

Section I – Items for Board of Directors Action

TO: Chair and Members of the Board of Directors
Friday, May 26, 2023 Meeting

FROM: Anil Wijesooriya, Director, Restoration and Infrastructure

RE: **REQUEST FOR PROPOSAL FOR DESIGN-BUILD SERVICES FOR TOPCLIFF AVENUE EROSION CONTROL AND SLOPE STABILIZATION PROJECT**
RFP No. 10038523

KEY ISSUE

Award of Request for Proposal (RFP) No. 10038523 for Design-Build services to develop a slope stabilization and channel erosion design and supply of all engineering support, testing, supervision, labour, equipment, and materials necessary to construct the slope stabilization and channel erosion design for the Topcliff Avenue Erosion Control and Slope Stabilization Project, in the City of Toronto.

RECOMMENDATION:

WHEREAS Toronto and Region Conservation Authority (TRCA) is engaged in a project that requires a slope stabilization and channel erosion control solution which will provide long term protection to four (4) private residential homes between 33 – 39 Topcliff Avenue through TRCA’s Erosion Risk Management Program;

AND WHEREAS TRCA solicited proposals through a publicly advertised process and evaluated the proposals based on the criteria;

THEREFORE LET IT BE RESOLVED THAT RFP No. 10038523 for Design-Build Services for the Topcliff Avenue Erosion Control and Slope Stabilization Project be awarded to Dynex Construction Inc. at a total cost not to exceed \$3,022,925 plus applicable taxes, to be expended as authorized by TRCA staff;

THAT TRCA staff be authorized be authorized to approve additional expenditures to a maximum of \$302,293 (approximately 10% of the project cost), plus applicable taxes, in excess of the contract cost as a contingency allowance if deemed necessary;

THAT should TRCA staff be unable to negotiate a contract with the above-mentioned proponent, staff be authorized to enter into and conclude contract negotiations with other Proponents that submitted proposals, beginning with the next highest ranked Proponent meeting TRCA specifications;

AND FURTHER THAT authorized TRCA officials be directed to take whatever action may be required to implement the contract, including the obtaining of necessary approvals and the signing and execution of any documents.

BACKGROUND

TRCA has proposed to move forward with a slope stabilization and channel erosion control project in the Black Creek ravine below Topcliff Avenue to provide long term protection for four private residential properties between 33 and 39 Topcliff Avenue, in the City of Toronto. Slope instability issues in this area were first reported to TRCA in 2013 following the July 8, 2013 severe weather event and are generally confined to the valley slope behind Topcliff Avenue and southeast of the intersection at Finch Avenue West and Topcliff Avenue. TRCA has proposed to proceed with erosion control and slope stabilization works to protect the four homes based on the extent of risk identified through geotechnical investigations completed at this site. This work is being planned through TRCA's Erosion Risk Management Program. Article 3.15 (Erosion Control Agreement requirements) of TRCA's Private Landowner Contribution for Erosion Control Works Policy (DSP-7.01-P, 2022), benefitting landowners at 33, 35, 37, and 39 Topcliff Avenue must convey land to TRCA before work begins. The total area of land is to be determined by the detailed design engineer, and a restrictive covenant is to be registered on title to protect the structural integrity of the works. Restrictive covenant type, extent, and verbiage shall be determined by the design engineering consultant.

There have been a number of investigations and studies completed to date at this site. TRCA retained Cole Engineering in 2015 to complete a slope stability and erosion risk assessment. This report concluded the Long-Term Stable Slope Crest (LTSSC) intersected the homes of 37 and 39 Topcliff Avenue. In 2020, Central Earth Engineering was retained to provide an updated LTSSC position to include 31-43 Topcliff Avenue and determined that the dwellings of 31 and 33 Topcliff Avenue were at risk while the dwellings of 35-39 Topcliff Avenue were 2-4 metres away from the LTSSC line. A geomorphic report was also completed in 2020 by Palmer Engineering Consulting Group (Palmer) which recommended erosion control works in two reaches of the Black Creek. A Class Environmental Assessment (EA) was completed in January of 2021 which recommended a reinforced soil slope (RSS) system or mechanically stabilized earth (MSE) wall to address the slope instability and channel realignment and an armoured stone wall to address the channel erosion issues.

