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**CEGEP JOHN ABBOTT COLLEGE**

**BOARD OF GOVERNORS**

**293<sup>rd</sup> EXECUTIVE COMMITTEE MEETING  
CONFERENCE CALL – JULY 11, 2011 – 4:30 PM**

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**Present:** Ginette Sheehy, Chairperson  
Joanne Simoneau-Polenz  
Marcel Brunet  
William Russell  
Gerald Stachrowski, Corporate Affairs

**Regrets:** Erich Schmedt

**By Invitation:** Michel Caron – Directeur de projets

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**EC 293-01 Agenda**

Change Order No. 15 – Health Science Building

**EC 293-02 Change Order No. 15 – Health Science Building**

Michel Caron stated that the 22 metal panels that are the subject matter of this extra are fixed to the ceiling of some of the Biopharmaceutical laboratories located in the basement of the new Science Pavilion. To allow for the flexibility of use in those laboratories, and as required and coordinated with Mr. Schmedt, the mechanical engineer asked for these multiple services to be attached to these metal plates: electricity, compressed air, air evacuation, often installed in pairs.

The problem is that the engineer asked for a metal too thin. To be able to support multiple and long term use by students, building and pushing various connections, it has to be thickened to 4.5 mm – which makes the fabrication of the plates more difficult (bending, cutting holes for the mechanical services), requires bigger supports and longer installation because of the bigger weight). A big part of the extra cost is related to the installation: what was originally easy to be made by two workers now requires 4 workers and support equipment because of the change of weight.

Following a discussion by the executive,

It was moved by Joanne Simoneau-Polenz, seconded by Marcel Brunet and carried,

**THAT** the Executive Committee approve change order no. 15 in the amount of \$26,628.25 plus applicable taxes.

There being no further business the meeting adjourned.

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CEGEP JOHN ABBOTT COLLEGE

BOARD OF GOVERNORS

294<sup>th</sup> EXECUTIVE COMMITTEE MEETING – September 7, 2011 – 16:30 – H-102

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**Present:** Ginette Sheehy, Chairperson  
Marcel Brunet  
William Russell  
Joanne Simoneau-Polenz  
Erich Schmedt  
Gerald Stachrowski, Corporate Affairs

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**EC 294-01 Acceptance of Agenda**

It was moved by Erich Schmedt, seconded by Marcel Brunet, and carried

**THAT** the agenda be accepted as presented with a date change in item 8 to read September 13<sup>th</sup>.

**EC294-02 Minutes – 292<sup>nd</sup> Executive Committee Meeting**

It was moved by Erich Schmedt, seconded by Ginette Sheehy, and carried

**THAT** the minutes of the 292<sup>nd</sup> Executive Committee meeting be approved as circulated.

**EC 294-03 Minutes of the 293<sup>rd</sup> Executive Committee Meeting (Conference Call)**

It was moved by William Russell, seconded by Marcel Brunet, and carried

**THAT** the minutes of the 293<sup>rd</sup> Executive Committee Meeting (Conference call held on July 11, 2011) be approved after correcting the present by deleting Stephen Bryce and inserting William Russell and correcting a typographical error in paragraph two (2) from “require” to “requires”.

**EC 294-04 Analyse du rapport financier 2009-2010**

Gerald Stachrowski tabled a letter from MELS dated August 18, 2011 representing completion of the “Analyse du rapport financier 2009-2010”.

The good news is that after the “Analyse du rapport financier 2009-2010”, the College’s operations account surplus has increased by \$597,493.00 raising the College’s unappropriated surplus from \$423,189.00 to \$1,020,682.00.

**EC 294-05 Capital Budget 2011-2012 – Amendment to Resolution 341-06**

Gerald Stachrowski reported that MELS confirmed on July 14, 2011 that the College’s capital budget for the fiscal year 2011-2012 is set at \$4,556,600.00, an increase of \$1,117,100.00 over the provisional budget of \$3,439,500.00 as set by the Board on June 28, 2011. The Board at its September 13<sup>th</sup> meeting will be asked to approve the revised capital budget.

**EC 294-06 Régime d’emprunt spécifique – Amendment to Resolution 340-10 – Terrain de soccer-football à surface synthétique**

Gerald Stachrowski advised the Executive Committee that considering the numerous reports that must be submitted by the College, the College was granted a delay for final filing from September 30, 2011 to December 31, 2011.

The proposed resolution prepared by Financement-Québec will be brought for Board approval at the September 13, 2011 meeting.

**EC 294-07 Appointment of Board Audit Committee**

It was moved by Joanne Simoneau-Polenz, seconded by Erich Schmedt, and carried

**THAT** the Executive Committee recommend that the Board at its September 13<sup>th</sup> meeting approve the composition of the Board Audit Committee for the 2011-2012 fiscal year to be the Chairperson of the Board, the Director General, David Lewis and Marcel Brunet.

**EC 294-08 Board Agenda – 342<sup>nd</sup> Regular Board Meeting – September 13, 2011**

It was moved by William Russell, seconded by Erich Schmedt, and carried,

**THAT** the Executive Committee set the Board Agenda as presented.

**EC294-09 Closing of the 294<sup>th</sup> Executive Committee Meeting**

It was moved by William Russell,

**THAT** the 294<sup>th</sup> Executive Committee meeting be terminated.

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Chairperson

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Corporate Affairs

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CEGEP JOHN ABBOTT COLLEGE

**BOARD OF GOVERNORS**

**295<sup>th</sup> EXECUTIVE COMMITTEE MEETING – OCTOBER 19, 2011 – 16:30 – H-102**

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**Present:** Ginette Sheehy, Chairperson  
Marcel Brunet  
William Russell  
Joanne Simoneau-Polenz  
Erich Schmedt  
Gerald Stachrowski, Corporate Affairs

**By invitation:** Michel Caron, Project Manager – for items 3 and 4 of the agenda

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**EC 295-01 Acceptance of Agenda**

It was moved by Marcel Brunet, seconded by Joanne Simoneau-Polenz, and carried

**THAT** the agenda be accepted as presented with a date change noting that the meeting was held on October 19, 2011.

**EC295-02 Minutes – 294<sup>th</sup> Executive Committee Meeting**

It was moved by Marcel Brunet, seconded by Joanne Simoneau-Polenz, and carried

**THAT** the minutes of the 294<sup>th</sup> Executive Committee meeting be approved as circulated after correcting a typographical error in item EC 294-05.

