80312, 84210, \$175,026.00. Row 2: TOTAL, \$175,026.00. The rest of the table is crossed out with a diagonal line.

MINISTRY/DEPARTMENT

WIRE SETTLEMENT FORM

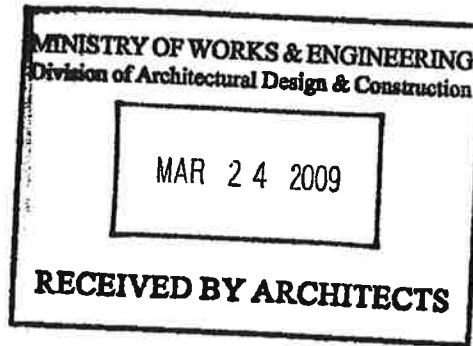
DATE: 25/3/2009 VALUE DATE: 15/3/2009
REQUESTED BY: Lucy Chung
DEBIT ACCOUNT NAME: Marsh Folley Forensic Lab & Waste Management
DEBIT ACCOUNT #: Cost Centre: 80312 Cost Code : 84210
TRADER NAME: CS&P Architects
TRADER NUMBER: _____
BENEFICIARY BANK: Scotiabank
BANK ADDRESS: 145 King Street West
Toronto
Canada M5H 1J8

ABA/ROUTING #: _____
SWIFT CODE (e.g. CITIUS33): _____
SORT CODE (e.g. 40-15-99): _____
THE MORE INFORMATION GIVEN IN THIS AREA WILL ALLOW FOR THE BENEFICIARY BANK TO BE CORRECTLY IDENTIFIED

ACCOUNT NAME: CS&P Architects
ACCOUNT NUMBER: 34322 0184012
AMOUNT: \$175,026.00
CURRENCY: BMD \$
AUTHORIZED SIGNATORY: _____
AUTHORIZED SIGNATORY: _____

....**NOTE: THIS FORM SHOULD NOT BE USED TO SUBSTITUTE THE PAYMENT STAMP REQUIRED ON ALL INVOICES**....

CS&P Architects



CS&P Architects Inc.
T: 416.482.5002 F: 416.482.5040
cspa@csparch.com
2345 Yonge Street, Suite 200
Toronto, ON M4P 2E5 Canada
www.csparch.com

March 20, 2009

Chief Architect
Government of Bermuda
Ministry of Works and Engineering Parks and Housing
PO Box HM525
Hamilton HM CX, Bermuda

Attention: Lawrence Brady, Project Manager

Dear Sir,

Re: Marsh Folley Forensic Lab and Waste Management
Project No. 08010

Enclosed please find our invoice number 0012677 for professional services to March 15th, 2009.

This is for work on the Construction Documents phase of the Marsh Folley Forensic Lab and Waste Management project.

Wire payment to our US Account: Scotiabank, 145 King St. W., Toronto, ON M5H 1J8, Canada. Account No. 34322 00678-14, Customer No. 6050 406 467 605, International Wire: NOSCCATT, US Wire Transfers: 026002532. PLEASE REFERENCE INVOICE NUMBER.

Along with payment instruction to our bank, send a fax or e-mail to our office indicating the date, currency and payment amount, and invoice reference.

Please contact our office if you have any questions.

Yours truly,

Sam Spagnuolo
CS&P Architects Inc.

L:\AR\INV_FEES\08010.fees.doc

CS&P Architects

Invoice

Ministry of Works & Engineering, Bermuda
 Attention: Lawrence Brady
 Post Office Building
 56 Church Street
 Hamilton HM CX

March 15, 2009
 Project No: 08010.00
 Invoice No: 0012677

CS&P Architects Inc.
 T: 416.482.5002 F: 416.482.5040
 cspa@csparch.com
 2345 Yonge Street, Suite 200
 Toronto, ON M4P 2E5 Canada
 www.csparch.com

Project: Marsh Folley Forensic Lab & Waste Mgmt.

IN ACCOUNT WITH CS&P ARCHITECTS (formerly Carruthers Shaw and Partners Limited Architects)

Period: January 1, 2009 to March 15, 2009

Fee

Total Fee 1,291,000.00

Phase	Fee	Percent Complete	Earned
Part A: Pre-Design	\$46,000.00	100.00	\$46,000.00 ✓
Part A: Site Analysis	\$40,000.00	100.00	\$40,000.00 ✓
Part A: Schematic Design	\$57,000.00	100.00	\$57,000.00 ✓
Part A: Design Development	\$57,000.00	100.00	\$57,000.00 ✓
Part B: Construction Documents	\$583,420.00	60.00	\$350,052.00 ✓
Part C: Tender Period	\$47,050.00	0.00	\$0.00
Part D: Construction Review	\$282,300.00	0.00	\$0.00
Part E: Post Tender	\$28,230.00	0.00	\$0.00
Local Engineers of Record	\$150,000.00	0.00	\$0.00
Total Earned			\$550,052.00 ✓
Previous Fee Billing			\$375,026.00 ✓
Current Fee Billing			\$175,026.00 ✓
Total Fee			\$175,026.00 ✓

Tax

GST Exempt 0.00% of 175,026.00 \$0.00
Total GST \$0.00

Invoice No: 0012677

TOTAL AMOUNT DUE THIS INVOICE **\$175,026.00**

PAYABLE IN US FUNDS.

Wire payment to: Scotiabank, 145 King St. W, Toronto, ON M5H 1J8, Canada. Account No. 34322-00678-14, Customer No. 6050 406 467 605, International Wire: NOSCCATT, US Wire Transfers: 026002532.
 PLEASE REFERENCE INVOICE NUMBER

****INVOICE IS DUE WHEN RENDERED*OVERDUE ACCOUNTS WILL BE CHARGED INTEREST****

Payment Schedule

Project Name: Marsh Folley Forensic Lab & Waste Management
Contractor: CS&P ARCHITECTS
Project No.: 34/79/51
Contract Sum: \$1,291,000.00
Contract Date:
Contract Completion Date:

Phase	Contract Amount	Payment Cert. 1	Payment Cert. 2	Payment Cert. 3	Payment Cert. 4	Payment Cert. 5	Payment Cert. 6	Total Completed	Balance to be Paid
Part A									
Pre-Design	\$46,000.00	\$46,000.00						\$46,000.00	\$0.00
Site Analysis	\$40,000.00		\$32,000.00					\$40,000.00	\$0.00
Schematic Design	\$57,000.00		\$39,900.00	\$17,100.00		\$8,000.00		\$57,000.00	\$0.00
Design Development	\$57,000.00		\$17,100.00	\$25,650.00	\$5,700.00	\$8,550.00		\$57,000.00	\$0.00
Part B									
Construction Documents	\$583,420.00			\$116,684.00	\$58,342.00		\$175,026.00	\$350,052.00	\$233,368.00
Part C									
Tender Period	\$47,050.00								\$47,050.00
Part D									
Construction Review	\$282,300.00								\$282,300.00
Part E									
Post Tender	\$28,230.00								\$28,230.00
Local Engineers of Record	\$150,000.00								\$150,000.00
TOTAL	\$1,291,000.00	\$46,000.00	\$89,000.00	\$159,434.00	\$64,042.00	\$16,550.00	\$175,026.00	\$550,052.00	\$740,948.00

Brady, Lawrence

From: Horton, Robert
Sent: Thursday, April 02, 2009 8:26 PM
To: Chung, Lucy; Brady, Lawrence
Subject: RE: CS&P of Toronto -- Work for Ministry of Works and Engineering

Thanks, Lucy.

RKH

From: Chung, Lucy
Sent: Thursday, April 02, 2009 11:01 AM
To: Horton, Robert; Brady, Lawrence
Subject: RE: CS&P of Toronto -- Work for Ministry of Works and Engineering

PS,

I discussed this with Lawrence and can report that CS&P is only working on 2 projects for W&E: Marsh Folly and North Street Housing.

Please note that both these projects were previously worked on by local firms: Entasis on the former, Cooper & Gardner on the latter. A number of issues came up during the design phase (with one or the other firm) which made it prudent to seek the assistance of CS&P, who had the specialized expertise and experience required for these projects. For example, W&E's requests to team up with another design firm with specialization in labs were not followed up; W&E's requests to research other Salvation Army facilities were not considered; designs produced did not satisfy the requirements of the Client and was not really appropriate for the facility etc.

Regards,
Lucy

From: Horton, Robert
Sent: Wednesday, April 01, 2009 11:01 PM
To: Brady, Lawrence
Cc: Chung, Lucy
Subject: CS&P of Toronto -- Work for Ministry of Works and Engineering

Lawrence:

Apart from the work on the building [Ministry of Works and Engineering/Ministry of Health] at Marsh Folly, is CS&P of Toronto currently engaged in any other work for the Ministry of Works and Engineering?

RKH

From: Kendell, David
Sent: Tuesday, April 21, 2009 11:24 AM
To: Bowman, Charlie
Subject: RE: 08010 - Marsh Folly - Floor Plans for Health Dept
Dear Mr. Bowman

I approve of these changes, many thanks.

I have asked my staff to comment and will relay anything of major significance in the next week.

Regards

David Kendell

Chief Environmental Health Officer, Department of Health,
Ministry of Health, Government of Bermuda
Old Hospital Building, 7 Point Finger Road, Paget DV03
P.O.HM 1195 Hamilton HMEX, Bermuda
dskendell@gov.bm
441-336-9385 direct
441-278-4976 office
441-232-1941 fax

From: Bowman, Charlie
Sent: Thursday, April 09, 2009 10:54 AM
To: Kendell, David
Subject: FW: 08010 - Marsh Folly - Floor Plans for Health Dept

Good Morning Mr Kendell

Please find attached revised drawings from CS&P for your review, comment / approval

Regards

Charlie Bowman RIBA ARIAS
Dept of Architectural Design and Construction
Ministry of works and Engineering
Bermuda Government

From: Kenneth Kan [mailto:kkan@csparch.com]
Sent: Thursday, April 09, 2009 10:45 AM
To: Bowman, Charlie
Cc: Sam Spagnuolo; Mihai Adam
Subject: 08010 - Marsh Folly - Floor Plans for Health Dept

Hi, Charlie,

Would you mind to send these drawings of the Health Department Areas to David Kendell for sign off and approval.

Thanks a lot for your help!

160
LB

Kenneth Kan
kkan@csparch.com

CS&P Architects Inc.

T: 416.482.5002 F: 416.482.5040
2345 Yonge Street, Suite 200
Toronto, On M4P 2E5 Canada
www.csparch.com

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From: Bowman, Charlie
Sent: Wednesday, May 20, 2009 3:16 PM
To: 'Sam Spagnuolo'
Cc: Brady, Lawrence; Chung, Lucy
Subject: RE: Marsh Folley, Invoice 0012810
Sam

Ref Invoice

I have discussed this with Lawrence Brady and would appreciate if you could comment on the following:

We agree that the scope of the work has changed since the initial fee agreement

The anticipated construction budget seems excessive at \$35,000,000 – agreed that building costs in Bermuda are inflated however this figure seems high

The fee should be based on comparative building costs for a building in USA / Canada

Regards

Charlie

From: Sam Spagnuolo [mailto:sspagnuolo@csparch.com]
Sent: Tuesday, May 19, 2009 4:26 PM
To: Bowman, Charlie; Brady, Lawrence
Subject: FW: Marsh Folley, Invoice 0012810

Charlie this is the invoice I mentioned this morning

Sam Spagnuolo
sspagnuolo@csparch.com

CS&P Architects Inc.

T: 416.482.5002 F: 416.482.5040
2345 Yonge Street, Suite 200
Toronto, On M4P 2E5 Canada
www.csparch.com

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From: Theresa Evans
Sent: May-19-09 3:12 PM
To: Sam Spagnuolo; Craig Goodman
Subject: Marsh Folley, Invoice 0012810

Original will be mailed to Client.

162
LB

Theresa Evans
tevens@csparch.com

CS&P Architects Inc.

T: 416.482.5002 F: 416.482.5040
2345 Yonge Street, Suite 200
Toronto, On M4P 2E5 Canada
www.csparch.com

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CS&PArchitects

CS&P Architects Inc.

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cspa@csparch.com

2345 Yonge Street, Suite 200
Toronto, ON M4P 2E5 Canada
www.csparch.com

May 21, 2009

Ministry of Works and Engineering
Government of Bermuda
Department of Architectural Design and Construction
Post Office Building
56 Church Street
Hamilton HM CX
Bermuda

Attention: Lawrence Brady, Chief Architect / Charles Bowman, Project Architect

**Re: Revisions to Consultant Scope and Fees for New Waste Management and Forensic Lab
Facilities**
File: 08010-20

Dear Lawrence / Charlie;

Further to your recent email with respect to our proposed fee and invoice we would be pleased to provide a further adjustment for the expanded work scope and related fees for the architectural services for the preparation of the Construction Documents and other remaining phases for this project.

We have included a summary chart to reflect a fee based on speculative construction cost if this building were situated in Canada using our same rate of construction cost as per the original fee at the project start-up. (\$333.00/sq. ft.) In addition, we have further supplemented the fee based on two factors related to scope changes that have impacted our work process;

1. Developing a Phased approach to construction which required a first Stage Site Works tender package to relocate the waste management operations prior to the demolition and construction of the new building. This architectural work for a separate package is completed, with additional field review time also included due to a prolonged construction period
2. Late Design changes requested by the User groups, after prior final commitment to design sign-off has had major impact on the whole consultant team over recent weeks. We have included a nominal fee amount to account for this re-work.

CS&P Architects

Herein, a summary chart indicating the fee outlined according to the original agreement, (Schedule A) as well as an updated summary chart (Schedule A-Revised) showing the revised amounts based on the relevant changes to the scope of work.

As you are aware, the initial fee agreement prepared in April 2008 for work phases Part 1A, Part 1B and the subsequent fee outline for the related Part 2 (Contract Documents) was based on a speculative programme of requirements which dictated a building size of **48,000 square feet** and a related construction budget of approximately **\$16 million**. As you are also aware, the present building programme of requirements has grown substantially to include the relocation of the full administrative offices for the Department of Health, as well as several other changes in scope such as the adding of the Vector Control offices, the provision of an Autopsy Suite and storage, and an expansion to the overall Site Work.

The present building area, as we prepare to release the documents to bidders for tender, **now totals 71,693** square feet. In our analysis, the anticipated construction budget for this new building size and complexity should be in the order of **\$24,000,000** if it were **constructed in Canada**.

With respect to our increase of fees, we have made adjustments that reflect our interpretation of the size and complexity of the changes in programme. While the work scope changes have had a wide ranging impact on the development of the project and schedule, including further space programming and schematic design, we have not made any adjustments to the Part 1 fees.

Please let us know if we need to provide any further clarifications. We are preparing to submit a revised invoice for current progress of the Contract Document stage.

Thank you for the opportunity to participate in this important and fascinating project.

Yours very truly,



R. Craig Goodman, Architect

2.
May 21, 2009

SCHEDULE A

**MINISTRY OF HEALTH OFFICES, FORENSIC LAB, VECTOR CONTROL
POLICE CENTRAL PROPERTY, DRUG STORAGE, FORENSIC LAB
CENTRAL GARAGE OFFICE & STAFF SERVICES**

MARSH FOLLY - HAMILTON, BERMUDA

	ARCH	STRUCT	M&E	LAB	ACOUSTIC	CODE	TOTAL \$US
Part 1 (A): Pre-Design							\$ 46,000
Part 1 (B): Site Analysis, Schematic Design and Design Development							\$ 154,000
Part 2: Construction Documents (based on 48,000 sq.ft, construction cost 16M)	\$ 242,570	\$ 95,190	\$ 138,000	\$ 100,000	\$ 6,160	\$ 1,500	\$ 583,420
Part 3: Tender Period	\$ 17,990	\$ 6,800	\$ 12,000	\$ 10,000		\$ 260	\$ 47,050
Part 4: Construction Review	\$ 158,305	\$ 33,995	\$ 70,000	\$ 20,000			\$ 282,300
Part 5: Post Construction	\$ 18,230		\$ 10,000				\$ 28,230
TOTAL							USD 1,141,000
Part 6: Local Engineers of Record							\$ 150,000
							USD 1,291,000

Revised May 20,2009
SCHEDULE A;REVISED

**MINISTRY OF HEALTH OFFICES, FORENSIC LAB, VECTOR CONTROL
 POLICE CENTRAL PROPERTY, DRUG STORAGE, FORENSIC LAB
 CENTRAL GARAGE OFFICE & STAFF SERVICES**

MARSH FOLLY - HAMILTON, BERMUDA

	ARCH	STRUCT	M&E	LAB	ACOUSTIC	CODE/ COST	TOTAL \$US
Part 1 (A): Pre-Design							\$ 46,000
Part 1 (B): Site Analysis, Schematic Design and Design Development							\$ 154,000
Part 2: Construction Documents (based on 71,693 sq.ft, Canadian construction cost 24M *) (this includes added Fee and scope of separate phase 1 and recovery of additional team fees for design changes by User groups after design sign-off)	\$ 400,570	\$ 125,190	\$ 150,000	\$ 120,000	\$ 16,160	\$ 9,500	\$ 821,420
Part 3: Tender Period	\$ 42,550	\$ 16,800	\$ 22,000	\$ 20,000		\$ 17,000	\$ 118,350
Part 4: Construction Review	\$ 240,000	\$ 53,000	\$ 90,000	\$ 40,000			\$ 423,000
Part 5: Post Construction	\$ 18,230		\$ 10,000				\$ 28,230
TOTAL							USD 1,591,000
Part 6: Local Engineers of Record							\$ 150,000
							USD 1,741,000

* Canadian Construction Cost based on
 \$333.00 per Square foot as per original
 fee outline

CS&PArchitects

CS&P Architects Inc.

T: 416.482.5002 F: 416.482.5040
cspa@csparch.com

2345 Yonge Street, Suite 200
Toronto, ON M4P 2E5 Canada
www.csparch.com

May 21, 2009

Chief Architect
Government of Bermuda
Ministry of Works and Engineering Parks and Housing
PO Box HM525
Hamilton HM CX, Bermuda

Attention: Lawrence Brady, Project Manager

Dear Sir,

Re: Marsh Folley Forensic Lab and Waste Management
Project No. 08010

Enclosed please find our invoice number 0012815 for professional services to May 15th, 2009.

Our adjusted fee is based on our **Canadian cost estimate for construction**, as per the Revised Schedule dated May 20, 2009.

Wire payment to our US Account: Scotiabank, 145 King St. W., Toronto, ON M5H 1J8, Canada. Account No. **34322 00678-14**, Customer No. 6050 406 467 605, International Wire: NOSCCATT, US Wire Transfers: 026002532. PLEASE REFERENCE INVOICE NUMBER.

Along with payment instruction to our bank, send a fax or e-mail to our office indicating the date, currency and payment amount, and invoice reference.

Please contact our office if you have any questions.

Yours truly,



Sam Spagnuolo
CS&P Architects Inc.

L:\AR\letters\08010.fees.doc

CS&P Architects Inc.

T: 416.482.5002 F: 416.482.5040
cspa@csparch.com

2345 Yonge Street, Suite 200
Toronto, ON M4P 2E5 Canada
www.csparch.com

CS&P Architects

Invoice

May 21, 2009

Project No: 08010.00

Invoice No: 0012815

Ministry of Works & Engineering, Bermuda
Attention: Lawrence Brady
Post Office Building
56 Church Street
Hamilton HM CX

Project: Marsh Folley Forensic Lab & Waste Mgmt.

IN ACCOUNT WITH CS&P ARCHITECTS (formerly Carruthers Shaw and Partners Limited Architects)

Period: March 16, 2009 to May 15, 2009

Fee

Total Fee 1,741,000.00

<u>Phase</u>	<u>Fee</u>	<u>Percent Complete</u>	<u>Earned</u>
Part A: Pre-Design	\$46,000.00	100.00	\$46,000.00
Part A: Site Analysis	\$40,000.00	100.00	\$40,000.00
Part A: Schematic Design	\$57,000.00	100.00	\$57,000.00
Part A: Design Development	\$57,000.00	100.00	\$57,000.00
Part B: Construction Documents	\$821,420.00	95.00	\$780,349.00
Part C: Tender Period	\$118,350.00	0.00	\$0.00
Part D: Construction Review	\$423,000.00	0.00	\$0.00
Part E: Post Tender	\$28,230.00	0.00	\$0.00
Local Engineers of Record	\$150,000.00	0.00	\$0.00
			Total Earned
			\$980,349.00
			Previous Fee Billing
			\$550,052.00
			Current Fee Billing
			\$430,297.00
			Total Fee
			\$430,297.00

Tax

GST Exempt 0.00% of 430,297.00 \$0.00

Total GST

\$0.00

Invoice No: 0012815

TOTAL AMOUNT DUE THIS INVOICE **\$430,297.00**

PAYABLE IN US FUNDS.

Wire payment to: Scotiabank, 145 King St. W, Toronto, ON M5H 1J8, Canada. Account No. 34322-00678-14,

Customer No. 6050 406 467 605, International Wire: NOSCCATT, US Wire Transfers: 026002532.

