

Report to Civic Works Committee

To: Chair and Members
Civic Works Committee

From: Kelly Scherr, P. Eng., MBA, FEC, Deputy City Manager,
Environment & Infrastructure

Subject: Procurement Approvals for the Detailed Design for the
Bradley Avenue Extension

Date: May 22, 2024

Recommendation

That, on the recommendation of the Deputy City Manager, Environment and Infrastructure, the following actions **BE TAKEN** with respect to the detailed design consulting assignment for the Bradley Avenue Extension:

- (a) Approval **BE GIVEN** to award a single source contract to TMHC Inc. in the amount of \$138,935.50, excluding HST, to complete a Stage 4 archaeological assessment as required under the Ontario Heritage Act, in accordance with Section 14.4 (d) of the Procurement of Goods and Services Policy;
- (b) The contract with WSP E&I Canada Limited **BE INCREASED** by \$463,123.20 to a total amended value of \$1,264,757.95, excluding HST, to complete additional detailed design and environmental activities to support the environmental permitting, design and tendering of the project, in accordance with Section 20.3 (e) of the Procurement of Goods and Services Policy;
- (c) The financing for the contract award and contract amendment **BE APPROVED** as set out in the Sources of Financing Report attached hereto as Appendix A;
- (d) The Civic Administration **BE AUTHORIZED** to undertake all the administrative acts that are necessary in connection with the contract award and contract amendment; and,
- (e) The Mayor and City Clerk **BE AUTHORIZED** to execute any contract or other documents, if required, to give effect to these recommendations.

Executive Summary

This report seeks the approval of Council to award TMHC Inc. a single source contract in the amount of \$138,935.50, excluding HST, to complete a Stage 4 archaeological assessment to meet the requirements of the Ontario Heritage Act and support the construction of the Bradley Avenue Extension.

This report also seeks the approval of Council to increase the existing Bradley Avenue Extension engineering consultant contract with WSP E&I Canada Limited (WSP) by \$463,123.20 to \$1,264,757.95 to complete additional detailed design activities and environmental work to support environmental permitting, design, and tendering of the project.

Species at Risk (SAR) were assessed as having potential of being present within the proposed Bradley Avenue Extension project limits. The Ministry of Environment, Conservation and Parks (MECP) recommends targeted environmental studies to confirm the presence of SAR. Approvals from the MECP and other regulatory agencies are required prior to the construction of the Bradley Avenue Extension.

Additional detailed design activities are also required to support the completion of the project; including engineering investigations and requirements to comply with updated excess soil regulations, coordination of roadway design modifications with adjacent developments, and a retrofit of the existing White Oak stormwater management facility to ensure sufficient capacity is available to service the roadway extension.

The tender preparation for the construction of Bradley Avenue is anticipated to be completed later this year to allow for construction to start in 2025 subject to approvals from regulatory agencies.

Linkage to the Corporate Strategic Plan

Municipal Council's Strategic Plan identifies Mobility and Transportation as a strategic area of focus. This report supports the Strategic Plan by identifying the building of infrastructure that provides safe, integrated, connected, reliable and efficient transportation choices.

Analysis

1.0 Background Information

1.1 Previous Reports Related to this Matter

- Environment and Transportation Committee – August 2005 – Bradley Avenue Extension, White Oak Road to Bostwick Road – Environmental Study Report
- Civic Works Committee – June 19, 2012 – London 2030 Transportation Master Plan
- Civic Works Committee – December 1, 2015 – Bradley Avenue Extension – Wharncliffe Road South to Wonderland Road South Appointment of Consulting Engineer
- Civic Works Committee – April 24, 2017 – Contract Award: Tender No. 17-57 – 2017 Bradley Avenue West Extension
- Civic Works Committee – June 19, 2018 – Bradley Avenue Extension – Phase 2 Wharncliffe Road South to Jalna Boulevard Detailed Design Appointment of Consulting Engineer
- Strategic Priorities and Policy Committee – October 20, 2020 – 2021 Development Charges Update Covering Report and Proposed By-law
- Civic Works Committee – June 22, 2021 – Appointment of Consulting Engineer for the Dingman Creek Subwatershed Stage 2 Lands: Schedule C Municipal Class Environmental Assessment
- Civic Works Committee report September 13, 2022 – Bradley Avenue Extension, White Oak Road to Jalna Boulevard (West Leg) Municipal Class Environmental Assessment Addendum
- Civic Works Committee – February 22, 2023 – Contract Amendment: Detailed Design for Bradley Avenue Extension – Wharncliffe Road South to Jalna Boulevard

