



CITY OF HAMILTON
PUBLIC WORKS DEPARTMENT
Corporate Assets & Strategic Planning

TO:	Mayor and Members General Issues Committee
COMMITTEE DATE:	August 8, 2016
SUBJECT/REPORT NO:	Stadium Precinct Construction: Tender C13-40-16 Award (PW16070) (Ward 3) (Outstanding Business List Item)
WARD(S) AFFECTED:	Ward 3
PREPARED BY:	Robyn Ellis Manager Strategic Planning, Capital & Compliance 905-546-2424, Extension 2616
SUBMITTED BY:	Rom D'Angelo Director, Facilities Management & Capital Programs Public Works Department
SIGNATURE:	

RECOMMENDATION

- (a) That Tender C13-40-16 be awarded to the low bidder, Aquicon Construction Company Limited, 131 Delta Park Blvd., Brampton, Ontario for the construction of the Bernie Morelli Recreation Centre and associated projects at the South Stadium Precinct, at a cost of \$22.1M which includes all applicable taxes.
- (b) That additional funding of \$5.1M be approved for tender award C13-40-16, from the following sources:
 - (i) \$0.68M Revenue from HWDSB for their share of Civil Enabling Works
 - (iii) \$0.70M Ward 3 Special Capital Re-investment Reserve 108053
 - (iv) \$2.90M Recreational Facilities Residential Development Charges Reserve 110320
 - (v) \$0.42M Recreation Centre Retrofits projects 7101541706 and 7101641706
 - (vi) \$0.40M Facility Capital Maintenance project 3541641532
- (c) That the added funding values of the Bernie Morelli Recreation Centre Project be included in the next Indoor Recreation Program Area update within the Development Charges Background Study.
- (d) That the item respecting Jimmy Thompson Memorial Pool and Bernie Morelli Centre be removed from the General Issues Committee Outstanding Business List.

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EXECUTIVE SUMMARY

This report is in response to Tender C13-40-16 that closed on July 12, 2016. Due to the bid results exceeding the budget by more than 10 percent or \$250,000, whichever is less, in accordance to the City of Hamilton's Procurement Policy; Council Approval is required prior to the tender being awarded. Staff is recommending that the tender be awarded to the lowest bidder for a total cost of \$22.1M, including all taxes, and that the funding strategy for this award be approved as recommended.

Council to-date has approved two Stadium Precinct capital projects. Senior's Recreation/Community Centre project #7101254201 for \$19.5 Million and Ice Pad and Spray Pad Installation project #7101649602 for \$1 Million (refer to the Financial section for funding details). With the additional \$5.1 Million in funding requested the total budget for these two projects will increase to \$25.6 Million.

Pending Council approval of the award, this project includes a new 54,000 square foot Senior's Recreation/ Community Centre which will have barrier-free accessibility throughout the Lobby and Lounge, Washrooms, Leisure Pool and Change Rooms. Programming will be offered for all ages, including specific affordable programming for Seniors and Youth. This programming will take place in the Leisure Pool, Multi-purpose rooms, Fitness/Dance rooms, Multi-purpose Gym, Multi-purpose Rooms, Activity Rooms, (Craft, Computer, Billiard, etc.), Kitchen/Cafeteria/Lounge.

The South Stadium Precinct will be a State-of-the-Art public area within the city, offering educational, recreational and leisure opportunities to the community. The approved South Stadium Precinct Concept Plan defines a vital new civic space; once constructed it will create a new Public HUB and Shared Amenity space in the neighbourhood whose 'Whole is Greater than the Sum of its Parts'. The Precinct Planning incorporates three buildings: the existing Jimmy Thompson Pool, the new Bernie Morelli Recreation Centre and the new North Secondary School, located on the existing site of the former Scott Park School and Arena. The outdoor courtyard on the South Stadium Precinct will also act as a gateway plaza to the stadium as it connects across Cannon Street, offering a spectacular view from the new stadium.

