

## REPORT FOR ACTION

### Sidewalk Concrete Upgrade at Enercare Centre

**Date:** October 14, 2021

**To:** The Board of Governors of Exhibition Place

**From:** Don Boyle, Chief Executive Officer

**Wards:** All

#### SUMMARY

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This report recommends approving a contract with Melrose Paving Co. Ltd. of Mississauga, Ontario for the concrete sidewalk upgrades around Enercare Centre. The Tender Call was issued on July 6, 2021 through Exhibition Place Purchasing and Materials Stores via Merx Online Procurement System, and the recommendation is to award the contract to the lowest compliant bidder meeting tender requirements and specifications within the available budget.

This project is both time and weather sensitive and to meet construction timelines, as well as, to leverage window of opportunity available due to fewer events scheduled this Summer and Fall, the Chair of the Board in consultation with the CEO of Exhibition Place, approved this contract award pursuant to the authority under the Board Financial By-law 2-18, Article X, and seek concurrence of the Board.

#### RECOMMENDATIONS

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The Chief Executive Officer recommends that:

1. The Board concur with the action taken by the Chair of the Board and the Chief Executive Officer in approving the award of Contract No. 21-076-17666 (RFT No. EP106-2021) to Melrose Paving Co. Ltd. of Mississauga, Ontario for sidewalk concrete upgrade around Enercare Centre in the amount of \$574,402.87 excluding HST; this being the lowest acceptable tender submission received following the public tendering of the project.

#### FINANCIAL IMPACT

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The financing for this project is included within the approved Exhibition Place Capital Works Program 2021.

## DECISION HISTORY

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The Exhibition Place 2017 – 2019 Strategic Plan has a Public Space and Infrastructure Goal to ensure that our State-of-Good-Repair plan and processes are adequately linked to our capital plan, and as a Strategy to support this Goal to maintain and improve our event space.

At its meeting of October 26, 2020, the Board approved the 2021 Capital Works Program budget. An amended version of this budget was subsequently adopted by City Council at its meeting on February 18, 2021.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.EP14.1>  
<https://www.toronto.ca/legdocs/mmis/2020/ep/bgrd/backgroundfile-157457.pdf>  
<https://www.toronto.ca/legdocs/mmis/2020/ep/bgrd/backgroundfile-157458.pdf>  
<https://www.toronto.ca/legdocs/mmis/2021/ex/bgrd/backgroundfile-163789.pdf>

## COMMENTS

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### Background

Based on the ground audit and visual inspections completed by the Operations staff, it was determined that the concrete sidewalks on the South and West sides of the Enercare Centre poses health and safety risks for the visitors and patrons. To address Health and Safety risks, Capital funds are allocated for the repair and replacements of Sidewalks.

### Tender Process

The tender for this contract was issued on July 6, 2021 through the Exhibition Place Purchasing and Materials Stores via Merx Online Procurement System and closed on July 27, 2021. Due to the COVID-19 situation, no public tender opening was conducted but the contract pricing of the submissions has been posted on the Exhibition Place Procurement site. Four (4) bidders came to the mandatory site tour meeting and three (3) submissions were received, only two (2) of which were compliant with the tender requirements. The bidders' price submissions, excluding HST, is as shown in the following Table 1:

Table 1: Tender Price Submission and the Recommended Contract

| Bidder                          | Base Bid Price Received | Recommended Contract Price |
|---------------------------------|-------------------------|----------------------------|
| *Neptune Security Services Inc. | \$383,723.66            | *Non-compliant             |
| Melrose Paving Co. Ltd.         | \$574,402.87            | \$574,402.87               |
| South Central Inc.              | \$1,314,347.94          | Meets Requirements         |

\*Non-compliant - did not meet tender qualification and experience requirements.

## **Assessment of Non-Compliance of the Lowest Bidder**

Request for Tender (RFT) document states following:

Part 1: Tender Specific Process and Submission Instructions; Section 1.9.4.1 provides: "Each Supplier shall complete, and submit the Experience and Qualifications Form provided in Form C of Part 4 (Experience and Qualifications Form). In submitting such form, the Supplier gives Exhibition Place consent to contact the references therein to confirm the information therein. Failure to provide the required information listed on the Experience and Qualifications Form shall render the Bid non-compliant. If, in Exhibition Place's sole and absolute discretion, the references do not confirm the Supplier's experience and qualifications as required by the RFT, the Bid will be declared non-compliant and will not be considered for acceptance."

The lowest bid submitted by Neptune Security Services Inc. was deemed non-compliant for the following reasons:

- a) Neptune Security has submitted a Certificate of Recognition (COR) document issued to a different company name; Citiland Express Inc. Neptune Security has not provided any clarifications to why a certificate issued to a company name other than Neptune Security was included in the bid.
- b) Neptune Security did not meet the equivalent Occupational Health & Safety requirements as it has only filed registration with IHSA (Infrastructure Health & Safety Association), not a certificate. Requirement of a Certificate was included in the tender document.
- c) Purchasing had checked references provided by the lowest bidder Neptune Security. Neptune Security did not meet demonstrated experience requirements outlined in the tender document. At least one of the references has expressed concerns about their lack of abilities to fulfill contractual obligations and complete projects according to schedule, budget, and quality.

Based on Neptune Security's failure to comply with the mandatory requirements of the tender, staff have determined that its bid does not meet the requirements of the tender and should not be considered.

The lowest compliant bidder, Melrose Paving Co. Ltd. of Mississauga, Ontario meets all tender requirements including those of qualification and experience. Staff have reviewed the bid submitted by Melrose Paving. Based on Melrose Paving's safety record and experience with similar projects, staff recommends award of the contract to the lowest compliant bidder, Melrose Paving Co. Ltd.

The budget for this project is under the Enercare Centre loading dock ramps, canopies and bumpers sub-project of 21-076-17666 with an available construction budget of \$630,000. Therefore, the recommended construction budget of \$574,402.87 is within the available budget.

Due to the urgent nature of the work and because of the window of opportunity in the summer/fall of 2021 when there are fewer shows as compared to a normal year, the CEO of Exhibition Place requested the Chair of the Board to approve this tender report under the Financial By-law 2-18.

This recommendation is contingent upon approval by the Office of the City CFO & Treasurer, and of the Surety Company proposed by the successful bidder for the supply of the bonding requirements. It is also subject to the City Fair Wage Office confirming that the recommended contractor and its subcontractors maintain wage rates and working conditions in accordance with Toronto Workers' Rights requirements.

## **CONTACT**

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## **SIGNATURE**

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Don Boyle  
Chief Executive Officer