

Amendment to Purchase Order Number 6052402 with Morrison Hershfield Limited for Professional Services for the Replacement of Glen Road Pedestrian Bridge and Tunnel

Date: April 4, 2023

To: General Government Committee

From: Interim Chief Engineer and Executive Director, Engineering and Construction Services Division and Chief Procurement Officer, Purchasing and Materials Management

Wards: 11 (University-Rosedale) and 13 (Toronto Centre)

SUMMARY

The purpose of this report is to request authority to amend Purchase Order Number 6052402 with Morrison Hershfield Limited for professional services associated with contract administration and site inspection services for the replacement of the Glen Road Pedestrian Bridge over Rosedale Valley Road and the tunnel under Bloor Street East.

The amendment is being requested due to delays in the construction contract which has resulted in the need for additional contract administration and site inspection services for the successful completion of the project.

The total value of the Purchase Order Amendment being requested is \$1,475,303 net of all taxes and charges (\$1,501,268 net of Harmonized Sales Tax recoveries), revising the current purchase order value from \$1,348,077 net of all taxes and charges (\$1,371,803 net of Harmonized Sales Tax recoveries) to \$2,823,380 net of all taxes and charges (\$2,873,071 net of Harmonized Sale Tax recoveries).

RECOMMENDATIONS

The Interim Chief Engineer and Executive Director of Engineering and Construction Services Division and the Chief Procurement Officer, Purchasing and Materials Management recommend that:

1. The General Government Committee, in accordance with Section 71-11.1.C of the City of Toronto Municipal Code Chapter 71 (Financial Control By-Law), grant authority to amend Purchase Order Number 6052402 with Morrison Hershfield Limited for the provision of professional services associated with contract administration and site inspection for the replacement of the Glen Road Pedestrian Bridge over Rosedale Valley Road and the Tunnel under Bloor Street East in the amount of \$1,475,303 net of all taxes and charges (\$1,501,268 net of Harmonized Sales Tax recoveries), revising the current purchase order value from \$1,348,077 net of all taxes and charges (\$1,371,803 net of Harmonized Sale Tax recoveries) to \$2,823,380 net of all taxes and charges (\$2,873,071 net of Harmonized Sales Tax recoveries).

FINANCIAL IMPACT

The Purchase Order Amendment request included in this report will increase the total value of the professional services assignment by \$1,475,303 net of all taxes and charges (\$1,501,268 net of Harmonized Sales Tax recoveries). This revises the current purchase order value from \$1,348,077 net of all taxes and charges (\$1,371,803 net of Harmonized Sales Tax recoveries) to \$2,823,380 net of all taxes and charges (\$2,873,071 net of Harmonized Sales Tax recoveries).

Funding for the purchase order amendment is available in the 2023 Approved Capital Budget and the 2024-2032 Approved Capital Plan for Transportation Services (Glen Road Pedestrian Bridge) as summarized in Table 1 below (net of Harmonized Sales Tax recoveries):

Table 1: Financial Impact Summary for Purchase Order Number 6052402

WBS Element	Description	2023	2024	Total (net of HST recoveries)
CTP818-74-06	Glen Road Pedestrian Bridge - Contract Administration	\$980,972	\$520,296	\$1,501,268

The Chief Financial Officer and Treasurer has reviewed this report and agrees with the financial implications as identified in the Financial Impact section.

DECISION HISTORY

On September 20, 2018, by authority of the Bid Award Panel, the City retained Morrison Hershfield Limited for the provision of professional engineering services associated with Request for Proposal Number 9117-18-5048 for the design, contract administration (including full-time site inspection) and post construction services for the replacement of the Glen Road Pedestrian Bridge over Rosedale Valley Road and the Tunnel under

Bloor Street East. The total fee for this professional engineering services assignment was \$2,370,272 (net of all taxes and charges). Purchase Order Number 6047684 for design services was subsequently issued to Morrison Hershfield Limited under this assignment. Purchase Order Number 6052402 for contract administration and site inspection services was issued to Morrison Hershfield Limited on July 23, 2021, in the amount of \$1,348,077, excluding all taxes. A separate purchase order for post construction services will be issued towards the end of the warranty period. A copy of the Bid Award Panel Decision Document can be found at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.BA97.2>

On November 3, 2021, by authority of the Bid Award Panel, Contract Number 21ECS-TI-09BE (Request for Tender, Ariba Document Number 3117986097) for the Replacement of Glen Road Pedestrian Bridge (ID 249) and Glen Road Pedestrian Tunnel (ID 288), was awarded to Eiffage Innovative Canada Incorporated, in the amount of \$19,715,345 (net of all taxes and charges). A copy of the Bid Award Panel Decision Document can be found at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.BA162.5>

COMMENTS

The Glen Road Pedestrian Bridge was constructed in 1975 and has reached the end of its service life. It was closed for safety reasons from November 2014 to January 2015, due to corrosion of the main girders. In December 2014, emergency repairs were undertaken and the bridge was re-opened in January 2015. Annual inspections were performed starting in 2015, to ensure the bridge could remain open until construction of the new bridge commenced.

