

TO:	CHAIR AND MEMBERS CIVIC WORKS COMMITTEE MEETING ON SEPTEMBER 24, 2019
FROM:	KELLY SCHERR, P. ENG., MBA, FEC MANAGING DIRECTOR ENVIRONMENTAL AND ENGINEERING SERVICES AND CITY ENGINEER
SUBJECT:	CONSTRUCTION PARTNERSHIP WITH THE MINISTRY OF TRANSPORTATION OLD VICTORIA ROAD RESURFACING

RECOMMENDATION

That, on the recommendation of the Managing Director, Environmental and Engineering Services and City Engineer, the following actions **BE TAKEN** with respect to Old Victoria Road resurfacing project:

- (a) The City of London financial contribution of \$78,650.00 (excluding HST), representing the estimated cost for repaving a portion of Old Victoria Road north and south of the bridge over Hwy 401, as part of an Ontario Ministry of Transportation project, **BE APPROVED**, noting it is included in an approved City budget and the method of procurement is in accordance with the Procurement of Goods and Services Policy 14.4 (g) and (i), covering purchases with another public body;
- (b) the financing for this project **BE APPROVED** as set out in the Sources of Financing Report attached hereto as Appendix A; and,
- (c) Civic Administration **BE AUTHORIZED** to undertake all the administrative acts that are necessary in connection with this approval.

COUNCIL'S 2019-23 STRATEGIC PLAN

The following report supports the Strategic Plan through the strategic focus areas of "Strengthening our Community" by ensuring that we have a healthy, safe and accessible city, and "Building a Sustainable City" by maintaining robust infrastructure and managing the transportation infrastructure gap.

