

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: Upper Thames River Conservation Authority and West London Dyke Phases 9 through 13 Design

Date: July 16, 2024

Recommendation

That, on the recommendation of the Deputy City Manager, Environment & Infrastructure, the following actions **BE TAKEN** with respect to City of London's contribution to the design of the West London Dyke projects:

- (a) the Upper Thames River Conservation Authority **BE AUTHORIZED** to carry out the following projects noting the requirements of this provincial funding program are unique, in that only conservation authorities can apply, requiring 14.3.a) of the Procurement of Goods and Services Policy:
 - a. West London Dyke Phase 9 - 13 Design, for the City's share of consulting fees totalling \$534,900.37 including contingency, excluding HST; and
 - b. West London Dyke Phase 9 – 13 UTRCA Project Management Fees, totalling \$30,000, excluding HST.
- (b) the financing for this project **BE APPROVED** as set out in the Sources of Financing Report attached, hereto, as Appendix 'A;'
- (c) the Civic Administration **BE AUTHORIZED** to undertake all the administrative acts that are necessary in connection with this work;
- (d) the approval given, herein, **BE CONDITIONAL** upon the Corporation entering into a formal contract; 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

The City of London owns flood and erosion control structures throughout the watershed that are maintained by the Upper Thames River Conservation Authority (UTRCA) under the terms of a Memorandum of Understanding (MOU). The MOU defines a collaborative approach to operation and maintenance and capital improvements to the flood and erosion control structures in which the City and UTRCA share an interest.

The most recent reconstruction of West London Dyke Phase 7, from St. Patrick Street to north of Oxford Street, was completed in spring 2022. This completed the north leg of the West London Dyke. The remaining phases, Phases 9 to 13, span from the Forks of the Thames to Cavendish Park. To streamline the project, completing the design for the entire westerly stretch will allow for continuity and improve coordination efforts with other infrastructure projects occurring in the vicinity.

This report seeks approval to commit the City's share of the design and construction administration for West London Dyke Phase 9 through 13 projects in the context of eligible provincial and federal funding programs for flood control and disaster mitigation projects.

Linkage to the Corporate Strategic Plan

This recommendation supports the following 2023-2027 Strategic Plan areas of focus:

- Climate Action and Sustainable Growth:
 - Waterways, wetlands, watersheds, and natural areas are protected and enhanced.
 - London is more resilient and better prepared for the impacts of a changing climate; and
 - Infrastructure is built, maintained, and secured to support future growth and protect the environment.

Analysis

1.0 Background Information

1.1 Previous Reports Related to this Matter

Civic Works Committee – March 29, 2022 – RFP21-07 West London Dyke Feasibility Study

Civic Works Committee – September 21, 2021 – Increase Contract Award: West London Dyke Norman Bradford (Oxford Street) Bridge Concrete Repairs

Civic Works Committee – August 31, 2021 – Increase Contract Award: West London Dyke Reapplication of Anti-Graffiti Coating to Phases 1 and 2

Civic Works Committee – November 17, 2020 – West London Dyke – Phase 7 and Fanshawe Dam Safety Study PO Boost

Civic Works Committee – July 14, 2020 – Upper Thames Conservation Authority and City of London Flood Protection Projects: West London Dyke Phase 7

Civic Works Committee – March 10, 2020 – Upper Thames River Conservation Authority and City of London Flood Protection Projects

Civic Works Committee – August 12, 2019 – Upper Thames River Conservation Authority and City of London Flood Protection Projects

Civic Works Committee – June 18, 2018 – Upper Thames River Conservation Authority and City of London Flood Protection Projects

Civic Works Committee – July 17, 2017 – Water and Erosion Control Infrastructure (WECI) Program: 2017 Provincially Approved Project Funding (Sole Sourced)

Civic Works Committee – August 22, 2016 – Water and Erosion Control Infrastructure (WECI) Program: 2016 Provincially Approved Project Funding (Sole Sourced)

Civic Works Committee – February 2, 2016 – West London Dyke Master Repair Plan Municipal Class Environmental Assessment Study

Strategic Priorities and Policy Committee – January 28, 2016 – Downtown Infrastructure Planning and Coordination

