

## **Engagement of Consultants to Undertake the Detailed Design and Construction Administration/Supervision for Emery Creek Stormwater Quality Control Ponds**

*(City Council on December 14, 15 and 16, 1999, adopted this Clause, without amendment.)*

**The Works Committee recommends the adoption of the following report (November 17, 1999) from the Commissioner of Works and Emergency Services:**

### Purpose:

To present the results of a Request for Proposals for the selection of professional consulting services required for the detailed design of the Emery Creek Stormwater Quality Control Ponds as per the preliminary design described in the Emery Creek Environmental Assessment, Environmental Study Report (Marshall Macklin Monaghan, December 1997), and for construction supervision and commissioning of the facility; and engage a consultant selected through the two-stage consultant selection process to provide these services.

### Financial Implications and Impact Statement:

The funds are available in the approved 1999-2003 Water and Wastewater Capital Works Program, Capital Account No. WP003-23000001 for the Emery Creek Pond including the detailed design, general administration and site supervision services.

The Chief Financial Officer and Treasurer has reviewed this report and concurs with the Financial Impact Statement.

### Recommendations:

It is recommended that:

- (1) the firm of MacViro Consultants Inc., being the highest overall evaluated scoring proponent, be engaged to provide detailed design, general administration and site supervision services during the construction and commissioning of the Emery Creek Stormwater Quality Control Ponds at a cost not to exceed \$304,185.00 including GST for a design/construction period of up to 14 months, plus a contingency allowance of \$30,000.00 to cover extended services during the design and construction of the facility at a rate not to exceed \$5,000.00 per week including disbursements and GST, if necessary and as authorized by the Commissioner of Works and Emergency Services; and
- (2) the appropriate City officials be directed to take the necessary action to give effect thereto.

### Council Reference/Background/History:

The Emery Creek Stormwater Quality Ponds Project is a unique opportunity to apply state-of-the-art stormwater quality control/treatment in a retrofit situation, for much needed improvement of water quality in the Humber River Watershed. This project exemplifies the City's environmental leadership in the area of storm water management.

On April 24, 1991, by adoption of Clause No. 13 of Report No. 10 of The Works Committee, former Metro Toronto Council authorized the Commissioner of Works to engage the consulting engineering firm of Marshall Macklin Monahan Ltd. to undertake the preliminary engineering and environmental assessment for the proposed Emery Creek Stormwater Quality Ponds.

The project was undertaken as a Schedule "C" Class Environmental Assessment (Class EA) project according to the Municipal Engineers Association Class Environmental Assessment for Municipal Sewage and Water Projects. The Class EA is a comprehensive step-by-step planning approach which includes extensive public consultation in the selection, evaluation and implementation of the preferred alternative. An Environmental Study Report is produced which documents the process, the evaluation of alternatives and selection of the preferred option.

The project Environmental Study Report was completed in December 1997, and submitted to the Ministry of the Environment. A "Notice of Completion" was posted in local newspapers on January 21 and 24, 1998. This was followed by a 30-day public review and comment period as obligated under the Environment Assessment Act.

On February 18, 1998, the Minister received requests from Mr. and Mrs. D. Crowden and Toronto City Councillor George Mammoliti asking that the proposed project be bumped-up to an individual environmental assessment.

On September 7, 1998, the Ministry of the Environment advised Mr. and Mrs. D. Crowden and Councillor George Mammoliti that an individual environmental assessment of the project was not warranted.

Council, at its meeting of July 29, 30, and 31, 1998, adopted Clause No. 2, Report No. 7 of The Works and Utilities Committee, endorsing the preferred alternative for the Emery Creek Stormwater Quality Control Ponds as recommended in the Schedule "C" Class Environmental Assessment Study Report, December 1997.

The Emery Creek Neighborhood Liaison Committee is being established concurrent with the consultant selection process. The public will be consulted on the detailed design, construction, operations and monitoring of the proposed stormwater quality ponds through the Emery Creek Neighborhood Liaison Committee (as recommended by the Works and Utilities Committee at its meeting of July 15, 1998) and the Emery Creek Environmental Association.

Accordingly, consulting services for general administration and site supervision will be required to assist the City during design, construction and commissioning of the Emery Creek Stormwater Quality Control Ponds. In order to secure the necessary consulting services, a two-stage Request for Proposal competitive consultant selection process was issued by the Purchasing and Materials Management Division.

The results of the consultant selection process are summarized below.

Comments and/or Discussion and/or Justification:

A two-stage process was undertaken whereby Expressions of Interest were requested first followed up by a Request for Proposals from the short-listed proponents.

On July 5, 1999, the Purchasing and Materials Management Division issued an Expressions of Interest and/or Prequalification of Proponent for this project.

Ten firms with experience in similar work were chosen from a roster of qualified companies and invited to submit Expressions of Interest. In addition, this opportunity was advertised on the City's website. Four firms declined to submit proposals and six firms submitted. The responses were evaluated according to a set of pre-established criteria by representatives from the Water and Wastewater Services and Technical Services Divisions of the Works and Emergency Services Department.

Using a threshold level of 75 percent of the maximum attainable score as a criterion, evaluation of the Expressions of Interests resulted in a short list of three firms. On October 4, 1999, the Purchasing and Materials Management Division issued Requests for Proposals to the short listed proponents. Detailed written proposals, including separate sealed cost proposals, were received from the three firms on October 22, 1999.

A formal staff selection committee was struck to evaluate the detailed proposals. As with the Expressions of Interest, the committee was comprised of representatives from the Water and Wastewater Services and Technical Services Divisions of the Department.

The technical submissions were reviewed first independently and then jointly by members of the selection committee, and were evaluated according to a set of pre-established criteria. Once again, a threshold level of 75 percent of the maximum attainable score had been previously established as the criterion for the next step in the selection process which was a review of the separately submitted sealed cost proposals. Accordingly, all three firms qualified for further consideration and their cost proposals were reviewed.

On completion of all of the above, the MacViro Consultants Inc. submission was ranked first having the highest technical rating and the "lowest cost/point" based on the costs in the fee proposal and the points awarded in the technical evaluation.

The selection committee concluded that the proposal submitted satisfied the overall project requirements at a reasonable cost and demonstrated an appropriate level of effort to properly address the necessary elements of the work.

MacViro Consultants. Inc. propose to provide the required consulting services over a period of 14 months for the total upset limit of \$304,185.00 including disbursements and GST.

A contingency allowance of \$30,000.00 limited to a maximum rate not to exceed \$5000.00 per week including disbursements and GST is also recommended to cover the cost of any extended services during design and construction, if necessary and, as authorized by the Commissioner of Works and Emergency Services.

The Manager, Fair Wage and Labour Trades Office, has reported favourably on the firm recommended.

Conclusions:

The proposal submitted by MacViro Consultants Inc. satisfies the requirements of the City's Request for Proposals competitive consultant selection process, and the fee proposal is fair and reasonable in comparison with other projects of a similar scale. It is recommended that a consulting services agreement be entered into with MacViro Consultants Inc. on such terms and conditions satisfactory to the Commissioner of Works and Emergency Services and in a form satisfactory to the City Solicitor.

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