DISCUSSION

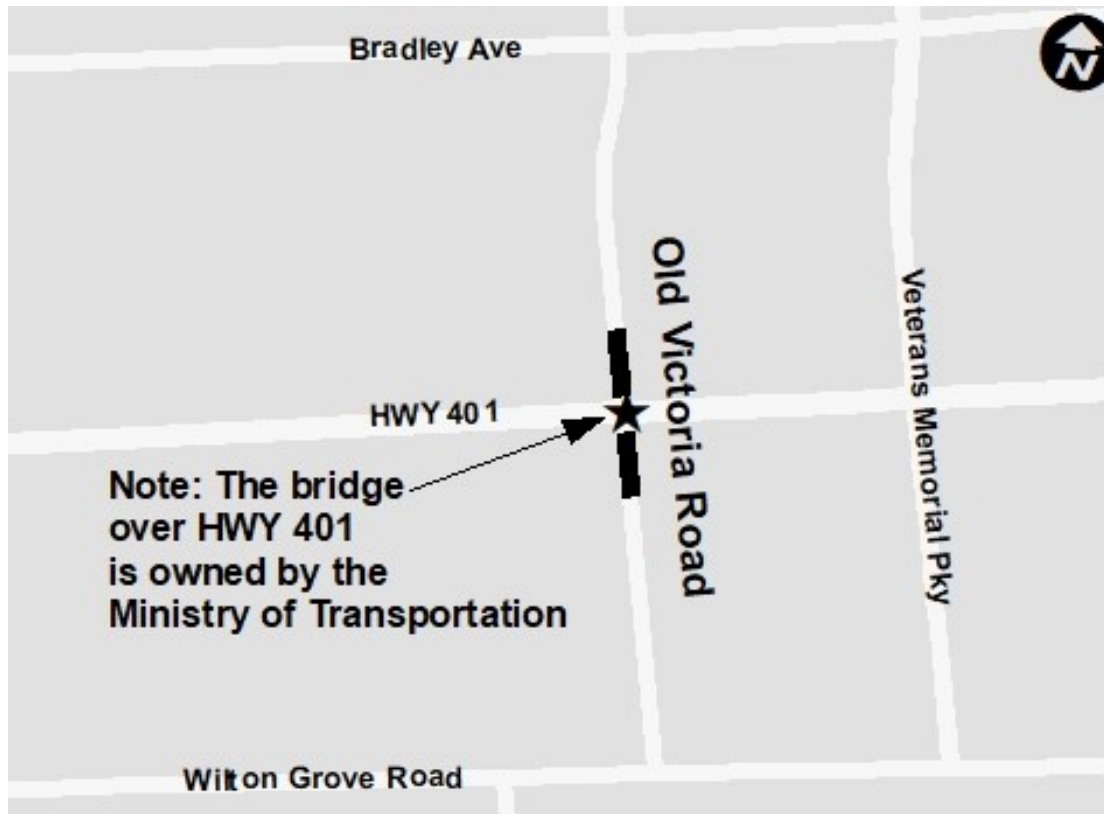
Purpose

This report seeks formal approval from Municipal Council to enter a "Specific Road Service Agreement" with the Ministry of Transportation (MTO). This Agreement will require a financial contribution to the MTO contract that would complete resurfacing work on Old Victoria Road, north and south of the bridge over Highway 401. The MTO has a contract at this location to complete a resurfacing of the bridge deck at this crossing.

Project Description

Old Victoria Road spans Highway 401 between Bradley Avenue and Wilton Grove Road. The MTO owns and maintains the bridge over Highway 401, while the City of London owns and maintains the north and south approaches to the bridge (see Figure 1).

Figure 1 – Location Map



MTO is completing work on their structure this fall which includes waterproofing and repaving of the bridge deck. The asphalt pavement, for approximately 150 m on each of the approaches to this structure, is in poor condition. A cost-effective opportunity exists to partner with the MTO to address and upgrade these areas under their contract.

The MTO Agreement requires the payment of actual costs. The estimated value of the work that would be the City's portion is \$78,650.00 (including contingency and exclusive of HST). Due to the timing of this reporting, only estimates were available at the time of writing this report and the same is included in the Agreement.

MTO advertised their tender through a public tendering service on August 16, 2019 with a tender close date of September 4, 2019. The City's portion of the work was conditionally included in this tender, subject to City Council authorization to proceed in early October.

CONCLUSION

It is recommended that the Municipal Council approve the sum of \$78,650.00 for the resurfacing of Old Victoria Road as part of a partnership agreement with the Ontario Ministry of Transportation. This is a cost-effective approach to addressing a road improvement need.

There are no anticipated additional operating costs in the Environmental and Engineering Services budget in 2019 and subsequent years associated with the approval of this project.

The recommendation is in accordance with the Procurement of Goods and Services Policy 14.4 g), h) and i) covering purchases with another public body.

PREPARED BY:	REVIEWED & CONCURRED BY:
GARFIELD DALES, P. ENG. DIVISION MANAGER TRANSPORTATION PLANNING & DESIGN	DOUG MACRAE, P. ENG., MPA DIRECTOR ROADS AND TRANSPORTATION
RECOMMENDED BY:	
KELLY SCHERR, P. ENG., MBA, FEC MANAGING DIRECTOR, ENVIRONMENTAL & ENGINEERING SERVICES AND CITY ENGINEER	

Attach: Appendix A – Source of Financing
Appendix B – MTO Letter of Agreement
Appendix C – MTO Service Agreement

cc: Geoff Smith, CSCMP, Purchasing and Supply
Marta Semeniuk, Financial Planning and Policy
Gary McDonald, Tangible Capital Assets
Sivaganesh Tharmabala (MTO)

APPENDIX 'A'

#19131

Chair and Members
Civic Works Committee

September 24, 2019
(Award Contract)

**RE: Construction Partnership with the Ministry of Transportation
Old Victoria Road Resurfacing
(Subledger RD190016)
Capital Project TS144619 - Road Networks Improvements
Ministry of Transportation (MTO) - \$78,650.00 (excluding H.S.T.)**

FINANCE & CORPORATE SERVICES REPORT ON THE SOURCES OF FINANCING:

Finance & Corporate Services confirms that the cost of this project can be accommodated within the financing available for it in the Capital Works Budget and that, subject to the adoption of the recommendations of the Managing Director, Environmental & Engineering Services & City Engineer, the detailed source of financing for this project is:

