



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

Claims Relating to Construction at Municipal Car Park 1, 20 Charles Street East

Date: November 8, 2019
To: Board of Directors, Toronto Parking Authority
From: Acting President, Toronto Parking Authority
Wards: Ward 11, University-Rosedale

REASON FOR CONFIDENTIAL INFORMATION

The attachments to this report pertain to potential litigation that affects the Toronto Parking Authority.

SUMMARY

The purpose of this report is to obtain instructions regarding claims submitted by Harbridge + Cross Ltd. to the Toronto Parking Authority relating to the construction project involving the addition of two levels to Municipal Car Park 1 located at 20 Charles Street East.

RECOMMENDATIONS

The Acting President, Toronto Parking Authority recommends that:

1. The Board of Directors of Toronto Parking Authority adopt the confidential instructions to staff in Confidential Attachment 1.
2. The Board of Directors of Toronto Parking Authority authorize the public release of the confidential instructions to staff in Confidential Attachment 1 at the discretion of the President, Toronto Parking Authority, in consultation with the City Solicitor.
3. The Board of Directors of Toronto Parking Authority direct that the balance of Confidential Attachment 1 and Confidential Attachment 2 remain confidential in their entirety, as they pertain to potential litigation that affects the Toronto Parking Authority.

FINANCIAL IMPACT

Table 1 below provides an overview of the budgetary approvals and various costs associated with the construction of two additional levels to Municipal Car Park 1 along with the extensive upgrades to the existing facility.

Table 1 - Cost Summary of Construction Involving Municipal Car Park 1			
1 Approved Capital Budget			
a)	2010 Approved Capital Budget for two additional levels	\$11,000,000	
b)	2014 Additional Approved Capital Budget for upgrades to existing facility	\$2,000,000	
c)	2015 Additional Approved Capital Budget for upgrades to Retail Units	\$1,000,000	
d)	2018 Additional Approved Capital Budget for additional work and settlement claim	\$1,500,000	
	Total Approved Capital Budget		\$15,500,000
2 Consulting Service Costs			
a)	Read Jones Christoffersen Ltd. (RJC) Consulting Services - Board Approval - April 30, 2014		(\$908,000)
3 Construction Costs			
a)	Approved Contract Amount to date includes costs for the TTC work in progress	\$13,851,696.82	
b)	Toronto Transit Commission (TTC) Credit	(\$312,567.91)	
c)	Remaining Cash Allowance for Inspection and Testing	(\$20,267.22)	
	Total TPA Construction Cost	\$13,518,861.69	(\$13,518,861.69)

Further financial details are provided in Confidential Attachment 1.

DECISION HISTORY

At its meeting on March 25, 2009, the Board of Directors authorized the award for Consulting Services to Read Jones Christoffersen Ltd. in the amount of \$630,000, net of all taxes and charges.

[Attachment No. 1 - Board Report dated March 13, 2009 - Minute Number 09-032](#)

At its meeting on November 20, 2013, the Board of Directors authorized the amendment for Consulting Services to Read Jones Christoffersen Ltd. in the amount of \$730,000, net of all taxes and charges.

[Attachment No 2 - Board Report dated November 4, 2013 - Minute Number 13-164.](#)

At its meeting on April 30, 2014, the Board of Directors authorized the amendment for Consulting Services to Read Jones Christoffersen Ltd. in the amount of \$908,000, net of all taxes and charges.

[Attachment No 3 - Board Report dated April 17, 2014 - Minute Number 14-052](#)

At its meeting on December 16, 2015, the Board of Directors authorized the award of the Construction Contract to Harbridge + Cross Limited in the amount of \$12,300,000, net of all taxes and charges.