Due to challenging site conditions and the availability of feasible, proprietary slope stabilization solutions, TRCA staff decided it would be best to procure a design-build solution through a Request for Proposal process rather than undertaking a more typical design-bid-build process. Invited bidders were asked to propose an erosion control and slope stabilization solution, based off the Class EA recommendations. Access to the area for the slope stabilization works is limited to between 33 and 35 Topcliff Avenue, while the area for channel erosion control works can be accessed through a trail network off Finch Avenue West.

Since the Project site is located at the top of a steep valley slope within a densely populated ravine, proponents were asked to demonstrate experience working on private property with very limited construction access causing minimal disturbance to surrounding properties as well as in publicly accessible areas.

Item 8.2

RATIONALE

RFP documentation was posted on the public procurement website www.biddingo.com on January 23, 2023 and closed on February 24, 2023. Three (3) addenda were issued to respond to questions received. A total of twenty-four (24) firms downloaded the documents and two (2) proposals were received from the following Proponent(s):

- Dynex Construction Inc.
- Cambridge Landscaping & Construction Ltd.

An Evaluation Committee comprised of staff from Erosion Risk Management reviewed the proposals. The criteria used to evaluate and select the recommended Proponent included the following:

Criteria	Weight
Conformance with the terms of the RFP	5%
Understanding of Project and Scope of Work	15%
Similar Projects – Scope and Magnitude	10%
Expertise and Availability of Project Team	15%
Approach and Methodology	25%
Technical Proposal Weighting Sub-Total	70%
Pricing	30%
Fee Proposal Weighting Sub-Total	30%
Total	100%

Dynex Construction Inc. displayed a thorough understanding of the project scope, requirements, and limitations and provided a team with experience on similar projects. Dynex Construction Inc. scored 64.5% out of 70% on the technical portion of the evaluation. Therefore, it is recommended that contract No. 10038523 be awarded to Dynex Construction Inc. at a total cost not to exceed \$3,022,925 plus 10% contingency, plus applicable taxes, it being the highest ranked Proponent meeting TRCA specifications. Proponents' scores and staff analysis of the evaluation results can be provided in an in-camera presentation, upon request.

Relationship to TRCA's 2022-2034 Strategic Plan

This report supports the following Pillar and Outcome set forth in TRCA's 2023-2034 Strategic Plan:

Pillar 1 Environmental Protection and Hazard Management:

- 1.1 Deliver provincially mandated services pertaining to flood and erosion hazards

DETAILS OF WORK TO BE DONE

The key deliverables and project schedule are outlined below:

- Execute erosion control agreements with private landowners 33, 35, 37, and 39

Item 8.2

Topcliff Avenue, including securing land conveyance from all landowners -
September 2023

- Develop channel erosion control and slope stabilization designs for TRCA and landowner review, October 2023
- Secure all necessary permits and approvals to proceed with work, September – November 2023
- Supply of all engineering support, testing, supervision, labour, equipment, and materials necessary to construct the channel erosion control design, December 2023 – April 2024
- Supply of all engineering support, testing, supervision, labour, equipment, and materials necessary to construct the slope stabilization design, February 2024 – June 2024
- Restoration activities - Spring 2024

The Proponent staff resources dedicated to the project are as follows:

Eighteen (18) named personnel to support the design and construction of the Project. The project team consists of Dynex Construction Inc., Accardi Schaeffers & Associates Ltd., and Palmer Environmental Consulting Group Inc. The team will be providing 1,953 hours of named personnel. This does not include unnamed personnel, such as general labourers, skilled operators, etc.

FINANCIAL DETAILS

Capital funds for the contract are provided by the City of Toronto and are identified in the 2023 and 2024 capital budget for the Valley Erosion Hazards portfolio (Account 133-01). This contract is also eligible for partial reimbursement through federal grant funding under the Disaster Mitigation and Adaptation Fund.

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Attachments: 1

Attachment 1: Project Location Map