The following is the Multi-point rationale for the tender award and funding recommendations:

- Benefits and Priority to the Community and the City
- Benefit to Seniors, Youth and Families
- Highly Refined Facility Design to Suit Programming Need
- Awarding to the Lowest Qualified Bidder for Best Value to the City
- Limited Opportunity for Additional Cost Savings
- Time and Cost of Redesign

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The above rationale for this tender award and funding recommendations at the Stadium Precinct Senior's Recreation/ Community Centre is expanded upon in detail within the report.

Alternatives for Consideration – See Page 10

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial:

The additional \$5.1M of funding required for the C13-40-16 award shall be funded as follows:

- \$0.68M Revenue from HWDSB for their share of Civil Enabling Works
- \$0.70M Ward 3 Special Infrastructure Reserve 108053
- \$2.90M Recreational Facilities Residential Development Charges Reserve 110320
- \$0.42M Recreation Centre Retrofits projects 7101541706 and 7101641706
- \$0.40M Facility Capital Maintenance project 3541641532

The following Table lists the funding sources for this development.

Stadium Precinct Capital Project Funding Sources (\$000's)

	Original	Revised	Total
Ward Capital	1,200	700	1,900
DC's	3,400	2,900	6,300
Unalloc/Strategic Reserves	7,900		7,900
Hydro Dividends	2,000		2,000
OMPF Reconciliations	5,700		5,700
Community Fundraising	300		300
HWDSB		680	680
WIP's		820	820
Total	\$ 20,500	\$ 5,100	\$ 25,600

The Ward 3 Special Capital Re-investment Reserve (108053) after the proposed \$700,000 additional funding amount would have an approximate current uncommitted balance of \$3 Million. The City's indoor Recreational Facilities Residential DC Reserve (110320) after the proposed additional funding amount of \$2.9 Million would have an uncommitted balance of \$2 Million. The Indoor Recreation DC Reserve would not be able to significantly support an additional growth-related project in the short-term.

Staffing: None

Legal: All agreements will be in a form acceptable to the City Solicitor.

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HISTORICAL BACKGROUND

Council Direction

Through the 2016 Capital Budget process, funding of \$1.0M was approved for the Scott Park Precinct Ice Pad & Spray Pad Installation project (7101649602) in 2016 with \$0.7M identified as a recommended funding source for 2017.

Council Report CM14014 (a), Construction Projects in the Stadium Precinct, approved the South Stadium Precinct Concept Plan and provided an update to Council. June 24, 2015 City Staff were directed to enter into negotiations with the HWDSB, and the Mayor and City Clerk were authorized and directed to execute agreements in a form satisfactory to the City Solicitor.

Through the 2015 Capital Budget process, funding of \$19.5M was approved for the Stadium Precinct Senior's Recreation/Community Centre project (7101254201).

Prior to that, on September 11, 2013 staff received direction regarding the construction of a seniors' recreation/community centre in the Pan Am Stadium Precinct and the original financing plan.

Progress to Date

Detailed design and specifications for the Bernie Morelli Recreation Centre is complete and Tender C13-40-16 closed on July 12, 2016. The design as tendered was the successful result of Months of collaboration between the Facilities Management and Capital Programs project team, Recreation Division, HWDSB, key stakeholders, and the Architect. Conditional Site Plan Approval and Building Permit have been obtained. A Comprehensive Joint Development Agreement between the HWDSB and City of Hamilton has been agreed upon and executed by the Mayor in a form acceptable to the City Solicitor. It is in this signed Comprehensive Joint Development Agreement that the HWDSB agreed to pay for their portion of the Civil Enabling Works. A Joint Use (Reciprocal Rights) and Lease Agreement are currently being finalized.

Enabling Civil Works Tender

A preliminary Civil Works Tender was awarded in order to jointly prepare the South Pan Am Precinct Site for future construction. HWDSB agreed to pay for their portion of the Civil Enabling Works. Construction is anticipated to begin in July and finish in early September. This includes provision of services to the site including hydro, gas, water, sewer, roadways, parking, landscaping, storm water Management, etc. This tender also includes Municipal infrastructure work including: rerouting a Hamilton Water loop which lies in the path of the development and upgrading a deficient Municipal supply water network infrastructure in the road allowance.

