

Section I – Items for Board of Directors Action

TO: Chair and Members of the Board of Directors
Friday, June 25, 2021 Meeting

FROM: John MacKenzie, Chief Executive Officer

RE: **DELEGATED AUTHORITY TO AWARD CONTRACT 10035673 FOR CREEK WETLAND AND TRAILHEAD IMPROVEMENTS PROJECT**

KEY ISSUE

Staff request to the Board of Directors to delegate approval authority to the Chief Executive Officer (CEO) to award Contract #10035673 to support the advancement of the Cudmore Creek Wetland and Trailhead Improvements Project.

RECOMMENDATION

WHEREAS no meetings of the Executive Committee and Board of Directors are scheduled for July or August 2021;

AND WHEREAS Resolution #A183/20, adopted at the November 20, 2020 Board of Directors meeting previously delegated the approval of all time sensitive procurements for the months of July and August to the Chief Executive Officer or his designate;

AND WHEREAS The City of Toronto (the City) funded Toronto and Region Conservation Authority (TRCA) to undertake the Cudmore Creek Wetland and Trailhead Improvements Project, Phase II in 2021 and procurement of construction services through a competitive Request for Tender (RFT) process is required to further advance the project;

AND WHEREAS The City has requested delegated authority be pursued to allow for project implementation to begin in August 2021 to meet timeline requirements of the Investing in Canada Infrastructure Program (ICIP) grant funding;

THEREFORE, LET IT BE RESOLVED THAT the Chief Executive Officer be delegated authority to award Contract #10035673;

AND FURTHER THAT staff report back on the contract award to the Board of Directors at the September 2021 meeting.

BACKGROUND

Cudmore Creek is an urbanized tributary of the Don River located at Pottery Road and Bayview Avenue in Toronto at the southern tip of Crothers Woods, a representative Carolinian forest system designated by the City as an ESA (Environmentally Significant Area). The land is predominantly a City road allowance, with a small portion of the site in the north-eastern section being TRCA property. There is a hydro tower on site that is located within the road allowance and owned by Hydro One Networks Inc. (HONI). Access to the tower has historically been from Pottery Road. This area, having been filled in for emergency works after a sewer line break in the early 1990's, has since been used as an informal parking lot, bringing issues of ongoing illegal dumping and reducing the ecological potential of the site. Conflicts between pedestrians and traffic have resulted in an unsafe intersection that conflicts with a major Metrolinx rail crossing. For Project location and limits, see **Attachment 1**: Project Area.

Item 7.7

In 2015, the City of Toronto, Natural Environment and Community Programs (NECP) staff, working through TRCA Restoration Services, retained Schollen and Company Inc. as a consultant to undertake the Cudmore Creek Wetland and Trailhead Improvements Project. Phase I of this work involved preparing a concept design that included a restored wetland and trailhead feature at Cudmore Creek. The subsequently completed detailed design improves trail connectivity by creating a destination with formal trailhead attributes. Furthermore, the design creates improved ecological and hydrologic functions on the site while addressing access issues. For proposed Project improvements, see **Attachment 2: Landscape Concept Plan**.

Specific issues and enhancements addressed in the detailed design are:

- Removal of the informal parking area to improve public safety and restore habitat.
- Improvement in pedestrian safety around the Bayview Avenue/Pottery Road intersection and Metrolinx crossing by formalizing pedestrian access and connections.
- Improved user experience with an official, safe, trailhead to the Crothers Woods trails and the East Don Trail.
- Restoration of habitat in an area contiguous with key forest habitat within the City.
- Restoration and improvement of the saturated catchment area to create a wetland.
- Provision of maintenance access to existing infrastructure.
- Separation of the mountain biking trails from pedestrian viewing boardwalk and lookouts, reducing user conflict, and improving safety.

Since 2015, the Cudmore Creek Wetland and Trail Improvements Project has involved extensive coordination and cooperation between Parks, Forestry & Recreation, Transportation Services, Toronto Water, TRCA, HONI, and Metrolinx. It is aligned with the guiding principles and actions of the Toronto Ravine Strategy to protect, invest in, and connect trail accessibility and the natural ecosystem, as well as the objectives of the Natural Environment Trail Strategy, and Biodiversity Strategy. The Cudmore Creek Wetland and Trail Improvements Project will also advance City of Toronto Official Plan policies 3.4.1(b), 3.4.6(b) and 4.3.3(b) to protect, restore and enhance natural heritage features and function, as well as Official Plan policies 2.3.2.1(a), 3.2.3.1(b) and 4.3.3(a) by creating compatible recreational through a high-quality park which improves public access to experiential and educational opportunities to interact with the natural world.