2.0 Discussion and Considerations

2.1 Background

In 2005, the City completed a Municipal Class Environmental Assessment (EA) to determine the preferred alignment to extend Bradley Avenue between Bostwick Road and White Oak Road. This new Urban Thoroughfare/Civic Boulevard connection has long been envisioned in the City's Official Plan and surrounding developments have been coordinated to consider this new roadway connection. The 2005 EA recommended that the Bradley Avenue extension, between Wharncliffe Road South and White Oak Road, be constructed to an urban four-lane cross-section with sidewalks, cycling facilities, illumination and localized turning lanes. The initial section of this new roadway between Wonderland Road and Wharncliffe Road was constructed in 2017. The next phase planned for implementation is between Wharncliffe Road and White Oak Road and can be seen below in Figure 1, labelled as "Bradley Ave (Future) Phase 1".

In order to manage continued growth in the southwest and to provide corridor lane continuity between the future extension of Bradley Avenue west of White Oak Road and the existing section east of Jalna Boulevard, the Transportation Master Plan identified the need for a four-lane configuration for the short section from White Oak Road to Jalna Boulevard. This short section on the east side of White Oak Road was identified in the Transportation Development Charges Background Study and Growth Management Implementation Strategy.

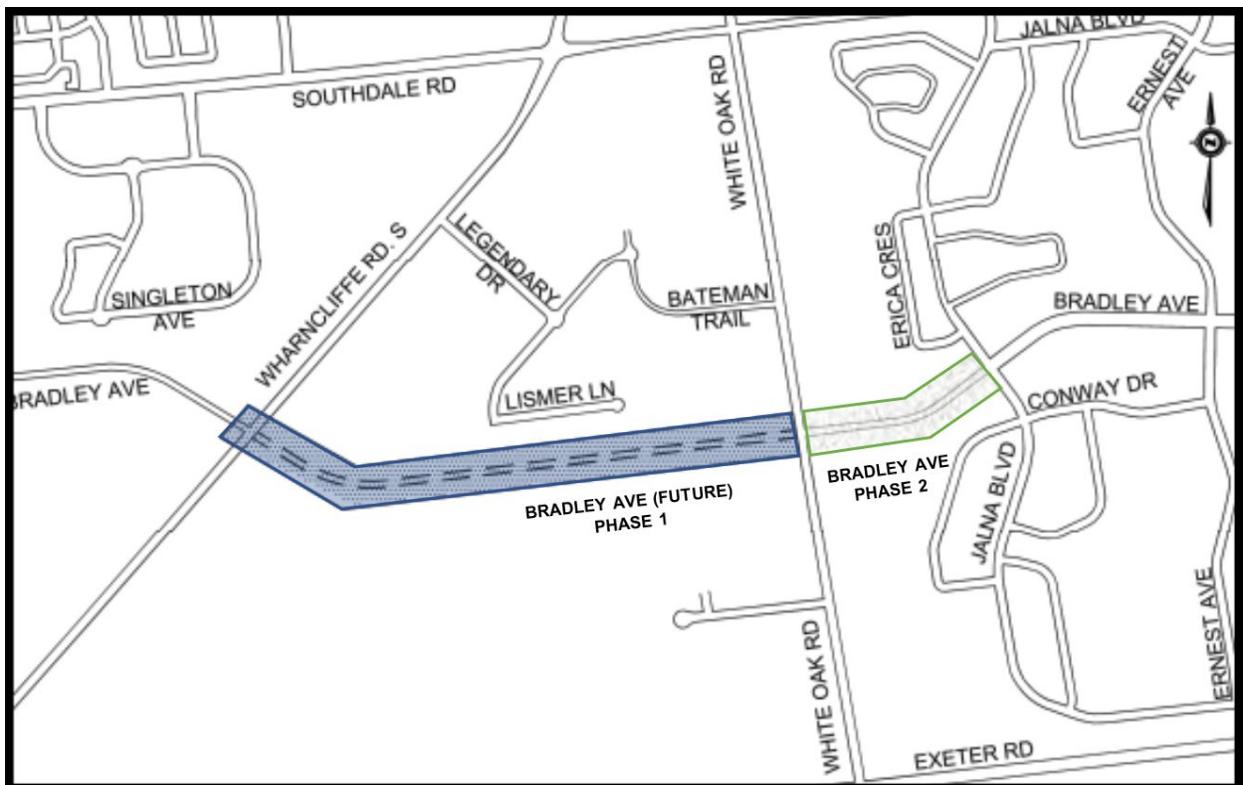


Figure 1: Bradley Avenue Extension from Wharncliffe Road to Jalna Boulevard (West Leg)