PLEASE REFERENCE INVOICE NUMBER

****INVOICE IS DUE WHEN RENDERED*OVERDUE ACCOUNTS WILL BE CHARGED INTEREST****

Geoffrey Brown Paul Cravit Craig Goodman Abdul Kaderali Peter Ortved Maureen O'Shaughnessy Robert Stiff
Suzanne Cooke Wooland Mariusz Gontarz Susan Lewin Paul M. Boccia Peter Pastor Wayne Rosberg Sam Spagnuolo



GOVERNMENT OF BERMUDA

Ministry of Works and Engineering and Housing

Certificate No. 07

PAYMENT CERTIFICATE for PROFESSIONAL SERVICES

Contractor: C.S & P Architects
Project Name: Marsh Folley Forensic Lab & Waste Management
Project No.: 34/79/51 File No.: 34/79/51/07

In accordance with your invoice(s) dated MAY 21 2009 INV. 0012815

For work performed between March 16 2009 and May 15 2009

STATEMENT of ACCOUNT

Table with 6 rows: 1. Contract Sum \$46,000.00; 2. Authorised additional services \$737,420.00; 3. Revised contract sum \$783,420.00; 4. Total fees billed to date \$783,420.00; 5. Less previous payments \$550,052.00; 6. AMOUNT THIS BILLING \$233,368.00

ADDITIONAL WORKS UNDER REVIEW.

CERTIFICATION

I certify that these goods or services are solely for Government Account, are proper charges against the votes indicated and will not cause any excess thereon, and that all relevant Financial Instructions have been complied with.

Project Manager: [Signature] Date: June 30 2009
for Permanent Secretary: [Signature] Date: July 15 09

CHART of ACCOUNTS

Table with 3 columns: COST CENTRE, COST CODE, AMOUNT. Row 1: 80312, 84210, \$233,368.00. Row 2: TOTAL, \$233,368.00

MINISTRY/DEPARTMENT

WIRE SETTLEMENT FORM

DATE: 26/6/2009 VALUE DATE: 21/5/2009
REQUESTED BY: Lucy Chung
DEBIT ACCOUNT NAME: Marsh Folley Forensic Lab & Waste Management
DEBIT ACCOUNT #: Cost Centre: 80312 Cost Code : 84210
TRADER NAME: CS&P Architects
TRADER NUMBER: _____
BENEFICIARY BANK: Scotiabank
BANK ADDRESS: 145 King Street West
Toronto
Canada M5H 1J8

ABA/ROUTING #: _____
SWIFT CODE (e.g. CITIUS33): _____
SORT CODE (e.g. 40-15-99): _____
THE MORE INFORMATION GIVEN IN THIS AREA WILL ALLOW FOR THE BENEFICIARY BANK TO BE CORRECTLY IDENTIFIED

ACCOUNT NAME: CS&P Architects
ACCOUNT NUMBER: 34322 0184012
AMOUNT: \$233,368.00
CURRENCY: BMD \$

AUTHORIZED SIGNATORY: _____

AUTHORIZED SIGNATORY: _____

....**NOTE: THIS FORM SHOULD NOT BE USED TO SUBSTITUTE THE PAYMENT STAMP REQUIRED ON ALL INVOICES**....

Payment Schedule

Project Name: Marsh Foley Forensic Lab & Waste Management
 Contractor: CS&P ARCHITECTS
 Project No. 3479/51
 Contract Sum: \$1,291,000.00
 Contract Date:
 Contract Completion Date:

Phase	Contract Amount	Payment Cert. 1	Payment Cert. 2	Payment Cert. 3	Payment Cert. 4	Payment Cert. 5	Payment Cert. 6	Payment Cert. 7	Total Completed	Balance to be Paid
Part A										
Pre-Design	\$46,000.00	\$46,000.00							\$46,000.00	\$0.00
Site Analysis	\$40,000.00		\$32,000.00						\$40,000.00	\$0.00
Schematic Design	\$57,000.00		\$39,900.00	\$17,100.00					\$57,000.00	\$0.00
Design Development	\$57,000.00		\$17,100.00	\$25,650.00	\$5,700.00	\$8,550.00			\$57,000.00	\$0.00
Part B										
Construction Documents	\$583,420.00			\$116,684.00	\$58,342.00		\$175,026.00	\$233,368.00	\$583,420.00	\$0.00
Part C										
Tender Period	\$47,050.00								\$47,050.00	
Part D										
Construction Review	\$282,300.00								\$282,300.00	
Part E										
Post Tender	\$28,230.00								\$28,230.00	
Local Engineers of Record	\$150,000.00								\$150,000.00	
TOTAL	\$1,291,000.00	\$46,000.00	\$89,000.00	\$159,434.00	\$64,042.00	\$16,550.00	\$175,026.00	\$233,368.00	\$783,420.00	\$507,580.00

LB

CS&P Architects

CS&P Architects Inc.
 T: 416.482.5002 F: 416.482.5040
 cspa@csparch.com
 2345 Yonge Street, Suite 200
 Toronto, ON M4P 2E5 Canada
 www.csparch.com

Invoice

May 21, 2009
 Project No: 08010.00
 Invoice No: 0012931

Ministry of Works & Engineering, Bermuda
 Attention: Lawrence Brady
 Post Office Building
 56 Church Street
 Hamilton HM CX

Project: Marsh Folley Forensic Lab & Waste Mgmt.

IN ACCOUNT WITH CS&P ARCHITECTS (formerly Caruthers Shaw and Partners Limited Architects)

Period: March 16, 2009 to May 15, 2009

Fee

Total Fee 1,291,000.00

<u>Phase</u>	<u>Fee</u>	<u>Percent Complete</u>	<u>Earned</u>
Part A: Pre-Design	\$46,000.00	100.00	\$46,000.00
Part A: Site Analysis	\$40,000.00	100.00	\$40,000.00
Part A: Schematic Design	\$57,000.00	100.00	\$57,000.00
Part A: Design Development	\$57,000.00	100.00	\$57,000.00
Part B: Construction Documents	\$583,420.00	95.00 100.00	\$554,249.00 583,420
Part C: Tender Period	\$47,050.00	0.00	\$0.00
Part D: Construction Review	\$282,300.00	0.00	\$0.00
Part E: Post Tender	\$28,230.00	0.00	\$0.00
Local Engineers of Record	\$150,000.00	0.00	\$0.00
Total Earned			\$754,249.00 783,420.00
Previous Fee Billing			\$550,052.00
Current Fee Billing			\$204,197.00 233,368.00
Total Fee			\$204,197.00 233,368.00

Tax

GST Exempt 0.00% of 204,197.00 \$0.00
Total GST \$0.00

Invoice No: 0012931

TOTAL AMOUNT DUE THIS INVOICE **\$204,197.00**

233,368.00

PAYABLE IN US FUNDS.

Wire payment to: Scotiabank, 145 King St. W, Toronto, ON M5H 1J8, Canada. Account No. 34322-00678-14,
 Customer No. 6050 406 467 605, International Wire: NOSCCATT, US Wire Transfers: 026002532.
 PLEASE REFERENCE INVOICE NUMBER

****INVOICE IS DUE WHEN RENDERED*OVERDUE ACCOUNTS WILL BE CHARGED INTEREST****

Geoffrey Brown Paul Cravit Craig Goodman Abdul Kaderali Peter Ortved Maureen O'Shaughnessy Robert Stiff
 Suzanne Cooke Wooland Mariusz Gontarz Susan Lewin Paul Marzocchia Peter Pastor Wayne Rosberg Sam Spagnuolo

Brady, Lawrence

From: Horton, Robert
Sent: Tuesday, June 16, 2009 10:09 AM
To: Trott, Deborah A.
Cc: Brady, Lawrence; Chung, Lucy
Subject: Re: Minister Won't Be In Today

Thanks.

RKH

Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: Trott, Deborah A.
To: Horton, Robert
Sent: Tue Jun 16 10:01:04 2009
Subject: RE: Minister Won't Be In Today

Lawrence said he is working on sending you something right now. The person in Planning is not in office today and that is why he did not send something to you sooner.

-----Original Message-----

From: Horton, Robert
Sent: Tuesday, June 16, 2009 9:59 AM
To: Trott, Deborah A.
Subject: Re: Minister Won't Be In Today

Please ask Lawrence if he has seen the e-mail that I sent to him early this morning. Thanks.

RKH

Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: Trott, Deborah A.
To: Horton, Robert
Sent: Tue Jun 16 09:26:13 2009
Subject: RE: Minister Won't Be In Today

Minister James has the documents and Val is on her way to drop off the Woodlands letter. I have not received anything regarding Marsh Folly.

-----Original Message-----

From: Horton, Robert
Sent: Tuesday, June 16, 2009 8:20 AM
To: Trott, Deborah A.
Subject: Minister Won't Be In Today

Debbie:

The Minister won't be in today, nor will he be going to Cabinet.

175
LB
1

You will find on his chair a number of documents that he planned to take to Cabinet, Among these are (1) a copy of the invitation re tomorrow's Official Opening of Pender Road and (2) the copy of an e-mail that I received from the Deputy Clerk to the Legislature regarding a 23rd June meeting of the Public Accounts Committee of the House of Assembly. Please place these two items in a folder to be taken to Minister James who will share them with Cabinet in my Minister's absence.

There will also be a letter re Woodlands School that Nick Corrigan is preparing and, possibly, an update from Planning the Marsh Folly development. Lawrence Brady is trying to get this update from Planning.

As I shall be going directly to my appointment with Dr. Harford, I am relying on you to follow up and to get these items to Minister James a.s.a.p. this morning.

Many thanks.

RKH

Sent from my BlackBerry Wireless Handheld

FILE COPY
COPY 5/79/51/07A

Burnham, Jeremy P.

From: Sam Spagnuolo [sspagnuolo@csparch.com]
Sent: Monday, June 29, 2009 4:59 PM
To: Burnham, Jeremy P.
Subject: invoices for Marsh Folley

Attached our revised invoices
Invoice # 0012931 is based on our original contract
Invoice#0012932 is for extra fees as per our letter for change in scope
Invoice#0012933 is for 100% contract documents (NEW)

Sam Spagnuolo
sspagnuolo@csparch.com

CS&P Architects Inc.

T: 416.482.5002 F: 416.482.5040
2345 Yonge Street, Suite 200
Toronto, On M4P 2E5 Canada
www.csparch.com

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CS&P Architects

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cspa@csparch.com

2345 Yonge Street, Suite 200
Toronto, ON M4P 2E5 Canada
www.csparch.com

June 29, 2009

Chief Architect
Government of Bermuda
Ministry of Works and Engineering Parks and Housing
PO Box HM525
Hamilton HM CX, Bermuda

Attention: Lawrence Brady, Project Manager

Dear Sir,

Re: Marsh Folley Forensic Lab and Waste Management
Project No. 08010

Enclosed please find our invoice number 0012931 for professional services to May 15th, 2009, for 95% construction documents on a fee of \$1,291,000. This supersedes invoice 0012810 dated May 19th, 2009.

As per your instructions, we submit invoice number 0012932 dated May 22, 2009, for 95% construction documents on a fee of \$1,741,000.


We are bringing our account to date with the third invoice, number 0012933, dated June 29, 2009, for 100% construction documents on a fee of \$1,741,000.

Wire payment to our US Account: Scotiabank, 145 King St. W., Toronto, ON M5H 1J8, Canada. Account No. 34322 00678-14, Customer No. 6050 406 467 605, International Wire: NOSCCATT, US Wire Transfers: 026002532. PLEASE REFERENCE INVOICE NUMBER.

Along with payment instruction to our bank, send a fax or e-mail to our office indicating the date, currency and payment amount, and invoice reference.

Please contact our office if you have any questions.

Yours truly,



Sam Spagnuolo
CS&P Architects Inc.

L:\AR\letters\08010.12931-12933.doc

CS&P Architects Inc.
 T: 416.482.5002 F: 416.482.5040
 cspa@csparch.com
 2345 Yonge Street, Suite 200
 Toronto, ON M4P 2E5 Canada
 www.csparch.com

CS&P Architects

Invoice

May 21, 2009
 Project No: 08010.00
 Invoice No: 0012931

Ministry of Works & Engineering, Bermuda
 Attention: Lawrence Brady
 Post Office Building
 56 Church Street
 Hamilton HM CX

AMENDED

Project: Marsh Folley Forensic Lab & Waste Mgmt.

IN ACCOUNT WITH CS&P ARCHITECTS (formerly Carruthers Shaw and Partners Limited Architects)

Period: March 16, 2009 to May 15, 2009

Fee

Total Fee 1,291,000.00

<u>Phase</u>	<u>Fee</u>	<u>Percent Complete</u>	<u>Earned</u>
Part A: Pre-Design	\$46,000.00	100.00	\$46,000.00
Part A: Site Analysis	\$40,000.00	100.00	\$40,000.00
Part A: Schematic Design	\$57,000.00	100.00	\$57,000.00
Part A: Design Development	\$57,000.00	100.00	\$57,000.00
Part B: Construction Documents	\$583,420.00	95.00	\$554,249.00
Part C: Tender Period	\$47,050.00	0.00	\$0.00
Part D: Construction Review	\$282,300.00	0.00	\$0.00
Part E: Post Tender	\$28,230.00	0.00	\$0.00
Local Engineers of Record	\$150,000.00	0.00	\$0.00
Total Earned			\$754,249.00
Previous Fee Billing			\$550,052.00
Current Fee Billing			\$204,197.00
Total Fee			\$204,197.00

Tax

GST Exempt	0.00% of 204,197.00	\$0.00
Total GST		\$0.00

Invoice No: 0012931

TOTAL AMOUNT DUE THIS INVOICE **\$204,197.00**

PAYABLE IN US FUNDS.

Wire payment to: Scotiabank, 145 King St. W, Toronto, ON M5H 1J8, Canada. Account No. 34322-00678-14, Customer No. 6050 406 467 605, International Wire: NOSCCATT, US Wire Transfers: 026002532.
 PLEASE REFERENCE INVOICE NUMBER

****INVOICE IS DUE WHEN RENDERED*OVERDUE ACCOUNTS WILL BE CHARGED INTEREST****

Geoffrey Brown Paul Cravit Craig Goodman Abdul Kaderat Peter Orved Maureen O'Shaughnessy Robert Stitt
 Suzanne Cooke Wooland Mariusz Gontarz Susan Lewin Paula Marconcio Peter Pastor Wayne Rosberg Sam Spagnuolo

CS&P Architects

CS&P Architects Inc.
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 cspa@csparch.com
 2345 Yonge Street, Suite 200
 Toronto, ON M4P 2E5 Canada
 www.csparch.com

Invoice

May 22, 2009
 Project No: 08010.00
 Invoice No: 0012932

Ministry of Works & Engineering, Bermuda
 Attention: Lawrence Brady
 Post Office Building
 56 Church Street
 Hamilton HM CX

UNDER REVIEW

Project: Marsh Folley Forensic Lab & Waste Mgmt.

IN ACCOUNT WITH CS&P ARCHITECTS (formerly Carruthers Shaw and Partners Limited Architects)

Period: March 16, 2009 to May 15, 2009

Fee

Total Fee 1,741,000.00

<u>Phase</u>	<u>Fee</u>	<u>Percent Complete</u>	<u>Earned</u>
Part A: Pre-Design	\$46,000.00	100.00	\$46,000.00
Part A: Site Analysis	\$40,000.00	100.00	\$40,000.00
Part A: Schematic Design	\$57,000.00	100.00	\$57,000.00
Part A: Design Development	\$57,000.00	100.00	\$57,000.00
Part B: Construction Documents	\$821,420.00	95.00	\$780,349.00
Part C: Tender Period	\$118,350.00	0.00	\$0.00
Part D: Construction Review	\$423,000.00	0.00	\$0.00
Part E: Post Tender	\$28,230.00	0.00	\$0.00
Local Engineers of Record	\$150,000.00	0.00	\$0.00

Total Earned	\$980,349.00
Previous Fee Billing	\$754,249.00
Current Fee Billing	\$226,100.00
Total Fee	\$226,100.00

Tax

GST Exempt	0.00% of 226,100.00	\$0.00
Total GST		\$0.00

Invoice No: 0012932

TOTAL AMOUNT DUE THIS INVOICE **\$226,100.00**

PAYABLE IN US FUNDS.

Wire payment to: Scotiabank, 145 King St. W, Toronto, ON M5H 1J8, Canada. Account No. 34322-00678-14, Customer No. 6050 406 467 605, International Wire: NOSCCATT, US Wire Transfers: 026002532.
 PLEASE REFERENCE INVOICE NUMBER

****INVOICE IS DUE WHEN RENDERED*OVERDUE ACCOUNTS WILL BE CHARGED INTEREST****

Geoffrey Brown Paul Cravit Craig Goodman Abdul Kaderail Peter Ortved Maureen O'Shaughnessy Robert Stiff
 Suzanne Cooke Wooland Mariusz Gontarz Susan Lewin Paul Rocco Peter Pastor Wayne Rosberg Sam Spagnuolo

CS&P Architects

CS&P Architects Inc.
 T: 416.482.5002 F: 416.482.5040
 cspa@csparch.com
 2345 Yonge Street, Suite 200
 Toronto, ON M4P 2E5 Canada
 www.csparch.com

Invoice

June 29, 2009
 Project No: 08010.00
 Invoice No: 0012933

Ministry of Works & Engineering, Bermuda
 Attention: Lawrence Brady
 Post Office Building
 56 Church Street
 Hamilton HM CX

UNDER REVIEW

Project: Marsh Folley Forensic Lab & Waste Mgmt.

IN ACCOUNT WITH CS&P ARCHITECTS (formerly Carruthers Shaw and Partners Limited Architects)

Period: May 16, 2009 to June 29, 2009

Fee

Total Fee 1,741,000.00

<u>Phase</u>	<u>Fee</u>	<u>Percent Complete</u>	<u>Earned</u>
Part A: Pre-Design	\$46,000.00	100.00	\$46,000.00
Part A: Site Analysis	\$40,000.00	100.00	\$40,000.00
Part A: Schematic Design	\$57,000.00	100.00	\$57,000.00
Part A: Design Development	\$57,000.00	100.00	\$57,000.00
Part B: Construction Documents	\$821,420.00	100.00	\$821,420.00
Part C: Tender Period	\$118,350.00	0.00	\$0.00
Part D: Construction Review	\$423,000.00	0.00	\$0.00
Part E: Post Tender	\$28,230.00	0.00	\$0.00
Local Engineers of Record	\$150,000.00	0.00	\$0.00
Total Earned			\$1,021,420.00
Previous Fee Billing			\$980,349.00
Current Fee Billing			\$41,071.00
Total Fee			\$41,071.00

Tax

GST Exempt 0.00% of 41,071.00 \$0.00
Total GST \$0.00

Invoice No: 0012933

TOTAL AMOUNT DUE THIS INVOICE **\$41,071.00**

PAYABLE IN US FUNDS.

Wire payment to: Scotiabank, 145 King St. W, Toronto, ON M5H 1J8, Canada. Account No. 34322-00678-14, Customer No. 6050 406 467 605, International Wire: NOSCCATT, US Wire Transfers: 026002532.
 PLEASE REFERENCE INVOICE NUMBER

****INVOICE IS DUE WHEN RENDERED*OVERDUE ACCOUNTS WILL BE CHARGED INTEREST****

Geoffrey Brown Paul Cravit Craig Goodman Abdul Kaderal Peter Ortved Maureen O'Shaughnessy Robert Stiff
 Suzanne Cooks Wooland Mariusz Gontarz Susan Lewin Paul Maroccia Peter Pastor Wayne Rosberg Sam Spagnuolo



GOVERNMENT OF BERMUDA

Ministry of Works and Engineering and Housing

Certificate No.

08

PAYMENT CERTIFICATE for PROFESSIONAL SERVICES

Contractor: CS & P ARCHITECTS
Project Name: MARSH FOLLEY FORENSIC LAB & WASTE MANAGEMENT
Project No.: 34/79/51 File No.: 34/79/51/7

In accordance with your invoice(s) dated JUNE 29 2009 # 0012933
For work performed between MAY 16 2009 and JUNE 29 2009

STATEMENT of ACCOUNT

Table with 6 rows: 1. Contract Sum \$46,000.00; 2. Authorised additional services \$856,420.00; 3. Revised contract sum \$902,420.00; 4. Total fees billed to date \$902,420.00; 5. Less previous payments \$783,420.00; 6. AMOUNT THIS BILLING \$119,000.00. Includes handwritten note: 'ADDITIONAL WORKS - FEE UNDER REVIEW'.

CERTIFICATION

I certify that these goods or services are solely for Government Account, are proper charges against the votes indicated and will not cause any excess therein, and that all relevant Financial Instructions have been complied with.

Project Manager: [Signature]
Date: July 2, 2009
for Permanent Secretary: [Signature]
Date: July 2nd 2009

CHART of ACCOUNTS

Table with 3 columns: COST CENTRE, COST CODE, AMOUNT. Row 1: 80312, 84210, \$119,000.00. Other rows are crossed out with a diagonal line.

Distribution of Copies:

White & Yellow - Accounts; 182 Green - Payment File; Pink - Payee

E.L.

