



Report to: Development Services Committee

Date Report: December 6, 2011

SUBJECT: Markham Pan Am Centre
Tributary #5 Relocation
PREPARED BY: Alan Brown, Director of Engineering ext. 7507

RECOMMENDATION:

1. **THAT THE** December 6, 2011 report entitled "Pan Am Tributary #5 Relocation" be received;
2. **AND THAT** the tendering process be waived in accordance with Purchasing By-Law 2004-341, Part II, Section 7 (1) (b) "where there is only one source of supply for the goods to be purchased" and;
Part II, Section 7 (1) (h) "where it is necessary or in the best interests of the Town to acquire non-standard items or Consulting and Professional Services from a preferred supplier who has a proven track record with the Town in terms of pricing, quality and service."
3. **AND THAT** staff be authorized to preorder the underground stormwater management tank system from Hanson Precast Pipe Limited on a non competitive source basis in accordance with Section 7-1(b), Part II of Purchasing Bylaw 2004-341 at a cost of \$388,865 (inclusive of HST);
4. **AND THAT** the Consulting Engineering firm of Masongsong Associates Engineering Ltd. ("MAEL") be retained on a preferred supplier basis in accordance with Section 7 (h), Part II of the Purchasing Bylaw 2004-341 to provide tendering and contract administration services for the Tributary #5 relocation at a upset limit of \$57,835 (inclusive of HST);
5. **AND THAT** the Chief Administrative Officer be authorized to make the tender award for the Tributary #5 relocation and associated works to the lowest priced contractor in accordance with Section 5(c) of Purchasing Bylaw 2004-341;
6. **AND THAT** funding for the consulting services, storm tank system, contract tender and engineering fees be funded from Toronto 2015 Pan/Parapan American Games project 70-5390-11416-005;
7. **AND THAT** the shortfall estimated to be \$78,967 in the Toronto 2015 Pan/Parapan American Games project (70-5390-11416-005) be funded from the Town Wide Soft Development Charges Reserve (90%) and the Capital Contingency (10%);
8. **AND THAT** staff review future cost recovery from area specific development charges for the storm water management facility.

9. **AND THAT** the contractor be permitted to work extended hours and on Sunday if necessary, subject to terms and conditions established by the Director of Engineering, and that an exemption to By-Law 2003-137 be authorized;
10. **AND THAT** staff be authorized and directed to do all things necessary to give effect to this resolution.

PURPOSE:

To seek council's approval to expedite the tendering and construction of the Tributary #5 watercourse to facilitate development of the Markham Pan Am site in order to meet Infrastructure Ontario construction timelines.

BACKGROUND:

As part of the agreement between the Town and Infrastructure Ontario (IO) and Toronto 2015 for the construction of an Aquatics and Field house Facility at 16 Main Street, Unionville, the Town has to provide a construction ready site by July 1, 2012 so IO can proceed with construction and commissioning of the facility in 2014, one year prior to the Games.

The key issue to provide a construction ready site is the relocation of Tributary #5 as noted in Attachment 'A'. Staff has been working with Masongsong Associates Engineering Ltd. (MAEL) and the TRCA over the past 6 months to secure approval for the watercourse relocation. On November 4, 2011 the TRCA issued a conditional approval for the relocation of the tributary subject to certain conditions.

Construction Schedule

Because of the critical time lines (completion June 2012) and especially the restrictions imposed by the Ministry of Natural Resources as to when work can be undertaken in the watercourse to protect fisheries (December 30 to March 31), a condensed tendering, award and construction schedule is required.

In order to meet the schedule staff are seeking Council approval of the following;

Tender and Contract Administration Services

MAEL has completed on behalf of the Town the feasibility study for the relocation of the tributary, obtained TRCA approval and completed the detailed design of the watercourse relocation. To meet the June 2012 completion schedule, staff recommends MAEL be retained to prepare the tender package and provide contract administration during construction.

MAEL will have two sub consultants for landscaping and environmental services. Staff have reviewed their work program and fee schedule (4.43% of estimated construction

cost) and find it acceptable based on the extensive site supervision required for the project. The MAEL fee schedule is in line with other consultant fees for similar civil projects.

In accordance with Part II, Section 7(h) Purchasing Bylaw 2004-341, we therefore recommend MAEL be retained on a preferred supplier basis to provide tendering and contract administration services for the upset amount of \$57, 835(inclusive of HST).

Underground Stormwater Management Facility

Currently the Town has an above ground stormwater management facility at the North West corner of Kennedy Road and YMCA Blvd. This pond provides quantity control for YMCA Blvd, Rivas Drive and the YMCA site.

