

Award of Ariba Document 3767978911, Contract 21ECS-LU-10FP, to Green Infrastructure Partners Incorporated for Construction Services for the Basement Flooding Protection Program Study Area 19

Date: May 15, 2023

To: General Government Committee

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

Wards: Ward 6 (York Centre)

SUMMARY

The purpose of this report is to advise of the results of Request for Tender, Ariba Document Number 3767978911, Contract 21ECS-LU-10FP, for Construction Services for the Basement Flooding Protection Program Assignments 19-06B/06C/21 and request the authority to enter into an agreement with Green Infrastructure Partners Incorporated in the amount of is \$23,802,541 net of all applicable taxes and charges, \$26,896,871 including all taxes and applicable charges, \$24,221,466 net of Harmonized Sales Tax recoveries.

The scope of work includes watermain replacement, sewer upgrades, and state of good repair improvements in Study Area 19. The three basement flooding protection assignments are 19-21 (Almore), 19-06B (Timberlane) and 19-06C (Ellison). The work on Almore Avenue includes storm sewer improvements, watermain replacement as well as upgrades to the sanitary sewer on Almore Avenue from Tillingham Keep to Bathurst Street that are required to support development and growth in Downsview. The work on Ellison Avenue, west of Bathurst Street, includes sanitary sewer storage and storm sewer upgrades. The work on Timberlane Drive, east of Bathurst Street, includes sanitary sewer storage. Construction is expected to commence in June 2023 and be completed in early 2026.

RECOMMENDATIONS

The Interim Chief Engineer and Executive Director, Engineering and Construction Services and the Chief Procurement Officer recommend that:

Award of Request for Tender Ariba Document Number 3767978911 to Green Infrastructure Partners Incorporated for Construction Services for the Basement Flooding Protection Program Study Area 19

1. The General Government Committee, in accordance with Section 195-8.4 of the Toronto Municipal Code Chapter 195 (Purchasing By-Law), grant authority to the Interim Chief Engineer and Executive Director, Engineering and Construction Services to negotiate and enter into an agreement with Green Infrastructure Partners Incorporated, being the lowest qualified supplier meeting the requirements of Request for Tender Ariba Document Number 3767978911 to provide Construction Services for Assignments 19-06B/06C/21, under the Basement Flooding Protection Program Phase 4, in the total amount of \$23,802,541 net of all applicable taxes and charges, \$24,221,466 net of Harmonized Sales Tax recoveries.

FINANCIAL IMPACT

The total contract award is \$23,802,541 net of all applicable taxes and charges. The total cost to the City is \$24,221,466 net of Harmonized Sales Tax recoveries.

Funding is available in the 2023 Approved Capital Budget and 2024-2032 Approved Capital Plan for Toronto Water, and in the 2023 Approved Capital Budget and 2024-2032 Approved Capital Plan for Transportation Services. The approved cashflow for 2023 to 2025 is shown in Table 1 below:

Table 1 - Approved Cash Flow for Contract Number 21ECS-LU-10FP

WBS Element/ Description	2023	2024	2025	Total (Net of Harmonized Sales Tax Recoveries)
CWW421-17-31 Basement Flooding Relief - Group 4 (Construction)	\$83,283	\$934,290	\$934,290	\$1,951,863
CWW421-23-12 Basement Flooding Relief - Group 4 (Construction DC)	\$458,810	\$5,147,042	\$5,147,042	\$10,752,895
CWW453-04 Downsview Lands - External	\$316,071	\$6,191,530	\$900,000	\$7,407,601
CPW542-25-67 District Watermain Replacement-2019	\$141,836	\$1,591,148	\$1,591,148	\$3,324,131
CTP315-07-545 Local Road Rehabilitation	\$10,000	\$334,764	\$334,764	\$679,529

CTP315-09-633 General Pooled Contingency	\$0	\$0	\$102,046	\$102,046
TS6040 – GL 4503 Utility Cuts Repairs	\$0	\$0	\$3,401	\$3,401
Total (Net of Harmonized Sales Tax Recoveries)	\$1,010,000	\$11,553,009	\$11,658,457	\$24,221,466