MINISTRY/DEPARTMENT

WIRE SETTLEMENT FORM

DATE: 2/7/2009 VALUE DATE: 29/6/09
REQUESTED BY: Lucy Chung
DEBIT ACCOUNT NAME: Marsh Folley Forensic Lab & Waste Management
DEBIT ACCOUNT #: Cost Centre: 80312 Cost Code : 84210
TRADER NAME: CS&P Architects
TRADER NUMBER: _____
BENEFICIARY BANK: Scotiabank
BANK ADDRESS: 145 King Street West
Toronto
Canada M5H 1J8

ABA/ROUTING #: _____
SWIFT CODE (e.g. CITIUS33): _____
SORT CODE (e.g. 40-15-99): _____
THE MORE INFORMATION GIVEN IN THIS AREA WILL ALLOW FOR THE BENEFICIARY BANK TO BE CORRECTLY IDENTIFIED

ACCOUNT NAME: CS&P Architects
ACCOUNT NUMBER: 34322 0184012
AMOUNT: \$119,000.00
CURRENCY: BMD \$
AUTHORIZED SIGNATORY: _____
AUTHORIZED SIGNATORY: _____

----**NOTE: THIS FORM SHOULD NOT BE USED TO SUBSTITUTE THE PAYMENT STAMP REQUIRED ON ALL INVOICES**----

PAYMENT SCHEDULE

Project Name: MARSH FOLLEY FORENSIC LAB & WASTE MANAGEMENT
 Contractor: CS&P ARCHITECTS
 Project No. 347951
 Contract Sum: \$1,291,000.00
 Contract Date:
 Contract Completion Date:

Phase	Contract Amount	Cert. 1	Cert. 2	Cert. 3	Cert. 4	Cert. 5	Cert. 6	Cert. 7	Cert. 8	Cert. 9	Total Completed	Balance to be Paid
Part A												
Pre-Design	\$46,000.00	\$46,000.00									\$46,000.00	\$0.00
Site Analysis	\$40,000.00		\$32,000.00			\$8,000.00					\$40,000.00	\$0.00
Schematic Design	\$57,000.00		\$39,900.00	\$17,100.00							\$57,000.00	\$0.00
Design Development	\$57,000.00		\$17,100.00	\$25,650.00	\$5,700.00	\$8,550.00					\$57,000.00	\$0.00
Part B												
Construction Documents	\$583,420.00			\$116,684.00	\$58,342.00		\$175,026.00	\$233,368.00			\$583,420.00	\$0.00
Part C												
Tender Period	\$47,050.00										\$0.00	\$47,050.00
Part D												
Construction Review	\$282,300.00										\$0.00	\$282,300.00
Part E												
Post Tender	\$28,230.00										\$0.00	\$28,230.00
Local Engineers of Record	\$150,000.00										\$0.00	\$150,000.00
TOTAL	\$1,291,000.00	\$46,000.00	\$89,000.00	\$188,484.00	\$24,042.00	\$18,350.00	\$175,026.00	\$233,368.00	\$0.00	\$0.00	\$788,300.00	\$502,700.00
Revised Scheme - CS&P Proposed Fee for additional floor area												
Part B												
Construction Documents	\$238,000.00							\$119,000.00			\$119,000.00	\$119,000.00
Part C												
Tender Period	\$71,300.00										\$0.00	\$71,300.00
Part D												
Construction Review	\$140,700.00										\$0.00	\$140,700.00
TOTAL	\$450,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$119,000.00	\$0.00	\$119,000.00	\$331,000.00
GRAND TOTAL	\$1,741,000.00	\$46,000.00	\$89,000.00	\$188,484.00	\$24,042.00	\$18,350.00	\$175,026.00	\$233,368.00	\$119,000.00	\$0.00	\$907,300.00	\$833,699.00

LB 084

Burnham, Jeremy P.

From: Sam Spagnuolo [sspagnuolo@csparch.com]
Sent: Monday, June 29, 2009 4:59 PM
To: Burnham, Jeremy P.
Subject: invoices for Marsh Folley

Attached our revised invoices

Invoice # 0012931 is based on our original contract

Invoice#0012932 is for extra fees as per our letter for change in scope

Invoice#0012933 is for 100% contract documents (NEW)

Sam Spagnuolo
sspagnuolo@csparch.com

CS&P Architects Inc.

T: 416.482.5002 F: 416.482.5040
2345 Yonge Street, Suite 200
Toronto, On M4P 2E5 Canada
www.csparch.com

This e-mail contains confidential information and is intended for the sole use of the party to whom it is addressed. Any other distribution, copying or disclosure is strictly prohibited. If you have received this e-mail in error, please notify us immediately by telephone and delete the message without retaining any hard or electronic copies of same.

CS&P Architects Inc.

T: 416.482.5002 F: 416.482.5040
cspa@csparch.com

2345 Yonge Street, Suite 200
Toronto, ON M4P 2E5 Canada
www.csparch.com

CS&P Architects

June 29, 2009

Chief Architect
Government of Bermuda
Ministry of Works and Engineering Parks and Housing
PO Box HM525
Hamilton HM CX, Bermuda

Attention: Lawrence Brady, Project Manager

Dear Sir,

Re: Marsh Folley Forensic Lab and Waste Management
Project No. 08010

Enclosed please find our invoice number 0012931 for professional services to May 15th, 2009, for 95% construction documents on a fee of \$1,291,000. This superscedes invoice 0012810 dated May 19th, 2009.

As per your instructions, we submit invoice number 0012932 dated May 22, 2009, for 95% construction documents on a fee of \$1,741,000.


We are bringing our account to date with the third invoice, number 0012933, dated June 29, 2009, for 100% construction documents on a fee of \$1,741,000.

Wire payment to our US Account: Scotiabank, 145 King St. W., Toronto, ON M5H 1J8, Canada. Account No. 34322 00678-14, Customer No. 6050 406 467 605, International Wire: NOSCCATT, US Wire Transfers: 026002532. PLEASE REFERENCE INVOICE NUMBER.

Along with payment instruction to our bank, send a fax or e-mail to our office indicating the date, currency and payment amount, and invoice reference.

Please contact our office if you have any questions.

Yours truly,



Sam Spagnuolo
CS&P Architects Inc.

L:\AR\letters\08010.12931-12933.doc

CS&P Architects

CS&P Architects Inc.
 T: 416.482.5002 F: 416.482.5040
 cspa@csparch.com
 2345 Yonge Street, Suite 200
 Toronto, ON M4P 2E5 Canada
 www.csparch.com

Invoice

June 29, 2009
 Project No: 08010.00
 Invoice No: 0012933

Ministry of Works & Engineering, Bermuda
 Attention: Lawrence Brady
 Post Office Building
 56 Church Street
 Hamilton HM CX

*Payment on account. Work itself is
 95% complete, actual fee to be agreed.*

Project: Marsh Folley Forensic Lab & Waste Mgmt.

IN ACCOUNT WITH CS&P ARCHITECTS (formerly Carruthers Shaw and Partners Limited Architects)

Period: May 16, 2009 to June 29, 2009

Fee

Total Fee 1,741,000.00

<u>Phase</u>	<u>Fee</u>	<u>Percent Complete</u>	<u>Earned</u>
Part A: Pre-Design	\$46,000.00	100.00	\$46,000.00
Part A: Site Analysis	\$40,000.00	100.00	\$40,000.00
Part A: Schematic Design	\$57,000.00	100.00	\$57,000.00
Part A: Design Development	\$57,000.00	100.00	\$57,000.00
Part B: Construction Documents	\$821,420.00	100.00	\$821,420.00
Part C: Tender Period	\$118,350.00	0.00	\$0.00
Part D: Construction Review	\$423,000.00	0.00	\$0.00
Part E: Post Tender	\$28,230.00	0.00	\$0.00
Local Engineers of Record	\$150,000.00	0.00	\$0.00
Total Earned			\$1,021,420.00
Previous Fee Billing			\$980,349.00
Current Fee Billing			\$41,071.00
Total Fee			\$41,071.00

Tax

GST Exempt 0.00% of 41,071.00 \$0.00
Total GST \$0.00

Invoice No: 0012933

TOTAL AMOUNT DUE THIS INVOICE \$41,071.00

PAYABLE IN US FUNDS.

Wire payment to: Scotiabank, 145 King St. W, Toronto, ON M5H 1J8, Canada. Account No. 34322-00678-14, Customer No. 6050 406 467 605, International Wire: NOSCCATT, US Wire Transfers: 026002532.
 PLEASE REFERENCE INVOICE NUMBER

****INVOICE IS DUE WHEN RENDERED*OVERDUE ACCOUNTS WILL BE CHARGED INTEREST****

Geoffrey Brown Paul Cravit Craig Goodman Abdul Kaderah [Signature] Orved Maureen O'Shaughnessy Robert Stiff
 Suzanne Cooke Wooland Mariusz Gontarz Susan Lewin Paul Marcocchia Peter Pastor Wayne Rosberg Sam Spagnuolo

CS&P Architects Inc.
 T: 416.482.5002 F: 416.482.5040
 cspa@csparch.com
 2345 Yonge Street, Suite 200
 Toronto, ON M4P 2E5 Canada
 www.csparch.com

CS&P Architects

Invoice

May 22, 2009
 Project No: 08010.00
 Invoice No: 0012932

Ministry of Works & Engineering, Bermuda
 Attention: Lawrence Brady
 Post Office Building
 56 Church Street
 Hamilton HM CX

*SUPERCEDED BY INVOICE
 # 0012933*

Project: Marsh Folley Forensic Lab & Waste Mgmt.
 IN ACCOUNT WITH CS&P ARCHITECTS (formerly Carruthers Shaw and Partners Limited Architects)
 Period: March 16, 2009 to May 15, 2009

Fee			
Total Fee	1,741,000.00		
Phase	Fee	Percent Complete	Eamed
Part A: Pre-Design	\$46,000.00	100.00	\$46,000.00
Part A: Site Analysis	\$40,000.00	100.00	\$40,000.00
Part A: Schematic Design	\$57,000.00	100.00	\$57,000.00
Part A: Design Development	\$57,000.00	100.00	\$57,000.00
Part B: Construction Documents	\$821,420.00	95.00	\$780,349.00
Part C: Tender Period	\$118,350.00	0.00	\$0.00
Part D: Construction Review	\$423,000.00	0.00	\$0.00
Part E: Post Tender	\$28,230.00	0.00	\$0.00
Local Engineers of Record	\$150,000.00	0.00	\$0.00
		Total Eamed	\$980,349.00
		Previous Fee Billing	\$754,249.00
		Current Fee Billing	\$226,100.00
		Total Fee	\$226,100.00

Tax			
GST Exempt	0.00% of 226,100.00		\$0.00
Total GST			\$0.00

Invoice No: 0012932 **TOTAL AMOUNT DUE THIS INVOICE** **\$226,100.00**

PAYABLE IN US FUNDS.
 Wire payment to: Scotiabank, 145 King St. W, Toronto, ON M5H 1J8, Canada. Account No. 34322-00678-14,
 Customer No. 6050 406 467 605, International Wire: NOSCCATT, US Wire Transfers: 026002532.
 PLEASE REFERENCE INVOICE NUMBER

****INVOICE IS DUE WHEN RENDERED*OVERDUE ACCOUNTS WILL BE CHARGED INTEREST****

Geoffrey Brown Paul Cravit Craig Goodman Abdul Kaderali Peter Ortved Maureen O'Shaughnessy Robert Stiff
 Suzanne Cooke Wooland Marliusz Gontarz Susan Lewin Paul Marcoccia Peter Pastor Wayne Rosberg Sam Spagnuolo
 LB

CS&P Architects Inc.
 T: 416.482.5002 F: 416.482.5040
 cspa@csparch.com
 2345 Yonge Street, Suite 200
 Toronto, ON M4P 2E5 Canada
 www.csparch.com

CS&P Architects

Invoice

May 21, 2009
 Project No: 08010.00
 Invoice No: 0012931

Ministry of Works & Engineering, Bermuda
 Attention: Lawrence Brady
 Post Office Building
 56 Church Street
 Hamilton HM CX

Project: Marsh Folley Forensic Lab & Waste Mgmt.

IN ACCOUNT WITH CS&P ARCHITECTS (formerly Carruthers Shaw and Partners Limited Architects)

Period: March 16, 2009 to May 15, 2009

Phase	Fee	Percent Complete	Earned
<i>PAID ON CERT # 7</i>			
Total Fee	1,291,000.00		
Part A: Pre-Design	\$46,000.00	100.00	\$46,000.00
Part A: Site Analysis	\$40,000.00	100.00	\$40,000.00
Part A: Schematic Design	\$57,000.00	100.00	\$57,000.00
Part A: Design Development	\$57,000.00	100.00	\$57,000.00
Part B: Construction Documents	\$583,420.00	95.00 <i>100</i>	\$554,249.00 <i>583,420.00</i>
Part C: Tender Period	\$47,050.00	0.00	\$0.00
Part D: Construction Review	\$282,300.00	0.00	\$0.00
Part E: Post Tender	\$28,230.00	0.00	\$0.00
Local Engineers of Record	\$150,000.00	0.00	\$0.00
Total Earned			\$754,249.00 <i>783,420.00</i>
Previous Fee Billing			\$550,052.00 ✓
Current Fee Billing			\$204,197.00 <i>233,368.00</i>
Total Fee			\$204,197.00 <i>233,368.00</i>
Tax			
GST Exempt	0.00% of 204,197.00		\$0.00
Total GST			\$0.00

Invoice No: 0012931

TOTAL AMOUNT DUE THIS INVOICE **\$204,197.00**
233,368.00

PAYABLE IN US FUNDS.
 Wire payment to: Scotiabank, 145 King St. W, Toronto, ON M5H 1J8, Canada. Account No. 34322-00678-14,
 Customer No. 6050 406 467 605, International Wire: NOSCCATT, US Wire Transfers: 026002532.
 PLEASE REFERENCE INVOICE NUMBER

****INVOICE IS DUE WHEN RENDERED*OVERDUE ACCOUNTS WILL BE CHARGED INTEREST****

Geoffrey Brown Paul Cravit Craig Goodman Abdul Kaderali ~~JP~~ Orved Maureen O'Shaughnessy Robert Stiff
 Suzanne Cooke Wooland Mariusz Gontarz Susan Lewin Paul Marzocchia Peter Pastor Wayne Rosberg Sam Spagnuolo

PAYMENT SCHEDULE

Project Name: MARSH FOLLY FORENSIC LAB & WASTE MANAGEMENT
 Contractor: CS&P ARCHITECTS

Contract No. 34779/51

Contract Sum: \$1,291,000.00

Contract Date:

Contract Completion Date:

Phase	Contract Amount	Cert. 1	Cert. 2	Cert. 3	Cert. 4	Cert. 5	Cert. 6	Cert. 7	Cert. 8	Cert. 9	Total Completed	Balance to be Paid
Part A												
Pre-Design	\$46,000.00	\$46,000.00									\$46,000.00	\$0.00
Site Analysis	\$40,000.00		\$32,000.00			\$8,000.00					\$40,000.00	\$0.00
Schematic Design	\$57,000.00		\$39,900.00	\$17,100.00							\$57,000.00	\$0.00
Design Development	\$57,000.00		\$17,100.00	\$25,650.00	\$5,700.00	\$8,550.00					\$57,000.00	\$0.00
Part B												
Construction Documents	\$583,420.00			\$116,684.00	\$58,342.00		\$175,026.00	\$233,368.00			\$583,420.00	\$0.00
Part C												
Tender Period	\$47,050.00										\$0.00	\$47,050.00
Part D												
Construction Review	\$282,300.00										\$0.00	\$282,300.00
Part E												
Post Tender	\$28,230.00										\$0.00	\$28,230.00
Local Engineers of Record	\$150,000.00										\$0.00	\$150,000.00
TOTAL	\$1,291,000.00	\$46,000.00	\$89,000.00	\$159,434.00	\$64,042.00	\$16,550.00	\$175,026.00	\$233,368.00	\$0.00	\$0.00	\$789,420.00	\$507,580.00

Revised Scheme - CS&P Proposed Fee for additional floor area

Part B												
Construction Documents	\$238,000.00								\$119,000.00	\$119,000.00	\$238,000.00	\$0.00
Part C												
Tender Period	\$71,300.00										\$0.00	\$71,300.00
Part D												
Construction Review	\$140,700.00										\$0.00	\$140,700.00
TOTAL	\$450,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$119,000.00	\$119,000.00	\$238,000.00	\$212,000.00
GRAND TOTAL	\$1,741,000.00	\$46,000.00	\$89,000.00	\$159,434.00	\$64,042.00	\$16,550.00	\$175,026.00	\$233,368.00	\$119,000.00	\$119,000.00	\$1,021,420.00	\$719,580.00

9/28/2009

Chung, Lucy

From: Trott, Deborah A.
Sent: Friday, October 09, 2009 10:13 AM
To: Chung, Lucy
Subject: Payment Certificates - CS & P and Bothello Wood

Hi Lucy,

PS said to inform you that he has the payment certificates you have been looking for. He is holding them deliberately.

Debbie



GOVERNMENT OF BERMUDA
Ministry of Works and Engineering

Department of Architectural Design and Construction

MEMO

To: Thomasina Hassell – Acting PS

Re: Building Permit Application

Date: 9th February 2010

Project: Waste Management and Forensic
Laboratory, Marsh Folly

From: Lawrence Brady – Chief Architect

File No.: 34.79.51

Ref the above please find enclosed the following

- 1 The completed Building Permit application form to be submitted to the Department of Planning plus one copy to be submitted to the Bermuda Fire Service – Transmittal document included
- 2 Four sets of the drawings 3 sets to accompany the application to the Department of Planning, 1 set to be submitted to the Bermuda Fire Service. Please note that these drawings have been stamped “Issued for Permit Sept 18, 2009” being the date when we were instructed to compile the information for the Building Permit Application.
- 3 The Building Permit Application Screening Register – Submittal Requirements, to be submitted to the Department of Planning
- 4 Three sets of the details of the Electric Traction Elevator to be submitted to the Department of Planning
- 5 The receipt documentation to accompany the Application to the Department of Planning which requires a fee of \$100,370.20 to be paid at the time of submitting

Also enclosed is one copy of Planning Permission approval received with the further information required to accompany the application highlighted and the action we have taken, or has yet to be taken by others

- Item 6 The Construction Permit and Operating License application form for the generators has been requested, not yet received, from the Department of Environmental Protection

- Item 7 Details of the traffic lights which would be acceptable has been requested, not yet received, from the Highways Section of the Ministry of Works and Engineering
- Item 8 The Water Rights Application form has been received from the Department of the Environment for the approval of the proposed boreholes. This requires the input of the engineer.
- Item 9 The Fuel Tank Removal and Soils Remediation Report requires to be prepared by a qualified professional i.e. the Engineer
- Item 11 The Registration Form for the Fuel Tanks has been requested, not yet received, from the Department of Environmental Protection
- Item 12 Details of the underground fuel tanks must be filed with the Department of Environmental Protection – this requires the input of the Engineer

We would record that the drawings are copyright of the following Consultants – who may require to confirm that the drawings can be used for the application ?

Architects	CS&P, Toronto, Canada
Lab Consultant	NXL Architects, Toronto, Canada
Structural and Site Engineer	Onsite Engineering Services Ltd, Bermuda
Mechanical Engineer	MCW Consultants, Toronto, Canada
Electrical Engineer	MCW Consultants, Toronto, Canada

Lawrence Brady



Development Applications Board

DEPARTMENT OF PLANNING

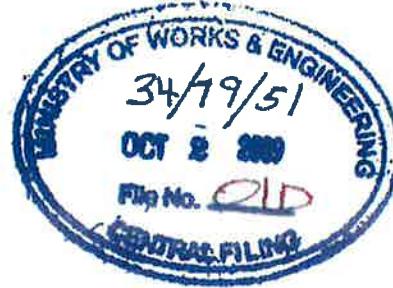
Government Administration Building • 30 Parliament Street • Hamilton HM 12 • Bermuda
Telephone: (441) 295 5151 • Fax: (441) 295-4100

PROJECTS CENTRAL FILING SYSTEM

Our Reference: P0727/08

10 September 2009

Ministry of Works & Engineering
P.O. Box HM 525
City of Hamilton, HM CX



Dear Sir / Madam,

Application #: P0727/08
Applicant: Bermuda Government
Site: Marsh Folly Road, Pembroke

New Four Storey Multi-Purpose Building Containing Government Offices and Laboratories for Waste Management, Police and Health Departments; Relocation of the Existing Waste Management Yard; Erection of Ten Accessory Buildings; Widening of Existing Entryways and Roadways on Site; and Erection of New Security Gates, Walls and Fencing, Maximum 10 Feet High. (Final)

The above application, received on 12 November, 2008 and revised 17 June 2009, 12 August 2009, 19 August 2009, 20 July 2009 was considered by the Development Applications Board on 9 September, 2009.

The Board resolved to approve the application.

The grant of planning permission is subject to the following condition(s):

1. For the avoidance of doubt the consent hereby granted is for planning permission only. Prior to the commencement of building operations a separate application for a building permit must be made and approved.
2. For the avoidance of doubt, the new building approved on the site for staff washrooms, lockers and lunch rooms may be utilized for such purposes for a maximum of five (5) years following the date of planning approval, after which time such use must cease and the building be converted for use as a truck washing facility. For the avoidance of doubt, the conversion of this building to the truck washing use shall require a building permit. Explicit consideration of drainage for the facility and the potential need for an additional borehole must be given at that time, with input obtained from the Department of Environmental Protection.
3. In order to provide for the safe flow of traffic to and from Marsh Folly Road, sight lines for a minimum distance of 90 feet must be provided in both directions from a point 6 feet back from the edge of Marsh Folly Road.
4. Prior to the issuance of a Certificate of Use and Occupancy Permit, parking and maneuvering spaces for 42 cars, 90 cycles and 29 trucks shall be provided on the interior of the site, along with 8 car spaces and 9 cycle spaces along Marsh Folly Road.