The relocation of Tributary #5 impacts the existing pond and the storm treatment facility has to be relocated and condensed in a smaller land area by the use of an underground facility. The underground facility will also enable the Town to use the surface for other uses such as a parkette or parking. If in the future the development of the site is required for MISTA facilities the underground facility can be relocated or incorporated into a future site plan.

As per the construction schedule one of the critical matters is getting the underground tank facility designed and manufactured for delivery to the site by mid January, 2012. Normally we would ask contractors to include the tank material in their bid proposal and order it after award of the tender. With our condensed schedule Markham needs to place an order with the manufacturer by Dec 14, 2011 so the manufacturer can design and schedule manufacturing in the 1st week of January 2012.

The Town's consultant has received a quote from the only manufacturer of this facility in Ontario (Hanson Precast Pipe Limited). Other concrete manufacturers in Ontario do not currently make the type of SWM underground facility required and approved by the TRCA.

Hanson Precast Pipe Limited out of Whitby has provided a quote of \$388,865 (inclusive of HST) for their storm tank system.

MAEL has compared this quote to two other quotes for storm water tank facilities for a similar underground tank systems used in the Mady Subdivision (South Unionville and Kennedy Road) and the Times' development at Birchmount Avenue and Highway 7. MAEL has negotiated a price reduction that reflects a contractor's discount rate and 2009 unit costs. The Hanson quote is comparable to the unit rates negotiated by a major contractor in 2009 and the Town realizes a \$205,000 savings from the initial quote.

As per Part II, Section 7(b) of Purchasing Bylaw 2004-341, where "there is only one source of supply for the goods to be purchased", staff recommend a non competitive procurement and staff preorder the Storm Tank System at a cost of \$388,865 (inclusive of HST).

Extended Work Hours

Staff also recommends, that in order to meet the June 2012 completion deadline and the fisheries construction limits, that the contractor if required be permitted to work extended hours and on Sundays, subject to approval by the Director of Engineering and any terms and conditions deemed appropriate by the Director of Engineering, including the payment of any applicable fees. Council approval of a permit pursuant to By-law 2003-137 is requested.

Tendering and Award

In order to meet our overall objectives to have the watercourse relocated by June 2012 the following tendering and award schedule is required;

• Pre order underground SWM Facility	December 14, 2011
• Issue tenders	December 2, 2011
• Close tender	Monday December 19, 2011
• Award tender	Friday December 23, 2011
• Contractor schedules utility stakeouts, obtains insurance and bond, signs contract document	Early January 2012
• Underground SWM delivery	Mid January 2012
• Start of construction	Early Mid January 2012

As Council, after its December 13, 2011 meeting, does not sit until January 24, 2012 staff are requesting the CAO be authorized to make the tender award for the relocation of Tributary #5 and associated works on December 23, 2011 in accordance with Part III Section 5(c) of Purchasing Bylaw 2004-341 (Council Recess Periods).

FINANCIAL CONSIDERATIONS AND TEMPLATE: (external link)

The Town has funding of \$1,331,297 in the Toronto 2015 Pan/Parapan American Games Account # 70-5350-11416-005 for this work.

The Asset Management Department is in negotiations with IO to finalize cost recoveries related to this tender specifically the installation of the Pan Am Facility's Main Street and YMCA Boulevard driveways, grading and landscaping.

As a large portion of the estimated construction costs relate to the storm facility and the facility services roads for the area, staff will review incorporating all or a portion of it into the update of the development charges By-law (42B-9) for this area for future recovery from development.

The estimated costs (not including HST) associated with this tender are as follows;

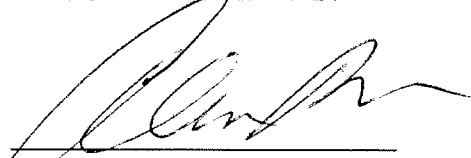
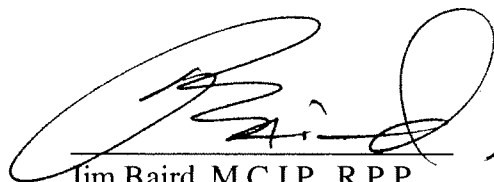
• Consultant services (MAEL)	\$57,835
• Storm tank system	\$388,865
• Estimated cost - Tributary #5 relocation <ul style="list-style-type: none">- Municipal service connections- Pan Am driveways and culverts	\$915,700
Subtotal	\$1,362,400
• Engineering Fee (3.5%)	\$ 47,684
Total	\$1,410,264
Budget Available	\$1,331,297
Estimated Shortfall	(\$78,967)

The estimated shortfall of \$78,967 in the Toronto 2015 Pan/Parapan American Games project (70-5390-11416-005) will be funded from the Town Wide Soft Development Charges Reserve (90%) and the Capital Contingency (10%).