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Design of the Senior's Recreation/ Community Centre

The detailed design has been well received by both the City's Recreational Division and is consistent with the concept design for the South Stadium Precinct that was endorsed by Council on June 24, 2015.

The project includes a new recreation centre of over 54,000 square feet with barrier-free accessibility throughout. This includes one leisure pool, a pool viewing area, commercial kitchen, gymnasium, walking track, community room, board rooms, office & administration space as well as an Outdoor Ice Pad & Splash Pad. Senior's space can also be considered within the facility as a whole as there will be Senior's programming to enjoy in the new pool, walking track, Community room and gymnasium.

Connection with Jimmy Thompson Pool

Connector building between the BMRC and Jimmy Thompson Pool (access between facilities on both levels) that includes access stairs, Barrier Free compliant Elevator, and Barrier Free Restrooms on the second level. Modest interventions will be made to upgrade the facility while retaining its heritage features.

Construction Schedule

Tender for the Bernie Morelli Recreation Centre is anticipated to be awarded by the end of August following Council Approval, with construction started one month later. Following this, the contractor's construction schedule is expected to take 18-24 Months from the time of contract award to the time of Occupancy.

Once construction begins, both Jimmy Thompson Pool and the Bernie Morelli Recreation Centre will remain closed to the public until initial owner Occupancy/Substantial Performance for both facilities.

Budget and Council-Approved Funding Sources

The original project budget was approved by Council at \$19.5M+\$1M (for an Ice Pad/Splash Pad), for a total of \$20.5M.

Expenditures and Revised Budget Requested

The revised project budget requested is \$25.6M based on actual and anticipated expenditures with the following break-down:

- \$0.4M 2015 demolition of Scott Park Arena and site due diligence
- \$2.0M permits, design, contract administration, consultancies, fees, Archaeological
- \$1.2M Underground Civil Enabling Works
- \$20.7M Construction Tender Close (including \$ 1.7M Ice Pad/Splash Pad)
- \$0.9M Construction Contingency
- \$0.4M Value Added Tax

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Reasons over budget

The unfavourable variance of the tender results requires explanation to Council:

- A. Tender Phase: City is temporarily funding \$0.68M of the Civil Tender, to be cost recovered from the HWDSB.
- B. Tender Phase: 2017 budget items are notionally approved for \$0.7M additional funding, however are not yet considered Council Approved and available for award.
- C. Tender Phase: Unusually poor soil conditions leading to last Minute changes before the tender, necessary structural design enhancement costing over \$0.8M.
- D. Tender Phase: Construction contingency of approximately 5% is needed for contract/P.O. award which is in addition to the low bid amount, which is the City's sole discretion.
- E. Tender Phase: Market Conditions Must be considered since the tender exceeded the pre-tender Class A cost estimate by approximately 5%.
- F. Tender Phase: Budget variance remaining is reasonable on a percentage basis once items A-E Tender Phase items above are considered and removed from the equation, less than 5%. However this reasonable percentage is unfortunately a significant dollar figure due to the size of the project.
- G. Design Phase: Escalation/inflation from 2012 to 2016: estimate at least 5%.
- H. Design Phase: Significant civil works on the site and upgrading Municipal infrastructure including, rerouting Hamilton Water loop in the path of the development and upgrading deficient Municipal supply water network infrastructure in the road allowance (developer pays): approximately \$0.5M for City share.
- I. Design Phase: Costs associated with the scope of renovations to Jimmy Thompson Pool and Design Connection to it.
- J. Design Phase: Impact of sunk costs (e.g. demolition of Scott Park Arena, due diligence, design costs, etc.) on funds remaining for award.