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

DECISION HISTORY

At its meetings of September 24, 2008 and September 21, 2011, Council adopted criteria to prioritize and sequence recommended Basement Flooding Protection Program projects that are identified through completed studies to protect the greatest number of properties as soon as possible, within approved budgets, as appropriate funding opportunities are available and in coordination with other capital project and population growth needs in the area. The Council adopted criteria and the corresponding staff reports can be found at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2008.EX23.16>

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2011.PW7.6>

At its meeting of June 18, 2019, Council granted the authority to apply for federal funding under the Disaster Mitigation and Adaptation Fund and enter into and execute any agreements, including any amendments, with the Government of Canada under the Disaster Mitigation and Adaptation Fund on terms and conditions satisfactory to the City Manager and the Chief Financial Officer and Treasurer and in a form satisfactory to the City Solicitor. The Council adopted item and the corresponding staff reports can be found at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.EX6.4>

At its meeting of November 25 and 26, 2020, Council adopted the amended threshold per benefitting property at the preliminary design phase, and direct that projects identified through completed Basement Flooding studies proceed to detailed design and construction, if the cost per benefitting property, as determined during the preliminary design phase, is less than the amended threshold. The Council adopted item and the corresponding staff reports can be found at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.IE17.5>

At its meeting of December 15, 16 and 17, 2021, Council adopted the 2022 Rate Supported Budgets - 2022 Water and Wastewater Consumption Rates and Service Fees. In support, a briefing note titled "2022 Capital Budget Briefing Note - Basement Flooding Protection Program - Program Status Update and Project List: 2022 to 2026", contains the updated planned schedule for engineering design and construction of

infrastructure upgrades supporting Toronto Water's Basement Flooding Protection Program. The Council adopted item and supporting Briefing Note can be found at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.EX28.6>
<https://www.toronto.ca/legdocs/mmis/2021/ex/bgrd/backgroundfile-173775.pdf>

COMMENTS

Background

Since May 2000, the City has experienced multiple extreme storm events that resulted in flooding of more than 14,000 homes, erosion in ravines and watercourses and damage to City infrastructure. Following the August 2005 extreme storm event, which exceeded the 100-year design storm intensity in areas north of Highway 401, Council established the Basement Flooding Protection Program. This Program was initially focused on areas impacted during the May 2000 and August 2005 storms. The Basement Flooding Protection Program was extended City-wide in 2013 to address the basement flooding impacts associated with the extreme storm event of July 8, 2013.

The Basement Flooding Protection Program consists of three main components:

- Infrastructure improvements, established through Environmental Assessment Studies in a defined drainage area, to reduce the risks of urban flooding.
- A Basement Flooding Protection Subsidy Program, which promotes and provides financial subsidies for the installation of backwater valves, foundation drain modifications and sump pumps.
- An education and outreach strategy to advise homeowners of the causes of and solutions to, basement flooding.

As part of the infrastructure improvements, 67 Basement Flooding Protection Program Study Areas have been identified across the entire City. Class Environmental Assessment Studies have been completed in 43 areas and studies are underway for the remaining 24 areas.

Basement Flooding Protection Program Study Areas 19

The Environmental Assessment for Basement Flooding Protection Program Study Area 19 is located in an area generally bounded by Finch Avenue West to the north, Palm Drive to the south, Bathurst Street to the west, and Wilson Heights Blvd to the east, as shown in Figure 1 (Attachment 1). The Environmental Assessment Study for Basement Flooding Protection Program Assignments 19-06B/06C/21 was completed in 2014. The detailed design associated with the infrastructure upgrades identified in these Environmental Assessment Studies was completed in 2022.

The proposed infrastructure upgrades associated with this contract are presented in Figure 2 of Attachment 1 and they include:

1. Sanitary Sewer Upgrades (approximately 1 kilometer of between 250 mm diameter to 3000 mm x 2400 mm rectangular) at the following locations:

- Almore Avenue (from 63 meters East of Faywood Boulevard to 26 meters East of Bathurst Street).
- Ellison Avenue (from #36 Ellison Avenue to Bathurst Street).
- Gorman Park Road (from 19 meters North of Almore Avenue to 6 meters South of Almore Avenue).
- Joel Swirsky Boulevard (from 7 meters South of Tillingham Keep to 63 meters East of Faywood Boulevard).
- Tillingham Keep (from #18 Tillingham Keep to 6 meters North of Joel Swirsky Boulevard).
- Timberlane Drive (from 18 meters East of Bathurst Street to #25 Timberlane Drive).