The City previously obtained a HONI permit to undertake work within the vicinity of the tower located within the project limits. This permit has expired, and a renewal is now required. TRCA submitted an updated permit package to HONI on May 26, 2021, to confirm construction methodology and requirements to conduct work within tower limits. HONI anticipates the review of this submission will be approximately eight weeks, with approval targeted for July 2021.

RATIONALE

In 2021, the City retained TRCA under Letter Agreement to undertake the Cudmore Creek Wetland and Trailhead Improvements Project, Phase II to complete project implementation. The Agreement stipulates that procurement of construction services through a competitive RFT process is required to implement the project.

The City has confirmed that the project is an approved recipient of funding through the federal government's Investing in Canada Infrastructure (ICIP) program, COVID-19 Resilience Infrastructure Stream. To meet funding program deadlines, the contract needs to be awarded in

Item 7.7

August 2021. All major works must commence at this point to meet the funding program conditions stating that projects must begin by September 30, 2021 and be completed by December 31, 2021. A delay in approval of contract award until the September 24, 2021 Board meeting, and subsequent construction delays, may result in a loss of funding.

In order to be in the best position to execute this project and meet the aggressive timelines associated with the ICIP funding, TRCA proactively released a Request for Pre-Qualification (RFPQ) for general contractors which was publicly advertised on the public procurement website www.biddingo.com on February 26, 2021 and closed on March 11, 2021. General contractors interested in pre-qualifying were advised that to receive a tender package they must meet the following criteria:

- **CCDC 11 - 2019 – Sealed**
 - Completeness and adherence of submission (CCDC 11)
 - Office Personnel/Project Manager Resume (CCDC 11)
 - Site Personnel/Site Supervisor Resume (CCDC 11)
 - List of projects - tender prices provided (CCDC 11)
- Provide a minimum of three (3) relevant projects completed with a similar scope of work and budget as the Cudmore Creek Regeneration Project.
- Provide proof of bonding capacity.
- Provide proof of your company's Health and Safety policy **or** proof of COR certification.
- Provide proof of insurance.
- Provide a statement confirming compliance with the City of Toronto's Fair Wage Schedule.

A total of 13 firms downloaded the documents and seven (7) pre-qualification submissions were received from the following Proponents:

1. CSL Group Ltd.
2. Dynex Construction Inc.
3. Metric Contracting Services Corp.
4. Orin Contractors Corp.
5. Pacific Paving Ltd.
6. R & M Construction
7. Urgiles Brothers Excavating Inc.

The submissions from Orin Contractors Corp. and Pacific Paving Ltd. were disqualified because the contractors did not demonstrate sufficient experience in similar past projects.

An Evaluation Committee comprised of TRCA staff from the Project Management Office and Contract Services & Asset Maintenance teams reviewed the pre-qualification documents based on the above criteria. Based on the evaluation results, RFT documents will be issued to the following five (5) Proponents:

1. CSL Group Ltd.
2. Dynex Construction Inc.
3. Metric Contracting Services Corp.
4. R & M Construction
5. Urgiles Brothers Excavating Inc.

A mandatory meeting will be held onsite shortly after the RFT package has been issued to the qualified proponents.

Item 7.7

Relationship to Building the Living City, the TRCA 2013-2022 Strategic Plan

This report supports the following strategic priorities set forth in the TRCA 2013-2022 Strategic Plan:

Strategy 7 – Build partnerships and new business models

Strategy 4 – Create complete communities that integrate nature and the built environment

FINANCIAL DETAILS

Funds for the contract are fully recoverable under Letter Agreement with the City and are tracked in account 117-01.

DETAILS OF WORK TO BE DONE

The following works are required to complete the Cudmore Creek Wetland and Trailhead Improvements Project, Phase II:

- Receipt of updated HONI permit.
- Issuance of RFT and facilitation of procurement process.
- Award of Contract #10035673 through delegated authority.
- Report on Award of Contract at September 2021 Board of Directors Meeting.
- Project implementation.

The targeted timeline to undertake these works are outlined in the below Project Schedule:

Project Schedule	
Milestone	Date
HONI permit update review period	May 26, 2021 – July 21, 2021
Issue Request for Tender (RFT)	July 23, 2021
Tender submission deadline	August 11, 2021
Award of Contract through delegated authority	August 13, 2021
Component fabrication by contractor	August 20, 2021 – November 31, 2021
Report on Award of Contract to TRCA Board	September 24, 2021
Onsite implementation start date	October 1, 2021

Report prepared by: Chris Scholz, x5529

Emails: chris.scholz@trca.ca

For Information contact: Marnie Shepley, x5314; Caitlin Harrigan, x5267;

Emails: marnie.shepley@trca.ca, caitlin.harrigan@trca.ca

Date: May 31, 2021

Attachments: 2

Attachment 1: Project Area

Attachment 2: Landscape Concept Plan