**EC 295-03 Science and Health Technologies Building – Change Order number 23**

Michel Caron stated that when the contractor (EBC Inc.) was prepared to integrate the Arctic Circle to the new building, it was noticed that the wood supports were rotten and had to be replaced. As well, the structure had to be reinforced to support the anticipated extra weight.

Following a discussion by the Executive

It was moved by William Russell, seconded by Erich Schmedt, and carried

**THAT** the Executive Committee approve Change Order number 23 (112 rev.1) in the amount of \$35,721.52 plus applicable taxes.

**EC 295-04 Science and Health Technologies Building – Change Order number 25**

Michel Caron stated that due to a surveyor error in the location of a tunnel, certain modifications in plumbing, electrical and mechanical work had to be relocated.

Mr. Caron also stated that negotiations are still in progress to possibly reduce one portion of the bill.

Following a discussion by the Executive

It was moved by Marcel Brunet, seconded by Erich Schmedt, and carried

**THAT** the Executive Committee approve Change Order number 25 (031B, 031B rev. 1, 031B rev. 2) not to exceed the amount of \$54,908.54 plus applicable taxes.

**EC 295-05 Strategic Plan 2010-2015 - Amendments**

Ginette Sheehy reported that since June 2010 when the Strategic Plan 2010-2015 was approved by the Board, the College has created and/or reorganized several administrative units thus necessitating a realignment of responsibilities to reflect the reorganization.

The modified Strategic Plan will be brought to the Board for approval.

**EC 295-06 Compressions budgétaires additionnelles 2011-2012 dans le réseau collégial**

Ginette Sheehy reported that on September 11, 2011, the MELS announced a new round of budgetary cuts.

There are several scenarios on where the cuts will come from. The Directors General are meeting on October 20, 2011 and will be informed on how the MELS expects this round of cuts to be realized.

For John Abbott College, based on several scenarios currently discussed the cuts could be as high as \$586, 000.00.

It was moved by Joanne Simoneau-Polenz, seconded by William Russell, and carried

**THAT** the Executive Committee recommend that the Board, at its October 25, meeting adopt the proposed resolution on *Compressions budgétaires additionnelles 2011-2012 dans le réseau collégial*.

**EC 295-07 Gymnasium Project – Subsidy Application**

The Executive Committee recommend that the Board approve the College's application to receive a subsidy to renovate the gymnasium floor.

**EC 295-08 Board Agenda – 343<sup>rd</sup> Regular Board Meeting – October 25, 2011**

It was moved by William Russell, seconded by Marcel Brunet, and carried,

**THAT** the Executive Committee set the Board Agenda as presented.

**EC295-08 Closing of the 295<sup>th</sup> Executive Committee Meeting**

It was moved by William Russell,

**THAT** the 295<sup>th</sup> Executive Committee meeting be terminated.

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Chairperson

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Corporate Affairs

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**CEGEP JOHN ABBOTT COLLEGE**

**BOARD OF GOVERNORS**

**296<sup>th</sup> EXECUTIVE COMMITTEE MEETING – NOVEMBER 22, 2011 – 16:30 – H-102**

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**Present:** Ginette Sheehy, Chairperson  
Joanne Simoneau-Polenz  
William Russell  
Erich Schmedt  
Cara Parisien  
Gerald Stachrowski, Corporate Affairs

**Regrets:** Marcel Brunet

**By invitation:** Daniel Nyisztor, Comptroller  
C. Kippy Wiegand, Samson Bélair/Deloitte & Touche  
Audrey Jacques, Samson Bélair/Deloitte & Touche

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**EC 296-01 Acceptance of Agenda**

It was moved by Erich Schmedt, seconded by Cara Parisien, and carried

**THAT** the agenda be accepted as presented.

**EC296-02 Minutes – 295<sup>th</sup> Executive Committee Meeting**

It was moved by Erich Schmedt, seconded by William Russell, and carried

**THAT** the minutes of the 295<sup>th</sup> Executive Committee meeting be accepted as circulated.

**EC 296-03 Audited Financial Statements 2010-2011**

Mr. Daniel Nyisztor, Comptroller, reviewed the results of the audited financial statements for the 2010-2011 fiscal year.

Mr. C. Kippy Wiegand, Samson Bélair/Deloitte & Touche, the College's external auditors, explained the audit process that was followed and tabled with the Executive Committee two reports:

- *Rapport de l'auditeur indépendant et notes complémentaires du rapport financier annuel - 30 juin 2011*



- Year-end communication – John Abbott College – for the year ended June 30, 2011

Following an exchange of questions posed to Daniel Nyisztor and C. Kippy Wiegand by members of the Executive Committee,

It was moved by Erich Schmedt, seconded by Cara Parisien, and carried

**THAT** the Executive Committee recommend that the Board of Governors approve the audited financial statements for the 2010-2011 fiscal year.

The Executive Committee thanked Mr. Daniel Nyisztor for his excellent work in producing the 2010-2011 financial statements. It was noted that this past year Mr. Nyisztor had to produce seven (7) audited reports instead of one (1) as is the normal requirement. Of the seven (7) audited reports, one audited report, covered nine (9) months, July 1, 2010 to March 31, 2011, was required by the Quebec Auditor General.

#### **EC 296-04 Appropriation from the College's Surplus Account – German Fund**

It was moved by William Russell, seconded by Erich Schmedt, and carried

**That** the Executive Committee recommend that the Board of Governors authorize the appropriation of \$77,001.00 from the College's accumulated surplus account, to be added to the \$948,206.00 previously approved for a total of \$1,025,207, said funds to be held in a segregated account and to be used to augment the teaching resources of John Abbott College.

