



**STAFF REPORT
ACTION REQUIRED**

**Contract Award – Contract No. 10FS-34S,
Tender Call 353-2010 for the Construction of Fort York
Pedestrian and Cycle Bridge**

Date:	March 25, 2011
To:	Public Works and Infrastructure Committee
From:	Executive Director, Technical Services Director, Purchasing and Materials Management Division
Wards:	Ward 19 – Trinity-Spadina
Reference Number:	P:\2011\Cluster B\TEC\PW11023 (AFS#13663)

SUMMARY

The purpose of this report is to advise of the results of Tender Call 353-2010 issued for the construction of the Fort York Pedestrian and Cycle Bridge over GO Transit Tracks from Wellington Street to Fort York in accordance with specifications as required by Technical Services, and to request the authority to award a contract to the recommended bidder.

RECOMMENDATIONS

The Executive Director of Technical Services and the Director of Purchasing and Materials Management recommend that the Public Works & Infrastructure Committee:

1. Grant authority to award Contract 10FS-34S, Tender Call 353-2010 to BOT Engineering & Construction Ltd., in the amount of \$22,419,395.00 net of all applicable taxes and charges, for the construction of the Fort York Pedestrian and Cycle Bridge over GO Transit Tracks from Wellington Street West to Fort York and associated approach trails, having submitted the lowest bid meeting specifications in conformance with the Tender requirements.

Financial Impact

The total contract award identified in this report is \$25,333,916.35 including all applicable taxes and charges. The cost to the City is \$22,419,395.00 net of all applicable taxes and charges and \$22,813,976.35 net of HST Recoveries.

Funding for the contract award is included in the Waterfront Revitalization Initiative's 2011 Approved Capital Budget and 2012-2020 Capital Plan (Transportation Initiatives) and in the Transportation Services 2011 Capital Budget, Bridge Rehabilitation Program, in the following accounts:

WBS Element	Description	2011	2012	Total Net of HST Recoveries
CTP511-01-06	Bridge Rehabilitation	\$4,394,581.35		\$ 4,394,581.35
CWR003-12	Transportation Initiatives	\$8,000,000.00	\$10,419,395.00	\$ 18,419,395.00
				\$ 22,813,976.35

The engineering estimate for this contract was \$18,050,965.00 excluding HST. The difference between the engineering estimate and the lowest bidder's price was the cost of the structural steel including access and protection, cable hangers, dampers, epoxy asphalt, railings. These items are unique and specific to this project, for which no comparable prices were available upon which the engineering estimate could be based.

Funds for the construction of the Fort York Pedestrian and Cycle Bridge are available in the Transportation Services 2011 Capital Budget (CTP511-01-06) due to the deferral of the Howland Avenue / CPR and the Rowanwood / TTC bridge rehabilitation projects. These bridges were originally scheduled for rehabilitation in 2011, but have been deferred to 2012, due to the delay in the start of the design phase and a corresponding delay in the start of the construction phase, which would have extended construction into 2012. Deferred rehabilitation of the Howland Avenue / CPR and the Rowanwood / TTC bridges will be accommodated within the Transportation Services Approved 2012-2020 Capital Plan and debt targets.

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

DECISION HISTORY

At its meeting on October 29th and 30th, 2008, Council approved the construction of the Fort York Pedestrian and Cycling Bridge, in accordance with the staff report entitled "Toronto Waterfront Revitalization Initiative Five-Year Business Plan/Ten Year Forecast (2008-2017)." The report can be found at:

<http://www.toronto.ca/legdocs/mmis/2008/cc/decisions/2008-10-29-cc25-dd.pdf>

Tender documents for Tender Call 353-2010, Contract 10FS-34S for the construction of the Fort York Pedestrian and Cycle Bridge, were prepared in accordance with the recommendations of the Environmental Study Report, "Fort York Pedestrian and Cycle Bridge, Class Environmental Assessment, Environmental Study Report, December, 2009", prepared by Stantec Consulting Ltd. The report can be found at:

http://www.toronto.ca/involved/projects/ftyork_bridge/pdf/esr/esr_report.pdf

At its meeting on August 18th, 2010, Public Works and Infrastructure Committee granted authority to the City Solicitor to negotiate and execute agreements with rail companies affected by the construction of the Fort York Pedestrian and Cycle Bridge, Contract 10FS-34S. The report can be found at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2010.PW35.7>

ISSUE BACKGROUND

Tender Call 353-2010 was issued by the Purchasing and Materials Management Division and was advertised on the City's Internet website on December 24th, 2010.

The Purchasing and Materials Management Division, at its Public Opening held on February 3rd, 2011 opened the following tenders for Tender Call 353-2010, Contract 10FS-34S for the construction of the Fort York Pedestrian and Cycle Bridge over GO Transit Tracks from Wellington Street to Fort York:

Tenderers	Price Complete Including All Charges (Net of HST)
BOT Engineering & Construction Ltd.	\$22,419,395.00
Aecon Construction and Materials	\$23,068,079.80*
Soncin Construction	\$23,301,294.00
Grascan /Torbridge Construction Ltd	\$23,700,000.00
Dufferin Construction Company	\$24,234,980.00
PCL Constructors Canada Inc.	\$24,541,083.85*
A Plus General Contractor	\$28,086,965.00*

* Tender prices corrected for mathematical errors. Purchasing and Materials Management has verified that the mathematical errors were corrected.

COMMENTS

City staff originally estimated this project at \$18,050,965.00 which would have resulted in an award by the City's Bid Committee. Because the low bid was higher than \$20M,

award must be authorized by Public Works & Infrastructure Committee (PWI). City staff was then required to seek confirmation of the required funding and arrange for award by PWI.

The time required to make the necessary arrangements resulted in the City requesting BOT Engineering & Construction Ltd. to extend their bid bond coverage until June 3, 2011 to ensure that the contractor would be bound to execute a contract should PWI award this contract. The end result is that the Completion Date for the contract has to be extended from May 6, 2012 to July 13, 2012 which the contractor has indicated will not affect the schedule and costs.

The City has been in discussions with Metrolinx and they have indicated the Construction Access Agreement can be amended to reflect the revised timelines.

The Tender documents submitted by the recommended bidder have been reviewed by the Executive Director, Technical Services and have been found to be in conformance with the Tender requirements.

Technical Services staff has reviewed the bid and found the price of the recommended bidder to be acceptable and within budget.

The Fair Wage Office has reported that the recommended firm has indicated that it has reviewed and understands the Fair Wage Policy and Labour Trades requirements and has agreed to comply fully.

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SIGNATURE

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