<u>SUMMARY OF ESTIMATED EXPENDITURES</u>	Approved Budget	Committed to Date	This Submission	Balance for Future Work
Engineering	\$903,366	\$595,121		\$308,245
Construction	13,015,530	12,935,495	80,035	0
City Related Expenses	404	404		0
NET ESTIMATED EXPENDITURES	<u>\$13,919,300</u>	<u>\$13,531,020</u>	<u>\$80,035</u> ¹⁾	<u>\$308,245</u>

SUMMARY OF FINANCING:

Capital Levy	\$1,010,583	\$1,010,583		\$0
Drawdown from Capital Infrastructure Gap R.F.	803,560	415,280	80,035	308,245
Federal Gas Tax	12,105,157	12,105,157		0
TOTAL FINANCING	<u>\$13,919,300</u>	<u>\$13,531,020</u>	<u>\$80,035</u>	<u>\$308,245</u>

1) **Financial Note:**

Contract Price	\$78,650
Add: HST @13%	10,225
Total Contract Price Including Taxes	<u>88,875</u>
Less: HST Rebate	8,840
Net Contract Price	<u>\$80,035</u>

JG

Jason Davies
Manager of Financial Planning & Policy

APPENDIX B

Ministry of Transportation
Office of the Regional Director
West Region

659 Exeter Road
London, Ontario N6E 1L3
Telephone: (519) 873-4333
Facsimile: (519) 873-4236

Ministère des Transports
Bureau du directeur régional
de l'Ouest

659, chemin Exeter
London (Ontario) N6E 1L3
Téléphone : (519) 873-4333
Télécopieur : (519) 873-4236



July 29, 2019

Karl Grabowski
Transportation Design Engineer
City of London
300 Duffering Avenue
London, ON, N6A 4L9

Dear Mr Grabowski,

RE: Hot Mix Paving Old Victoria Road Underpass Approaches, GWP 3019-18-00

This signed Letter of Agreement will constitute mutual agreement (this "Agreement") between Her Majesty the Queen in right of the Province of Ontario, represented by the Minister of Transportation for the Province of Ontario (the "Ministry") and The City of London (the "City") on the following:

1. The Ministry agrees to carry out the following activities on behalf of the City:
 - A. Design and construction for improvements, as further described below, on Old Victoria Road between Bradley Avenue and Wilton Grove Road;
 - B. The Improvements (the "Work") to be effected and administer by the Ministry at Old Victoria Road in Fall of 2019 are further described as follows:
 - Hot Mix Paving of Superpave 12.5, 50mm Lift Thickness, Old Victoria Road approaches from Sta. 9+806 – Sta. 9+956 and Sta. 10+048 – 10+168, Total of 270m, 2 Lanes.
 - C. The Ministry will provide contract administration, inspection and material testing for the Work in accordance with the most current Construction Administration and Inspection Task manual.
 - D. The Work will be in compliance with Ministry warrants, criteria, standards and incidentals.
2. The City will compensate the Ministry for the following:
 - a. All costs directly relating to the Work.

For budget forecasting purposes an estimate in the amount of \$71,500.00 has been calculated and the City agrees to compensate the Ministry for the actual costs incurred relating to the matters specified in this paragraph as items (a). Further, costs and responsibility for costs associated with any additional works identified or requested by the Ministry during the design of the works, beyond those stated in paragraph 1, will be agreed upon between the Ministry and the City prior to initiation of those additional works and any such negotiated costs shall be in addition to the above detailed cost.

