

Amendment to Purchase Order Number 6038702 with MacLennan Jaunkalns Miller Architects Ltd. for the Design of Ethennonhawahstihnen' Community Centre

Date: April 17, 2024

To: General Government Committee

From: Acting General Manager, Parks Forestry and Recreation and Chief Procurement Officer

Wards: Don Valley North - 17

SUMMARY

The purpose of this report is to request authority to amend Purchase Order Number 6038702 with MacLennan Jaunkalns Miller Architects Ltd., as a result of Request for Proposal Number 9118-13-5070 for the provision of complete architectural services for the design, preparation of tender documents and contract administration for the new Ethennonhawahstihnen' Community Centre (formerly known as the Bessarion Community Center).

This Purchase Order amendment is requested to compensate the vendor due to extended project duration. The cause of the extended duration is at issue in litigation between the City and the general contractor for the project, however, adverse weather, issues arising from the COVID-19 pandemic and subcontractor performance appear to have contributed to the extended duration.

The total value of the Purchase Order amendment being requested is \$347,770, net of all applicable taxes and charges (\$353,891 net of Harmonized Sales Tax Recoveries), revising the current Purchase Order value from \$4,217,581 net of all applicable taxes and charges (\$4,291,810 net of Harmonized Sales Tax Recoveries) to \$4,565,351 net of all applicable taxes and charges (\$4,645,701 net of Harmonized Sales Tax Recoveries).

RECOMMENDATIONS

The Acting General Manager, Parks Forestry and Recreation, and the Chief Procurement Officer recommend that:

The General Government Committee, in accordance with Section 71-11.1C of the City of Toronto Municipal Code Chapter 71 (Financial Control By-law) grant authority to amend Purchase Order Number 6038702 with MacLennan Jaunkalns Miller Architects Ltd., for the design, preparation of tender documents and contract administration for the new Ethennonnhawahstihnen' Community Centre by increasing the value by \$347,770 net of all applicable taxes and charges (\$353,891 net of Harmonized Sales Tax Recoveries), from \$4,217,581 net of all applicable taxes and charges (\$4,291,810 net of Harmonized Sales Tax Recoveries) to \$4,565,351 net of all applicable taxes and charges (\$4,645,701 net of Harmonized Sales Tax Recoveries), as per the original terms and conditions set out in Request for Proposal Number 9118-13-5070, and extend the Purchase Order delivery date from March 26, 2020 to July 31, 2024.

FINANCIAL IMPACT

The Purchase Order amendment request included in this report will increase the total value of architectural services by an additional \$347,770 net of all applicable taxes and charges (\$353,891 net of Harmonized Sales Tax Recoveries). This will increase the current Purchase Order value from \$4,217,581 net of all applicable taxes and charges (\$4,291,810 net of Harmonized Sales Tax Recoveries) to \$4,565,351 net of all applicable taxes and charges (\$4,645,701 net of Harmonized Sales Tax Recoveries).

Funding for this purchase order amendment is included in Council Approved 2024 Capital Budget and 2025-2033 Capital Plan for Parks, Forestry and Recreation as summarized in Table 1 below (net of Harmonized Sales Tax Recoveries).

Table 1: Financial Impact Summary

WBS Element	Account Description	Year	Total (Net of Harmonized Sales Tax Recoveries)
CPR123-40-04	Ethennonnhawahstihnen' Community Centre - Construction	2024	\$353,891

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

At its meeting on March 9, 2020, Government Management and Licensing Committee granted authority to amend Purchase Order Number 6038702 to increase the construction phase testing and inspection cash allowance and for design revisions to the library component requested by the Toronto Public Library.
[Agenda Item History - 2020.GL12.6 \(toronto.ca\)](#)

At its meeting on September 25, 2017, Government Management Committee granted authority to amend Purchase Order Number 6038702 to adjust the construction phase testing and inspection allowance and for additional architectural services based on an adjustment to the scope of work.

[Agenda Item History - 2017.GM22.10 \(toronto.ca\)](#)

At its meeting on February 15, 2017, City Council approved the Parks, Forestry and Recreation 2017-2026 Parks, Forestry and Recreation's Capital Budget through item 2017.EX22.2. (22a), additional funds were approved for the construction of Bessarion Community Centre.