2.0 Discussion and Considerations

2.1 Discussion

The original West London Dyke (WLD) was constructed in the 1880's. After extreme floods in 1937 and 1947 left thousands of homes underwater sections of the dyke were

raised in order to increase protection. In 2005 an assessment was completed on the dyke, and it was determined that most sections needed to be fully replaced due to structural deficiencies. To further protect the homes within the floodplain, the new dyke was designed to protect against the 1:250-year flood event. To date, over 1.4km of the WLD spanning from the Forks of the Thames to north of Oxford Street has been upgraded to this higher level of protection. The remaining west leg spanning from the Forks to Cavendish Park is now required to be completed.

In 2019, the WLD project was successful in securing funding from the Disaster Mitigation and Adaptation Fund (DMAF) provided by Infrastructure Canada for the remaining phases. This funding is available to support large scale infrastructure projects that reduce the risks of natural hazards. To be eligible, projects must have a minimum cost of \$20 million and must be able to be completed by 2027/2028. For this project the program funds up to 40% of the engineering design and construction costs up to the approved program total.

The Water and Erosion Control Infrastructure (WECl) program is a Ministry of Natural Resource and Forestry (MNR) capital cost share program that provides funding for flood or erosion control structures such as dams and dykes. This funding can only be accessed by Conservation Authorities (CAs) but can be used for infrastructure owned by municipalities in cases where the infrastructure is maintained by the CA. WECl funding is provided through a prioritization process that includes existing flood and erosion control infrastructure. This program covers 50% of the costs associated with project. An application has been submitted, in the amount of \$300,000, for the design phase of the project but a decision has yet to be made. If successful, the WECl program may provide up to \$150,000.

Given the DMAF funding end date of 2028 and the challenges of the future phases of the WLD, it was determined to proceed with a design scope that covered off the entirety of the westerly leg, phases 9 through 13. This will allow it to seamlessly blend in with the trunk sanitary upgrades currently occurring and will allow for WLD construction to begin in 2025.

