

STAFF REPORT: PLANNING & BUILDING SERVICES



REPORT TO: Council
MEETING DATE: October 12, 2011
REPORT NO.: PL.11.118
SUBJECT: Town Hall Landscaping
PREPARED BY: David Finbow, Director, Planning & Building Services

A. Recommendations

THAT Council receive Staff Report PL.11.118 respecting “Town Hall Landscaping” and that Council authorize Town staff to proceed with the Negotiated Procurement of Design/Build Services for Town Hall Landscaping.

B. Background

Purpose of this Report

The purpose of this Report is to seek authorization from Council to proceed with Negotiated Procurement of Design/Build Services for landscaping being the landscaping at the east and south sides of Town Hall.

Previous Negotiated Procurement of Design/Building Services for Town Hall

Council at its meeting of January 25, 2010 considered Staff Reports SRB.10.04 and SRB.10.05 with respect to “New Town Hall – Negotiations and Single Source” and authorized the retention of Chamberlain Construction Services Limited (CCSL) for Construction Management Services of the New Town Hall. The Construction Management Contract between the Town and CCSL anticipated the sole sourcing of various components of construction such as site supervision, general labour, sub-consulting services and some of the works. With respect to the Construction Management Contract, it is noted that same has now been completed save for the coordination of the correction of deficiencies and warranty items.

Landscape Design

On July 9, 2009 Council authorized the retention of Envision Tatham for landscape design services for the New Town Hall site with Envision Tatham subsequently being retained for such purpose in early 2010. In early 2011 Envision Tatham completed said landscape design. This design was consistent with the early vision of the Town Hall site as reflected in the Town Hall Site Master Plan.

Pre-Tender Cost Estimate - Landscaping

A deliverable associated with the landscape design was the provision of a Pre-Tender Cost Estimate for the landscape works. This Pre-Tender Estimate came in at \$386,627 (inclusive of GST and a 10% Contingency). It is noted that the New Town Hall budget for site works and landscaping was \$300,000.

Landscaping & Site Works Costs and Remaining Works

By the spring of 2011 approximately \$150,000 of the \$300,000 had been expended on site works (on-site parking lot development, north exit stair and ramp, provision and placement of compacted Granular B, topsoil, hydroseed, etc.). Given this, and the related Pre-Construction Cost Estimate provided for the landscaping works, the Town's Project Manager proceeded to investigate and cause changes to the landscape design in an effort to complete this portion of the project within the allocated budget.

The majority of the landscape changes were implemented and delivered in concert with the occupancy of the building, or shortly thereafter, save and except for the landscaping on the east and south sides of Town Hall.

In May/June of 2011 the Town's Construction Manager acquired estimates for the completion of the landscape works on the east and south sides of Town Hall and advised that same would be in the magnitude of \$80,000 - \$100,000. The work did not proceed at that time as it was critical that the reconstruction of Mill Street be completed so as to establish elevations and back of curb and to allow for an exact determination of the scope of work (this work was completed in mid-September 2011). It is noted that an estimate was acquired from a local landscaping firm in October 2011 with same confirming that the cost estimate was accurate.

Funding/Financing

On April 19, 2011 the Town's Project Manager reported that the projected costs to complete the New Town Hall Project totalled approximately \$1.4 million, of which approximately \$340,000 was related to 'Outstanding Invoices/Contract & Projected Construction' and that the projected cost to complete the project was in the magnitude of \$8,704,959. Council may recall that the original budget for the New Town Hall Project was \$8,448 million (of which approximately \$5.0 million was funded by way of grants).

On October 4, 2011 the Town's Financial & Information Technology Department reported that \$8,421,162 had been expended to-date on the New Town Hall project. Town staff can advise that the outstanding costs to complete the project total approximately \$260,000 comprised of approximately \$65,000 in committed consulting costs related to building commissioning and LEED Certification, approximately \$20,000 in committed costs related to the reconstruction of Mill Street (parking area and related sidewalks and curbs), approximately \$25,000 in outstanding work (landing, stair and ladder guards), approximately \$80,000 to finish the landscaping and a reservation for the potential demolition of the former Town Hall.

