

City Clerk's Office

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January 26, 2009

To: City Council

From: City Clerk

Subject: **Public Works and Infrastructure Committee Recommendations on
Emergency Repair to the Coxwell Sanitary Trunk Sewer****Origin**

The Public Works and Infrastructure Committee at its meeting on January 6, 2009, considered a report (January 6, 2009) from the Acting Deputy City Manager and Chief Financial Officer and the General Manager, Toronto Water, headed "Emergency Repair to the Coxwell Sanitary Trunk Sewer".

Committee Recommendations

The Public Works and Infrastructure Committee recommended to the Budget Committee that:

1. City Council authorize the General Manager, Toronto Water, to retain the various professional and engineering consultants and to procure the various goods and/or services identified below, either on a sole source basis or by such other means of procurement, in consultation with the Director of Purchasing and Materials Management, and on such terms and conditions, as he considers appropriate in the circumstances, to:
 - a. undertake technical assessments of sewer performance and ground subsidence inclusive of geotechnical review and analysis; and to further procure any goods and services necessary to satisfy compliance with any regulatory approval requirements;
 - b. undertake the engineering design, general office administration, site supervision and the construction of physical works to support the implementation of emergency by-passes;
 - c. provide engineering services for the preparation of any design/build procurement documents; to oversee engineering design and provide general office administration and site supervision services during construction and post construction services, all associated with the temporary and/or permanent by-passes;

- d. implement the design/build for a permanent by-pass option, including in conjunction therewith, the construction of temporary by-passes;
 - e. provide spill containment and waste disposal services associated with any by-passing of flows from the Don Sanitary Trunk Sewer System;
 - f. provide the legal, valuation, negotiation, surveying and other services required to obtain the temporary and permanent interests in real estate needed for the construction, operation, maintenance, repair and replacement of temporary and permanent by-passes and any ancillary works;
 - g. provide public consultation and communication services associated with providing regular updates and briefings to the local community and City Council; and
 - h. provide any other goods, services or professional services necessary to complete the emergency repairs.
2. Subject to the adoption of Recommendation (1) above, the General Manager, Toronto Water, be authorized to negotiate, enter into and execute any one or more agreements or related documents to give effect thereto on terms and conditions satisfactory to the General Manager, Toronto Water, with the approval of the City Manager, and in a form satisfactory to the City Solicitor.
 3. Subject to the adoption of Recommendation (2) above, the General Manager, with the approval of the City Manager, in consultation with the Deputy City Manager and Chief Financial Officer and City Solicitor, be authorized to negotiate, enter into and execute on behalf of the City any indemnity agreements and/or limitations of liability as may be required in favour of such consultants, as identified by the General Manager, Toronto Water, and their respective subsidiaries, subcontractors, consultants, agents, officers, directors, and employees, to secure the performance of the necessary emergency repair or replacement work or services in relation to the Coxwell Sanitary Trunk Sewer, such agreements and/or limitations of liability to be on such terms as deemed necessary by the General Manager, Toronto Water and the City Manager without limitation.
 4. Subject to the adoption of Recommendations (1), (2) and (3), above, authority be delegated to the General Manager, Toronto Water, with the approval of the City Manager, in consultation with the Deputy City Manager and Chief Financial Officer and City Solicitor, to authorize the acquisition of the temporary and permanent interests in real estate needed for the construction, operation, maintenance, repair and replacement of temporary and permanent by-passes and any ancillary works including negotiating, entering into and executing on behalf of the City all necessary agreements and other documents, on terms and conditions satisfactory to the General Manager and in form satisfactory to the City Solicitor.

5. Toronto Water's 2009 Capital Budget and 2010-2013 Capital Plan be increased by up to \$30 million to include a new sub-project entitled CWW472-04 - Emergency Repair to Coxwell Sanitary Trunk Sewer to fund the recommended additional expenditures as contemplated in Recommendations (1), (2), (3) and (4) requiring a cashflow of \$10 million in 2009 and \$20 million in 2010, to be funded from the Wastewater Capital Reserve Fund XR6004.
6. The General Manager, Toronto Water, be requested to report to the April 8, 2009, meeting of the Public Works and Infrastructure Committee on the results of the geotechnical studies and other pertinent matters related to the Coxwell Sanitary Trunk Sewer, including the actions taken pursuant to Recommendation (1) above.
7. The appropriate City staff be authorized and directed to take the necessary action and to execute any documents necessary to give effect to the above recommendations.

Decision Advice and Other Information

The Public Works and Infrastructure Committee requested the General Manager, Toronto Water:

1. in consultation with Strategic Communications staff and local councillors, to develop a communication plan, including community meetings with affected residents and the broader community; and
2. to provide a detailed briefing of the Preliminary Screening Analysis Study to affected residents.

for City Clerk

M. Toft/