#### **EC 296-05 Appropriation from the German Segregated Account**

It was moved by Joanne Simoneau-Polenz, seconded by Cara Parisien, and carried

**THAT** the Executive Committee recommend that the Board of Governors authorize a negative appropriation from the German Fund segregated account in the amount of \$132,820.00 representing the amount reimbursed to faculty within the Special Individual Professional Development Agreement

and

**THAT** the balance in the German segregated account as at June 30, 2011 be \$892,387.00.

#### **EC 296-06 Appropriation from the College's Surplus Account – Renovation Project**

It was moved by Erich Schmedt, seconded by William Russell, and carried

**THAT** the Executive Committee recommend that the Board of Governors authorize

the appropriation of \$1,500,000.00 from the College's accumulated surplus account, said funds to be used solely for the Renovation Project.

The balance of the unappropriated accumulated account is \$614,552.00.

The balance in the Renovation Project fund will stand at \$5,482,507.00.

**EC 296-07 Appointment of the Board Audit Committee 2011-2012**

It was moved by Joanne Simoneau-Polenz, seconded by Erich Schmedt, and carried

**THAT** the Executive Committee recommend that the Board of Governors appoint the Chairperson of the Board, Joanne Simoneau-Polenz, the Director General, Ginette Sheehy, who will chair the committee, David Lewis and Nathalie Wong Kee Song to the Board Audit Committee for the 2011-2012 fiscal year.

**EC 296-08 Appointment of External Auditors 2011-2012**

It was moved by Cara Parisien, seconded by William Russell, and carried

**THAT** the Executive Committee recommend that the Board of Governors appoint the firm of Samson Bélair/Deloitte & Touche as the College's external auditors for the 2011-2012 fiscal year.

**EC 296-09 Centre de technologie physique et photonique de Montréal (CTPPM) (Audited Financial Statements 2010-2011)**

It was moved by Joanne Simoneau-Polenz, seconded by Erich Schmedt, and carried

**THAT** the Executive Committee recommend that the Board of Governors accept the financial statements for "*Centre de technologie physique et photonique de Montreal*" (CTPPM) of which John Abbott College is a partner, said financial statements were audited by Raymond Chabot Grant Thornton, covering the fiscal year ending on June 30, 2011.

**EC-296-10 Revision of the College's Institutional Policy on the Evaluation of Student Achievement (IPESA) – Policy no. 7**

It was moved by Erich Schmedt, seconded by William Russell, and carried

**THAT** the Executive Committee recommend that the Board of Governors approve the amended "Institutional Policy on the Evaluation of Student Achievement (IPESA)" - Policy no. 7 and to take effect on November 30, 2011.

**EC 296-11 John Abbott College Institutional Research Policy no. 16**

It was moved by Erich Schmedt, seconded by Joanne Simoneau-Polenz, and carried

**THAT** the Executive Committee recommend that the Board of Governors approve the Institutional Policy no. 16 as presented by the Academic Administration and forward said Policy to the Natural Sciences and Engineering Research Council (NSERC) and Social Sciences and Humanities Research Council (SSHRC) for accreditation.

**EC 296-12 By-law 1 “Concerning the General Administration of the College” Amendments**

Gerald Stachrowski reported that by the specified deadline of November 18, 2011, no comments were received from Board members, however, three changes were made reflecting gender, typographic errors and procedure changes by him – those are noted by arrows in the left hand margin on the document submitted on October 25, 2011 to the Board.

It was moved by Joanne Simoneau-Polenz, seconded by Cara Parisien, and carried

**THAT** the Executive Committee recommend that the Board of Governors approve By-law 1 “Concerning the General Administration of the College” as amended and to take effect on November 30, 2011.

**EC 296-13 Academic Calendar for the 2012-2013 Academic Year**

**a) DAY DIVISION**

It was moved by Erich Schmedt, seconded by Joanne-Simoneau-Polenz, and carried

**THAT** the Executive Committee recommend that the Board of Governors approve the Day Division Academic Calendar for the 2012-2013 academic year, as presented by the Academic Dean.

**b) CONTINUING EDUCATION**

It was moved by Erich Schmedt, seconded by Joanne-Simoneau-Polenz, and carried

**THAT** the Executive Committee recommend that the Board of Governors approve the Academic Calendar for Continuing Education for the 2012-2013 academic year, as presented by the Academic Dean.

Article 12 of the CEGEP Act - no employee member of the Executive Committee voted on the above motion.

**EC 296-14 Board Agenda – 344<sup>th</sup> Regular Board Meeting – November 29, 2011**

It was moved by Erich Schmedt, seconded by Cara Parisien, and carried,  
**THAT** the Agenda for the 344<sup>th</sup> Regular Board meeting be adopted as presented.

**EC296-15 Closing of the 296<sup>th</sup> Executive Committee Meeting**

It was moved by William Russell,  
**THAT** the 296<sup>th</sup> Executive Committee meeting be closed.

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Chairperson

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Corporate Affairs

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**CEGEP JOHN ABBOTT COLLEGE**

**BOARD OF GOVERNORS**

**111<sup>th</sup> SPECIAL EXECUTIVE COMMITTEE MEETING  
JANUARY 25, 2012 – 16:30 – H-102**

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**Present:** Ginette Sheehy, Chairperson  
Marcel Brunet  
Cara Parisien  
William Russell  
Erich Schmedt  
Joanne Simoneau-Polenz  
Gerald Stachrowski, Corporate Affairs

By invitation:  
Michel Caron – Project Manager (SNC-Lavalin Inc.)  
Present for items 3 and 4 only

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**SEC 111-01 Acceptance of Agenda**

It was moved by William Russell, seconded by Erich Schmedt, and carried

**THAT** the agenda be accepted as presented.

**SEC 111-02 Minutes – 296<sup>th</sup> Executive Committee Meeting**

It was moved by Joanne Simoneau-Polenz, seconded by William Russell,  
and carried

**THAT** the minutes of the 296<sup>th</sup> Executive Committee meeting be accepted as  
circulated.

**SEC 111-03 Sciences and Health Technologies Building – Addendum Sent Out After  
Tender Opening – Change Order Number 33**

Mr. Michel Caron explained that Directive 003-EM01 and its three (3) revisions were sent out in replacement of a Mechanical Addendum that could not be sent out during the tender period of last summer. The sending of the Addendum at the time would have required an extra delay that would have too much of an impact on the start-up of the construction. The directive concerns only

Mechanical and Electrical elements. It is complex because it regroups many little elements of various types that were added at the last moment by the Engineer during the original tender.

