

Sole Source Emergency Erosion Control Repairs - West Highland Creek Within the Scarborough Golf & Country Club

Date:	April 20, 2007
To:	Public Works and Infrastructure Committee
From:	General Manager Toronto Water Director, Purchasing & Materials Management
Wards:	Scarborough East - Ward 43
Reference Number:	P:\2007\Internal Services\pmmd\pw07020pmmd (AFS #4892)

SUMMARY

The purpose of this report is to obtain authority to enter into a sole source purchasing agreement with the Scarborough Golf and Country Club to undertake erosion control repairs to the West Highland Creek impacting golf course operations mandated by findings of the Supreme Court of Ontario, and to issue a purchase order to the golf club.

Committee and Council authorization is required to enable the City to issue a sole source purchase order to the Scarborough Golf & Country Club to undertake the erosion control repairs within the Scarborough Golf & Country Club. The work is intended to be funded from the Toronto Water Capital Budget.

RECOMMENDATIONS

The General Manager Toronto Water and Director Purchasing & Materials Management recommend that:

1. Authority is granted to issue a purchase order to the Scarborough Golf and Country Club in the amount of \$590,000.00, net of GST, for the erosion protection required along the West Highland Creek within the Scarborough Golf and Country Club.

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Financial Impact

The total cost of these repairs is estimated at \$625,400.00 including all charges and applicable taxes. Funds to cover the cost of the erosion protection along the West Highland Creek within the Scarborough Golf & Country Club in the amount of \$590,000.00 net of GST have been provided in the 2007 Toronto Water Capital Budget – Storm Water Management – Watercourse Restoration – Stream Restoration – All Districts CWW466-01. The engineering estimate for these repairs is \$700,000.00 including all applicable taxes.

The Deputy City Manager and Chief Financial Officer have reviewed this report and agree with the financial impact information.

DECISION HISTORY

As a result of severe heavy rains of the August 19, 2005 storm, eleven sites along the West Highland Creek within the limits of the Scarborough Golf Club experienced varying levels of erosion requiring attention by the City who retain an easement over the lands to access, maintain and repair the creek from time to time.

The minutes of settlement from a Supreme Court of Ontario Decision issued and authorized March 26, 1990 between the Scarborough Golf & Country Club and the former Corporation of the City of Scarborough stipulated terms and conditions for the future maintenance, repair and response required by the City to address erosion control issues with the golf club.

The minutes of settlement require the City to act, mobilize and affect and fund repairs to erosion sites if the course is deemed unplayable by the Scarborough Golf & Country Club. With the volatility of the of the Highland Creek stream bed the risk to the City could have been substantial if mobilization did not take place immediately.

ISSUE BACKGROUND

On December 22, 2005 Scarborough Golf & Country Club placed the City of Toronto on notice that several of the eleven sites impacted by the initial erosion resulting from the August 19, 2005 storm had further eroded placing opening of the golf course for spring 2006 in jeopardy. Site visits with city staff confirmed the severity of the erosion. Acting under the authority of the City's Municipal Code, Chapter 195, Purchasing, staff requested the Scarborough Golf & Country Club to undertake the repairs to the erosion along the Highland Creek for the first phase of the work. The second phase requires the golf club to complete eight additional sites in accordance with the minutes of settlement. To mitigate the risk to the City, the Scarborough Golf & Country Club was requested to undertake the repairs. As a result Council authority is required to issue a sole source purchase order to the Scarborough Golf & Country Club.

COMMENTS

The initial sole source issued to the golf club in the amount of \$270,000.00 net of GST was for the emergency repairs to the most critical sites within the golf course.

The golf club has now started repairs to the balance of the sites identified in August 2005. The second phase which deals with the remaining sites were to be addressed by the golf club in winter/spring 2006/2007 as per the selected approach agreed to with City staff in January 2006.

The estimated cost of the Phase II repairs is \$590,000.00 net of GST which include \$450,000.00 in confirmed construction activities to restore the stream bed/banks and \$140,000.00 in contingency items to cover such items as additional restoration due to access issues as well as additional plantings of shrubs and ground cover to add additional erosion protection to the stream banks.

In support of the requirements of the minutes of settlement, the selected approach to request and engage the Scarboro Golf & Country Club to undertake all required repairs was the most beneficial in terms of mitigating the City's exposure to potential claims resulting from not having the golf course operational in 2006. The Scarboro Golf & Country Club is expected to complete all erosion repairs by June 2007. As the Scarboro Golf & Country Club placed the City of Toronto on notice that the stream bank erosion at several locations along the Highland Creek would impact golf play, Toronto Water requested the golf club to undertake all erosion control repairs resulting from the August 19, 2005 storm event in accordance with the minutes of settlement. This decision and request was made to remove potential liability from the City and to ensure that the golf club was in control of the repair schedule, which would mitigate claims for having to close the golf course for repairs. The golf club proceeded to repair the most severe of the erosion sites and monitored and maintained the balance of the sites to ensure that the golf course would remain open through the 2006 season and that construction would not impact 2006 play.

The golf club advised that the repairs of the remaining eight sites would be completed in April-June 2007; as a result a purchase order to the Scarboro Golf Club is being requested to cover the phase II repairs resulting from the August 19, 2005 storm event. This work was started in early April 2007.

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SIGNATURE

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