2.2 Archaeological Study

In 2022, WSP completed a Stage 1 and Stage 2 archaeological assessment for the Bradley Avenue Extension and identified one potentially significant archaeological site which would require, at a minimum, a Stage 3 archaeological assessment. The City only included Stage 1 and Stage 2 archaeological assessments within the original scope of work as Stage 3 and Stage 4 assessments are not always required, or may only be necessary in localized areas.

In 2023, TMHC Inc. was retained by the City to conduct the Stage 3 archaeological assessment. Based on the findings of the Stage 3 assessment, a Stage 4 archaeological assessment is now recommended to conserve a significant archaeological site as required under provincial legislation through the Ontario Heritage Act.

2.3 Natural Heritage

In 2022, an Environmental Impact Study (EIS) was completed, and it was determined that Species at Risk (SAR) had the potential of being present within the project limits. WSP has consulted with the MECP to determine the necessary authorizations to comply with the Endangered Species Act (ESA) and allow construction to proceed. The MECP requires the City to complete additional environmental studies which were not part of the original project scope. The nature of the SAR investigations requires the studies to be completed in the summer months.

2.4 Additional Detailed Design Activities

Additional detailed design activities are required to support the completion of the project. During the development and finalization of the stormwater management strategy for the Bradley Avenue Extension, it was determined that the existing White Oak stormwater management facility requires retrofit to ensure sufficient capacity to service the future roadway. The need to expand the existing stormwater management facility was not known at the time of WSP's original appointment.

Additional efforts were also required throughout the detailed design assignment, which include:

- Engineering investigation and review to comply with the updated provincial excess soil regulations.
- Roadway design modifications to accommodate future development;
- Development of environmental management plans to meet the requirements of the London Plan and the City's Environmental Management Guidelines (2021);
- Professional services rate escalation due to change in project timing caused by various factors outside of the City's and consultant's control.

As a result of the additional archaeological, environmental and drainage requirements, the tender preparation for the construction of Bradley Avenue is anticipated to be completed later this year to allow for construction to start in 2025 subject to approvals from regulatory agencies.

2.5 Procurement Approvals

In 2023, TMHC Inc. was engaged by the city to complete the Stage 3 archaeological assessment for the Bradley Avenue Extension. The initial consulting award was valued at \$32,884.50 and was approved administratively as per section 15.2 c) of the Procurement of Goods & Services Policy which states:

Assignments for projects which have estimated fees of less than \$100,000 shall be awarded by the Deputy City Manager or delegate, as per 8.5 c, to listed candidate firms based on an evaluation of the firm's competency, expertise, costs, past performance on City projects, available capacity, and the size of their operation and the particulars of the work to be done.

TMHC Inc. is included on the City's current Approved Consultants List and were competitively selected to execute this work based on their expertise and experience in completing similar investigations and positive past experiences working with the firm. TMHC's price proposal for the Stage 3 archaeology was also the lowest of three bids that were procured competitively.

It is recommended that TMHC Inc. be awarded a contract to complete the Stage 4 archaeological assessment using a Single Source process as per section 14.4 d) of the Policy which states:

There is a need for compatibility with goods and/or services previously acquired or the required goods and/or services will be additional to similar goods and/or services being supplied under an existing contract (i.e., contract renewal).