The original cost for the addendum from the contractor was for \$142,921.76 plus taxes, however, following negotiations the agreed price is \$92,933.54 plus applicable taxes.

The original directive 003-EM01 was sent out on September 29, 2010, comprising 106 pages itemizing the work to be done and applicable costs. Mr. Caron distributed an executive version of three (3) pages itemizing the trades hired to execute the work and agreed compensation.

It was moved by Erich Schmedt, seconded by William Russell, and carried

**THAT** the Executive Committee approve change order number 33 (as documented in "Note 120125-1: Explanation Note on Directive 003-Rév3/EM01-Rév3 from Michel Caron dated January 25, 2012, attached to minutes) for the amount of \$92,933.54 plus applicable taxes.

**SEC 111-04 Sciences and Health Technologies Building – Status of Change Orders Approved and/or Pending**

Michel Caron, Project Manager, reviewed for the Executive Committee three (3) documents:

- Suivi des Directives et Instructions de Chantier – change orders agreed;
- Suivi des Directives et Instructions de Chantier – all change orders agreed and extra compensation requested by the contractor – currently in negotiation;
- Summary document – "Suivi Budgétaire – Étape Chantier" showing the construction budget, contract issued to EBC and all change orders agreed and submitted to be resolved including the A&G Puisatiers Experts Inc. action of claim (attached to minutes).

**SEC 111-05 Régime d'emprunts spécifique – Aménagement d'un terrain de soccer-football à surface synthétique – Amendment to Board Resolution #342-09**

*ATTENDU QUE le 12 avril 2011, le Collège d'enseignement général et professionnel John Abbott a adopté la résolution numéro 340-10, telle que modifiée par la résolution numéro 342-09 du 13 septembre 2011, instituant un régime d'emprunts spécifique, valide jusqu'au 31 décembre 2011, lui permettant d'emprunter à long terme auprès de Financement-Québec, aux fins de financer le projet « d'aménagement d'un terrain de soccer-football à surface synthétique » (le « Projet ») autorisé dans le cadre du Programme de soutien aux installations sportives et récréatives (le « Programme »), conformément aux caractéristiques et limites qui y sont établies, pour combler des besoins n'excédant pas 746 964 \$;*

*ATTENDU QUE, en date du 31 décembre 2011, le Projet n'a pas été financé aux termes de ce régime d'emprunts;*

*ATTENDU QU'en conséquence, le Collège désire, conformément à l'article 78 de la Loi sur l'administration financière (L.R.Q., c. A-6.001), instituer un nouveau régime d'emprunts spécifique, valide jusqu'au 31 décembre 2012, lui permettant d'emprunter à long terme auprès de Financement-Québec aux fins de financer le Projet, et ce, pour combler des besoins n'excédant pas 746 964 \$;*

*ATTENDU QU'en vertu du Programme de soutien aux installations sportives et récréatives (le « Programme ») mis sur pied par le ministère de l'Éducation, du Loisir et du Sport, le Collège désire emprunter à long terme relativement à l'aménagement d'un terrain de soccer-football à surface synthétique (le « Projet »);*

*ATTENDU QU'aux fins du Projet, la ministre de l'Éducation, du Loisir et du Sport a accordé au Collège une subvention maximale de 746 964 \$ dans le cadre du Programme;*

*ATTENDU QUE Financement-Québec est disposée à prêter au Collège les sommes nécessaires pour la réalisation des emprunts à long terme requis;*

*ATTENDU QU'il y a lieu d'instituer un régime d'emprunts spécifique, valide jusqu'au 31 décembre 2012, permettant au Collège, pour la réalisation du Projet dans le cadre du Programme, d'emprunter à long terme auprès de Financement-Québec, et ce, pour combler des besoins n'excédant pas 746 964 \$;*

*ATTENDU QUE le Collège désire déléguer, dans le cadre de ce régime d'emprunts à long terme, les pouvoirs d'emprunt et d'approbation des conditions et modalités à certains de ces dirigeants, pourvu qu'ils soient au moins deux agissant conjointement, afin qu'ils puissent conclure toute transaction d'emprunt en vertu de ce régime, en établir les montants et les autres caractéristiques et fixer ou accepter les conditions et modalités relatives à chacune de ces transactions;*

*ATTENDU QUE le Collège a été autorisé par la ministre de l'Éducation, du Loisir et du Sport à instituer un régime d'emprunts à long terme auprès de Financement-Québec pour le Projet ;*

*SUR LA PROPOSITION DE Joanne Simoneau-Polenz, appuyée par William Russell,*

*IL EST RÉSOLU :*

- 1. QUE, pour les fins du Projet réalisé dans le cadre du Programme, un régime d'emprunts, valide jusqu'au 31 décembre 2012, permettant au Collège d'emprunter à long terme auprès de Financement-Québec, pour combler ses besoins n'excédant pas 746 964 \$, soit institué ;*
- 2. QU'aux fins de déterminer le montant total auquel réfère le paragraphe 1 ci-dessus, on ne tienne compte que la valeur nominale des emprunts effectués par le Collège;*
- 3. QUE chaque emprunt conclu en vertu du présent régime d'emprunts soit effectué en monnaie légale du Canada;*
- 4. QUE, sous réserve du montant maximal déterminé au paragraphe 1, chaque emprunt comporte les caractéristiques et limites suivantes :*
  - a) l'emprunt sera contracté en vertu d'une convention de prêt à long terme à intervenir entre le Collège et Financement-Québec et il sera régi par cette convention de prêt et par le billet visé ci-dessous;*