Additional Budget Required for Award

The additional budget required for award of the project is \$ 5.1M (\$25.6M - \$20.5M = \$5.1M)

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POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Tender Award

Under City of Hamilton By-law #16-070, Procurement Policy #2 – Approval Authority,

“The Client Department in conjunction with the Procurement Section shall submit a report to Council and the appropriate standing committee recommending award of a RFT or RFP if ANY of the following conditions apply:

- (a) the value of the Bid being recommended for award and any contingency allowance are in excess of the Council approved budget including any contingency allowance, or
- (b) for capital projects, when the final cost of the proposed project exceeds the amount provided in the Council approved capital budget for that project by more than 10 percent or \$250,000, whichever is less.”

Accessibility

New and retrofitted public facilities are expected to meet modern, improved accessibility standards that can be found in the 2012 OBC, O. Reg. 332/12, as amended in 2013 to 368/13. All new and retrofitted public facilities are subject to comply with Hamilton’s Barrie-Free Design Guidelines (BFDG) requirements, as adopted by Council. The implication for the City’s long term capital planning is to include accessibility in the plan, whenever building a new facility or renovating an existing facility. Throughout the project, the Advisory Committee for Persons with Disabilities (ACPD) and Senior Advisory Committee (SAC) will be proactively engaged at key milestones in order to solicit feedback.”

The over 54,000 square foot Senior’s Recreation/ Community Centre will have barrier-free accessibility throughout the lobby, lounge, washrooms, leisure pool, and change rooms. For access to the second level at Jimmy Thompson Pool, a Barrier-Free compliant elevator will be added along with barrier-free restrooms as part of the project.

Cooperative Procurements

Under City of Hamilton By-law #16-070 (previously By-law #13-317), Procurement Policy #12 Cooperative Procurements, “The City May participate with other government bodies, public authorities, conservation authorities, Municipalities, academia, schools, hospitals (MASH sector) and not-for-profit organizations in cooperative acquisition ventures for Goods and/or Services when it is in the best interests of the City to do so. Such cooperative procurements shall require the prior written approval of the Manager of Procurement.”

The above, was applicable to working with the HWDSB to jointly demolish the former Scott Park Arena and Scott Park School. It was also applicable to cooperatively

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procuring a design Architect. It is also subsequently applicable when entering into the detailed design and construction phase.

RELEVANT CONSULTATION

The following Departments/Divisions/Sections have reviewed this report and have verified that the data is correct:

- Recreation, Community & Emergency Services
- Financial Planning and Policy, Corporate Services
- Finance & Administration, Corporate Services
- Procurement, Corporate Services
- Access & Equity, Corporate Services

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Benefits and Priority to the Community and the City

As noted in Council Report CM14014 (a), The South Stadium Precinct will be a State-of-the-Art precinct within the city, offering educational, recreational, and leisure opportunities to the community. The approved South Stadium Precinct Concept Plan will define an important civic space for the people of Hamilton; it will create a new Public HUB and Shared Amenity space in the neighbourhood whose 'Whole is Greater than the Sum of its Parts'. The Precinct Planning incorporates three buildings: The existing Jimmy Thompson Pool and the new Bernie Morelli Recreation Centre and the new North Secondary School, located on the existing site of the former Scott Park School and Arena. Together, with the new stadium at Tim Horton's Field, the arrangement of the three buildings will form an outdoor courtyard creating a new Public Open Space and Civic destination. This outdoor courtyard on the South Stadium Precinct will also act as a gateway plaza to the stadium as it connects across Cannon Street, offering a spectacular view from the new stadium. The new facilities that form the Stadium Precinct will be designed using a consistent vocabulary of forms and palette of Materials to create a holistic urban environment. An HSR bus stop across from the stadium will support Multimodal transportation to the site.

Benefit to Seniors, Youth and Families

The over 54,000 square foot Senior's Recreation/ Community Centre will have barrier-free accessibility throughout the Lobby and Lounge, Washrooms, Leisure Pool and Change Rooms. Programming will be offered for all ages, including specific affordable programming for Seniors and Youth. This programming will take place in the Leisure Pool, Multi-purpose rooms, Fitness/Dance rooms, Multi-purpose Gym, Multi-purpose Rooms, Activity Rooms, (Craft, Computer, Billiard, etc.), Kitchen/Cafeteria/Lounge.