There are discrete stages in the archaeological assessment process. Site-specific information is required to determine whether further archaeological assessment is required as determined by the Standards and Guidelines for Consultant Archaeologists, and subject to the archaeological license issued by the Ministry of Citizenship and Multiculturalism (MCM). Although the Stage 3 archaeological assessment has been completed, the work completed was based on the professional opinion of TMHC Inc. as supported by MCM. There would be significant risk introduced to the project schedule if an alternative archaeological consultant was introduced because this is a complex archaeological site and the Stage 3 report would have to be accepted by the MCM prior to changing to a different archaeological consultant to complete to the remaining phase. TMHC Inc. has an intimate working knowledge of the registered archaeological site and its artifacts. In addition, through consultation and approval from the MCM, TMHC Inc. has developed a site-specific methodology for the Stage 4 archaeological assessment. There are schedule and cost efficiencies in the site-specific methodology developed by TMHC Inc. to the benefit of the City, including the same staff working on the project who have demonstrated a comprehensive knowledge of the project and the City's and provincial requirements.

In 2018, Request for Proposal RFP18-17 was conducted and Wood Environment & Infrastructure Solutions, now known as WSP E&I Canada Limited (WSP) was awarded the project to design the Bradley Avenue Extension in the amount of \$508,009.00, in accordance with Section 15.2 (e) of the Procurement of Goods and Services Policy.

In 2023, WSP's contract was increased by \$293,625.75 to complete additional detailed design activities required for drainage improvements to the White Oaks Drain culvert, in accordance with Section 20.3 (e) of the Procurement of Goods and Services Policy.

WSP has prepared a proposal for environmental investigations and additional design efforts to incorporate the retrofit of the White Oak stormwater management facility into the Bradley Avenue project. Extending the current design assignment with WSP provides cost efficiencies and represents good value for the city as there is significant background knowledge within the firm related to the project. The additional fees have been reviewed and negotiated to ensure that they are reasonable for the scope of work required and competitive with rates for other similar projects. The approval of this additional work valued at \$463,123.20 will bring the new total value of the overall consulting assignment to \$1,264,757.95.

Civic administration is recommending awarding the additional work to WSP as an amendment to the original award, as per Section 20.3 e) ii) of the Procurement of Goods & Services Policy as below:

- ii. the total amended value of the contract will exceed the Council approved source of financing by an amount greater than \$50,000 or 3% of original contract value, whichever is greater, and there are funds available.

As per 8.5 a) vi), Committee and City Council must approve appointment of Professional Consulting Services greater than \$100,000.

3.0 Financial Impact/Considerations

The total funding required to complete the Stage 4 archaeology assessment and additional detailed design activities are available in the approved budget for this project. The Source of Financing Report is appended to this report as Appendix A. The amended contract value includes a contingency in the event of unforeseen requirements.

Conclusion

Additional archeological, environmental, and detailed design activities are required to support the completion of the Bradley Avenue Extension project. Much of this additional work is required to comply with provincial requirements and legislation and could not have been foreseen as part of the original assignment. In accordance with the City's Procurement of Goods and Services Policy, Council approval is being sought related to two procurement approvals.

It is recommended that TMHC Inc. be awarded a contract in the amount of \$138,935.50 (excluding HST) to complete Stage 4 archaeological investigation work to meet the requirements of the Ontario Heritage Act and support the construction of the Bradley Avenue Extension.

It is also recommended that WSP E&I Canada Limited's (WSP's) contract be increased by \$463,123.20 to \$1,264,757.95 to complete additional detailed design activities and species at risk field investigations to support the environmental permitting, design, and tendering of the Bradley Avenue Extension from Wharncliffe Road South to Jalna Boulevard.

The tender preparation for the construction of Bradley Avenue is anticipated to be completed later this year to allow for construction to start in 2025 subject to approvals from regulatory agencies.

Prepared by: Garfield Dales, P. Eng. Division Manager, Transportation Planning & Design

Submitted by: Doug MacRae, P. Eng., MPA Director, Transportation & Mobility

Recommended by: Kelly Scherr, P. Eng., MBA, FEC Deputy City Manager, Environment & Infrastructure

Attach: Appendix A - Source of Financing

c: Steve Mollon, Senior Manager, Procurement & Supply
Jiten Patel, CET, Technologist II
Andrew Denomme, P.Eng., Transportation Design Engineer
Adrienne Sones, P.Eng., Environmental Services Engineer

Appendix "A"

#24090

May 22, 2024

(Consulting Assignment)

Chair and Members

Civic Works Committee

RE: Procurement Approvals for the Detailed Design for the Bradley Avenue Extension

(Subledger RD180003)