- b) *l'emprunt sera constaté par un billet fait à l'ordre de Financement-Québec;*
- c) *le texte de la convention de prêt et celui du billet seront substantiellement conformes aux textes du projet de convention de prêt et du projet de billet annexés au procès-verbal de cette assemblée, sous réserve des modifications que leurs signataires pourraient y apporter en accord avec les dispositions des présentes;*
- d) *l'emprunt comportera les modalités financières que Financement-Québec et les signataires autorisés du Collège conviendront, selon les critères déterminés par le gouvernement en vertu du décret numéro 238-2000 du 8 mars 2000, tel que ce décret pourra être modifié ou remplacé de temps à autre;*
- e) *aux fins d'assurer le paiement à l'échéance du capital de chaque emprunt et des intérêts dus sur celui-ci, ainsi que des frais de gestion et d'émission, la créance que représente pour le Collège la subvention qui lui a été accordée par la ministre de l'Éducation, du Loisir et du Sport pour la réalisation du Projet dans le cadre du Programme, sera affectée d'une hypothèque mobilière sans dépossession en faveur de Financement-Québec, aux termes d'un acte d'hypothèque mobilière à intervenir entre le Collège et Financement-Québec;*
- f) *le texte de l'acte d'hypothèque mobilière sera substantiellement conforme au projet d'acte d'hypothèque mobilière annexé au procès-verbal de cette assemblée, sous réserve des modifications que leurs signataires pourraient y apporter en accord avec les dispositions des présentes.*

5. **QUE l'un ou l'autre des dirigeants suivants :**

*La présidente du conseil d'administration, Joanne Simoneau-Polenz, la directrice générale, Ginette Sheehy, et le directeur des services administratifs/affaires corporatives, Gerald Stachrowski, **pourvu qu'ils soient deux agissant conjointement**, soit autorisé, au nom du Collège, à signer les conventions de prêt, les actes d'hypothèque mobilières, les billets et tous les autres contrats et documents relatifs aux emprunts contractés en vertu du présent régime, à consentir à toutes les clauses et garanties non substantiellement incompatibles avec les dispositions des présentes, à recevoir le produit net des emprunts et à en donner bonne et valable quittance, à apporter toutes modifications à ces documents non substantiellement incompatibles avec les présentes, à poser tous actes et à signer tous documents, nécessaires ou utiles pour donner plein effet aux présentes;*

6. *QUE, dans la mesure où le Collège a déjà adopté une résolution instituant un régime d'emprunts pour les fins du Projet, la présente résolution remplace toute résolution antérieure adoptée pour les mêmes fins.*

**SEC 111-06 Gymnasium Project – Subsidy Application**

**WHEREAS**, on October 25, 2011, the Board of Governors passed resolution 343-11 authorizing the administration to submit a request to the “*Programme de soutien aux installations sportives et récréatives phase II*” to secure subsidies from the Government of Québec to renovate the College’s gymnasium floor;



**WHEREAS**, on January 20, 2012, Dennis Waide, Director of Student Services, received an e-mail from MELS requesting to provide specified documents and to receive certain commitments from the College;

**WHEREAS** one of the commitments required is that the “Collège s’engage à payer les coûts d’exploitation continue du projet”;

It was moved by Erich Schmedt, seconded by William Russell, and carried

**THAT** the Executive Committee commit the College, following the renovation of the gymnasium floor, to maintain the gymnasium floor to meet the standards set by the Basketball Federation.

**SEC 111-07 A & G Puisatiers Experts Inc. – Litigation**

Gerald Stachrowski informed the Executive Committee that a sub/sub contractor working on the geothermal project has initiated legal proceedings claiming \$305,842.93 plus interest.

A&G Puisatiers Experts Inc. in its action is claiming additional costs had to be incurred because the tender documents did not accurately describe the composition of the terrain throughout the geothermal field.

The Executive Committee were in possession of an e-mail dated September 29, 2011 “Meeting on Geothermic Extras” (attached to minutes) during which the extra compensation claim was discussed.

Roland Charneux, one of the principals from the firm of Pageau-Morel (Mechanical Engineers) hired by John Abbott stated “...that the absence of boring test was clearly specified in the tender document and that the contractor had to take that condition in account when establishing his price.”

The legal firm of Fasken Martineau DuMoulin is representing John Abbott College in this action.

**SEC 111-08 Closing of the 111<sup>th</sup> Special Executive Committee Meeting**

It was moved by Erich Schmedt

**THAT** the 111<sup>th</sup> Special Executive Committee Meeting be terminated.

## NOTE 120125-1 : EXPLANATION NOTE ON DIRECTIVE 003-Rév3 / EM01-Rév3

### 1.0 GENERAL NOTE:

Directive 003 - EM01 and its 3 revisions were emitted in replacement of a Mechanical Addendum that could not be emitted during the tender period of last summer. The emission of the Addendum at the time would have required an extra delay that would have too much of an impact on the start-up of construction. The directive concerns only Mechanical and Electrical elements. It is complex because it regroups many little elements of various types that were added at the last moment by the Engineer during tender.

The Directive was emitted in four (4) steps. All revisions were additions to the original document and had to be read conjointly with the original and other revisions. The revisions were added in 2011 following questions and / or adjustments to be made to the original directive during construction.

- Original directive 003-EM01 was emitted on September 29, 2010 (106 pages long);
- First revision 003R1-EMR1 was emitted on February 6, 2011 (2 pages long);
- Second revision 003R2-EMR2 was emitted on March 7, 2011 (4 pages long);
- Third revision 003R3-EMR3 was emitted on May 6, 2011 (8 pages long).

### 2.0 NEGOTIATIONS ON COST - STATUS:

The original cost from the contractor in the amount of **142,921.76\$** + taxes was negotiated by the engineer Pageau-Morel and reduced to **92,933.54\$** + taxes, which is the finalized price.