Government Administration Building • 30 Parliament Street • Hamilton HM 12 • Bermuda
Telephone: (441) 295 5151 • Fax: (441) 295-4100

General Enquiries: 297 7756 • Development Control: 297 7810 • Building Control: 297 7733
Forward Planning: 297 7778 • Building Inspection Requests 24 Hr. Line: 297 7894

LB

5. In the interests of visual amenity, the entire site subject of this application shall be landscaped in accordance with the hereby approved plans prior to the issuance of a Certificate of Use and Occupancy Permit for the 4 storey building. The installed landscaping shall thereafter be maintained and any trees or shrubs which are removed, which die or which become seriously diseased or damaged shall be replaced by trees and shrubs of similar size and species to those originally required to be planted.
6. For the avoidance of doubt, the applicant shall apply for and obtain a Construction Permit and Operating License for the hereby approved generators from the Department of Environmental Protection. A copy of the Construction Permit and Operating License must be provided with the submission of a Building Permit Application.
7. Details of the traffic lights to be installed at Marsh Folly Road and the proposed entry must be filed with the application for Building Permit for the review and approval of the Highways Section of the Ministry of Works and Engineering. Prior to the issuance of a Building Permit the traffic lights must be installed and operational.
8. Prior to the issuance of a building permit, the applicant shall submit a Water Rights Application to the Department of Environmental Protection for the approval of the proposed boreholes. For the avoidance of doubt, none of the boreholes proposed on the site shall serve as drainage for any condenser units.
9. Prior to the issuance of a Building Permit, a Fuel Tank Removal and Soils Remediation Report prepared by a qualified professional, must be filed with the Department of Environmental Protection for approval. Upon obtaining this approval, a letter from the Department of Environmental Protection to the Director of Planning must be filed advising that the Report has been approved.
10. Within six months of the issuance of a Certificate of Use and Occupancy for the hereby approved new fuel pump area and underground fuel tanks, the decommissioning and remediation activities associated with the demolition and removal of the existing fuel storage tanks and pumps, with all appropriate inspections required by the Department of Environmental Protection completed. Upon the satisfactory decommissioning of the existing fuel tanks, a letter from the Department of Environmental Protection to the Director of Planning must be filed advising of the completion.
11. For the avoidance of doubt, the applicant shall register the fuel tanks with the Department of Environmental Protection and a copy of the registration must be provided with the submission of a building permit application.
12. The hereby approved three (3) underground tanks must double walled fiberglass or glass-steel construction and fitted with interstitial monitoring devices. All details of the tanks must be filed with the application for Building Permit for the review and approval of the Department of Environmental Protection.

Planning documents may be collected from this office.

Yours faithfully,

A handwritten signature in black ink, consisting of a stylized, cursive 'D' followed by a horizontal line and a small flourish.

for the Development Applications Board

cc: Director, Department of Environmental Protection
Highways Section, Ministry of Works & Engineering
Director of Planning



Department of Architectural Design and Construction

Marsh Folly

Record of Meeting with PS, L Chung & C Bowman 22 April 2010

Prior to meeting, K Hodgkins of Onsite informed CB that they were due outstanding fees from CS&P in the region of \$100,000 – Onsite being appointed by CS&P as Bermuda registered engineers, structural, mechanical and electrical, for the project. Onsite have approached CS&P who have no objection to Onsite approaching Government for direct settlement. Onsite would like to have continuing involvement with this project.

LC advised PS that there is an outstanding invoice of \$120,000 payable to CS&P and suggested that \$100,000 of this could be paid to Onsite thereby settling their account

PS initially intimated that this would make sense, however on consideration advised that due to ongoing litigation it could appear that by paying CS&P indirectly, Government may be seen to accepting the claim made by CS&P. PS intimated that the legal advisers would have to be consulted.

PS intimated that there would be no problem with continuing using Onsite as consultant engineers - structural, mechanical and electrical – for involvement in any future works on this project as they have been involved with the project from an early date.

CB advised that the Permit recently submitted for this project was for the complete project, i.e. include the four storey new building, not just for Phase 1- the relocation of the refuse truck parking area and ancillary buildings.

The drawings submitted were not stamped by a local registered mechanical or electrical engineer and the structural drawings, although stamped by a local registered engineer, were not signed. These may require to be done and the services of Onsite will be required for this.

Phase 1 of the project is out to tender at present with a return date of 3.00p.m. 30th April 2010.

There have been queries received of a structural, mechanical and electrical nature which have, at this time, been covered by allowances – confirmation of details will be required for construction.



GOVERNMENT OF BERMUDA
Ministry of Works and Engineering

Department of Architectural Design and Construction

The mechanical and electrical proposals are to Contractor Design however these will have to be assessed for compliance with code and to ensure they are on a "like for like basis."

There will also be a requirement for the site to be structurally and environmentally assessed as it is made up ground and the presence, and required dispersal of gas, will be required.

The services of On-site will be required for the above items.

Keith Hodgkins was contacted following the meeting and confirmed Onsite's willingness to remain involved with the project, being appointed direct by Government and would appreciate a contract to this affect being issued.

Record prepared by C Bowman 26 April 2010

RKH

From: Chung, Lucy
Sent: Wednesday, May 05, 2010 3:04 PM
To: Horton, Robert
Cc: Brady, Lawrence; Bowman, Charlie; Burnham, Jeremy P.
Subject: FW: Marsh Folly Phase 1

PS,

Further to our email below, we would suggest to make this a two-stage tender process:

- negotiating with the three valid bidders thereby ensuring that all works are covered in the final bid (i.e. verifying what they provided with respect to the "design/build" elements – the possible variation within these elements could account for the 5% differences) and
- providing additional engineering information so that they can price for the items previously covered by allowances (we anticipate this can be put together by Onsite in 2 weeks)

Due to the closeness of these bids, 5% increase from the lowest combined with a 5% decrease from the highest makes them virtually equal given the "design/build" components.

Please note the following:

1. The project was tendered with restricted information. CS&P and their consultant engineers were no longer working on the project. Given the urgency of proceeding with the tender and the lack of available information, providing allowances was the only way of moving forward expeditiously. By no means was this an ideal way of tendering a project.
2. Electrical & Plumbing information was not available – CS&P noted on the drawings that these were to be "Design/build".
3. Onsite has included in their fee proposal to check these to ensure they are on a like for like basis – the received tenders could therefore change (and may account for the 5% variation either way).
4. The allowances were issued as a result of queries from bidders during the tendering process (for ease of reference, attached please find our email exchange of April 21st). Given the fact that we do not have any of the original design team on board at this time it was the best way of progressing the bidding process and project schedule.
5. LLC advised via email this morning that they had neglected to include allowances in their bid.
6. Attached please find a record of our meeting of April 22, 2010 in which we discussed Onsite's possible continued involvement in the project. There do not appear to be any hurdles to entering into a contract with Onsite for work going forward.

We await your further instructions.

Regards,
Lucy

From: Chung, Lucy
Sent: Tuesday, May 04, 2010 10:51 PM
To: Horton, Robert
Cc: Brady, Lawrence; Bowman, Charlie; Burnham, Jeremy P.
Subject: Marsh Folly Phase 1

PS,

This is to confirm the points you raised at the meeting you, Charlie & I had earlier this afternoon.

199

LB

Last Thursday, the day before tenders were due, one of the bidders, LLC, raised concerns with the Minister that the tender documents were such that they exposed the government to risk should the successful bidder be unscrupulous. You intimated that these concerns were connected to the allowances.

As a result, the Minister has engaged a local architectural firm to review the tender documents and offer their opinion on the matter. This report was expected today but they have asked for an extension as they were unable to complete the task in time.

It is a tricky situation because the tender was public and all bidders are now aware of each others' price. As requested, we shall review how we can fairly re-tender the project, should this be the Minister's wish.

As requested:

The following 17 companies collected the tender documents:

1. Sunrise
2. Building Blocks
3. CEM
4. Island Construction
5. LLC
6. M&M
7. Greymane
8. Somers
9. Bermuda Associate Services
10. GSC
11. Butex
12. DeCosta
13. BDA Construction services
14. Catcon
15. Sabio
16. Butterfield Excavation
17. Basset Landscaping

4 Bids Received

- | | |
|--------------------|-------------|
| 1. LLC | \$1,503,656 |
| 2. Building Blocks | \$4,296,321 |
| 3. Somers | \$4,350,200 |
| 4. Sunrise | \$4,769,900 |

Also attached please find Addendum # 5 which lists the allowances.

Horton, Robert

From: Harold Conyers [HConyers@cassoc.bm]
Sent: Monday, May 10, 2010 11:41 AM
To: Horton, Robert
Cc: Charita Saltus; Richard Paynter
Subject: Marsh Folly

Importance: High

Hi PS,

Thank you for the time this morning and here are the short term needs from the Ministry to enable us and LLC to define project status.

1. Please email the site survey to enable setting out etc. to begin.
2. Please email all bid documents to us (drawings in AutoCAD form and any addendum and tender items in MS Word and or XL etc). Also, any consultants information is needed although per our meeting we will engage Onsite Engineering on your behalf for structural, mechanical and electrical services.
3. Please forward copies of all approvals: Planning; Permit; Bermuda Fire and Rescue Service; generator application/licenses; Health Dept; Works and Engineering; Ministry of The Environment (for the fuel tanks); Water Rights certificate to create and operate the boreholes and so on.

I will have the minutes from the meeting issued before the end of the day.

Thank you,

Harold Conyers ALA RICHARD MIBB
Managing Director



Conyers & Associates Ltd
Architectural, Interior & Landscape Design, Project Management
Andrews Place, 5th Floor
51 Church Street, Hamilton HM12, Bermuda
P.O. Box HM 3185, Hamilton HM NX, Bermuda

T: 441-292-8503 F: 441-292-8382 E: hconyers@cassoc.bm W: www.conyersassociates.com

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Brady, Lawrence

From: Horton, Robert
Sent: Wednesday, May 12, 2010 1:19 AM
To: Chung, Lucy
Cc: Brady, Lawrence; Bowman, Charlie; Burnham, Jeremy P.
Subject: RE: Marsh Folly Phase 1

Lucy:

Sadly, the conclusion that the tender documents for the captioned project were woefully inadequate in many aspects has led the Minister to lose confidence in the ability of the Department of Architectural Design and Construction to spearhead this particular initiative – hence the decision to engage the services of Conyers & Associates in this regard.

Having said that, it is my expectation that you and your colleagues within the Department of Architectural Design and Construction will be available to provide information/other assistance that Conyers & Associates may require from time to time with respect to the project.

Thank you.

RKH

From: Chung, Lucy
Sent: Wednesday, May 12, 2010 12:26 AM
To: Horton, Robert
Cc: Brady, Lawrence; Bowman, Charlie; Burnham, Jeremy P.
Subject: RE: Marsh Folly Phase 1

PS,

For the avoidance of doubt, my understanding from our meeting earlier today is that our Department will not be working on this project effective immediately.

You, the Minister, LLC and Harold Conyers have met and have come to an agreement on a way forward with Harold Conyers taking over our role.

I wish to acknowledge the receipt of 2 documents you provided at the meeting as follows:

1. Harold Conyers' report on the tender documents.
2. List of requests from Harold Conyers in order for him to take over this project.

I have not had a chance to review these documents but will do so tomorrow and advise.

Regards,
Lucy

From: Horton, Robert
Sent: Thu 5/6/2010 2:02 AM
To: Chung, Lucy
Cc: Brady, Lawrence; Bowman, Charlie; Burnham, Jeremy P.
Subject: RE: Marsh Folly Phase 1

Thanks, Lucy. I shall discuss with the Minister.

You are right. The situation is a tricky one.

FILE COPY

Burnham, Jeremy P.

From: Theresa Evans [tevens@csparch.com] 34.79.51/07
Sent: Tuesday, July 20, 2010 12:17 PM
To: Burnham, Jeremy P.; Craig Goodman
Subject: RE: Govmt of Bermuda - Marsh Folly
Attachments: 08010.June 3 2008 Fee Proposal letter.pdf; 07045.NORTH STREET SHELTER. Letter of Acceptance.pdf

Jerry,

I've attached a digital copy of our Fee Proposal dated June 3, 2008 for the Marsh Folley Ministry of Health Offices and Labs.

The Marsh Folley Acceptance Letter is not attached to our contract either.

Although not specifically relevant to this project, I have attached the North Street Shelter Letter of Acceptance. It may provide some insight to the content of the Letter of Acceptance for Marsh Folley.

Regards,

Theresa Evans
tevens@csparch.com

CS&P Architects Inc.

T: 416.482.5002 F: 416.482.5040
2345 Yonge Street, Suite 200
Toronto, On M4P 2E5 Canada
www.csparch.com

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From: Burnham, Jeremy P. [mailto:jpburnham@gov.bm]
Sent: July-20-10 9:02 AM
To: Craig Goodman
Subject: FW: Govmt of Bermuda - Marsh Folly

Hi Craig

Can you help me with this please?

Regards

Jerry

From: Burnham, Jeremy P.
Sent: Monday, July 19, 2010 2:26 PM
To: 'Sam Spagnuolo'
Subject: Govmt of Bermuda - Marsh Folly

Hi Sam

I trust all is well with you over there?

208
LB

Can I ask a favour of you? We're about to be audited, and there are 2 letters that should have been attached to the contract but which aren't.

The first is your Fee proposal dated 3rd June 2008, the second is the Chief Architect's acceptance letter dated 4th August 2008.

Can you see if you can find them and scan them over to me?

Many thanks

Jerry

CS&P Architects

CS&P Architects Inc.

T: 416.482.5002 F: 416.482.5040
cspa@csparch.com

2345 Yonge Street, Suite 200
Toronto, ON M4P 2E5 Canada
www.csparch.com

June 3, 2008

Ministry of Works and Engineering
Government of Bermuda
Department of Architectural Design and Construction
Post Office Building
56 Church Street
Hamilton HM CX
Bermuda

Attention: Lawrence Brady, Chief Architect

Re: Consultant Scope and Fees for Next Phases for New Forensic Lab, Health Offices and Labs and Waste Management Staff Facilities at Marsh Folly
File: 08010-20

Dear Lawrence,

Further to our recent discussions, CS & P Architects would be pleased to provide an outline for the balance of architectural services for the next phases of consultant scope to carry the design forward through Construction Documents, Tender, and Construction Review. As you know, we have been asked to develop additional programme area based on the comments from the user group related to the initial concept design presented last month. We have assumed we shall be proceeding with design following the basic concept shown with these additional areas.

We have included, as a separate attachment with the Contract, a schedule of anticipated consulting fees to complete these additional phases of work. (Part A and B were included under the first proposal.) The schedule includes for Basic Architectural fees, based on an estimated construction value equivalent to \$17 million Bermuda, (to include for Architectural, Structural, Mechanical and Electrical disciplines) as well as supplementary consultants we are presently aware of, including a Laboratory Design Specialist. We have assumed that Site Service Engineering will be carried by the Works and Engineering Department. In brief summary, the fee outline (all figures in US \$) includes for the following:

- | | |
|--|------------------|
| • Part B, including Schematic and Design Development | \$154,000 |
| • Part C, including Construction Documents | \$583,420 |
| • Part D, including Tender Phase Review | \$ 47,050 |
| • Part E, including Construction Review | \$282,300 |
| • Part F, including Post Tender Review | <u>\$ 28,230</u> |

Total fee (USD) \$ 1,095,000

Geoffrey Brown Paul Cravit Craig Goodman Abdul Kaderali Peter Ortvad Maureen O'Sheughnessy Robert Stiff
Suzanne Cooke Wooland Mariusz Gontarz Susan Lewin Paul Marroccia Peter Pastor Wayne Rosberg Sam Spagnuolo

CS&P Architects

In addition, we have listed a separate fee for the engaging of a local Engineer of Record (ONSite Engineering) for the amount of \$150,000 USD. While we have outlined each of the phases for the full scope of the project, we will not proceed into each new phase without prior authorization from you.

In the event that you require additional services beyond the scope of this agreement, we would suggest the following hourly rates as a guide for team members. (Additional scope of services not to be billed without prior authorization from you shall be calculated on an hourly basis according to the following Per Diem rates (USD):

Principal Architect and Engineers \$ 180.00/hr.
Intermediate Architect and Engineers \$ 150.00/hr
CAD Technician/ Technologist \$ 125.00/hr.

Project Development Schedule (2008)

April 30	Assign Project Architect
May 5 - 8	Access to existing site and meetings with users for clarification of space programme requirements
May-June	Confirm Programme Space Requirements
Late June	Submit Pre-Design report and initial concept design alternatives
July 1	Receive direction from Stakeholders for preferred design concept
July/August	Development of Schematic Design presentation material
Sept /Oct	Design Development
Oct to January	Construction Documents for Foundation and Shell

I hope that this outline and contract is suitable to the anticipated scope of work as you understand it. Please let me know if we need to provide any further clarifications. If this proposal is acceptable, please provide a record copy of the contract for our records.

Thank you for giving us this opportunity to provide a response to this interesting and exciting project.

Yours very truly,



R. Craig Goodman, Principal

2.
June 3, 2008



GOVERNMENT OF BERMUDA
Ministry of Works and Engineering

Department of Architectural Design and Construction

*Your Ref: 07045
Our Ref: 10/13/50
Telephone (441) 297-7712*

17th July 2008

CS&P Architects
2345 Yonge Street,
Suite 200
Toronto, ON
M4P 2E5 Canada

SAMPLE

For the attention of Mr. R Craig Goodman

Dear Sirs

**NORTH STREET EMERGENCY SHELTER
LETTER OF ACCEPTANCE**

We are pleased to accept your Fee Proposal dated 29th May 2008 as follows;

- 1) US\$46,000.00 (forty six thousand United States Dollars) for Preliminary Design for the new North Street Emergency Shelter.
- 2) US\$104,000.00 (one hundred and four thousand United States Dollars) for Schematic Design for the new North Street Emergency Shelter.
- 3) US\$134,000.00 (one hundred and thirty four thousand United States Dollars) for Design Development for the new North Street Emergency Shelter.
- 4) US\$402,000.00 (four hundred and two thousand United States Dollars) for Construction Documents for the new North Street Emergency Shelter.
- 5) US\$49,000.00 (forty nine thousand United States Dollars) for Tender Period for the new North Street Emergency Shelter.
- 6) US\$147,000.00 (one hundred and forty seven thousand United States Dollars) for Construction Review Office for the new North Street Emergency Shelter.

Post Office Building, 56 Church Street, Hamilton HM 12, Bermuda
P.O. Box HM 525, Hamilton HM CX, Bermuda
Phone (441) 295-5151 Fax: (441) 295-4675 Website: www.gov.bm



GOVERNMENT OF BERMUDA
Ministry of Works and Engineering

Department of Architectural Design and Construction

- 7) US\$98,000.00 (ninety eight thousand United States Dollars) for Construction Review Site for the new North Street Emergency Shelter.

At present we are only authorizing you to proceed with the following phases:

- 1) US\$46,000.00 (forty six thousand United States Dollars) for Preliminary Design for the new North Street Emergency Shelter.
- 2) US\$104,000.00 (one hundred and four thousand United States Dollars) for Schematic Design for the new North Street Emergency Shelter.

Your fee proposal is deemed to be in full compliance with the following attached documents:

The Design Consultant is required to notify the architect prior to carrying out any additional services. Consequently, no retrospective claims for additional services will be entertained.

The Design Consultant shall not commence work on the remaining phases until a written instruction has been received from the Architect. The Architects reserves the right to omit future phases of the work from the contract.

Lawrence Brady
Chief Architect

Cc: Jeremy Burnham – Quantity Surveyor

Chung, Lucy

From: Chung, Lucy
Sent: Wednesday, July 21, 2010 4:52 PM
To: Simmons, Gavin C.
Cc: Morille, Andrew; Brady, Lawrence; Burnham, Jeremy P.
Subject: FW: #31 Central Laboratory 75312 WIP .1995

Gavin,

Our responses in red.

From: Forbes, Joel
Sent: Thursday, July 15, 2010 4:48 PM
To: Morille, Andrew; Simmons, Gavin C.
Cc: Blake, Marlon C.
Subject: #31 Central Laboratory 75312 WIP .1995

Hi Andrew/Gavin

With regards to the WIP addition for project #75312, approx \$352k of this year's \$534k addition relates to payments to CS&P Architects. Payment certificate #8 for CS&P notes an original contract sum of \$46,000k and additional services of \$856,420 for a total fees billed to date of \$902,420.

(1) Why is there such a huge discrepancy between the original contract sum and the additional services?

The original contract sum (\$46,000) was for the pre-design work. At that stage it was not known whether the project would move forward, so it was unwise to commit to the full contract sum.

Certificate # 2 added Site Analysis through to Design Development stages (\$154,000)

Certificate # 3 added Construction Documents (\$583,420)

Certificate # 8 added an amended fee for the additional floor area This fee was paid in part as not fully agreed.

(2) Was the original contract and additional services work tendered? If so, what information is available regarding the other tenders received?

No, the services were not tendered, they were negotiated with CS&P with the knowledge of PS Horton.

(3) Is there a contract for this \$902k project? Please fwd a copy

Yes, attached to Certificate of Payment # 1 in central filing. However, it is missing part of Appendix A, which we are trying to recover.

(4) Can you provide the Cabinet Conclusion approving the awarding of this contract (and additional services)?

The contract did not go to cabinet for approval. See (2) above.

(5) Can you send me a copy of the contract?

See (3)

Thanks,
Joel

Chung, Lucy

From: Simmons, Gavin C.
Sent: Friday, July 16, 2010 4:10 PM
To: Chung, Lucy
Cc: Brady, Lawrence; Morille, Andrew
Subject: Auditors questions re: review of tender documents, Cabinet conclusions and contracts
Attachments: RE: #32 WIP Global House and Attorney General's Chambers; #31 Central Laboratory 75312 WIP .1995; 29. Zoo Animal Health Care Centre building upgrade - Gulfstream Construction Ltd; #28 DHR 129 Front Street; GAB renovations

Hi Lucy,

See the attached emails from the auditors. I'm planning to gather all relevant documents and have the auditor come over here to review, make copies etc.

Would all of this information be available in the files in Records or will some be stored in Architect's files?

Please advise and answer auditor's questions where possible.