1.2 Location Map

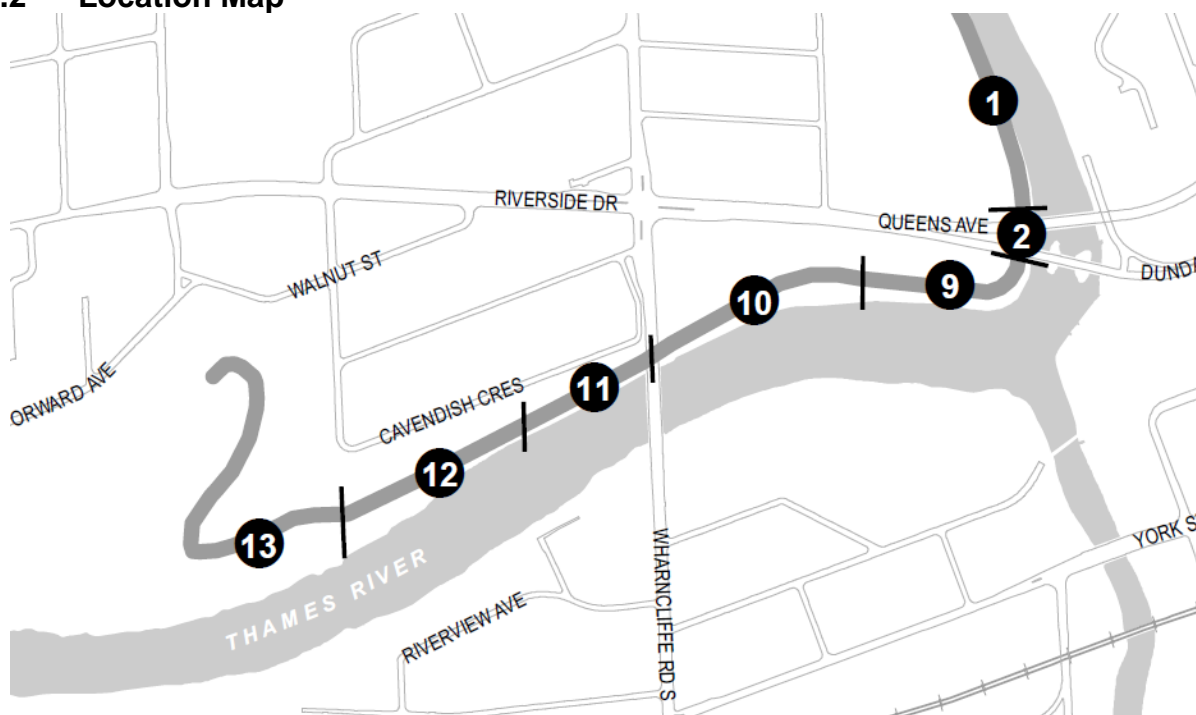


Figure 1: Location map showing the remaining west leg Phases 9 through 13

3.0 Financial Impact/Considerations

The UTRCA conducted a competitive Request for Proposal (RFP) process for this assignment with the successful candidate being Stantec Consulting Ltd. The DMAF share is 40% of the design fees spent, while the City will cover the remaining 60%. If the

WECI application is successful, half of the City's share would be covered, and any remaining balance of the Purchase Order will be released back to the parent account.

The WECI program provides matched funding to CAs for the major reconstruction and maintenance of flood or erosion control structures that are either owned or maintained by CAs. Because of this requirement, the City must use Clause 14.3.a) "statutory or market-based monopoly" of its Procurement Policy to engage UTRCA to complete the administration of this project. The UTRCA will administer the project and submit invoices to the City as work is completed, after subtracting the provincial and federal funding share.

Conclusion

City staff and UTRCA staff are working together to complete the design for West London Dyke Phases 9 through 13 and endeavour to maximize the City of London's potential to receive provincial and federal funding for City-owned flood and erosion control infrastructure. Staff recommend supporting the award of the design assignment to Stantec Consulting Ltd. Via an agreement with UTRCA.

Prepared by: **Shawna Chambers, P.Eng., DPA,
Division Manager, Stormwater Engineering**

Submitted by: **Ashley Rammeloo, MMSc., P. Eng.
Director, Water, Wastewater and Stormwater**

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

Attachments: Appendix 'A' – Source of Financing

CC: Michele Shears
Alan Dunbar
Jason Davies

Appendix "A"

#24134

July 16, 2024
(Award Contract)

Chair and Members
Civic Works Committee

RE: Upper Thames River Conservation Authority and West London Dyke Phases 9 through 13 Design
(Subledger SWM24004)

Capital Project ES2474 - UTRCA - Remediating Flood Control Works Within City Limits
Upper Thames River Conservation Authority - \$564,900.37 (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, and the Manager of Purchasing and Supply, the detailed source of financing is:

Estimated Expenditures	Approved Budget	Committed To Date	This Submission	Balance for Future Work
ES2474 - UTRCA - Remediating Flood Control Works Within City Limits				
Engineering	8,762,945	7,201,148	0	1,561,797
Land Acquisition	12,211	12,211	0	0
Construction	19,778,980	9,828,386	574,842	9,375,752
City Related Expenses	96,213	96,213	0	0
Total	28,650,349	17,137,958	574,842	10,937,549

Sources of Financing

ES2474 - UTRCA - Remediating Flood Control Works Within City Limits				
Capital Sewer Rates	1,604,731	1,604,731	0	0
Debenture By-Law No. W.-5610-251	5,422,925	0	0	5,422,925
Drawdown from Sewage Works Renewal Reserve Fund	21,570,948	15,481,482	574,842	5,514,624
Other Contributions	51,745	51,745	0	0
Total	28,650,349	17,137,958	574,842	10,937,549

Financial Note:

	ES2474 - Design	ES2474 - Project Mgmt	Total
Contract Price	\$534,900	\$30,000	\$564,900
Add: HST @13%	69,537	3,900	73,437
Total Contract Price including Taxes	604,437	33,900	638,337
Less: HST Rebate	-60,123	-3,372	-63,495
Net Contract Price	\$544,314	\$30,528	\$574,842

Jason Davies
Manager of Financial Planning and Policy

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