



ARCS: 292-30  
File: TRA-2017-70006

March 17, 2017

Sent via email:

Dear

**Re: Request for Access to Records**  
***Freedom of Information and Protection of Privacy Act (FOIPPA)***

I am writing further to your request received by the Ministry of Transportation and Infrastructure. Your request is for:

*A copy of the mediation result/settlement between the Ministry and EGRT Construction/SNC Lavalin re: cost overruns and schedule delay of the Evergreen Line project. (Date Range for Record Search: From 03/01/2016 To 12/31/2016)*

Please find enclosed a copy of the records located in response to your request. Some information has been withheld pursuant to section 22 (Disclosure harmful to personal privacy) of FOIPPA. A complete copy of FOIPPA is available online at:

[http://www.bclaws.ca/civix/document/id/complete/statreg/96165\\_00](http://www.bclaws.ca/civix/document/id/complete/statreg/96165_00)

The Ministry advises the following with regards to the attached records relating to the EGRT Construction I SNC-Lavalin settlement, specifically, a copy of the Settlement Agreement between the Province and Evergreen Rapid Transit Holdings Inc., the Design Build Finance contractor (also known as EGRT):

As part of the public disclosure of the overall financials of the Evergreen Line Rapid Transit Project, the project team provided a technical briefing on project financials to media on November 29, 2016. The technical briefing including the disclosure of the details of the

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settlement -this can be accessed at: [http://www.th.gov.bc.ca/evergreen\\_line/documents/161125-Evergreen-Line-Financials.pdf](http://www.th.gov.bc.ca/evergreen_line/documents/161125-Evergreen-Line-Financials.pdf)

The settlement, which totaled \$15 million, included \$13.5 million to address EGRT's supervening events claims (specifically in relation to geotechnical issues encountered adjacent to the Inlet Station, and access issues experienced where work was adjacent to the active heavy rail corridor- no compensation was paid in relation to tunnel boring related issues and delays); and \$1.5 million to resolve outstanding disputed change orders on condition that a number of third party issues are settled and owners provide waivers to the Province (which has been done). The Province also released \$150 million of the \$252 million holdback, as it was determined that the major project risks had passed and at that point it would be reasonable to retain approximately \$100 million to secure remaining project risks.

Separate from this settlement, the Province provided compensation of approximately \$2 million with respect to an separate supervening event in relation to undisclosed ground water contamination which was discovered during tunnel boring. Together with the settlement with EGRT, this makes up the \$17 million Province retained/shared risk outlined in the technical briefing.

Your file is now closed.

These records will be published on the BC Government's Open Information website a minimum of five business days after release. To find out more about Open Information, please access the Open Information website at: [www.gov.bc.ca/openinformation](http://www.gov.bc.ca/openinformation)

If you have any questions regarding your request, please contact Dave Katorynski, the analyst assigned to your request, at 250 387-1371. This number can be reached toll-free by calling from Vancouver, 604 660-2421, or from elsewhere in BC, 1 800 663-7867 and asking to be transferred to 250 387-1371.

You have the right to ask the Information and Privacy Commissioner to review this decision. I have enclosed information on the review and complaint process.

Sincerely,



John Nsabimana  
On behalf of Dave Katorynski, FOI Analyst  
Business and Infrastructure Team, Information Access Operations

Enclosures

<p>How to Request a Review with the Office of the Information and Privacy Commissioner</p>
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If you have any questions regarding your request please contact the analyst assigned to your file. The analyst's name and telephone number are listed in the attached letter.

Pursuant to section 52 of the *Freedom of Information and Protection of Privacy Act* (FOIPPA), you may ask the Office of the Information and Privacy Commissioner to review any decision, act, or failure to act with regard to your request under FOIPPA.

**Please note that you have 30 business days to file your review with the Office of the Information and Privacy Commissioner. In order to request a review please write to:**

Information and Privacy Commissioner  
PO Box 9038 Stn Prov Govt  
4th Floor, 947 Fort Street  
Victoria BC V8W 9A4  
Telephone 250 387-5629      Fax 250 387-1696

If you request a review, please provide the Commissioner's Office with:

1. A copy of your original request;
2. A copy of our response; and
3. The reasons or grounds upon which you are requesting the review.