Thanks,
Gavin
Ext 1329

34.79 51/02
FILE COPY

~~26.27.50/02~~

~~34.12.02/02~~

Ministry of Works & Engineering

Department of Architectural Design and Construction

8

Review of various Conyers & Associates Invoices and Statements (Rec'd September 13th 2010)

Dear Permanent Secretary

As I've not been appraised of the situation with either project to which the invoices refer, so I can only carry out an arithmetical check (as I have been doing on Magistrate's Court) and make a number of general observations:

- It would be helpful to our accounts department if each project was kept separate on the statements, particularly as they have different charge codes.
- I'm not privy to the fee agreements which Conyers & Associates have with Government, and cannot therefore comment on whether the amounts claimed are correct.
- Many of the invoices are for drawings revisions. I would be surprised that Conyers & Associates fee agreements did not already include for drawing revisions.
- I'm not involved on either project so I am not aware of what stage either project has reached architecturally.
- With regards to the Magistrates Court in particular, Conyers & Associates have been working on this project since December 2008. I would recommend that for continuity purposes the invoices be checked by whoever has been checking them up to this point.
- It is concerning that Government appear to be \$283,949.93 overdue by 31-60 days.

Regards



J P Burnham BSc (Hons) MRICS
Quantity Surveyor
14th September 2010



GOVERNMENT OF BERMUDA
Ministry of the Environment and Sports

Department of Planning

Our Reference: B0216/10

September 21, 2010

Ministry of Works & Engineering
P.O. Box HM 525
City of Hamilton HM CX



Dear Sir/Madam,

Application#: B0216/10
Applicant: Bermuda Government
Site(s): Marsh Folly Road, Pembroke

PHASE ONE (1) ONLY - Relocation of Waste Management Facility; Erection of Accessory Buildings; Widening of Existing Roads; Erection of Gates & Fences

I refer to the Building Permit applications in respect of the above. I wish to advise you that the approved documents are now ready for collection from this office. Please ensure that this complete permit package is passed on to your client(s).

Please note that the sum of \$ _____ is required for outstanding fees.

You are reminded that you must not begin work until an approved permit has been issued. The building permit number must be on display at the entrance to the site. This number should not be removed from the site until such time as the Certificate of Occupancy has been issued. A copy of the "approved" construction drawings must be available at the site. Contravention of the above is liable to fines of up to \$25,000.

Please be advised that the owner of this development bears ultimate responsibility for completion of the project in accordance with all relevant codes and documents.

Your co-operation in this matter would be greatly appreciated.

Yours faithfully

for Building Control Officer

Cc. Owner/Applicant



Department of Architectural Design and Construction

Marsh Folly Timeline Report covering Planning, Building Permit and Tender Period

3rd June 2008 Special **form of Agreement** between Architect – Chief Architect, and Design Consultant - CS&P Architects, 2345 Yonge Street, Toronto, Canada is **signed**. Article 6 refers to Use of Drawings “ The Design Consultants Drawings , Specifications or other documents shall **not be used by the architect or others on other projects**, or for completion of this Project by others, unless the Design Consultant is adjudged to be in default under this agreement, except by **agreement in writing and with appropriate compensation** to the Design Consultant” “ The Architect and Design Consultant shall **not make changes** in each other’s Drawings, Specifications and other documents without written permission of the other party”

7th October 2008 L Brady confirms to PS Horton Minister Burgess request to have the Marsh Folly project **get underway** in January 2009

12th Nov 2008 **Planning application submitted** Ref P0727/08 – note the application is for the **total development** not only the first construction phase.

19th May 2009 report on current stage of the project noted **awaiting confirmation** to which form of Contract to be used, employers liability, start and completion date, are the potential Contractors to be pre-qualified, etc

9th June 2008 report on current stage of the project noted **awaiting confirmation** to which form of Contract to be used, employers liability, start and completion date, are the potential Contractors to be pre-qualified, etc

13th July 2009 report on current stage of the project noted **awaiting confirmation** to which form of Contract to be used, employers liability, start and completion date, are the potential Contractors to be pre-qualified, etc

10th September 2009 **Development Application Board approves project** – noting conditions incl. “the new building approved on the site for **staff washrooms lockers and lunch rooms** may be utilized for such purposes for a **maximum of five (5) years**” “ licenses for generators must be obtained” “registration of fuel tanks”

18th September 2009 Application **for Permit completed** - note the application is for the total development not only the first construction phase. **Payment** fee to Planning to accompany the application was **not provided** at this date – approx \$100,000.00

9th February 2010 Memo from Chief Architect to Acting PS Thomasina Hassell enclosing the **building permit application and drawings**, The Planning Permission documentation and drawings, **confirming additional information required** and further action required. Also **records copyright issues** requiring confirmation that the drawings produced by consultants can be used.

10th March 2010 **Building Permit submitted** ref B0216/10 - note the application is for the **total development** not only the first construction phase.

16th March 2010 Transmittal to PS Horton 10 copies of drawings **for issue to potential Contractors** – should the bidders be from a prequalified list, as the means of inviting bids was yet to be confirmed

4th April 2010 PS Horton queried why the tender information was **not yet issued** and instructed that it **be so immediately** as the Minister was due to meet the Marsh Folly workforce on Wednesday 7th April 2010 to advise of an update on the progress of the project

5th April 2010 e-mail L Chung to PS Horton confirming that we “were of the understanding that we **were awaiting further instructions** from you (to confer with the Minister regarding the type of tender)”

5th April 2010 E-mail PS Horton to L Chung “My instruction to Lawrence was unequivocal. I did speak with the Minister who **approved the public tender process.**” Chief Architect L Brady **disputes this instruction**

5th April 2010 Tender package constructed composed of **limited information** as drawings issued to W&E in pdf form (cannot be altered) in addition to the **copyright issue**. Structural, Mechanical and Electrical Consultants input was not available due to **ongoing dispute** with CS&P– these would require to be covered by including allowances

6th April 2010 Transmittal to PS Horton containing **drawings submitted for Planning Application** as requested

7th April 2010 Minister Burgess **meets with the Mash Folly workforce** to advise of progress of the project

8th April 2010 Message fro planning – the **permit process is being held up** as one set of the approved DAB drawings is required – these were included in the package delivered to Acting PS 9th February 2010

14th, 16th & 21st April 2010 **Ad inviting bids** published in Bermuda Sun as tender was to be a public tender

19th April 2010 e-mail from PS Horton to L Chung requesting update with the department of Planning with respect of our application for a permit.... The application has been **with planning for about a month** now “

19th April 2010 mandatory **site meeting** with bidders

20th April 2010 Query from L Chung to PS Horton **requesting guidance** on answering queries regarding structural, mechanical and electrical matters noting that CS&P and the local structural engineers were **awaiting payment on invoices** which were not approved for payment by PS Horton due to **unresolved disagreement** in connection with the **Magistrates Court** project

21st April 2010 Reply from PS Horton – “because of **possible litigation** , my position remains the same regarding CS&P”

22 April 2010 Meeting held PS Horton , L Chung and C Bowman, discussed **continuing involvement of Onsite** Engineering, confirmed the fact that the **permit application** was for the complete project, the drawings submitted for permit were **not signed by a local engineer**, the project was out to tender, queries received of **structural, mechanical and electrical nature** could not be answered and would require to be covered by the **inclusion of allowances**, requirement for the site to be structurally and **environmentally assessed**

30th April 2010 request from Minister Burgess for **one set of the tender documentation** as he was **meeting with one of the bidders** (LLC) – this was **prior to the time** for submitting bids

30th April 2010 Date for **receipt of bids**, four bids received, seventeen companies collected the tender documents

LLC Bermuda	\$1,503,656.00
Building Blocks Construction	\$4,296,321.00
Somers Construction Ltd	\$4,350,200.00
Sunrise Construction Ltd	\$4,769,900.00
W&E Estimate	\$4,417,570.05

3rd May 2010 LLC advised that it appears that **not all addenda** were included in the bid – also advised that revised bids cannot be accepted

5th May 2010 e-mail from L Chung to CS&P – “our PS has advised me that he is not prepared to make any further payments to CS&P due to the **current dispute** surrounding **Magistrates Court**”

5th May 2010 Meeting held PS Horton , L Chung and C Bowman where it was noted that the **day the tenders were due, one of the bidders** (LLC) **met with Minister Burgess** raising concerns that due to the number of allowances the documents were such that they exposed the government to risk should the successful bidder be unscrupulous. PS confirmed that the Minister has engaged a local architectural firm to **review the tender documents**. Request made by PS to review **how we can fairly re-tender** the project, should this be the Minister’s wish.

5th May 2010 e-mail L Chung to PS Horton **proposing that a two stage tender** be implemented, negotiations should take place with the **three bidders who submitted valid bids** by this means an element of competition would remain

5th May 2010 confirmation received from LLC that there was an **oversight** in the preparation and the allowances noted in addenda #5 were **not included**

5th May 2010 E-mail from H Conyers to Minister Burgess and PS Horton suggesting that meeting be held with the low bidder – **note not the lowest valid bidder**

6th May 2010 e-mail from PS Horton regarding two stage tender “ I shall **discuss with the Minister**. You are right. The situation is a tricky one’ - as the bidders are aware of the other bids

7th May 2010 Draft tender report prepared. Tender evaluation **questioned** that the **lowest bidder** understood the scope of the works, although indicated that all addenda were included Addenda #5 was not – allowance totaling \$945,021.45 . The tender document was also altered to delete the Liquidated damages section, these items would make the bid **invalid and disqualified**

10th May 2010 E-mail from H Conyers to PS Horton confirming information require “**to enable us and LLC to define project status**”

12th May 2010 e-mail from L Chung to PS Horton “ For the avoidance of doubt, my understanding from our meeting earlier today is that **our department will not be working on this project** effective immediately”

12th May 2010 e-mail PS Horton to L Chung “led to the **Minister to lose confidence** in the ability of the Department of Architectural Design and Construction to spearhead this particular initiative”

14th May 2010 PS Horton advised of where the **bid documents and drawings** were located in the main file K:/Architects/Current/34.79.51 Laboratory Building, Marsh Folly/02 Interdepartmental-General,PS&Minister?PS/requested by Conyers – PS Horton reminded that the drawings contained in these are **files are copyright** of CS&P, Toronto, Canada

May 17th 2010 Response to PS Horton regarding **comments by H Conyers** acknowledging that the tender package was composed of limited information and the timescale for the tendering period which have an effect on **the standard of the bid issue**. Drawings issued to W&E in pdf form (cannot be altered) Structural, Mechanical and Electrical Consultants not appointed resulting in **allowances** being included – the only way to ensure the bidders **used like for like** figures.

H Conyers proposes that the lowest bidder be invited to provide a breakdown of their bid items and agree on a fixed price and fixed time frame. Should this procedure be unsuccessful the proposals be re-bid on the open market . W&E previously proposed this approach with one major difference – **the lowest bidder submitted an invalid bid**. – Negotiations should take place with the three bidders who submitted valid bids by this means an element of competition would remain

18th May 2010 **comments** on Conyers report on the tender documents issued to PS Horton

19 May 2010 **information requested** by Plans Examiner Building control

21st May 2010 request from PS Horton for **copies of the four responses** (full bids) received in response to the Marsh Folly tenders

25th May **Stakeholders advised** that dept of Architectural design and Construction **no longer working** on Phase 1 of the Marsh Folly project

2nd June 2010 further **information requested** by Plans Examiner Building control

2nd June 2010 **meeting requested** by Conyers and Associates who received permission from PS Horton to liase directly

2nd June 2010 Conyers meet with Building Control and agree on submitting **a phased building permit** – to enable building works to commence very soon

7th June 2010 e-mail Conyers to PS Horton “ the **meeting was productive**”

28th June 2010 call from Sgt Smith BFS regarding project – as this was for the **main building** meeting was held, , PS Horton informed correspondence received from BFS and instructed that this be forwarded to Conyers however prior to instruction **matter was resolved** and Conyers notified

21st September 2010 Permit for initial construction phase received

This timeline report prepared by Charlie Bowman RIBA ARIAS
Dept of Architectural Design and Construction
8th November 2010

MARSH FOLLY

Brady, Lawrence

From: Rochester, Randy
Sent: Tuesday, September 20, 2011 3:40 PM
To: Chung, Lucy
Cc: Albion, Janet M.; Brady, Lawrence
Subject: RE: Special Request

Thanks much

From: Chung, Lucy
Sent: Tuesday, September 20, 2011 3:28 PM
To: Rochester, Randy
Cc: Albion, Janet M.; Brady, Lawrence
Subject: RE: Special Request

APS Rochester,

There seems to have been some confusion as Mioshi asked for Phase 1A drawings. Janet clarified that you want the originally tendered drawings. I have located them; am making copies and will bring them up to you before the end of day. The package is comprised of the following:

1. Invitation to bid, dated April 14th, 2010 (this contains the dwg list)
2. L.1-01
3. A1.1 thru A1.11
4. A4.2

Regards,
Lucy

From: Chung, Lucy
Sent: Tuesday, September 20, 2011 11:22 AM
To: Chung, Lucy; Albion, Janet M.; Brady, Lawrence; Rochester, Randy
Subject: RE: Special Request

Hi again,
Apologies. I meant to say "our office was NOT provided a copy of this set".
Regards,
Lucy

From: Chung, Lucy
Sent: Tuesday, September 20, 2011 11:18 AM
To: Albion, Janet M.; Brady, Lawrence; Rochester, Randy
Subject: RE: Special Request

Hi all,

Will do. I've spent all morning searching for this. The problem is that when we had the loss of the backup & subsequent file restoration earlier this year we ended up with a multitude of superseded files reappearing on the server in addition to missing documents etc. Because the project was not active, we did not undergo a recovery exercise from our own external hard drive. Thus far, no luck.

I believe Phase 1A was assembled & tendered by Conyers & Associates – our office was provided a copy of this set. Please advise how you wish for me to proceed.

Regards,
Lucy

From: Albion, Janet M.
Sent: Tuesday, September 20, 2011 8:31 AM
To: Chung, Lucy; Brady, Lawrence
Subject: FW: Special Request

Hi

Can someone action this request asap please

Janet Albion
Interim Director - Office of Project Management & Procurement
Ministry of Finance
Tel: (441) 295-5151 ext 1316
Cell: (441) 535-7657
Fax: (441) 295-5727
e-mail: jmalbion@gov.bm

From: Rochester, Randy
Sent: Monday, September 19, 2011 3:22 PM
To: Albion, Janet M.
Subject: Fw: Special Request

Hi Janet,

Can you have Lucy action the request below.

Thanks much,

Randy

From: Charlita Saltus <CSaltus@cassoc.bm>
To: Rochester, Randy
Sent: Mon Sep 19 15:21:41 2011
Subject: RE: Special Request

PS,

The drawings that we have do not appear to be a complete set. Lucy should be able to print another copy of the drawings from their drawing files. Can you let me know?

Regards,

Charlita Saltus, AIA NCARB MIBA
President



Conyers & Associates Ltd
Architecture, Interior Design & Project Management
Andrews Place, 5th Floor

219
LB

51 Church Street, Hamilton HM12, Bermuda
P.O. Box HM 3185, Hamilton HM NX, Bermuda

T: 441-292-8503 F: 441-292-8362 E: csaltus@cassoc.bm W: www.conversassociates.com

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From: Rochester, Randy [mailto:rerochester@gov.bm]
Sent: Monday, September 19, 2011 3:02 PM
To: Charlita Saltus
Subject: FW: Special Request

CS,

Please see the reply from Lucy.

From: Rayner, Mioshi E.
Sent: Monday, September 19, 2011 1:05 PM
To: Rochester, Randy; Chung, Lucy
Cc: Rogers, June; Brady, Lawrence
Subject: RE: Special Request

Sir,

Please see below, Lucy Chung's response for your request.

Best regards,

Mioshi

From: Chung, Lucy
Sent: Monday, September 19, 2011 1:00 PM
To: Rayner, Mioshi E.
Cc: Rogers, June; Brady, Lawrence
Subject: Re: Special Request

Hello Mioshi,
We had given the dwgs to PS Horton, who passed them on to Conyers & Associates. They would be your best bet now since our department is currently undergoing changes, including the movement of files, disposal of dwgs etc.
Regards,
Lucy

From: Rayner, Mioshi E.
To: Chung, Lucy
Cc: Rogers, June
Sent: Mon Sep 19 11:27:39 2011
Subject: Special Request

Good day Lucy,

I am writing on behalf of PS Rochester. The PS is urgently seeking a copy of the BID set of Drawings issued to The Ministry of Work and Engineering (Public Works) during your departments time with our Ministry and the projects early phase (1A) pertaining to the Marsh Folly project no. # 34.79.51. Thank you in advance for your assistance in this matter.

Best regards,

Mioshi Rayner

Administrative Clerk, Records Dept.

Ministry of Public Works

56 Church Street

Hamilton, HM12

TEL: 294-9192/ Ext. 1151

EMAIL: emrayner@gov.bm

5. Laboratory Contract for Southside

The Commission's concern relates to apparent interference in the tendering process in favour of Vernon Burgess, trading as Concorde Construction ("Concorde"). The Commission's current understanding is that the tender process changed from a tender to refit a building in Lolly's Well, to a tender to fit out a site in Southside. It appears that Minister Derrick Burgess was involved in the tendering process at an early stage and advocated in favour of Concorde, which is the trading name for Vernon Burgess. It further appears that the Minister agreed, during a site meeting with Concorde, to reduce the tender requirements for Concorde. Lastly, it appears that the recommendation from the technical specialists in W&E was then amended to remove references to these facts.

We would be grateful if you could assist us, generally, by commenting on the Commission's understanding set out above and, specifically, in answering the following questions:

- (i) Was the Minister / the Permanent Secretary involved in the evaluation of the tenders? If so, please explain the extent of such involvement.
- (ii) Was W&E's recommendation redrafted to produce the further version dated 12th April 2010? If so, please explain who you believe redrafted it.

March 2010

5.
 - A. I had no involvement in this Project. PS Robert Horton/Minister Derrick Burgess elected to instruct junior/seconded staff directly.
 - B. However, please see: email March 30, 2010: "We would advise against accepting any of the tenders."
 - C. Email October 1, 2010, confirms point A, showing Minister Burgess giving instructions to seconded staff.
 - D. Report of the Auditor General December 2014, response from the Former Minister of Works and Engineering Derrick Burgess, February 2016, III, (3) General Contractor Services – Interior Fit Out and Relocation of Environmental Health Laboratory, Lolly's Well Road, Smith's FL05. The Minister states: "I did 'interfere'." He continues: "I subsequently directed that the tender documents be modified and the job re-tendered. As a result of my 'interference', Cabinet approved a Contract Award Recommendation in the amount of \$974,500 for the laboratory to be relocated to Building 322, Southside, thereby effecting a savings of some \$316,500".
 - E. Please note, re: final quote above, " ... thereby effecting a savings of some **\$316,500**", the Payment Certificate for Contract Services #20 dated 18th January 2012 for **\$1,771,788.50**.

Brady, Lawrence

From: Horton, Robert
Sent: Monday, February 08, 2010 7:50 PM
To: Jones, Warren; Walker, Bryan; Burgess, Derrick
Cc: Tucker, Stephen P.; Friend, Paul; Brady, Lawrence
Subject: Re: Lollys Well Lease and fit out.

Agreed! Our efforts must be turned towards completion of the Marsh Folly facility by 2013.

RKH

Sent from my BlackBerry Wireless Handheld

From: Jones, Warren
To: Horton, Robert; Walker, Bryan; Burgess, Derrick
Cc: Tucker, Stephen P.; Friend, Paul; Brady, Lawrence
Sent: Mon Feb 08 17:06:54 2010
Subject: Re: Lollys Well Lease and fit out.

Mr. Horton, there will be no delay to the hospital project and therefore such a discussion should not even be contemplated. We are not contemplating this since the developer will have significant costs if they miss deadlines. All plans should be for the lab to begin as planned and complete by 2013.

Warren W. Jones

Sent from my BlackBerry Wireless Handheld

From: Horton, Robert
To: Walker, Bryan; Burgess, Derrick
Cc: Tucker, Stephen P.; Friend, Paul; Jones, Warren; Brady, Lawrence
Sent: Mon Feb 08 15:53:54 2010
Subject: Re: Lollys Well Lease and fit out.

Bryan:

A possible delay in the hospital project in no way affects the Lolly's well lease. The critical component is completion of the Marsh Folly Facility where the new labs, vector control, etc. will be located. At a meeting of the Capital Expenditure Committee meeting two Fridays ago, it was agreed that commencement of that project would be delayed to fiscal 2011/12. In the circumstances, it would be useful to discuss the feasibility of a longer lease.

By copy of this e-mail, I am inviting Warren Jones Permanent Secretary, Ministry of Health, to comment, that is, if he has by now recovered from his viit to the Emirates Stadium yesterday for the pulsating Aresenal vs. Chelsea game!

You will note that I have copied in Lawrence Brady also.

RKH

Sent from my BlackBerry Wireless Handheld

From: Walker, Bryan
To: Burgess, Derrick
Cc: Tucker, Stephen P.; Horton, Robert; Friend, Paul
Sent: Mon Feb 08 14:38:17 2010
Subject: FW: Lollys Well Lease and fit out.

223
LB
1

Minister, thinking about this further, if the Development of the Hospital is to be delayed (?) perhaps I should try to negotiate a longer lease with a break option? Say 6 years with a break after 3 years or similar? It is extremely likely that the Landlord would give a further lease in three years time (when the 2 years with further 1 year option currently agreed expires) if requested but a longer lease may help justify the initial high fit out costs?

It is also my understanding, although this will need to be clarified by Health/Architects, that some of the fit out is specialist equipment and is transferable when the permanent Hospital development is completed.

I will hold back until such time as I receive your further direction on this matter.

Kind Regards

Bryan

From: Walker, Bryan
Sent: Monday, February 08, 2010 1:10 PM
To: Burgess, Derrick
Cc: Horton, Robert; Tucker, Stephen P.; Friend, Paul
Subject: Lollys Well Lease and fit out.

Minister following a conversation with Paul Friend I understand you wish to be apprised of the above.