2. Storm Sewer Upgrades (approximately 240 meters of 375 mm to 825 mm diameter) at the following locations:

- Almore Avenue (from 76 meters West of Granite Street to 6 meters East of Granite Street).
- Ellison Avenue (from #34 Ellison Avenue to 22 meters West of Bathurst Street).
- Timberlane Drive (from 18 meters East of Bathurst Street to 160 meters East of Bathurst Street).

3. Catch basins and Catch basin Inlet Control Devices along Ellison Avenue.

4. Watermain Replacement (approximately 1.035 kilometers of 100 mm to 300 mm diameter) on Almore Avenue (from Bathurst Street to Faywood Boulevard).

5. Local Road Resurfacing (approximately 1.04 kilometers) on Almore Avenue from Bathurst Street to Faywood Boulevard.

The construction for these assignments is expected to commence in June 2023 and be completed in early 2026.

Procurement Process

A Request for Tender, Ariba Document Number 3767978911, Contract Number 21ECS-LU-10FP, for construction services for Assignments 19-06B/06C/21 under the Basement Flooding Protection Program Phase 4, was issued by Purchasing and Materials Management Division and was advertised on the City's and Ariba Discovery's websites on December 29, 2022. Six (6) Addenda were issued, and the Tender call was closed on February 10, 2023.

Table 2. Suppliers and Bid Prices for Request for Tender, Ariba Document Number 3767978911, Contract Number 21ECS-LU-10FP

Supplier Name	Bid Price excluding Harmonized Sales Tax
Green Infrastructure Partners Inc.*	\$20,697,861

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614128 Ontario Ltd, O/A Trisan**	\$21,835,455
Varcon Construction Corporation**	\$25,389,955
Drainstar Contracting Ltd.	\$25,550,581
Clearway Construction Inc.	\$26,657,713
2489960 Ontario Inc.**	\$35,739,534

*Pursuant to the Request for Tender document the contract award value includes contingency.

**Supplier was found non-compliant with the requirements of the Request for Tender.

The submissions received from the six (6) Suppliers that responded to Ariba Tender Document Number 3767978911, Contract Number 21ECS-LU-10FP, were reviewed and evaluated by staff from Purchasing and Materials Management Division and Engineering and Construction Services. Three (3) of the six (6) were found to be in conformance with the Tender requirements.

Engineering and Construction Services staff compared the lowest compliant bid to the engineering estimate of \$22,567,635 excluding all taxes. The Tender submission from Green Infrastructure Partners Incorporation is the lowest compliant bid and is the recommended Supplier for Request for Tender Ariba Document Number 3767978911, Contract No. 21ECS-LU-10FP. The bid price of this recommended supplier is in the amount of \$20,697,861 excluding all taxes and is lower than the engineering estimate by approximately nine (9) percent.

A contingency allowance was included in the amount of \$3,104,679 excluding all taxes in addition to the base scope of work for work and/or services which may be required to address any unforeseen conditions arising during construction. Engineering and Construction Services will actively manage the contract to minimize the use of contingency and provisional items and if necessary, investigate alternative options for some planned repair items. The total contract price, including the contingency allowance, is \$23,802,541 excluding all taxes.

The Fair Wage Office has reported that the recommended Supplier has indicated that they have reviewed and understand the Fair Wage Policy and Labour Trades requirements and the recommended Supplier has agreed to comply fully.

The Tender submission from Green Infrastructure Partners Incorporation for Request for Tender Ariba Document Number 3767978911, Contract No. 21ECS-LU-10FP, includes their agreement to complete the works within a time frame of 610 working days from the date of the issuance of the written Order to Commence.

CONTACT

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SIGNATURE

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Geneviève Sharkey,
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