[Attachment No 4 - Board Report dated December 9, 2015 - Minute Number 15-199](#)

COMMENTS

Municipal Car Park 1 is located at 20 Charles Street East (nearest intersection is Yonge and Bloor). The above-grade garage was originally constructed and fully operational in 1996 with 5 levels of parking (Levels 1 to 5), with the top level being exposed roof level parking. Access to the garage is from Charles Street East with exits on both Charles Street East and Hayden Street. This municipal car park originally provided 430 parking spaces and six (6) retail units. The lowest level, Level 1, is at ground level and directly above the Toronto Transit Commission (TTC) subway tunnel. To avoid loading the TTC subway structure, the TPA garage was designed using structural steel framing with reinforced concrete slabs to facilitate spanning over the TTC structure. As part of the original construction, two air shafts were incorporated in the design of the facility that are located on the east and west elevations. Each shaft extends the full height of the facility and are owned and maintained by TTC. The caisson foundations and the superstructure were designed with a Phase II future provision to add two additional parking levels over the existing car park garage.

The Board, under Minute No. 93-045, dated March 24, 1993 retained Read Jones Christoffersen Ltd. (RJC) as the Prime Consultant for the consulting services required for the original construction of the five-level car park. The car park was constructed by Harbridge and Cross and opened on November 25th, 1996.

To meet parking service requirements in the Bloor and Yonge neighbourhood and the potential closure of Carpark 15 located at 50 Cumberland Street plans were initiated in 2008 to construct two additional levels providing a total of 641 parking spaces (increase of 211 parking spaces). In addition to the construction of the two additional levels, the following upgrades to the existing facility were included in the scope of work:

- Repaint all levels
- Replace all existing floor drains
- Replace Signage and Wayfinding on all levels
- Replace all public access doors
- Replace all expansion joints
- Replace waterproofing system at the existing roof level
- Reseal asphalt surface and repaint parking stall lines on all levels
- Re-waterproof parking level over Retail Units
- Repair damaged screens at all levels
- Modify the existing 6 Retail Units and provide 3 Units at Hayden Street and 2 Units on Charles Street East (Total of 5 Units)
- Provide kitchen exhaust for all Retail Units
- Provide new gas lines to all Retail Units
- Provide new fire sprinkler valves and new fire hose cabinets at all levels

- Provide new HVAC system for all Retail Units
- Provide new building envelope at all Retail Units
- Provide new sign boxes for all Retail Units
- Replace Fire Alarm system
- Replace all light fixtures with LED fixtures on all levels
- Replace elevators and renovate building to meet new elevator code requirements
- New Stairwell guards and Handrails
- New Customer Service Office
- New Public Washrooms
- New gas powered Emergency Generator on New Roof Level
- Remove existing boiler and provide electric heaters to office and washroom areas
- Provide silencers, access ladder and roof top protection to both the east and west TTC Ventilation Shafts.

All of the work associated with the construction of the two additional levels, the upgrades to the existing facility and the upgrades to the Retail Units was completed in December, 2017.

As part of the Site Plan Approval process, Notice of Approval Conditions were provided by the Community Planning Department on April 15, 2011. One of the pre-approval conditions was the requirement to enter into a Construction Agreement with the TTC. In order to finalize the Construction Agreement the TPA and TTC negotiated the installation of Silencers, Access Ladders and Vent Shaft Protection to both TTC air shafts. The cost to be shared at 50% each with an upset budget of \$800,000.

The Construction Agreement was finalized and executed in June, 2017. Between June of 2017 and May of 2019, ongoing discussions have taken place between TPA, RJC and TTC to finalize Shop Drawings and final costs. TPA received final agreement from TTC to proceed with this work in June of 2019. Based on the recently submitted work schedule by H+C, this work was initiated on October 7, 2019 with a proposed completion date of December, 2019. This remaining work has no additional impact with respect to the provided Financial Impact.

CONTACT

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SIGNATURE

Robin Oliphant, Acting President
Toronto Parking Authority

ATTACHMENTS

Attachment 1 - Board Memorandum dated March 13, 2009 - Minute Number 09-032

Attachment 2 - Board Memorandum dated November 4, 2013 - Minute Number 13-164

Attachment 3 - Board Memorandum dated April 17, 2014 - Minute Number 14-052

Attachment 4 - Board Memorandum dated December 9, 2015 - Minute Number 15-199

Confidential Attachment 1 - Confidential Instructions to Staff and Confidential
Information or Advice on Claims Relating to Construction at Municipal Car Park 1, 20
Charles Street East

Confidential Attachment 2 - Consultant's Review of Independent Analysis of Claims