Estates were approached back in August 2009 by Architects and informed that space was desperately needed for the temporary move of the Hospital Labs. This came about following the proposed redevelopment of the KEMH site. I had initial meetings with Warren Jones of Health and subsequent meetings with David Kendall and John Cann clarifying what was required. I was told a facility was needed and that Health had the funds for all specialist fit out costs. It was made clear this was an essential project that had to go ahead. When I asked about the length of lease required I was told, due to the initial temporary nature of the move, a lease of 2 years with an option for a third year to be adequate despite the high costs of fitting out works.

A search was done for suitable space which also included office space in Town with an opinion of costs supplied by Architects. Both Architects and I advised that perhaps fit out costs in town might be cheaper but due to operational needs and specialist fit out, apparently required by Health, they chose to go with the Lolly's Well option. It should be noted that at all stages Health were advised that they would be liable for all rent and fit out costs.

Architects produced estimated costs for the fit out of the facility which were agreed with Health. Architects are to project manage all fit out works to the premises.

A similar request for temporary space for Environmental Health and Vector Control was also requested and a new lease has just been finalized for this, with all terms and fit out costs agreed with Health.

It does appear to be a lot of Government funds that have been allocated to the fitting out of premises given the temporary nature, however when I queried this initially I was told it was an essential project that needed to go ahead to facilitate the Hospital Development. I have kept both PS Horton and the Acting Chief Surveyor apprised of lease negotiations as they have been ongoing.

It should be noted that the lease for Lollys Well has yet to be signed and we could negotiate a longer lease (I am sure the Landlord would be amenable) however I was of the understanding a shorter lease was required as an interim for the wider Hospital scheme.

If you have any further questions please don't hesitate to ask.

Kind Regards

Bryan Walker Bsc MRICS
Acting Senior Surveyor
Works and Engineering

224
LB
2

From: Walker, Bryan
Sent: Saturday, March 06, 2010 12:10 PM
To: Horton, Robert
Cc: Chung, Lucy; Brady, Lawrence; Tucker, Stephen P.; Sherwood, Valerie
Subject: FW: Temporary Health Lab: Building 322 Southside

PS, for clarification the rent at Lollys Well is \$139,000 over the first year and \$151,500 for the following two years giving a total of \$442,000 over three years. Based on Architects figures below and assuming nil rent at building 322 (BLDC building) the fit out at Lollys Well would have to exceed \$1.79 m before building 322 would become a better option financially (over 3 years). It is my understanding based on figures received from Architects that Lollys Well fit out will be in the region of \$1.5m but I would ask Architects to confirm this.

The one good point about building 322 is that we would be renovating a Government building, albeit for a specialist purpose. However there is the issue of timing and although Architects have not specifically noted anything below I am assuming as there is a lot more work to be done at building 322 by way of preparatory works it would take a lot longer to bring on line than Lollys Well.

Kind Regards

Bryan

From: Chung, Lucy
Sent: Friday, March 05, 2010 3:15 PM
To: Walker, Bryan
Subject: FW: Temporary Health Lab: Building 322 Southside

fyi

From: Chung, Lucy
Sent: Friday, March 05, 2010 3:11 PM
To: Horton, Robert
Cc: Brady, Lawrence; Corday, Peter D.; Burnham, Jeremy P.
Subject: Temporary Health Lab: Building 322 Southside

PS,

As requested, Peter Corday & Jerry Burnham visited Building 322 Southside this morning to assess it's suitability for the temporary health labs.

We can provide the following observations:

1. This is a single storey concrete block building with a flat concrete roof.
2. The floor area is approximately 13,218 square feet, which is significantly higher than the required 5,500 square feet.
3. The building is in a serious state of disrepair - a substantial amount of stripping out work and upgrading of services will be required prior to commencement of new works.

225

LB

1

4. A portion of the building contains an existing corridor lined with offices that may be usable. Remaining elements such as suspending ceiling, floor covering etc. will need to be stripped out.

5. There is existing a/c and electrical in the building; however, given the state of the building and the time that it has remained uninhabited we are assuming that their complete replacement would be required. We would need a mechanical engineer's & electrical engineer's assessment to determine if any part of these systems is salvageable.

6. The flat roof is holding water which is leaking to the spaces below. In the electrical room portions of the concrete panels which form the structure of the roof are spalling leaving wire mesh exposed. We would need a structural engineer's assessment to ascertain the extent of roof repair / replacement required.

7. The existing VCT floor tiles are likely to contain asbestos. Appropriate removal procedures will apply.

8. An asbestos assessment report will be required.

9. Significant mechanical and electrical works will be required.

10. Parking is limited to 5 or 6 spaces in front of the building.

11. This building was previously used as the Police forensic lab. It may be useful to inquire as to why they vacated the space (in case the problems still exist).

12. There appears to be excessive mold in the building which will have to be cleaned / abated.

13. Project cost is estimated at \$2,230,000. Please note that this includes stripping out and cleaning up of the entire 13,218 square feet of the building but only renovation of the required 5,500 square feet for the lab. In other words, there will remain 7,718 square feet of stripped out but not renovated space.

From: Chung, Lucy
Sent: Tuesday, March 30, 2010 12:11 PM
To: Horton, Robert
Cc: Brady, Lawrence; Burnham, Jeremy P.; Bowman, Charlie
Subject: Temporary Labs, 322 Southside: Concorde Construction

PS,

We have now received confirmation from Concorde Construction with respect to which allowances are included and excluded in their bid per attached documents. In addition, we would have expected their bid to remain the same but Concorde Construction has revised and resubmitted a higher bid (from the original \$ 886,000 to \$ 974,500). For the avoidance of doubt, Concorde Construction was contacted to confirm all of the above.

Analysis of Concorde Construction's bid:

1. Increased bid from \$ 886,000 to \$ 974,500
2. Confirmed that allowance for Air Conditioning is NOT included at \$159,000. Presumably this is based on the Minister's notification that BLDC would be providing new ductwork throughout and that the air handling unit is new (and presumably sufficient for the new use).
3. Presumably their bid would not have included the ceiling, which the Minister noted on site is going to be replaced by BLDC. At approximately \$30/sf for an area of 5,000 sf this would translate into a savings of \$150,000.
4. There may be other exclusions in this bid that we are unaware of as we were not present at the original meeting between Concorde Construction and the Minister when the project was discussed. This would give Concorde Construction an unfair advantage in the submission of their bid.

We acknowledge the Minister's clarification at the site visit that he is not concerned with the other bidders. However, we thought it may be helpful to provide the following comparison of all the bids once adjusted to match Concorde Construction's bid (i.e. delete Air Conditioning and ceiling):

Bidder	bid	(bid revised per points above)
Concorde Construction	\$ 866,000.00	(\$ 974,500)

DeCosta Construction \$1,276,000.00 (\$ 967,000)

Burt Construction \$1,320,000.00 (\$ 1,011,000)

Greymane Contracting \$1,341,059.00 (\$ 1,032,059)

Coleron Construction \$1,600,000.00 (\$ 1,291,000)

We would advise against accepting any of the tenders as the project has not been designed for these premises and the scope of work will vary from that specified for the previous location at Lolly's Well. In addition, our present course is highly irregular as it relates to Financial Instructions & the Tendering process and may raise questions if audited.

Although it will take time, we would suggest re-issuing full tender documents with all works identified - this being the only way in which an accurate contract sum can be confirmed as at present there are too many variables. We are of the understanding that you have kept the Ministry of Health's Permanent Secretary apprised of the current situation.

Please advise on the next steps.

Regards,

Lucy

Brady, Lawrence

From: Brady, Lawrence
To: Chung, Lucy
Cc:
Subject: Re: LB - please advise
Attachments:

Sent: Fri 4/16/2010 1:06 AM

Sorry for the delay Lucy,
Down in Greece GPS does not work or the blackberry.
I would say to inform Thomasina in a memo as she is the CFO - and has to be made aware of it. If you don't get any response then it would have to be the Accountant General.

----- Original Message -----

From: Chung, Lucy
To: Brady, Lawrence
Sent: Tue Apr 13 22:13:05 2010
Subject: LB - please advise

Lawrence,

I received a copy of the CAR today for Concorde Construction for bldg 322 Southside Lab project as revised by the PS. He did not advise if Cabinet approval was received.

It differs significantly from what we prepared for Acting PS Outerbridge. In our version we had removed our Department's name from the heading because it was a recommendation put forth by the Minister and not our Department. In addition some facts were omitted. Overall, the document was misleading and gives the impression that a somewhat proper tendering procedure was followed and that our Department not only recommended Concorde but feel they are experienced & qualified to do the job.

My question is how much detail should I go into when I respond to the PS in terms of setting the record straight? Should I just acknowledge receipt and mention that it is somewhat misleading? Or should I outline the misleading elements point by point? Should I draw it to anyone else's attention? Thomasina?

Regards,
Lucy

Brady, Lawrence

From: Bowman, Charlie
Sent: Wednesday, April 21, 2010 8:39 AM
To: Chung, Lucy
Cc: Brady, Lawrence
Subject: RE: Labs at Building 322 Southside

Lucy

I started the draft contract for Lolly's Well - only the contractors details were to be added

Main problem is recording the scope of work - unknown BLDC input- and list of drawings, we could prepare a list only and complete the drawings in due course

Thoughts ?

Charlie

From: Chung, Lucy
Sent: Wednesday, April 21, 2010 12:51 AM
To: Bowman, Charlie
Cc: Brady, Lawrence
Subject: FW: Labs at Building 322 Southside

Charlie,

I only just now realized that in item 6 the PS advises that Cabinet approval has been received to award the contract to Concorde Construction. As such, we can prepare the contract. What is the basis of the contract though? Do we include the Lolly's Well plan and specifications or the new plan (even though the new plan was non-existent at the time the price was submitted)?

Should we ask Jerry for his assistance in putting the contract together or will you and/or Peter be able to manage - I mean time-wise?

Regards,

Lucy

From: Horton, Robert
Sent: Thu 4/15/2010 2:18 AM
To: Chung, Lucy
Cc: Bowman, Charlie; Brady, Lawrence
Subject: RE: Labs at Building 322 Southside

Lucy:

Your e-mail of 2:39 p.m. yesterday refers.

I offer the following response:

1. I hereby confirm that Building 322 Southside is now the selected site for the Environmental Health Laboratory
2. I shall advise the Estates Section.
3. Yes, you are free to discuss the layout with the Department of Health.
4. Yes, please prepare the required documents for a Building Permit.
5. I do not know the scope of work agreed between the Minister & BLDC, but shall advise tomorrow following consultation with the Minister and the BLDC Chairman.
6. Cabinet did not approve the Contract Award Recommendation yesterday, as it requested sight of the BWC report first. That report was received today and the go-ahead has now been given for the award of the contract to Concorde Construction. Therefore, you may prepare the required contract.

Mr. Burgess will have to be advised that a payment plan will have to be agreed between himself and the Office of the Tax Commissioner.

RKH

From: Chung, Lucy
Sent: Wednesday, April 14, 2010 2:39 PM
To: Horton, Robert
Cc: Brady, Lawrence; Burnham, Jeremy P.
Subject: Labs at Building 322 Southside

PS,

We have received your revised Cabinet Award Recommendation for Concorde Construction on the Environmental Health Laboratory, dated 12th April 2010.

A few queries please:

7. For the avoidance of doubt please could you confirm that Building 322 Southside is now the selected site?

8. If so, should we advise Estates?
9. Can we now discuss the layout with the Client Department?
10. We will now work in earnest on preparing documents for a Building Permit - correct?
11. Would you know the scope of work agreed between the Minister & BLDC? For example, new ceiling tile only or new ceiling grid & tiles etc.
12. Was Cabinet Approval received for Concorde Construction?

Financial Check results for Concorde Construction indicate that they owe approximately \$56,000 to various government departments. The bulk of that is to the Tax Commissioner for which they do have a payment plan in place.

Regards,

Lucy

Brady, Lawrence

From: Horton, Robert
Sent: Wednesday, June 04, 2008 6:55 PM
To: Brady, Lawrence
Subject: RE: Transfer of Government Central Laboratory

Lawrence:

The Minister wishes for you to join him and Minister Bascome on a site visit to the current Government Laboratory/Vevtor Control on Point Finger Road at 12:00 noon tomorrow.

Kindly stand by for specific meeting location.

Thanks.

RKH

-----Original Message-----

From: Richardson, Paulette
Sent: Wednesday, June 04, 2008 11:15 AM
To: Horton, Robert
Cc: Cann, John; Brady, Lawrence
Subject: RE: Transfer of Government Central Laboratory

Mr. Horton, I wish to confirm site visit for tomorrow, Thursday, 5th June at 12 noon with your Minister.

-----Original Message-----

From: Jones, Warren
Sent: Wednesday, June 04, 2008 7:42 AM
To: Horton, Robert
Cc: Cann, John; Brady, Lawrence; Richardson, Paulette
Subject: RE: Transfer of Government Central Laboratory

Good morning Mr. Horton, thanks for your response, although I have to question the 3:38 a.m. timing.... :)

This puts a lot in perspective for me. I was not in attendance at the meeting held with your Minister and the Chief Architect and was only made aware of it after the fact. Therefore, I believe that to be the reason why I am playing catch up. My Minister did not share the information out of that meeting as noted below. If I had been aware, my e-mail would have been far different and staff would also have been aware of what was taking place before the visit occurred.

I am pleased to see that we are moving forward. Your response is great timing since we have a Ministry wide meeting this morning. I can provide any clarification should concerns arise based on this information.

Could we please ensure going forward that the CMO and I am in the loop so that we avoid any confusion. Our staff has seen this picture many times before and therefore don't have much faith that we really care about their work environment. What today appears to be support, tomorrow is outrage as they share views with their counterparts.

The only way to keep that under control will be through communication that involves the CMO and myself so that we can run interference where necessary.

Thanks again.

WJ

-----Original Message-----

From: Horton, Robert
Sent: Wednesday, June 04, 2008 3:38 AM
To: Jones, Warren
Cc: Cann, John; Brady, Lawrence; Richardson, Paulette
Subject: RE: Transfer of Government Central Laboratory

Dear Warren:

Apologies for the late [or early!!] dispatch of this e-mail.

You will recall that a few months ago, you met with my Minister, the Chief Architect et al at the Ministry of Works and Engineering to discuss the fact that the new Government Central Laboratory would no longer be sited at the former Woodlands School. We advised that (1) Education now had use of the former Woodlands School for a preschool and (2) the decision to site the Government Central Laboratory at Marsh Folly in lieu of the former Woodlands School would be more cost effective and allow for a shortened timeline for the overall project. Since that meeting, the Ministry of Works and Engineering has been working steadfastly towards siting the Government Central Laboratory in a new purpose-built structure at Marsh Folly.

I am surprised, therefore, to learn that staff within your Ministry were either unaware of the planned construction of the new facility at Marsh Folly or unhappy at the decision to locate the new facility there. You express surprise that "with all of the discussion going on between our Ministers and senior team regarding this issue,anyone would approach the staff stage without first of all putting the Minister and (you) in the loop". I regret the confusion in this regard, as we at Works and Engineering truly believed that your Minister and you were in the loop. We also believed that your Minister's requested site visit to the current laboratory, Vector Control, etc. [Paulette's e-mail request of 27th May, 2008] was related to the planned move. By the way, my Minister has offered 12:00 noon on Thursday, 5th June, 2008 for the requested site visit. Kindly confirm your Minister's availability for that date and time.

You will find attached for your consideration the copy of the status report of 27th May, 2008 that my Minister received from the Chief Architect regarding the new facility. You will note that the Chief Engineer refers to his meeting of 6th May, 2008 with your staff. You will note also the Chief Architect's observation that whilst the proposal to site the laboratory at Marsh Folly was well received by Ministry of Health staff who accepted the proposed layout, there were expressions of concern about the proposed Marsh Folly location from a security perspective and about possible odour from compost material nearby. I deeply regret that you were not apprised of the meeting of 6th May, 2008.

You speak of the length of time that it is taking to bring this project to fruition and your Ministry's good fortune that there has been no industrial action as a result of the protracted timeline. Here, I am obliged to remind you of the Ministry of Works and Engineering's advice that the construction of a purpose-built facility at Marsh Folly location would be completed more quickly than reconfiguration/construction of a facility at the former Woodlands School site.

Please do not hesitate to contact the Chief Architect or me should you have any additional enquiries regarding the captioned matter.

RKH

From: Jones, Warren
Sent: Tuesday, June 03, 2008 4:51 PM
To: Horton, Robert
Subject: Transfer of Government Central Laboratory

Good afternoon Mr. Horton, during my regular meeting with the CMO this afternoon, he advised me of a troubling development as it relates to the ongoing issue of the transfer of the Lab and Environmental Health Section.

Apparently one of your staff met with members of staff of those two locations and advised them of plans to move them to Marsh Folly. This of course has not gone down well and has raised concerns that that we do not care about the staff if we would place them at the dump where the garbage trucks are cleaned and parked.

With all of the discussion going on between our Ministers and senior team regarding this issue, I am surprised that anyone would approach the staff stage without first of all putting the Minister and I in the loop.

I was not aware that this issue had progressed to any degree and you will be aware that I have been making contact with you on a regular basis for updates. Secondly, it is a very sensitive issue and has to be massaged.

Therefore I would have wanted to be the first to know of any thinking regarding the way forward.

I have a Town Hall meeting with staff tomorrow and am sure this will be brought up. We will calm the waters the best we can but can you please provide me with an update on the where, when and how we intend to move this initiative forward at the earliest opportunity. We have been fortunate that industrial action hasn't happened over the length of time it is taking to resolve this and we will need to be careful that we don't bring it on as a result of not moving carefully and deliberately.

Warren

From: Chung, Lucy
Sent: Friday, October 01, 2010 2:30 PM
To: Corday, Peter D.
Cc: Brady, Lawrence; Burnham, Jeremy P.
Subject: RE: Labs, 332 Southside: taking instructions directly from the Minister

Peter,

In future, please refrain from shouting at me. Both Lawrence & I have asked you on several occasions to document in writing your meeting with the Minister - for your own good. You not having done so is what initiated the words of advice below. I am offended by your accusation that I am working "dirty", please try to contain your anger and to conduct yourself in a professional manner in the office.

Regards,
Lucy

From: Chung, Lucy
Sent: Friday, October 01, 2010 12:04 PM
To: Corday, Peter D.
Cc: Brady, Lawrence; Burnham, Jeremy P.
Subject: Labs, 332 Southside: taking instructions directly from the Minister

Peter,

As confirmation, and for the avoidance of any doubt, I would like to note that you have been **taking instructions** and advising the Minister directly on the 332 Southside project. Since our involvement, as a Department generally, was not directed we would like to remind you of your role & responsibilities and offer some words of advice. It would be in your best interests (and a requirement) to follow best practice: maintain good records; follow Financial Instructions and know well the status of the project with respect to cost and time.

Regards,
Lucy

Lucy Chung, Architect
W&E, Bermuda Government
Tel: 441-297-7679
Fax: 441-295-4675
Email: lchung@gov.bm

From: Horton, Robert
Sent: Monday, November 15, 2010 11:05 PM
To: Manders, Anthony
Cc: Scott, Donald; Hall-Bean, Judith; Brady, Lawrence; Chung, Lucy
Subject: Environmental Health Lab at Southside

Mr. Anthony Manders
Acting Financial Secretary
Ministry of Finance

Dear Anthony:

Mrs. Judith Hall-Bean, Assistant Financial Secretary (Committees), today advised that you would be serving as Acting Financial Secretary with immediate effect. Congratulations!

You will know that **with effect from 29th October, 2010**, responsibility for the **Department of Architectural Design and Construction was transferred from the former Ministry of Works and Engineering to the Ministry of Finance**. In this regard, please be advised that the Hon. Derrick V. Burgess, JP, MP, Minister of Public Works, has informed me that the Hon. Paula A. Cox, JP, MP, Premier and Minister of Finance, has **agreed that the following four projects** may **continue with Ministry of Public Works** oversight until they have been completed or until 31st January, 2011 at the latest:

- (1) Dame Lois Browne-Evans Building
- (2) **Environmental Health Lab at Southside**
- (3) **Department of Health Vector Control at Former Metro Building, Devonshire**
- (4) Bermuda Police Service Senior Officers' Accommodation at "Veritas Place", 65 Court Street, Hamilton

My concern relates to (2) Environmental Health Lab at Southside.

You will note from the attached e-mail chain that Mr. Peter Corday, a consultant architect within the Department of Architectural Design and Construction, is refusing to report to me or to sign-off on documents relating to this critically important project, notwithstanding the requests of Mr. Lawrence Brady, Chief Architect, and Mrs. Lucy Chung, Senior Architect, that he do so. With the lab scheduled to be opened in a matter of weeks, Mr. Corday's position is likely to delay considerably the lab's completion. The Environmental Health lab has already commenced its move from Point Finger Road and is to be housed at costly alternative locations until the lab at Southside is completed. You will appreciate, therefore, the myriad challenges associated with any delay in this regard.

In these circumstances, I would like to meet with you at the earliest possible time this week in order that we might resolve a matter that has the potential of being enormously embarrassing to the Government. No doubt you would wish Mr. Brady and Mrs. Chung to be in attendance also.

Many thanks for your consideration in this regard.