Negotiated Procurement of Design/Build Services

The Town's Purchasing Policy anticipates instances where negotiated procurement and single sourcing could occur. Section 14 d) of the Town's Purchasing Policy indicates the following:

Negotiations and Single Source procedures may be applied by the Manager of Purchasing or Department Head(s), with prior written approval, when any of the conditions as described in the Policy for Procedures for the Purchase of Goods and Services apply with respect to negotiations and single source items, and where the total expected purchase price is more than \$2,501. Department Head(s) jointly with the Manager of Purchasing or CAO have approval for negotiations from \$2,501 to \$25,000. The CAO jointly with the Manager of Purchasing has approval for negotiations from \$25,000 to \$100,000. Negotiations that exceed \$100,000 shall be approved by the CAO and Council.

In support of the Town's Purchasing Policy, the Town has Purchasing Procedures that implement the Policy. Schedule F of the Town's Purchasing Procedures indicates the following:

The Manager of Purchasing or Department Heads may apply negotiation procedures with prior written approval: (see the process noted in number 2 below)

- a) When there is only one source of supply for the goods or services; or when only one source of supply is uniquely qualified to perform the work;
- b) When due to market conditions, required goods or services are in short supply, or when urgent acquisition of required goods or services is necessary due to unexpected circumstances;
- c) When there is merit in purchasing at a public auction;
- d) When there is a strong business case to extend a contract beyond its initial term, such as when additional work is required that pertains to a current or recently completed project;
- e) When the project is a pilot project with the understanding that, if the project is successful, any further requirements or work will be subject to an applicable bid process;
- f) When required goods/equipment must be compatible with goods/equipment presently being used;
- g) During negotiation of annual renewals within an existing contract period;
- h) When the nature of the assignment is confidential and disclosure to several bidders is inappropriate;
- i) When all tenders or bids received fail to meet specifications or terms and conditions, and it is impractical to recall tenders or formal quotations.
- j) When significant previous knowledge and experience about a particular project or assignment exists.
- k) When local technical support is critical.

The Purchasing Policy also sets out the approvals related to Negotiated Procurement and Single Sourcing:

	Purchase Amount	Approval	Contract Signatories
Tier 1	\$2,501 to \$25,000	Department Heads and Manager of Purchasing or CAO	Department Heads and Manager of Purchasing
Tier 2	\$25,001 to \$100,000	CAO and Manager of Purchasing <i>***Information Report to Council for the next Council meeting</i>	CAO and Clerk
Tier 3	More than \$100,000	CAO and Council	Mayor and Clerk

As Council will note, instances where negotiation procedures are applied, they must be compliant with specific criteria. In this instance, Town staff note that criteria b) can be determined to be applicable if Council determines this matter to be of an urgent nature (time of the year, protection of other works, potential liability related to trip hazards, etc.) and is necessary due to unforeseen circumstances (lateness in the completion of the Mill Street works). Although the Town's Purchasing Policy delegates the approval for Negotiated Procurement to the Town's CAO and Manager of Purchasing for purchases up to \$100,000, based on the forgoing it was determined that it was appropriate that the matter of proceeding by way of Negotiated Procurement be determined by Council.

Value

With respect to ensuring that the Town receives the best value/price for the work based on Negotiated Procurement, Town staff note that estimates were received in the spring as well as in October 2011 for the proposed works and therefore benchmark pricing does exist. Further, Town staff note that technical expertise exists within the Corporation to ensure that the Town gets the best negotiated value/price.

Summary

Town staff believe that it is not only desirable to complete the landscape work at the east and south sides of Town Hall but also in the Town's best interests to complete the work in an urgent fashion.

C. The Blue Mountains' Strategic Plan

"Providing a strong, well managed municipal government."

D. Financial Impact

As referenced in the body of this Report - approximately \$80,000 to complete the landscape works.

E. Addendums

A. Landscape Drawing LA-1

Respectfully submitted,

David Finbow
Director, Planning & Building Services