As a result of the deteriorated bridge condition, Transportation Services conducted the Glen Road Pedestrian Bridge and Tunnel Municipal Class Environmental Assessment study which recommended replacement of both the bridge and tunnel. The Glen Road Pedestrian Bridge and Tunnel Municipal Class Environmental Assessment study was completed in December 2017.

In September 2018, the City retained Morrison Hershfield Limited through a Request for Proposal for the design, contract administration and post construction services for the replacement of the Glen Road Pedestrian Bridge over Rosedale Valley Road and the Tunnel under Bloor Street East. The Request for Proposal included contract administration and full-time site inspection for an estimated 52 weeks of construction.

In November 2021, the City awarded Contract Number 21ECS-TI-09BE for the replacement of the Glen Road Pedestrian Bridge and Tunnel to Eiffage Innovative Canada Incorporated. The construction duration established in the tender documents was 66 weeks of construction, which is an additional 14 weeks beyond what was originally estimated in the Request for Proposals for engineering services. Construction was planned to begin in April 2022, with an expected completion in October 2023.

Since the commencement of construction, there have been several delays resulting from changes to the bridge removal methodology proposed by the Contractor, tree removal and Toronto and Regional Conservation Authority permit applications, unconfirmed underground utility locations, emergency repairs to damaged Toronto Water infrastructure, unexpected obstructions below grade on Bloor Street and a change in excavation methodology that required a revised work procedure and monitoring plan to be reviewed and approved by Toronto Transit Commission.

To recover some of the delays incurred on the project, the Contractor proposed to work through the planned winter shutdown between December 2022 and April 2023. To further accelerate construction and minimize the impact of the schedule delays, an additional 10 hours of weekend work per week was also proposed. These proposed changes were accepted by the City to minimize the overall project delays and resulted in an additional 25 weeks of contract administration and site inspection services throughout the winter.

The latest revised construction schedule submitted by the Contractor indicates construction completion is anticipated to be January 8, 2024. While the completion date adds an extra ten weeks to the original construction completion date of October 30, 2023, the delays have been reduced due to the accelerated work that was undertaken as part of the delay recovery measures. As a result, Morrison Hershfield Limited has submitted a request for an additional 10 weeks of contract administration and site inspection services.

In summary, to provide the necessary construction oversight, additional contract administration and site inspection services are required for an extra 49 weeks of construction. This includes 14 weeks for the increased duration established at the time of tender, 25 weeks for working over the winter, and 10 weeks due to the current planned completion date of January 8, 2024.

Morrison Hershfield Limited has submitted a request for additional compensation to provide contract administration and full-time site inspection for the complete duration of construction on this contract. The request for additional fees has been negotiated based on the hourly rates for contract administration and site inspection included in Morrison Hershfield Limited's original submission in response to Request for Proposal Number 9117-18-5048. Due to the rate of work and delays experienced so far on the project, an additional contingency is included to ensure continuous contract administration services are available until final project completion. The City will only be billed for hours worked to the upset limit value of the Purchase Order Amendment.

An amendment to the purchase order with Morrison Hershfield Limited for additional professional services is required to complete the replacement of the Glen Road Bridge and Tunnel. Additional funds in the amount of \$1,475,303 net of all taxes and charges (\$1,501,268 net of Harmonized Sales Tax recoveries) will revise the Purchase Order Number 6052402 value from \$1,348,077 net of all taxes and charges (\$1,371,803 net of Harmonized Sales Tax recoveries) to \$2,823,380 net of all taxes and charges (\$2,873,071 net of Harmonized Sales Tax recoveries).

The causes of the delays encountered on this project are disputed by the parties and responsibility for each matter is under review. The cost of the additional contract administration and full-time site inspection fees requested in this staff report will be considered in the event the Contractor is found responsible for any portion of the delays. Engineering and Construction Services staff will work closely with Legal Services staff to ensure costs that are attributable to the Contractor are recovered to the greatest extent possible.

CONTACT

Jodie Atkins, M.Eng., P.Eng., Director, Bridges and Expressways, Engineering and Construction Services, Telephone: 416-392-9183, Jodie.Atkins@toronto.ca

Marie Reid, Manager, Purchasing Client Services, Infrastructure and Development Services, Purchasing and Materials Management, Telephone: 416-397-5187, Marie.Reid@toronto.ca

SIGNATURE

Judy M.S. Tse, P.Eng.
Interim Chief Engineer and Executive Director, Engineering and Construction Services

Geneviève Sharkey
Chief Procurement Officer, Purchasing and Materials Management