Robert K. Horton
Permanent Secretary
Ministry of Public Works

FILE COPY FILE COPY

13.IE.50/07

APPROVED E1 PO#21114796



GOVERNMENT OF BERMUDA

Ministry of Finance

Office of Project Management & Procurement



PAYMENT CERTIFICATE for CONTRACT SERVICES

Contractor: CONCORDE CONSTRUCTION
Project Name: ENVIRONMENTAL HEALTH LABS, SOUTHSIDE
Project No.: 13.IE.50 File No.: 13.IE.50/07

In accordance with your Application for payment dated 18th JANUARY 2012
For work performed between 7th DECEMBER 2011 and 18th JANUARY 2012

STATEMENT of ACCOUNT

Table with 8 rows: 1. Original Contract Sum \$974,500.00, 2. Change Orders and Agreed CCD's \$797,288.50, 3. Contract Sum to date \$1,771,788.50, 4. Total value of work completed to date \$1,771,788.50, 5. Less retention 5% AND LESS HALF DEMO \$86,909.18, 6. Net Value (Line 4 minus Line 5) \$1,684,879.33, 7. Less previous payments (Line 6 from previous certificate) \$1,644,626.04, 8. CONTRACT PAYMENT NOW DUE \$40,253.28

CABINET CONCLUSION NO.15(10)22(ii)
WIRE PAYMENT.
FINANCIAL YEAR 2011-2012
CERTIFICATION APPROVED E1 PO#21114796

\$ 40,253.28

*5% RETENTION = \$88,589.43
LESS HALF DEMO = \$1680.25
∴ \$88,589.43 - \$1680.25 = \$86,909.18

I certify that these goods or services are solely for Government Account, are proper charges against the votes indicated and will not cause any excess thereon, and that all relevant Financial Instructions have been complied with.

Project Manager: [Signature] FOR THE MINISTER OF PUBLIC WORKS
Date: 28 MARCH 2012
Accounting Officer: [Signature]
Date: 28/3/12

Table with 2 columns: ACCOUNT NUMBER, AMOUNT. Row 1: WO# 9553.5270, \$40,253.28. Total: \$40,253.28

6. Renovations Department of Human Resources

The Commission's concern relates to the inappropriate tendering process in this project and apparent lack of Cabinet approval for this project. The paperwork suggests that the Head of the Civil Service instructed the Ministry to negotiate the contract directly with Greymane Contracting Ltd without following any tendering process.

We would be grateful if you could assist us, generally, by commenting on the Commission's understanding set out above. You should be aware that the Commission is considering not only whether Financial Instructions were properly followed but also whether Ministers and/or senior civil servants potentially breached and/or countenanced breaches of Financial Instructions in the

award of Government contracts and/or in the processing of payments to contractors out of public monies.

June 2008

6

- A. I had minimal input initially, then none as the Project developed.
- B. Project Manager for the Project was Lucy Chung of W&E, then Stephen Squires, a technician with the Department.
- C. Please see: email June 13, 2008, " ... there will be no new construction ..."
- D. Email 9, September 2008 11:14, Item 4: "There was mention that it may be possible to eliminate the Building Permit process and Tender Period. The latter is straightforward in that, with your permission, we will negotiate a cost with a Contractor who we are confident can work very quickly."
- E. Email September 9, 2008 11:44, Item 4: "Please proceed with negotiating a cost with a contractor..."
- F. **See PFA 6.11 Exceptional Circumstances. 6.11.3. The method of procurement may be by negotiation with a single entity (subject to the approval of the Permanent Secretary) for projects such as continuation contracts, where there is single capable contract, supplier and/or vendor, where there is an operational emergency or a national emergency. The procedure may vary depending on the circumstances and time allowed. Usually, a lump-sum price or schedule of rates will be received from a contractor, supplier, and/or vendor based on Tender Documents, which may possibly be incomplete. Depending on the information available, a fair price for the work will be negotiated based on measurements and allowances, re: PFA 6.11.4, that should special circumstances such as the economic climate or market conditions (including the unavailability of specialized services) be such that procurement of**

the contract services could not be carried out in accordance with Policy objectives, particularly with regard to fairness and value for money, the Permanent Secretary shall advise on the method of procurement, if such circumstances make it necessary to deviate from this procedure.

The Management Accountant is responsible for the review of payments and would have requested the contract and Cabinet conclusion number before the payment was made to ensure the payment is in alignment with the contract. When it is determined there is no contract, Financial Instructions require that a written explanation is requested and the infringement would be reported to the Permanent Secretary and the Accountant General. If the Government is provided a service or goods they are obligated to pay the vendor for services and goods received. When the technical officer/ project manager verifies that the work was completed the Government is obligated to make the payment to the vendor for services rendered.

Brady, Lawrence

From: Brown, David
Sent: Thursday, January 24, 2008 2:11 PM
To: Friend, Paul
Cc: Horton, Robert; Brady, Lawrence
Subject: RE: Assignment of lease - 3rd Floor 129 I&W Building
Attachments: image001.jpg.html

Paul the Minister will be signing, and Cabinet's consent will not be sought. The minister sees no reason to break with tradition that in the past the minister has signed leases without Cabinet's approval. Perhaps you would be kind enough to prepare the documents accordingly. The documents refer to certain users but you will see from the request below that this may change.

Discussions are continuing about an alternative user for the accommodation. This will not alter Government's wish to have the premises if not acceptable to the landlord but may put an alternative occupier in there if accepted by the landlord. We are thinking about using part for the commercial courts. This is obviously for private and civil disputes and not criminal of course. Effectively they need meeting rooms, of varying sizes, only.

Can you see if the landlord would be prepared to accept this alternative use for (the larger) part of the floor please?

Thanks

David

From: Friend, Paul
Sent: Thursday, January 24, 2008 1:44 PM
To: Brown, David
Subject: RE: Assignment of lease - 3rd Floor 129 I&W Building

David,

Are we proceeding? Should I agree to receive engrossments?

Thanks

From: Friend, Paul
Sent: Wednesday, January 23, 2008 3:30 PM
To: Brown, David
Subject: FW: Assignment of lease - 3rd Floor 129 I&W Building

David,

Please see below and my draft memo in anticipation of receiving the engrossments. I await your instructions to proceed. Please also confirm whether the Minister or PS will be signing

Thanks

Paul

From: Simon Davis [<mailto:sdavis@mjm.bm>]
Sent: Wednesday, January 23, 2008 3:24 PM
To: Friend, Paul
Cc: robert.a.morelli@bob.hsbc.com; j.d.massa@bob.hsbc.com
Subject: Assignment of lease - 3rd Floor 129 I&W Building

241
LB
1

Dear Paul,

I have just left you a voicemail but in case you get this first, are you able to approve the Bill of Sale and amended Assignment? I am keen to engross and circulate for execution.

Look forward to hearing from you.

Kind regards,

Simon



Simon Davis
Associate
Dir 441.294.3632
Fax 441.296.4172
sdavis@mjm.bm
www.mjm.bm

Thistle House
4 Burnaby Street
Hamilton HM 11
PO Box HM 1564
Hamilton HM FX
Bermuda

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From: Dill, Kenneth
Sent: Thursday, March 06, 2008 8:28 AM
To: Horton, Robert
Cc: Brady, Lawrence
Subject: ACcommodation

Importance: High

Good morning Robert and Brady,

Following our site visit at 129 Front Street, I set out below the accommodation requirements for the Cabinet Office.

Please note that all posts are established.

Headquarters

Head of the Civil Service
Assistant Cabinet Secretary (Civil Service)
Safety and Health Officer
Administration Assistant
Board Room

Department of Management Services

Director
2 x Senior Management Services Officers
4 x Management Services Officers
1 Assistant Management Services Officer (physically challenged)
1 Trainee Management Services Officer
1 Administrative Assistant

Internal Audit Department (currently located within the Accountant General's Department has been moved to the Cabinet Office)

Executive Director
Internal Audit Manager
Internal Audit Officer
Internal Audit Assistant (Cubicle)
2 x Internal Audit Inspectors (Cubicles)
IT Specialist (Cubicle)
Administrative Assistant
Training Room

Many thanks for your assistance and advice in this regard.

Ken

243
LB
1

Brady, Lawrence

From: Chung, Lucy
Sent: Friday, June 13, 2008 4:11 PM
To: Bassett, Eugene; Neverson, Edwin
Cc: Brady, Lawrence
Subject: 129 Front Street

Eugene & Eddie,

Please note that the Department of Human Resources is now going to move to 129 Front Street.

The plan is as follows:

- Move them into approximately 2/3 of the space on the Front Street side
- **There will be no new construction**
- We will reuse the Accountant General's previous furniture from the GAB
- Cabling will be required – to be funded by ITO
- Phones will be required – to be funded by phone budget
- Another department will be moving to the other 1/3 – this is not confirmed yet
- This is to take place as soon as possible
- I am scheduled to meet with the Client, Carlita O'Brien, & Lawrence Brady to discuss the project
- We should meet after my initial meeting with the Client

Regards,
Lucy

Lucy Chung, Architect
W&E, Bermuda Government
Tel: 441-297-7679
Fax: 441-295-4675
Email: lchung@gov.bm

From: Telemaque, Marc
Sent: Monday, June 23, 2008 10:58 AM
To: Horton, Robert
Cc: Brady, Lawrence; Brown, David
Subject: Re: Internal Audit - Office Space Status

Many thanks. The sooner Internal Audit can be moved in the better. The physical co-location with the Tax Commissioner's office is becoming unworkable as the tasks of the Section increase. If it helps, I understand from Mrs. Jacobs-Matthews that the section has the funds required to move.

MT

----- Original Message -----

From: Horton, Robert
To: Telemaque, Marc
Cc: Brady, Lawrence; Brown, David
Sent: Mon Jun 23 10:55:22 2008
Subject: RE: Internal Audit - Office Space Status

Marc:

You will know that arrangements with respect to 129 Front Street [still vacant!] experienced a tremendous set back after we were instructed to accommodate the Attorney-General's Chambers in lieu of the Department of Human Resources in that space. Upon the realization that there was no funding available to accommodate the AG's Chambers's relocation to 129 Front Street, we reverted to the original proposal to locate the Human Resources Department [and the new Internal Audit section!] there. Now, I have been advised that Human Resources is requesting far more of the space at 129 Front Street than was originally the case! However, as Lawrence Brady writes, we should see clarity in this area in a week or so.

Heather writes of other rental spaces. She should know, however, that we are loathe to consider other private rental areas at this time, especially as consideration is being given to the purchase of significant properties currently owned by the Bank of Bermuda Ltd.

RKH

From: Telemaque, Marc
Sent: Friday, June 20, 2008 6:19 PM
To: Horton, Robert
Subject: FW: Internal Audit - Office Space Status
Importance: High

RKH, this is a little disconcerting. Can you assist. Is 129 Front street still vacant?

From: Matthews, Heather
Sent: Friday, June 20, 2008 2:57 PM
To: Telemaque, Marc
Cc: Hall-Bean, Judith
Subject: FW: Internal Audit - Office Space Status

Good afternoon Mr. Secretary,

FYI

From: Brady, Lawrence
Sent: Friday, June 20, 2008 1:43 PM
To: Matthews, Heather
Cc: Hayward, Joyce
Subject: RE: Internal Audit - Office Space Status

Hello Heather,

We are trying to sort out DHR requirements which could be as early as next week, once we have that agreed, that will determine how much space we have available to accommodate other needs.

I shall keep you posted on the developments.

LB

From: Matthews, Heather
Sent: Friday, June 20, 2008 1:38 PM
To: Brady, Lawrence
Cc: Hayward, Joyce
Subject: Internal Audit - Office Space Status

Hi Lawrence,

Just following up on my email below. The Accountant General is anxious to have the Internal Audit section relocated as she requires the space for new hires. In addition, I must vacate my office at the Tax Commissioner's Dept. to accommodate new staff that have been hired this week and are currently housed in the boardroom.

246

LB
2

Please note that space is also available in the Brangman Building on the corner of Reid and King Street. A tenant has relocated to the new building next door at 131 Front Street.

I look forward to hearing from you at your earliest convenience.

Kind regards,

Heather

297-7748 or BB 505-1748

From: Matthews, Heather
Sent: Monday, June 09, 2008 5:18 PM
To: Brady, Lawrence
Subject: Look forward to hearing from you

Hi Lawrence,

I will wait to hear from you. I can be contacted at 735-7580. Please note that I will be on overseas leave from 12 to 17th June. Hopefully you will have some good news for us by then.

(Just in case 129 FRONT Street doesn't work out, there is space available on the Waterfront at East Broadway including parking and on Wesley Street courtesy of Bermuda Realty – Coldwell Banker newspaper insert today)

Kind regards,

Heather

Brady, Lawrence

From: Horton, Robert
Sent: Sunday, July 13, 2008 8:09 PM
To: Gilkes, Deborah
Cc: Brady, Lawrence; Chung, Lucy; Dill, Kenneth
Subject: RE: Accommodations 129 Front Street

Debbie:

You're welcome. Try not to get blown away by Bertha's blasts! [LOL]

RKH

From: Gilkes, Deborah
Sent: Sunday, July 13, 2008 7:57 PM
To: Horton, Robert
Cc: Brady, Lawrence; Chung, Lucy; Dill, Kenneth
Subject: RE: Accommodations 129 Front Street

Dear Mr. Horton:

Thank you so very much for understanding our needs.

Regards,
Debbie

From: Horton, Robert
Sent: Friday, July 11, 2008 5:50 PM
To: Gilkes, Deborah
Cc: Brady, Lawrence; Chung, Lucy; Dill, Kenneth
Subject: RE: Accommodations 129 Front Street

Debbie:

Your observations have been noted. You may be assured that we shall do our best to accommodate your request in this regard.

Have a great weekend.

RKH

From: Gilkes, Deborah
Sent: Friday, July 11, 2008 1:08 PM
To: Dill, Kenneth; Horton, Robert
Cc: Brady, Lawrence; Chung, Lucy
Subject: Accommodations 129 Front Street
Importance: High

Good Day Mr. Dill and Mr. Horton:

The meeting today was very productive regarding the move to 129 Front Street. Of course we will do our part to make this a reality. However, I made a grave oversight with respect to offices for the **Human Resource Managers and Training**

Managers. It was agreed that we would move our furniture to the location, this means that their office furniture **would not be suitable for a cubicle; therefore, is it any way that we can have offices for them.** In addition to their desk etc. they have bookcases and filing cabinets and credenzas that they need and use. **There is a need for seven offices** – I was not thinking of the practicality of them moving into cubicles. I know Lawrence mentioned about the air conditioning ducts but we cannot have them functioning with less than what is needed.

I beg for reconsideration.

Regards,
Debbie

Deborah Thomas-Gilkes

Senior Training Manager

Department of Human Resources

Global House

43 Church Street, Hamilton HM-12

Bermuda

Tel. (441) 294-9077; Fax: (441) 295-2858

email: dmgilkes@gov.bm

Brady, Lawrence

From: Chung, Lucy
Sent: Monday, July 21, 2008 3:27 PM
To: Brady, Lawrence
Subject: 129 Front Street

Lawrence,

In order to start activity at 129 Front Street – can we go ahead and get 3 prices for removing the carpet & the (small amount) of remaining furniture from the site? We have 2 quotes right now from the carpet vendors they range from about \$5,000. Do we have a cost code / cost centre for this yet? Should I just get Andrew to create one from the Office Relocation cost centre? Or do you have other plans for this?

Regards,
Lucy

Brady, Lawrence

From: Horton, Robert
Sent: Sunday, July 27, 2008 9:52 PM
To: Brown, David; Sherwood, Valerie; Brady, Lawrence
Cc: Friend, Paul
Subject: RE: Relocation of Ken Dill to alternative office

Colleagues:

The Head of the Civil Service, Assistant Cabinet Secretary (Civil Service) and their support staff WILL move to 129 Front Street, but not immediately. As you correctly indicated, Lawrence has the matter in hand.

RKH

From: Brown, David
Sent: Sunday, July 27, 2008 6:33 PM
To: Sherwood, Valerie; Brady, Lawrence
Cc: Friend, Paul; Horton, Robert
Subject: RE: Relocation of Ken Dill to alternative office

Val my understanding is that this has been agreed by Ken Dill and is to go to the rear of the 129 Front Street offices. In fact the PS sister went to inspect as recently as Thursday or Friday I think to finalise. Please speak with Lawrence who has the details and this matter in hand as far as I am aware

thanks

David d

From: Sherwood, Valerie
Sent: Sun 7/27/2008 5:26 PM
To: Brown, David
Cc: Friend, Paul; Horton, Robert
Subject: RE: Relocation of Ken Dill to alternative office

David,
Did you have a response to this, and do you need me to do anything further at this time?
Val

From: Brown, David
Sent: Tuesday, July 15, 2008 11:36 AM
To: Horton, Robert
Cc: Friend, Paul; Sherwood, Valerie
Subject: Relocation of Ken Dill to alternative office

Good day to you PS, and I have inspected the damage to the office of Ken Dill, and it is indeed quite extensive. While this can be repaired and may have been due to the storm clearly there is a fundamental problem for this location with water ingress and I recommend that we seek to **immediately relocate the H** Head of the Civil Service to an alternative office.

Do you agree to this request and if so might we consider to where he might go please?

Many thanks

251
LB
1

David

David Brown, MBA, FRICS,
Chief Surveyor,
Department of Lands, Buildings and Surveys,
Ministry of Works and Engineering
Office +441-297-7766
Cell +441-538-3004

Brady, Lawrence

From: Chung, Lucy
Sent: Tuesday, September 09, 2008 1:33 PM
To: Brady, Lawrence
Subject: FW: 129 Front Street

Lawrence,

For your information.

Please could you bring up the matter regarding the Building Permit with the PS and/or Minister?

Regards,

Lucy

From: Dill, Kenneth
Sent: Tuesday, September 09, 2008 11:44 AM
To: Chung, Lucy
Cc: Squire, Stephen; Kokosky, Christina
Subject: RE: 129 Front Street

Lucy,

1. You are to reduce the scope of HR's section as well as we don't anticipate remaining at that location at the expiration of the lease.
2. I will advise HR of the change
3. I will advise HR regarding the elimination of the training room
4. Please proceed with negotiating a cost with a contractor and please advise your Minister that he would be best placed to take up the Building Permit matter with his counterpart.

Regards,

Ken Dill

From: Chung, Lucy
Sent: 09 September 2008 11:14
To: Dill, Kenneth
Cc: Squire, Stephen; Kokosky, Christina
Subject: 129 Front Street

Mr. Dill,

Further to your meeting with Stephen Squire & Christina Kokosky from our office last week can you provide clarification on the following please?

1. Are we to apply the "reduced scope" to DHR's section as well?
2. If so, should we advise them of this change or would you be doing that?
3. Should we advise them that we will be eliminating one of their training rooms or should we?
4. There was mention that it may be possible to eliminate the Building Permit process and the Tender Period. The latter is straightforward in that, with your permission, we will negotiate a cost with a Contractor who we are confident can work very quickly. As for the Building Permit – would you or our Minister take this up at a higher level?

Regards,

Lucy

Lucy Chung, Architect

W&E, Bermuda Government

Tel: 441-297-7679

Fax: 441-295-4675

Email: lchung@gov.bm

From: Morille, Andrew
Sent: Thursday, October 09, 2008 1:18 PM
To: Brady, Lawrence; Chung, Lucy; Squire, Stephen
Subject: FW: Request for cost codes from Major Buildings Upgrade

Below are the numbers for the below projects:

1. Coffee shop, GAB - 80112.73359
2. Fire service doors - 80112.73360
3. 129 Front Street project - 80112.73361

From: Chung, Lucy
Sent: Wednesday, October 08, 2008 12:37 PM
To: Brady, Lawrence
Subject: Request for cost codes from Major Buildings Upgrade

Lawrence,

As discussed, please arrange with Accounts to create cost codes for the following projects under the cost centre 80112 (Major buildings upgrade).

4. Coffee shop, GAB - Cost code 73359
5. Fire service doors - Cost code 73360
6. 129 Front Street project - Cost Code 73361

We will continue to use 80112, 84110 even though we have opened up an 80099 account for the 129 Front Street project.

Regards,
Lucy

From: Dill, Kenneth
Sent: Friday, October 10, 2008 4:07 PM
To: Chung, Lucy
Cc: Squire, Stephen; Brady, Lawrence; Horton, Ellen-Kate; Tyrrell, Rosemary
Subject: RE: 129 Front Street - proposed additional closed offices

Hello Lucy,

I am content with my space and the space for the Admin Assistant. Ms Horton and Ms Tyrrell will revert shortly with minor observations.

Thanks very much for expediting this.

Regards,

KSD

From: Chung, Lucy
Sent: 10 October 2008 15:42
To: Dill, Kenneth
Cc: Squire, Stephen; Brady, Lawrence
Subject: 129 Front Street - proposed additional closed offices

Mr. Dill,

Per our meeting this morning attached please find a proposed floor plan that allows for the additional closed offices requested. As you know the site superintendent thought we may be able to do this work without an impact on the schedule; however, until we look at all the details we cannot confirm this to be a fact. I think we can find a way of making it work but you should be prepared for any unknown conditions (for example, we may find that many light fixtures have to be moved, or they can't find enough metal studs for another week – there could be a myriad of reasons that will affect the schedule).

You will notice that I maintained 10 spaces for Management Services even though you had advised that only 8 are presently filled. The reason is that the space is there and no compromise is required so we may as well allocate its future use.

Please review with your team as well as Brenda Dale of Management Services and advise as quickly as possible.

Regards,

Lucy

<< File: Proposed plan w new offices.pdf >>

Lucy Chung, Architect

W&E, Bermuda Government

Tel: 441-297-7679

Fax: 441-295-4675

Email: Ichung@gov.bm

From: Horton, Robert
Sent: Tuesday, October 21, 2008 8:20 AM
To: Burgess, Derrick
Cc: Horton, Ellen-Kate; Brown, David; Chung, Lucy; Dill, Kenneth; Telemaque, Marc; Brady, Lawrence
Subject: Re: 129 Front Street

Good Morning Minister:

You will recall that you gave the ok for the lease for 129 Front Street to be signed only after assurances had been received from potential users [Departments] that they had the funds required to cover the rent and design, fit-out and furnishings of the new premises. [At this juncture, it was believed that the bank, the former tenant, would leave most of its furniture there.]