Cost ventilation – as finalized:

Directive 003 Rév3 / EM01-Rev3 regroups the following specialties and costs:

- Plumbing (Gastier):	24,801.04\$ + tx
- Sprinklers (Acme):	1,380.00\$ + tx
- Controls (Regulvar):	22,665.00\$ + tx
- Electricity (Sako)	16,089.00\$ + tx
- Ventilation (TBC)	19,550.00\$ + tx
- Administration EBC (Gen. Contractor):	<u>8,452.50\$ + tx</u>
<b>Total:</b>	<b>92,933.54\$ + tx</b>

### 3.0 ANALYSIS

#### 3.1 PLUMBING WORK (Gastier):

11,083.56\$ of material + 144 hrs of work (1 man x 3.5 weeks). Explanations by PMA:

##### 1.1 Description of equipment:

Addition of a « variateur »: that piece of equipment was added to make a pump speed vary instead of using a simple on/off control. That change was finally cancelled. Cost = 0\$;

Addition of the « débitmètre »: added on the grey water lines to measure the use of rain water in the toilets;

« Bassin de confinement »: added to retain acid and caustic used in the neutralization basin in

## NOTE 120125-1 : EXPLANATION NOTE ON DIRECTIVE 003-Rév3 / EM01-Rév3

case of a leak on the two barrels (drums) containing these products. (Neutralization basin is used to treat chemical waste from sinks in laboratories.)

### 1.2 Installation / work time:

Time for installation of 8 « flanges » : 3.279 hr x 8 flanges = 26.232 hrs. (stainless steel welding neck-flange 4" standard time) Q-15 (3 plumbers team);

Time for installation of 4 « elbows » : 4.336 hr. X 4 elbows = 17.344 hrs. (stainless steel welding elbow 90- 4" standard time) Q-15;

Time for welding 25 joints : 2.171 hr. x 25 joints = 54.275 hr. (stainless steel welding joint 4" standard time) Q-15;

Working time validated from RS Means Plumbing Cost Data 2011 which is the standard way of validating the duration of most types of construction work.

### 3.2 SPRINKLERS (Acme):

Addition of six ( 6 ) sprinkler heads.

### 3.3 CONTROLS (Regulvar):

Seven (7) control units added in various locations along small pieces of related equipment. Necessary for the control of ventilation. Added in various areas. The « stations de mesure de débit d'air » measures real air flows and send signals to the control computer that reacts accordingly.

Installation: 8 hours OK.

Engineering time: for the replanning of sequences modified by the addition of the "stations de mesure de débit";

Time for graphics: for both shop drawings and function graphics.

### 3.4 ELECTRICITY (Sako):

Installation time verified using NECA (Manual of Labor Units 2007-2008) for all items.

Directive EM-001 (Original sending):

- Addition of various connections (600V/15A for back up of fire pump, 120V/15A compressors on fire system);
- Addition of circuits and plugs (room 029 + room 114); addition of circuit breakers (room 407);
- Relocation of ventilators VC2-027-618 et VC9-026-605;
- Connection to starter of pump PG1-GEO-626 modified.
- Circuit added for ventilation unit on the roof (système de récupération);
- Power increase on motor of VE1-006-626;
- Wiring size increased on electrical panels P-STS-02, P-ST4-01 et P-ST4-02;
- Waterproofing of elements inside the geothermic chamber;
- Relocation of isolation modules (used to separate the alarm of one floor from the other floors) closer to the fire alarm panel;
- Addition of control relay for exterior lighting and some interior lighting units (F9);
- Addition of a starter for ventilation system RF1-ERY-024
- Correction to the capacity of a 500W rheostat;

Directive EM-001 rév. 1

- No electrical modification;

## **NOTE 120125-1 : EXPLANATION NOTE ON DIRECTIVE 003-Rév3 / EM01-Rév3**

Directive EM-001 rév. 2

- No electrical modification;

Directive EM-001 rév. 3

- Power reduction on one pump (PO1-AEG-002).

### **3.5 Ventilation (TBC):**

Two main parts :

- Addition of five (5) silencers (mufflers): one (1) silencer on the main exhaust; two (2) silencers on the ventilation unit dedicated to the mechanical room; two (2) silencers for the ventilation unit of the garage of Prehospital Emergency;
- Modification of the shape of silencers on 10 corridor ventilation units: due to lack of space, straight silencers had to be replaced by silencers with elbow shape which are costlier. These units are located along the west corridor in the learning center area.

Michel Caron  
Directeur de projets – Site John Abbott  
SNC-Lavalin Inc.

January 25, 2012



**TABLE 120109-1 CHANGE ORDERS TO EXECUTIVE COMMITTEE  
JOHN ABBOTT COLLEGE**

**PROJECT:** Health Science and Technology Pavilion - CEGEP John Abbott College  
**Project no:** 604586-1000  
**Preparation date:** January 9, 2012  
 Rev 1 January 12, 2012  
 Rev 2 January 25, 2012

Note 1: costs taken from table of cost of EBC dated January 18, 2012

	List of "Directives" Directive number (Sub-directive number)	Cost presented by contractor	Cost negotiated and finalized	Comments	Revision
1.0	003-Rev3 (EM01-Rev3)	\$ 142,921.76	\$ 92,933.54	Addendum emitted after tender opening	Rev 2
2.0	037-Rev2 (EM08-Rev2)	\$ 26,965.50		Negotiations ongoing	
3.0	040-Rev4 (EM09-Rev4)	\$ 139,612.81		Negotiations ongoing	
4.0	054 (EM11)	\$ 101,627.59		Negotiations ongoing	
5.0	092-Rev1 (EM20-Rev1)	\$ 61,015.41	\$ 22,885.30	Still being negotiated	Rev 1
6.0	095 (S37)	\$ 31,979.20		Negotiations ongoing	
7.0	107-Rev2 (EM22-Rev2)	\$ 110,269.80		Plumbing work in tunnel 1 / McGill steam system	
8.0	113 (EM21)	\$ 39,419.26		Negotiations ongoing	
9.0	161-Rev1 (A49-R1)	\$ 21,207.95		Negotiations ongoing	
	Total - CO's above \$20,000.:	\$ 675,019.28	\$ 586,900.95		
	Total - CO's under \$20,000.:	\$ 272,905.79	\$ 272,905.79		
	Total - CO's not finalized:	\$ 859,806.74	\$ 859,806.74	As of January 18, 2012	

