

TO:	CHAIR AND MEMBERS CIVIC WORKS COMMITTEE MEETING ON AUGUST 12, 2019
FROM:	KELLY SCHERR, P.ENG. MANAGING DIRECTOR ENVIRONMENTAL & ENGINEERING SERVICES AND CITY ENGINEER
SUBJECT:	UPPER THAMES RIVER CONSERVATION AUTHORITY AND CITY OF LONDON FLOOD PROTECTION PROJECTS

RECOMMENDATION

That, on the recommendation of the Managing Director Environmental & Engineering Services and City Engineer, the following action **BE TAKEN** with respect to City of London's contribution to infrastructure:

- a) The Upper Thames River Conservation Authority **BE AUTHORIZED** to carry out the following projects with the City share in the total amount of \$1,989,120, including contingency, excluding HST; 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 5/6 Reconstruction;
 - b. West London Dyke Phase 5/6 Construction Administration; and
 - c. Fanshawe Dam Phase 6 Paint and Concrete Repairs
- b) The financing for this work **BE APPROVED** as set out in the Sources of Financing Report attached hereto as Appendix 'A', and,
- c) The Civic Administration **BE AUTHORIZED** to undertake all the administrative acts that are necessary to give effect to these recommendations.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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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

Council – March 21, 2011 – UTRCA 2010 and 2011 Levies for Remediating Flood/Erosion Control, Dykes and Dam Structures within the City

Finance & Administration Committee – February 2, 2011 – Funding Agreement with UTRCA for Remediating Flood Control Works within the City

2019 – 2023 STRATEGIC PLAN

This report aligns with the Strategic Plan's "Building a Sustainable City" strategic area of focus by supporting the following expected results:

- Improve London’s resiliency to respond to potential future challenges;
- Build infrastructure to support future development and protect the environment; and
- Maintain or increase current levels of service; manage the infrastructure gap for all assets.

BACKGROUND

Purpose

This report seeks approval to commit the City’s share of projects eligible for provincial capital funding through the Ministry of Natural Resource and Forestry (MNR) Water and Erosion Control Infrastructure (WECI) program.

Context

The WECI program is a 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. Over the past 14 years, in partnership with the UTRCA, approximately \$12,500,000 in WECI funding has been used to repair and reconstruct City-owned infrastructure. The most recent reconstruction of West London Dyke Phase 4, from Carothers Avenue to Blackfriars Bridge, was completed in late 2018 with some landscaping and amenity features in 2019.

DISCUSSION

WECI Program

WECI funding is provided through a prioritization process that includes existing flood and erosion control infrastructure. Projects are selected for funding by a committee made up of five CA representatives, one MNR representative, and one Conservation Ontario (CO) staff representative. There is one UTRCA staff member on this committee. The committee reviews and scores project submissions and determines the priority list of eligible projects on an annual basis.

The program is a 50/50 cost share with the local municipality or other contributors with flood or erosion control infrastructure needs and must have a Council resolution or legally binding agreement to demonstrate financial commitment.

2019 WECI Projects

The 2019 WECI projects focus on the continuing reconstruction work of the West London Dyke Phases 5 and 6 as well as some ongoing repairs and maintenance at the Fanshawe Dam.

West London Dyke Phases 5 and 6

The continuation of the West London Dykes Phase 5 and 6 project will extend the reconstructed section of the dyke from the north side of Blackfriars Bridge up to St. Patrick Street (See Appendix ‘B’ – West London Dyke Phasing Map).

The UTRCA conducted an open tender process for this project with a low bid of \$5,190,415, including \$400,000 contingency and excluding HST. The WECI share of this project is \$1,490,000 with a City share of \$1,715,600. This equates to the City funding approximately 33% of the total project cost.

The West London Dyke Phases 5-13 are also funded by the federal government’s Disaster Mitigation and Adaptation Fund (DMAF). The DMAF funding is capped at 40%

of the costs up to a total of \$10,000,000 total over 10 years. The 2019 contribution will be approximately \$2,076,166. See Table 1 for details.

The UTRCA's intent is to have the Construction Administration services be completed by Stantec Consulting Ltd (Stantec) with maximum proposed fees in the amount of \$200,000 including a contingency. Stantec has overseen the detailed design and construction administration services for previous phases of the dyke reconstruction project. These fees are also eligible for DMAF funding, reducing the City's share of fees by \$80,000.

Fanshawe Dam Repairs

The Fanshawe Dam is owned by the UTRCA. It was constructed between 1950 and 1952 with funding provided by the Federal and Provincial governments and the UTRCA. The purpose of the dam is to assist flood control by regulating the flow of water from the upstream reservoir (Fanshawe Lake) into the downstream Thames River prior to it passing through the City.

The 2019 Phase 6 Paint and Concrete repairs are being completed to ensure this structure continues to protect the City of London from flooding. Following the June 18 CWC report, City funds were committed to this project in the full amount of \$300,000 to facilitate the work beginning earlier in the construction season. A WECl funding contribution of \$150,000 was announced after this report went to committee. This reduces the City's share of costs to \$150,000 as noted in the table below.

Table 1 summarizes the 2019 provincially and federally approved project funding for dykes and dams:

Table 1: 2019 UTRCA Dyke and Dam Project Funding Sources				
Project	Full Project Amount	DMAF Funding	WECl Share	London Share
West London Dyke Phase 5 - 6 Reconstruction ¹	\$5,190,415	\$2,076,166	\$1,490,000	\$1,715,600 ²
West London Dyke Phase 5 - 6 Construction Administration	\$200,000	\$80,000	-	\$123,520 ²
Fanshawe Dam Phase 6 Paint and Concrete Repairs	\$300,000	-	\$150,000	\$150,000
Total	\$5,691,415	\$2,156,566	\$1,640,000	\$1,989,120

¹ The City portion is approximately 33% for this project due to additional 40% project funding Disaster Mitigation Adaptation Fund (DMAF) share in the amount of \$2,076,166.

² The London Share is calculated by including the non-rebateable HST on the full project amount and then reduced by the provincial and federal funding programs.

Procurement and Invoicing Processes

The UTRCA will administer both of these projects and submit invoices to the City as work is completed, after subtracting the provincial and federal funding share. The WECl 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 in this project.

CONCLUSIONS

City staff and UTRCA staff will continue to work together to complete the current program of approved WECl funded projects and endeavour to maximize the City of London's potential to receive future provincial funding for City-owned flood and erosion control infrastructure.

SUBMITTED BY:	REVIEWED AND CONCURRED BY:
SHAWNA CHAMBERS, P.ENG., DPA DIVISION MANAGER, STORMWATER MANAGEMENT	SCOTT MATHERS, P. ENG., MPA DIRECTOR, WATER AND WASTEWATER
RECOMMENDED BY:	
KELLY SCHERR, P. ENG., FEC MANAGING DIRECTOR, ENVIRONMENTAL & ENGINEERING SERVICES & CITY ENGINEER	

August 2, 2019

Attach: Appendix 'A' – Source of Financing
Appendix 'B' – West London Dyke Phasing Map

cc: UTRCA
Gary McDonald
Chris McIntosh