Finally, the lease was signed and preparations were in train for the The Department of Human Resources to move to 129 Front Street. Then, during a Cabinet Meeting [you will remember that I was summoned to Cabinet], we were instructed that the Attorney-General's Chambers was to move to 129 Front Street instead of the Department of Human Resources. The design team was called upon to change course to accommodate the move of the AG's Chambers.

A couple of months later, we learned that Chambers had no money to cover the move. So we turned to Human Resources again, along with Management Services and the Office of the Head of the Civil Service. At this time, the Department of Human Resources advised that it no longer had the money that it thought it had to cover the move!! By now, it was also learned that the bank had removed all of its furnishings from the location.

In order to assist client Departments, the Ministry of Works and Engineering agreed to contribute towards rent, telephone and IT installation costs for 129 Front Street until the end of the current fiscal year -- with the expectation that the various Department will have secured required funding during the next fiscal year. Works and Engineering also agreed to contribute to janitorial services until the end of the fiscal year.

The current status? The Department of Human Resources, the Department of Management Services and the Office of the Head of the Civil Service are scheduled to be at 129 Front Street during early December, with the accommodation provisions less than ideal in many ways because of cost constraints.

Here's another twist, however. Now that there is the possibility that the lease for 129 Front Street will not be renewed next year following the [proposed] purchase of the two HSBC Bank of Bermuda Buildings, the Director of Human Resources has written saying that her Department would prefer to remain in its current location until the 'bank' premises, perhaps, are ready to accommodate her Department!! Of course, the Department of Human Resources move to 129 Front Street MUST take place! If not, there goes the plan to expand the Attorney-General's Chambers to the Third Floor of Global House! And further confusion.

In summary, Minister, various Departments' lack of funding and shifting decisions contributed significantly to the delays at 129 Front Street!

You ask why the lease for the rental of 129 Front Street was not submitted for Cabinet approval. I shall let David provide the definitive response here. However, I do not believe that current policy requires that rental leases be approved by Cabinet. I believe that that authority rests with the Minister of Works and Engineering.

I trust that these responses suffice.

Bobby

Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: Burgess, Derrick

To: Horton, Robert; Horton, Ellen-Kate

Sent: Mon Oct 20 18:52:18 2008

Subject:

Bobby, question from Cabinet last Tuesday.-why was there a rental agreement sign in Jan 08 and some 10 months later still empty?.

Also why was it not submitted for cabinet' approval and who signed it?

Brady, Lawrence

From: Chung, Lucy
Sent: Wednesday, October 29, 2008 1:36 PM
To: Brady, Lawrence
Subject: 129 Front Street - funding
Attachments: 13.254.52 Project Budget-2008-10-29.pdf.html

Lawrence,

Attached please find the budget for works at 129 Front Street. At a previous meeting PS Horton has advised that he would speak to DHR and Management Services about funding their own construction – he only agreed to fund the rent, cleaning, utilities for the remainder of the financial year as well as moving costs. He had instructed me to fund it out of our Office Relocation Vote and that we would seek reimbursement from the Client Departments. You will note that I have shifted Management Services' moving cost to their account since they seem prepared to pay for it now (per their instruction to Stephen).

Regards,

Lucy

Lucy Chung, Architect

W&E, Bermuda Government

Tel: 441-297-7679

Fax: 441-295-4675

Email: lchung@gov.bm

Brady, Lawrence

From: Chung, Lucy
Sent: Wednesday, December 03, 2008 9:41 AM
To: Horton, Robert
Cc: Brady, Lawrence
Subject: 129 Front Street

PS Horton,

We have a meeting this morning with Carlita O'Brien regarding Human Resources' move to 129 Front Street. Did you have a chance to advise her that our Minister is not allowing us to proceed with any additional works?

Regards,
Lucy

Lucy Chung, Architect
W&E, Bermuda Government
Tel: 441-297-7679
Fax: 441-295-4675
Email: lchung@gov.bm

From: Horton, Robert
Sent: Thursday, December 04, 2008 5:37 PM
To: O'Brien, Carlita; Tyrrell, Rosemary; Dill, Kenneth; Brady, Lawrence; Squire, Stephen
Cc: Chung, Lucy; Burgess, Derrick
Subject: RE: 129 Front Street - Department of Human Resources & Management Services

Colleagues:

I wish to emphasize that the instructions set out in Ms. Chung's e-mail below have the full authority of the Hon. Derrick V. Burgess, JP, MP, Minister of Works and Engineering.

Please communicate with me directly should you have any enquiries in this regard.

Thank you.

Robert K. Horton
Permanent Secretary
Ministry of Works and Engineering

From: Chung, Lucy
Sent: Thursday, December 04, 2008 4:59 PM
To: O'Brien, Carlita; Tyrrell, Rosemary; Dill, Kenneth; Brady, Lawrence; Squire, Stephen; Horton, Robert
Subject: 129 Front Street - Department of Human Resources & Management Services

Good day all,

For the avoidance of doubt we would like to provide the following summary:

1. We have been instructed by our PS to not undertake any additional work further to the original reduced scope of work. As such the following work will not take place:
 - a. DHR - no demountable partitions. 4' high freestanding panels only. We will advise tomorrow on when these panels are expected.
 - b. DHR - no additional interior windows into the 2 offices under discussion.
 - c. DHR - no renovation to the washrooms.
 - d. Management Services - no additional sink next to the handicap washroom.
 - e. Management Services - no additional drywall partition next to the board room to create coffee area. We will provide freestanding panels per the original reduced scope of work.
 - f. Management Services - no additional drywall partition near the boardroom to create storage room.
2. The Contractor is advising that they will reach Substantial Completion on Tuesday December 9th.
3. The glass doors will not arrive on the island until December 19th. There will be a temporary door installed.
4. We have met with the Bermuda Fire Services and our electrical engineer is making some requested changes. When the changes are made we will arrange for a Fire Service inspection per standard procedure.
5. W&E have not organized movers for DHR. We can assist if this is required. Given the upcoming holidays - with people on leave and programme obligations - it is our understanding that the move will have to take place in January.

Regards,
Lucy

Lucy Chung, Architect
W&E, Bermuda Government
Tel: 441-297-7679
Fax: 441-295-4675
Email: lchung@gov.bm

Brady, Lawrence

From: Chung, Lucy
Sent: Wednesday, December 10, 2008 9:45 PM
To: Horton, Robert
Cc: Brady, Lawrence; Squire, Stephen
Subject: RE: HR Move to 129 Front Street

PS Horton,

Yes, I can walk through with you & Mr. Dill. I'll ask Stephen to come along since he's better positioned to comment on specifics.

Regards,
Lucy

From: Horton, Robert
Sent: Wed 12/10/2008 7:23 PM
To: Chung, Lucy
Cc: Brady, Lawrence
Subject: FW: HR Move to 129 Front Street

Lucy:

Will you be free to join the Head of the Civil Service and me during a walk through of 129 Front Street at 11:00 a.m. tomorrow, Thursday? I am aware that you must leave at 11:30 p.m. in order to attend to the needs of your child.

Thank you for your consideration in this regard.

RKH

From: Dill, Kenneth
Sent: Wednesday, December 10, 2008 5:10 PM
To: Horton, Robert
Subject: HR Move to 129 Front Street

Bobby,

Since the Government Intranet network was out of commission this morning in this building until 15 minutes ago, I left an urgent message for you to contact me.

I think it would be advisable for you and me to conduct a walk through tomorrow around 11:30/12 to satisfy ourselves that the space is ready for occupancy by HR.

264
LB
1

Please revert ASAP.

Ken

From: Horton, Robert
Sent: Tuesday, December 16, 2008 5:44 PM
To: Chung, Lucy
Cc: Brady, Lawrence
Subject: RE: 129 Front Street

Lucy:

The Minister was dismayed upon reading the e-mail. He recalls our recent meeting when we were advised that only the doors would not be here in order to accommodate a pre-Christmas move.

He will wish to meet with us tomorrow to discuss 129 Front Street. Stand by for 9:30 a.m.

RKH

From: Chung, Lucy
Sent: Tuesday, December 16, 2008 4:58 PM
To: Horton, Robert
Cc: Brady, Lawrence; Squire, Stephen
Subject: 129 Front Street

PS Horton,

Did you have a chance to review this plan to move the Department of Human Resource out of Global House as quickly as possible? We would need to proceed almost immediately if we want a chance at meeting the dates outlined below.

Regards,
Lucy

From: Chung, Lucy
Sent: Tuesday, December 16, 2008 10:47 AM
To: Horton, Robert
Cc: Brady, Lawrence; Squire, Stephen
Subject:

PS Horton,

With the aim of getting the Department of Human Resources out of Global House as quickly as possible please note the following:

1. Until receiving direction from the Minister recently we were proceeding with a January move date in mind – primarily due to a lot of DHR's staff being on leave around the holidays and their training schedule. With this in mind this is what was discussed with ITO. ITO does not have any availability to assist before January 13th. This item is on our critical path.
2. Due to the to and fro concerning freestanding panels versus demountable partitions and short-term versus long-term move we are now unable to get the panels here in time to meet the schedule based on the critical path item (ITO's availability).
3. The only way we can get DHR out as quickly as possible is to use drywall partitions. If we start immediately we can get it completed to an acceptable level by Friday January 9th to allow for furniture set up. Scheduling the furniture installer is the second item on our critical path – we have booked them for our required dates.
4. Packing is to be completed by January 5th
5. Furniture at Global House is to be dismantled from Tuesday January 6th until Thursday January 8th
6. Furniture to be set up at 129 Front Street from Friday January 9th until Tuesday January 13th (this must be completed before ITO can set up computers).
7. ITO will pack up and move computers from Global House on Tuesday January 13th.
8. ITO will unpack and set up computers at 129 Front Street from Wednesday January 14th until Friday January 16th.

9. The office should be operational on Monday January 19th.

Please advise as quickly as possible if we may proceed with this plan.

Regards,
Lucy

Lucy Chung, Architect
W&E, Bermuda Government
Tel: 441-297-7679
Fax: 441-295-4675
Email: lchung@gov.bm

Brady, Lawrence

From: Chung, Lucy
Sent: Wednesday, December 17, 2008 9:56 AM
To: Brady, Lawrence
Subject: FW: 129 Front Street

Lawrence,

I'm waiting for the PS to arrive. This is getting a little tiresome - I'm not used to being raked across the coal for stuff that's not my fault. When we have time we should discuss how you want to deal with the staff because normally I would not put up with someone dropping the ball so often - either they will be accountable or they'll just draft for someone who will be accountable.

Regards,
Lucy

From: Horton, Robert
Sent: Tuesday, December 16, 2008 5:44 PM
To: Chung, Lucy
Cc: Brady, Lawrence
Subject: RE: 129 Front Street

Lucy:

The Minister was dismayed upon reading the e-mail. He recalls our recent meeting when we were advised that only the doors would not be here in order to accommodate a pre-Christmas move.

He will wish to meet with us tomorrow to discuss 129 Front Street. Stand by for 9:30 a.m.

RKH

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Regards,
Lucy

From: Chung, Lucy
Sent: Tuesday, December 16, 2008 10:47 AM
To: Horton, Robert
Cc: Brady, Lawrence; Squire, Stephen

268
LB
1

Subject:

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9. The office should be operational on Monday January 19th.

Please advise as quickly as possible if we may proceed with this plan.

Regards,
Lucy

Lucy Chung, Architect
W&E, Bermuda Government
Tel: 441-297-7679
Fax: 441-295-4675
Email: lchung@gov.bm

From: Horton, Robert
Sent: Friday, December 19, 2008 4:20 PM
To: Chung, Lucy
Cc: Brady, Lawrence; Squire, Stephen
Subject: RE: 129 Front Street

Proceed as stated!

RKH

From: Chung, Lucy
Sent: Friday, December 19, 2008 3:00 PM
To: Horton, Robert
Cc: Brady, Lawrence; Squire, Stephen
Subject: 129 Front Street

PS Horton,

For the avoidance of doubt we wish to note that we are proceeding with this plan based on your approval of December 17th. We have been working closely with Carlita in order to coordinate the many vendors that are involved. With plans falling into place she seems less unhappy for now.

Regards,
Lucy

From: Chung, Lucy
Sent: Tuesday, December 16, 2008 10:47 AM
To: Horton, Robert
Cc: Brady, Lawrence; Squire, Stephen
Subject:

PS Horton,

With the aim of getting the Department of Human Resources out of Global House as quickly as possible please note the following:

1. Until receiving direction from the Minister recently we were proceeding with a January move date in mind – primarily due to a lot of DHR's staff being on leave around the holidays and their training schedule. With this in mind this is what was discussed with ITO. ITO does not have any availability to assist before January 13th. This item is on our critical path.
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9. The office should be operational on Monday January 19th.

Please advise as quickly as possible if we may proceed with this plan.

Regards,
Lucy

Lucy Chung, Architect
W&E, Bermuda Government
Tel: 441-297-7679
Fax: 441-295-4675
Email: lchung@gov.bm

Brady, Lawrence

From: Gilkes, Deborah
Sent: Tuesday, December 30, 2008 10:37 AM
To: Brady, Lawrence
Cc: O'Brien, Carlita; Chung, Lucy; Squire, Stephen
Subject: RE: Move 129 Front Street

Importance: High

Good Morning Lawrence:

I just sent the email below to Lucy and Stephen and received notices that they are on leave. I urgently require feedback on my query below as it impacts our moving plans and the movers.

Thanks so very much,

Debbie

From: Gilkes, Deborah
Sent: Tuesday, December 30, 2008 10:28 AM
To: Chung, Lucy; Squire, Stephen
Cc: O'Brien, Carlita
Subject: Move 129 Front Street
Importance: High

Good Morning Lucy and Stephen:

I know you may be on holiday this week; however I need confirmation on what is the true state of affairs relating to 129 Front Street. Members of staff went on a site visit today in preparation of the move beginning next week. While there the one construction worker on the job overheard them talking about the move next week and he told them that he was given instruction that the work had to be completed by January 15, 2009 and that is the date he is working toward. He only commenced work on December 25, 2008. He also said the lights have to be configured for each office and that the date of January 15, 2008 includes that work as well. He also said that the work will generate dust. This change in the completion date will impact the timeframe for the move.

I look forward to receiving clarity on the matter as the movers have been contacted.

Kind Regards,

Debbie

Deborah Thomas-Gilkes

Senior Training Manager

Department of Human Resources

Global House

43 Church Street, Hamilton HM-12

Bermuda

Tel. (441) 294-9077; Fax: (441) 295-2858

email: dmgilkes@gov.bm

DRAFT MINUTES – 17TH FEBRUARY, 2009

Progress of Works on New Magistrates' Court/Hamilton Police Station Building

Cabinet Conclusion 38(08)14 - November 4th, 2008

Further to the previous week's meeting, at which time the Minister of Works and Engineering reported that a letter highlighting the Ministry's position with respect to payments as security in lieu of requiring a performance bond for the above project would be forwarded to the Auditor General immediately, the Minister reported that the letter had been issued.

The Cabinet –

took note.

Office Accommodations - 129 Front Street

Cabinet Conclusion 42(08)17(i) - December 9th, 2008

Further to the previous week's meeting, at which time the Minister of Works and Engineering reported that leaks in the Global House building were being addressed immediately, the Minister advised his colleagues that mould remediation would be required and that many of the windows in Global House would be changed to provide the necessary ventilation.

The Cabinet –

took note.

Brady, Lawrence

From: Chung, Lucy
Sent: Tuesday, March 10, 2009 11:26 AM
To: Squire, Stephen
Cc: Brady, Lawrence
Subject: FW: 129 Front Street - Additional Works

Stephen,

The PS has been advised that we will be going forward with the additional works as soon as Jerry gives you the go ahead.

Please stay on top of this project in terms of budget and more importantly, schedule.

Let me know as soon as you know if things start slipping. We had a lot of damage control to do during the original project due to us not getting things done in a timely manner (I still have to provide an official response to Carlita's angry email) and we must avoid a repeat of that.

We had discussed some of the details concerning electric operators on too many doors etc. To be on a safe side please could you print out a copy of the drawing for my review.

Thanks,
Lucy

From: Horton, Robert
Sent: Tuesday, March 10, 2009 10:31 AM
To: Chung, Lucy
Subject: RE: 129 Front Street - Additional Works

Great.

RKH

From: Chung, Lucy
Sent: Tuesday, March 10, 2009 9:30 AM
To: Horton, Robert
Subject: RE: 129 Front Street - Additional Works

Yes, I think it would be safe for the Minister to report so.

From: Horton, Robert
Sent: Tuesday, March 10, 2009 10:26 AM
To: Chung, Lucy
Subject: RE: 129 Front Street - Additional Works

Excellent! Then it's all systems go!

Thank you!

RKH

From: Chung, Lucy
Sent: Tuesday, March 10, 2009 9:06 AM
To: Horton, Robert
Cc: Brady, Lawrence; Squire, Stephen; Burnham, Jeremy P.
Subject: RE: 129 Front Street - Additional Works

PS,

We shall ask Mr. Dill for the charge codes then.

We just received news from Greymane this morning as follows:

1. Estimate is close of W&E's. We will ask Jerry to review and negotiate, if required, as a matter of urgency.
2. They can complete it by end of month if given the go ahead immediate, which we will do in the coming days following completion of item 1

Regards,
Lucy

From: Horton, Robert
Sent: Tuesday, March 10, 2009 3:17 AM
To: Chung, Lucy
Cc: Brady, Lawrence
Subject: RE: 129 Front Street - Additional Works

Confirmed!!

I am hoping that Greymane will be able to start as soon as possible.

RKH

From: Chung, Lucy
Sent: Monday, March 09, 2009 2:56 PM
To: Horton, Robert
Cc: Brady, Lawrence; Squire, Stephen
Subject: 129 Front Street - Additional Works

PS Horton,

Following your meeting with Lawrence concerning 129 Front Street we would like to confirm our understanding as follows:

1. Mr. Dill has secured funding for the additional works at 129 Front Street.
2. The estimate of \$189, 023.25 was prepared by W&E.
3. We have approval from Mr. Dill to negotiate with a single Contractor, Greymane - since they have completed the work to date and are familiar with the project.
4. Greymane is currently pricing this additional work and preparing a schedule for the work.
5. We will press Greymane, again, in the morning for an update so that the Minister could provide an update to Cabinet tomorrow.

Regards,
Lucy

Lucy Chung, Architect
W&E, Bermuda Government
Tel: 441-297-7679
Fax: 441-295-4675
Email: lchung@gov.bm

Brady, Lawrence

From: Chung, Lucy
Sent: Tuesday, March 10, 2009 2:52 PM
To: Brady, Lawrence
Subject: FW: 129 Front Street - Additional Works

Lawrence,

I guess it comes down to a difference of opinion. I think we did a lousy job. He thinks we did our best. My feeling is that we have to make our expectations and standards clear otherwise some of the staff will continue to drift along thinking they are doing a terrific job - in the long run we are doing them a disservice from a professional development point of view. Perhaps we could discuss with a view of addressing this at our next Department Meeting?

Regards,
Lucy

From: Squire, Stephen
Sent: Tuesday, March 10, 2009 2:35 PM
To: Chung, Lucy
Cc: Brady, Lawrence
Subject: RE: 129 Front Street - Additional Works

Lucy,

I am waiting for Greymane Contracting to confirm whether or not they can attend a meeting tomorrow with me and Jeremy to discuss their Estimate, and a start/completion date.

After further review, there will only be one electric door operator supplied and installed at 129 Front Street and that will be for the double glassed doors to the entrance of DHR. TreeCon Limited is currently looking into whether they can supply and install an electric operator for those doors.

I believe W&E did there best in addressing the clients needs/demands under such circumstances.

Regards

Stephen Squire

From: Chung, Lucy
Sent: Tuesday, March 10, 2009 11:26 AM
To: Squire, Stephen
Cc: Brady, Lawrence
Subject: FW: 129 Front Street - Additional Works

Stephen,

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278
LB
1

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279
LB
2

2. They can complete it by end of month if given the go ahead immediate, which we will do in the coming days following completion of item 1

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Regards,
Lucy

Lucy Chung, Architect
W&E, Bermuda Government
Tel: 441-297-7679
Fax: 441-295-4675
Email: lchung@gov.bm

Brady, Lawrence

From: Chung, Lucy
Sent: Friday, March 13, 2009 8:02 PM
To: Hassell, Thomasina; Brady, Lawrence
Subject: Re: 129

Hi Thomasina,
The PS mentioned this. I forgot to get you the shy contract. Did you want to see one as an example or did you want all 3 specifically?
Regards,
Lucy

----- Original Message -----
From: Hassell, Thomasina
To: Chung, Lucy; Brady, Lawrence
Sent: Fri Mar 13 18:16:28 2009
Subject: RE: 129

Hi Lucy,

Mr. Dill came back to Works and Engineering for the funding and the PS agreed to fund the work at 129.

Thomasina

From: Chung, Lucy
Sent: Tuesday, March 10, 2009 11:37 AM
To: Hassell, Thomasina; Brady, Lawrence
Subject: RE: 129

Thomasina,

I believe Lawrence was told by the PS that Mr. Dill will be providing the funding and we were planning on asking Mr. Dill for the charge codes. Do you know anything different?

Regards,
Lucy

From: Hassell, Thomasina
Sent: Tuesday, March 10, 2009 11:31 AM
To: Chung, Lucy; Brady, Lawrence
Subject: 129

Hi Lucy,

Do you have \$190k available for the work requested by Ken Dill for 129 front street?

Thomasina