[Agenda Item History - 2017.EX22.2 \(toronto.ca\)](#)

At its meeting on February 17, 2016, City Council approved Parks, Forestry and Recreation's 2016-2025 Capital Budget and Plan through item 2016.EX12.2 for the construction of Bessarion Community Centre and Parking Garage.

[Agenda Item History - 2016.EX12.2 \(toronto.ca\)](#)

At its meeting on January 8, 2014, Bid Committee granted authority to award of Request for Proposal 9118-13-5070 for the design, preparation of tender documents and contract administration for the Bessarion Community Centre to MacLennan Jaunkalns Miller Architects Ltd.

[Agenda Item History - 2014.BD159.1 \(toronto.ca\)](#)

At its meeting of December 8, 2009, City Council approved Parks, Forestry and Recreation's 2010-2019 Capital Budget and Plan through item 2009.EX38 for the construction the North District Community Centre Bessarion.

[Agenda Item History - 2009.EX38.1 \(toronto.ca\)](#)

COMMENTS

Ethennonhawahstihnen' Community Centre and Library is a new community centre located within the 45-acre Concord Park Place master-planned community. This facility opened to the public in July 2023, and includes a community recreation centre, a new branch of the Toronto Public Library, a childcare centre, a community hall, aquatic centre, gymnasium with an indoor track and three levels of indoor parking.

The original purchase order in the amount of \$1,282,537 net of all applicable taxes and charges (\$1,305,110 Harmonized Sales Tax Recoveries) was issued as a multi-phase award to MacLennan Jaunkalns Miller Architects Ltd. for the provision of complete architectural services for the design, preparation of tender documents and contract administration for the new Community Centre.

Four (4) Purchase Order amendments have been issued to date and are outlined in Attachment 1.

This is the fifth Purchase Order amendment in the amount of \$347,770, net of all applicable taxes and charges (\$353,891 net of Harmonized Sales Tax Recoveries),

revising the current Purchase Order value from \$4,217,581 net of all applicable taxes and charges (\$4,291,810 net of Harmonized Sales Tax Recoveries) to \$4,565,351 net of all applicable taxes and charges (\$4,645,701 net of Harmonized Sales Tax Recoveries), and is required to compensate the vendor for additional cost as a result of increased construction duration. This amendment also requires an extension of the Purchase Order delivery date from March 26, 2020, to July 31, 2024.

During the execution of the contract, there were several unforeseen situations that led to an extended construction period. The cause of the extended duration is at issue in litigation between the City and the general contractor for the project, however, adverse weather, issues arising from COVID-19 pandemic and subcontractor performance also appear to have contributed to the extended duration.

It is the opinion of City staff that the costs submitted by MacLennan Jaunkalns Miller Architects Ltd. for the requested Purchase Order Amendment are fair and reasonable and are in keeping with the conditions of the contract.

The Fair Wage Office has reported that the vendor identified in this report indicates that it has reviewed and understands the City of Toronto Fair Wage Policy and Labour Trades requirements and has agreed to comply fully.

CONTACT

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Jessie-Gresley Jones, Director, Parks Development and Capital Projects, Parks, Forestry and Recreation, 416-338-8675, Jessie-Gresley Jones@toronto.ca

SIGNATURE

Genevieve Sharkey
Chief Procurement Officer

Howie Dayton
Acting General Manager, Parks, Forestry and Recreation

ATTACHMENTS

Attachment 1: Table 1 – Purchase Order Amendments since 2014

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Timeline	Total	Reason
January 2014	\$250,000 net of all applicable taxes and charges (\$254,400 net of HST recoveries)	To add a 3-storey underground parking garage to the design of the facility.
January 2016	\$589,287 net of all applicable taxes and charges (\$599,658 net of HST recoveries)	To add "Phase 2" of the multi-part award, including the Tendering, Contract Administration phases, Testing & Inspection Allowance and the balance of the Design Contingency Allowance.
October 2017	\$1,595,757 net of all applicable taxes and charges (\$1,623,842 net of HST recoveries)	To add funds for construction and testing allowance. To account for additional time and effort associated with incorporating TTC station into the new centre, redesign of the parking garage due to site conditions and address solid waste requirements.
March 2020	\$500,000 net of all applicable taxes and charges (\$508,800 net of HST recoveries)	To replenish testing and inspection allowance, address additional requirements and address design revisions to the library branch.