3. To allow for the start of construction of the Work, the Ministry will designate Old Victoria Road as a Construction Zone. The Ministry will erect or arrange for the erection of Construction Zone signing in accordance with Ontario regulation 615 and the Ontario Traffic Manual Book 7 Temporary Conditions. Furthermore, the Ministry will arrange for detailed detour and traffic control plans, scheduling information and contact information to be submitted two weeks in advance of commencement.
4. The City agrees to the closure of Old Victoria Road between Bradley Avenue and Wilton Grove Road.
5. Responsibility for maintenance of the Old Victoria Road between Bradley Avenue and Wilton Grove Road will be transferred between the City and the Ministry at the commencement of the Work and upon completion of the Work.
6. The City and the Ministry representatives will perform a pre-visit to identify the scope of work involved on Old Victoria Road. Furthermore, a minimum of five (5) Business Days prior to an anticipated transfer date of responsibilities for maintenance, City and Ministry representatives will perform a pre-turnover field inspection. The pre-turnover field inspection will identify deficiencies within the City's right-of-way and the anticipated timeframe for correction.
7. The Ministry, by carrying out the Work will not be construed as being responsible for any future work in respect of beyond the Ministry's Right-of-Way of Old Victoria Road Underpass.
8. The Ministry will be responsible for the inspection of Old Victoria Road during construction. The responsibilities for the patrol and condition of Old Victoria Road will be the City's.
9. The Ministry, upon completion of the Work, shall invoice the City the balance of the paragraph 2 cost payable by the City to the Ministry. The City agrees to provide the Ministry with a cheque, made payable to the order of the "Minister of Finance", within 30 calendar days after receipt of said invoice, the sum set forth as payable in the invoice.

All invoicing and correspondence pertaining to this contract must reference MTO Contract 2019-3017. Please remit payment to:

Ministry of Transportation
Contract Services, Operations Office
London, Ontario N6E 1L3

For design-related inquiries and approvals, please contact Siva Thamabala, Engineering intern, Ministry of Transportation, West Region, at Sivaqanesh.Thamabala@ontario.ca or at (226) 926-8657.

If the above meets with your approval please sign and date all four (4) copies of the Specific Road Service Agreement and return three original copies to this office as soon as possible.

Sincerely,

Neil Zohorsky
Regional Director
Ministry of Transportation
West Region

APPENDIX C

Specific Road Service Agreement

Where one public road agency contract the specific activities of a specified road section to another.

PARTY OF THE FIRST PART

The Corporation of the City of London

300 Dufferin Avenue

London, Ontario N6A 4L9

Phone (519) 661-2489

Fax (519) 661-4734

Representative

Karl Grabowski, P.Eng.
Transportation Design Engineer,
Transportation Planning & Design
City of London

PARTY OF THE SECOND PART

Ministry of Transportation

659 Exeter Road

London, Ontario N6E 1L3

Phone (519) 873-4372

Fax (519) 873-4734

Representative

Michael Nadeau, P.Eng.
Manager Operations
West Region

It is hereby agreed by the first party to contract with the second party, which shall provide specific road services on specific roads according to the following conditions:

1. Specific road services for Old Victoria Road shall be as specified in the letter dated July 29, 2019 attached.
2. The second party may make reasonable determination of frequency and extent of specific work.
3. The legal description of the roadways subject to this agreement are as follows:
Old Victoria Road Between Bradley Avenue and Wilton Grove Road.
4. The first party shall not, without prior knowledge of the second party, enter on the subject construction limits to perform subject operational services and works.
5. The second party will provide the final design, testing results for completion of the work.
6. The first party shall otherwise exercise all municipal jurisdiction over road-related matters.
7. Payment shall be made for actual incurred costs on a frequency established by the second party but not more frequently than monthly (including HST). The City reserves the right to withhold payment until the design and construction is completed and accepted by the City.
8. The responsibility for the patrol, inspection, and condition of the subject roadway shall be as described in the letter issued by the Ministry to the City dated July 29, 2019.

Other considerations:

- 9. The undersigned parties hereby agree to abide by the above conditions and the conditions outlined in the letter issued by the Ministry to the county dated July 29, 2019 relating to the road services specified herein.

This agreement shall be effective from the ____ day of ____, 20 ____.

Signed and sealed this ____ day of _____, 20____.

PARTY OF THE FIRST PART

PARTY OF THE SECOND PART

Signed _____

Signed _____

Position: _____

Position Manager Operations
West Region

Date _____

Date _____