Michel Caron  
 SNC-Lavalin Inc.  
 January 25, 2012

January 16, 2012  
cc. Ginette Sheehy  
Nathalie Harte

**Gerald Stachrowski**

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**From:** Caron, Michel [Michel.Caron2@snclavalin.com]  
**Sent:** Thursday, September 29, 2011 6:17 PM  
**To:** Ginette Sheehy; Gerald Stachrowski; Erich Schmedt  
**Cc:** Pierre Asselin; Dufresne, Jean  
**Subject:** MEETING ON GEOTHERMIC EXTRAS - THURSDAY MORNING AT PAGEAU-MOREL'S OFFICE

**Importance:** High

Good afternoon, Ms Sheehy and Mr Stachrowski and Schmedt. Here is a short summary of the discussion of this morning with the contractor :

1.0 Claim on boring:

At the end of the meeting, we still totally disagreed about the main "contentious matter", i.e. the claim for extra hours for boring (EBC-08: \$267,200 approx + taxes).

Contractor:

The argument of the contractor is essentially based on the Geological composition of the ground. His argument is that these conditions are extreme and abnormal and were unknown at the time of tender. Flows of water were "out of norms" according to him. He indicated that a boring test should have been done prior to tender to specify the ground composition – although it was later agreed during the meeting that one test is not ensuring that the composition of the ground is similar throughout the geothermic field and that such a test could have been totally useless. He indicated that it took him approximately 2 days to bore one well while – according to him – one well a day is standard. He also indicated that, because of lack of time due to the March 31 limit, other options could not be studied to save time and money.

Pageau-Morel, engineer:

The position of Roland Charneux, one of the principals at PMA, was that the absence of boring test was clearly specified in the tender document and that the contractor had to take that condition in account when establishing his price. He insisted on the fact that the contractor new about that uncertainty on ground composition and that he should have included some risk margin on his tender price. "A fixed price deal is a fixed price deal". PMA mentioned that the contractor may have bid too low and must live with its decision. Moreover, the conditions were not to be unknown to a specialist in Geothermic systems: a lot of information is available on the ground conditions of the John Abbott area. To that argument, the contractor's specialist (geologist present at the meeting) indicated that the available geologic plans give information but are not precise to the point of identifying very special conditions on small areas.

SNC-Lavalin:

I have added as a comment that actions were taken when the special ground conditions were known: the material for filling the wells was modified (at an extra cost to the College) and the dept of the wells was reduced to ease the boring. These actions, plus the reduction of length of the tubing should have compensated for the extra work due to abnormal conditions. The contractor did not agree on this.

2.0 Other claims :

Numerous smaller claims have been commented by PMA – with reduction of prices. Along with these claims, PMA asked for a credit of \$42,000. + taxes for tubing length removed from the scope of the project after good results on the thermal efficiency of the ground.

### 3.0 Conclusion – with contractor:

- 3.1 We asked the contractor to review his most important claim (\$267,200.). He will look at it.
- 3.2 We asked the contractor to comment on the corrections made by the Engineer on the other claims. He will also do it.
- 3.3 We insisted that the filling of glycol in the wells must be completed before October 15 in order to have that somewhat costly process included in the final claim on PIDS (due October 31). He said he will do it circa October 6th. We will keep a close follow up on this. If he decides not to proceed for any reason, we will ask EBC and Gastier (plumber) to proceed in place of him. EBC / Gastier can perform that job, according to PMA.

### 3 Conclusion – with PMA and Saucier + Perrotte – after meeting with the contractor:

- I will verify if the present progress in the Geothermic work covers most of the PIDS amount. Important progress were made during the last month in the interior plumbing (reservoirs and connections, pumps, etc.) related to Geothermic system and we want to know more on our vulnerability to item 3.3. above.
- I have asked Pageau-Morel to verify the “hard facts” that are available to us through the progression reports of the contractor and through the log on workers taken from the CSST agent on site. That log gives us the number of workers on site for every day of construction. These information have already been gathered by us and are ready to analyze and be put forward if needed after the contractor revised proposal. We will try to estimate the real time it took the contractor to bore one well – one or two days – from that data.
- I have indicated to PMA that the argument of “fixed price deal” is risky and may not hold in front of a judge. Every subcontractor on site has a fixed price deal but various conditions justify extras that are paid accordingly and it could be the same here. The issue of how much he can justifiably claim – despite the fact that we took corrective actions and reduced the scope of his work – and how much he must absorb and loose because he underestimated his bid - is the issue. Considering we do not have access to the other tenderers’ prices and cannot compare, the use of the “hard figures” mentioned above may be the one tool to use. Other sources may also be available to estimate the cost of one well. To be verified.
- We did not want to conclude on a very rigid position that would have brought us in front of a judge or similar – even though it seemed we were going that way at some point during the discussion. In any case, we need to give more time for a counter proposal by the contractor and must discuss the options of the College with the College representatives.

Meeting with contractor ended around 1h00 pm. Meeting with professionals ended around 2h30.

End of report.