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Highly Refined Facility Design to Suit Programming Need

The latest design as tendered is the product of many successful years of collaboration and Public Consultation. Public Meetings starting in 2012 assisted in prioritizing recreation amenities and defining programming within the facilities. Any revisions to generate cost-savings are likely to result in significant changes to the design. These changes May affect the integrity or programming at the facility. Decreasing square footage of the facility will impact programming of one of the following:

- Affordable seniors programming
- Variety of youth and drop-in programs
- Fitness classes for all ages
- Wellness and health programming
- After school programs and camps
- Art and Music programs
- Swimming lessons and warm water stretching

Awarding to the Lowest Qualified Bidder for Best Value to the City

The recommendation is to award Tender C13-40-16 to the low bidder. Aquicon Construction Company Limited has the lowest price. All bidders were prequalified prior to tendering the project, based on their experience constructing numerous Recreation Facilities.

Limited Opportunity for Additional Cost Savings

The project team completed a value-engineering exercise with the Architects prior to tendering the project and was able to reduce costs through opportunities the team believes will have low impact on the facility's quality, function and experience by the public. Items which were not removed from the project remain because they were deemed to impact public use, quality or function. Through past experience on projects, if these items are removed from the project, their full value will not necessarily be recovered in the tender price. Some items identified as provisional items in the tender package are costs which cannot be avoided, but simply postponed (e.g. critical lifecycle renewal at Jimmy Thompson Pool), however there is value to the City in completing the work while the facilities are closed and the contractor is Mobilized onsite for construction. Other smaller value items, such as signage, should be carefully reviewed by the project team to see if there are opportunities for true savings (or whether the items will be required as a cost to the City at a later date for way-finding on the site, therefore it Makes sense to leave them in this contract). While the opportunity for additional savings is very limited, the Project Team will review all of these discretionary items carefully to identify an opportunity to build in further contingency to the project.

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Time and Cost of Redesign

In order to achieve significant savings on the project (e.g. reducing the size and function), this would involve a significant redesign process. It is estimated that this could delay the project by up to a year and will add to the design costs and permit fees. The additional time required for redesign would likely also include vetting new concepts through multiple stakeholders, additional public consultation, new submissions for Site Plan and Building Permit. Time would be required for the additional design iterations, refinements to incorporate the feedback, cost estimates and a second round of prequalification and tender processes.

ALTERNATIVES FOR CONSIDERATION

Besides the recommended option of awarding Tender C13-40-16 to the low bidder and approving additional funding for the award, the Project Team has provided alternatives for consideration:

Option 1 – Significant Change of Project Scope, Redesign and Retender

It is estimated that this could delay the project by up to a year and will add to the design costs and permit fees. This option is not recommended due to the level of refinement of the design at the tender stage and that decreasing square footage of the facility will impact programming

1. Change of Scope, Redesign and Retender (significant schedule delay)
2. Negotiate with low bidder (significant savings not anticipated)

Option 2 – Negotiate with low bidder

This option assumes no significant redesign of the facility; therefore the anticipated savings from negotiations are Minimal. Awarding the tender per the recommendations of this report does not preclude the contractor and design team from working to find savings for the City (e.g. through product choices) through post-tender addenda.

The option of cancelling the tender and the project is not recommended since this is a Council-Approved Project with benefits and priority to the Community and the City.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Strategic Priority #1

A Prosperous & Healthy Community

WE enhance our image, economy and well-being by demonstrating that Hamilton is a great place to live, work, play and learn.

Strategic Objective

- 1.2 Continue to prioritize capital infrastructure projects to support Managed growth and optimize community benefit.

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Strategic Priority #2

Valued & Sustainable Services

WE deliver high quality services that Meet citizen needs and expectations, in a cost effective and responsible Manner.

Strategic Objective

2.2 Improve the City's approach to engaging and informing citizens and stakeholders.

2.3 Enhance customer service satisfaction.

APPENDICES AND SCHEDULES ATTACHED

None

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