BUSINESS UNITS CONSULTED AND AFFECTED:

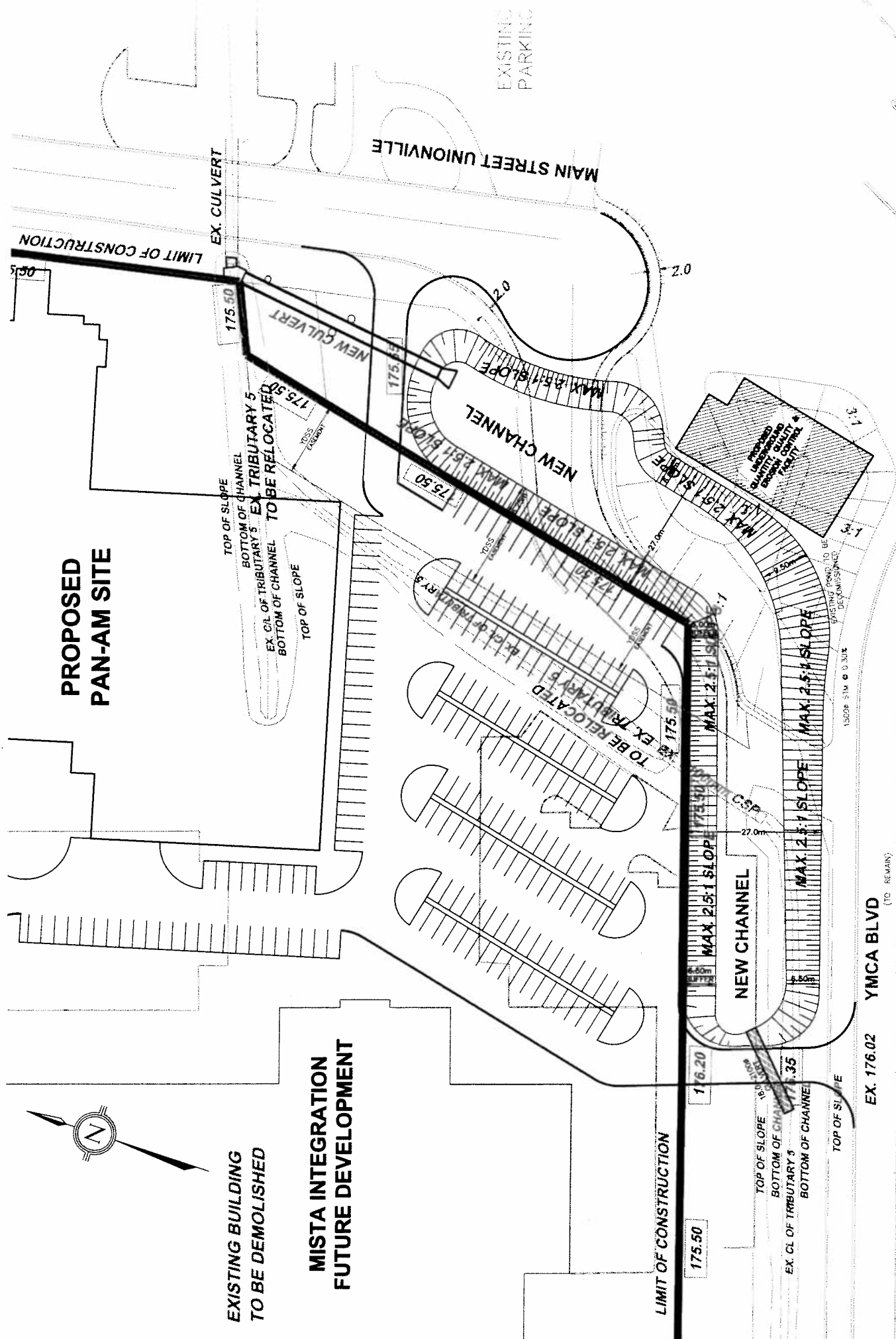
The Community Services Commission, Finance and Legal Departments have reviewed and commented on this report.

RECOMMENDED BY:


Alan Brown, C.E.T
Director of Engineering
Jim Baird, M.C.I.P., R.P.P
Commissioner of Development Services

ATTACHMENTS:

Attachment 'A' Tributary #5 Relocation



Consultant:	MASONGSONG ASSOCIATES ENGINEERING LIMITED Consulting Engineers • Planners • Project Managers 1151 Denison Street • Unit 15 • Markham, Ontario • L3R 3Y4 Tel: (905) 944-0182 • Fax: (905) 944-0165 • E-Mail: masong@maseing.ca	Project:	PAN-AM GAMES AQUATIC CENTRE SITE
Dwg. Title:	PROPOSED TRIBUTARY 5 RELOCATION	Scale:	NTS Project No: 11499
Date:	NOV 2011	Drawing No:	FIG 1