Thursday September 29, 2011

M. Caron, SNC-Lavalin Inc.



## BOARD OF GOVERNORS

297<sup>th</sup> EXECUTIVE COMMITTEE MEETING – FEBRUARY 8, 2012 – 16:40 – H-102

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**Present:** Ginette Sheehy, Chairperson  
Cara Parisien  
William Russell  
Erich Schmedt  
Joanne Simoneau-Polenz  
Gerald Stachrowski, Corporate Affairs

**Regrets:** Marcel Brunet

**By invitation:** Michel Caron, Project Manager (SNC Lavalin)  
Present for items 3 and 4 only

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### **EC 297-01 Acceptance of Agenda**

It was moved by William Russell, seconded by Erich Schmedt, and carried

**THAT** the agenda be accepted as presented.

### **EC 297-02 Minutes – 111<sup>th</sup> Special Executive Committee Meeting**

It was moved by Erich Schmedt, seconded by William Russell, and carried

**THAT** the minutes of the 111<sup>th</sup> Special Executive Committee meeting be accepted as circulated.

### **EC297-03 Science & Health Technologies Building – Change Order as per Directive 040 Révision 4 / EM-09 Révision 4**

Mr. Michel Caron explained the Cost Analysis of Directive 040R4-EM09R4.

The original documents showed the two pipes reaching the pump room underground, following the west foundation wall of the Science Pavilion. It was supposed to pass over Tunnel 5 (Mechanical tunnel reaching the basement of the Herzberg Pavilion).

It was discovered that the tunnel roof was too close to the ground and the conducts had to go inside the Pavilion just after they had crossed the basement of the Arctic Circle, i.e. in the Pavilion's entrance lobby. Since there is no basement in the entrance lobby, the two (2) pipes have to be raised up to the ceiling of the entrance

lobby, and follow that level up to a mechanical shaft going down and close to the pump room in the basement.

The extra is for the additional length of tubing (115.2 meters = 378 feet) to go from the underground to the lobby ceiling than back down to the basement. It is also for the cost of insulation, insulation that was not originally needed when the conduits were supposed to go underground. The power of the two (2) pumps also had to be increased.

The original cost from the contractor was \$139,612.81 plus applicable taxes, amount reduced through negotiations to \$130,307.68 plus applicable taxes.

It was moved by Erich Schmedt, seconded by Cara Parisien, and carried

**THAT** the Executive Committee approve change order and Directive 040Rev3-EM09Rev3 and 040Rev4-EM09Rev4 – Note 120208-1: Cost Analysis of Directive 040R4-EM09R4 as presented by Mr. Michel Caron for the amount of \$130,307.68 plus applicable taxes.

**EC297-04 Science & Health Technologies Building - Change Order as per Directive 092R1-EM20R1 Prix Révision #3**

Mr. Michel Caron explained this work is for plumbing in the basement and plumbing on radiant pipes on the sixth floor. Most of the cost is for material.

The previous cost from the contractor in the amount of \$61,015.14 plus applicable taxes was negotiated and reduced by the engineer Pageau-Morel, essentially through reduction in the scope of the work to \$22,885.30 plus applicable taxes.

It was moved by William Russell, seconded by Erich Schmedt, and carried

**THAT** the Executive Committee approve change order as per Directive 092R1-EM20R1 Prix Revision #3 as presented by Mr. Michel Caron for the amount of \$22,885.30 plus applicable taxes.

**EC 297-05 Report on Current and Upcoming Board Vacancies During 2012**

The Director of Corporate Affairs reviewed the hand-out “Board members – Mandates Expiring in 2012” explaining the election/appointment process to be followed to appoint members to the Board.

**EC 297-06 Board Vacancies**

The Director of Corporate Affairs informed the Executive Committee with Marcel Brunet’s resignation from the Board. His position as Vice-Chairperson, membership on the Executive Committee and Finance Committee have to be filled.

In view of the number of resignation, mandates ending and possibility on new

members to be appointed to the Board in the next few months, the Executive Committee decided to delay recommending to appoint said vacancies to the Board till after the election/appointment to current mandate renewals is complete.

### **EC 297-07 Change of Executive Dates**

The Executive Committee agreed to change the next two (2) meeting dates for the Executive Committee:

- From April 11<sup>th</sup> to April 4<sup>th</sup>
- From May 30<sup>th</sup> to May 23<sup>rd</sup>

### **EC 297-08 Appropriation from the College's Surplus Account - Imposed Budget Cuts**

It was moved by Joanne Simoneau-Polenz, seconded by William Russell, and carried

**THAT** the Executive Committee recommend that the Board, at its February 21<sup>st</sup> meeting, approve the following resolution:

**WHEREAS**, on September 19, 2011, the CEGEP system was stunned when the Ministère de l'Éducation, du Loisir et du Sport (MELS) announced a second budgetary compression during the 2011-2012 fiscal year of thirty (30) million dollars almost immediately revised to twenty (20) millions;

**WHEREAS** the budgetary cuts were to be applied using the "formule paramétrique et non en fonction de la taille du solde de fonds des collèges"; John Abbott College share would represent \$511,800.00.

**WHEREAS**, following the intervention of the *Fédération des cégeps* and a unanimous outcry from the Colleges, the MELS adjusted the budgetary cuts to \$19,800.000 stating that "Cet effort doit être fait sans affecter les services aux étudiants. En conséquence, les établissements doivent d'abord utiliser leurs surplus accumulés, les cas échéant, rationaliser leurs dépenses ou reporter la réalisation de certains projets". John Abbott College share has been set at \$515,004.00.

It was moved by \_\_\_\_\_, and seconded by \_\_\_\_\_ and carried

**THAT** the Board of Governors, under protest, authorize the appropriation of \$515,004.00 from the College's unappropriated accumulated account, said funds to be used solely as the one-time budgetary cuts ordered by the MELS for the 2011-2012 fiscal year

and

The Board directs the administration to advise the MELS that this second (2<sup>nd</sup>)

budgetary cut will have a very detrimental effect on pedagogical mission of John Abbott College.

The balance of the unappropriated accumulated surplus account will be \$99,548.00.

**EC 297-09 Board Agenda – 345<sup>th</sup> Regular Board Meeting – February 21, 2012**

It was moved by Cara Parisien, seconded by Joanne Simoneau-Polenz, and carried

**THAT** the Agenda for the 345<sup>th</sup> Regular Board meeting be adopted as presented.

**EC297-10 Closing of the 297<sup>th</sup> Executive Committee Meeting**

It was moved by William Russell

**THAT** the 297<sup>th</sup> Executive Committee meeting be closed.

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Corporate Affairs