Capital Project TS1523-2 - Bradley Avenue Extension Jalna to Wharnclyffe

Capital Project ES3220 - Wetland Restoration & SWM Treatment Enhancement

TMHC Inc. - \$138,935.00 (excluding HST)

WSP E&I Canada Limited - \$463,123.20 (excluding HST)

Finance Supports Report on the Sources of Financing:

Finance Supports confirms that the cost of this project can be accommodated within the financing available for it in the Capital Budget and that, subject to the approval of the recommendation of the Deputy City Manager, Environment and Infrastructure, the detailed source of financing is:

Estimated Expenditures	Approved Budget	Committed to Date	This Submission	Balance for Future Work
TS1523-2 - Bradley Avenue Extension Jalna to Wharnclyffe				
Engineering	1,486,214	873,559	235,621	377,034
Land Acquisition	1,655,091	1,042,081	0	613,010
Construction	15,986,075	55,354	0	15,930,721
Relocate Utilities	644,000	0	0	644,000
City Related Expenses	252,833	2,833	0	250,000
TS1523-2 Total	20,024,213	1,973,827	235,621	17,814,765
ES3220 - Wetland Restoration and SWM Treatment Enhancement				
Engineering	783,705	406,671	377,034	0
Construction	4,077,035	1,874,937	0	2,202,098
City Related Expenses	9,968	9,968	0	0
ES3220 Total	4,870,708	2,291,576	377,034	2,202,098
Total Expenditures	\$24,894,921	\$4,265,403	\$612,655	\$20,016,863

Sources of Financing

TS1523-2 - Bradley Avenue Extension Jalna to Wharnclyffe				
Drawdown from City Services - Roads Reserve Fund (Development Charges) (Note 1)	3,211,106	1,973,827	235,621	1,001,658
Debenture Quota (Serviced through City Services - Roads Reserve Fund (Development Charges)) (Note 1 and 2a)	16,813,107	0	0	16,813,107
TS1523-2 Total	20,024,213	1,973,827	235,621	17,814,765
ES3220 - Wetland Restoration and SWM Treatment Enhancement				
Debenture Quota (Note 2b)	1,374,390	0	0	1,374,390
Drawdown from Sewage Works Renewal Reserve Fund	3,496,318	2,291,576	377,034	827,708
ES3220 Total	4,870,708	2,291,576	377,034	2,202,098
Total Financing	\$24,894,921	\$4,265,403	\$612,655	\$20,016,863

Appendix "A"

#24090

May 22, 2024

(Consulting Assignment)

Chair and Members

Civic Works Committee

RE: Procurement Approvals for the Detailed Design for the Bradley Avenue Extension

(Subledger RD180003)

Capital Project TS1523-2 - Bradley Avenue Extension Jalna to Wharncliffe

Capital Project ES3220 - Wetland Restoration & SWM Treatment Enhancement

TMHC Inc. - \$138,935.00 (excluding HST)

WSP E&I Canada Limited - \$463,123.20 (excluding HST)

Financial Note:	WSP TS1523-2	WSP ES3220	TMHC TS1523-2	Total
Contract Price	92,610	370,513	138,935	602,058
Add: HST @13%	12,039	48,167	18,062	78,268
Total Contract Price Including Taxes	104,649	418,680	156,997	680,326
Less: HST Rebate	-10,409	-41,646	-15,616	-67,671
Net Contract Price	\$94,240	\$377,034	\$141,381	\$612,655

Note 1: Development charges have been utilized in accordance with the underlying legislation and the approved 2019 Development Charges Background Study and the 2021 Development Charges Background Study Update.

Note 2: Administration hereby certifies that the estimated amounts payable in respect of this project does not exceed the annual financial debt and obligation limit for the Municipality from the Ministry of Municipal Affairs in accordance with the provisions of Ontario Regulation 403/02 made under the Municipal Act.

Note to City Clerk: the City Clerk is hereby requested to prepare and introduce the necessary by-laws:

a) An authorizing by-law should be drafted to secure debenture financing for project TS1523-2 - Bradley Avenue Extension Jalna to Wharncliffe for the net amount to be debentured of \$16,813,107

b) An authorizing by-law should be drafted to secure debenture financing for project ES3220 - Wetland Restoration and SWM Treatment Enhancement for the net amount to be debentured of \$1,374,390

Jason Davies

Manager of Financial Planning & Policy

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