




**CITY OF HAMILTON**  
**PUBLIC WORKS DEPARTMENT**  
**Environmental Services Division**

<b>TO:</b>	Chair and Members Audit, Finance and Administration Committee
<b>COMMITTEE DATE:</b>	June 15, 2023
<b>SUBJECT/REPORT NO:</b>	Shoreline Protection Consulting Assignments (PW23046) (Wards 1, 2, 5 and 10)
<b>WARD(S) AFFECTED:</b>	Wards 1, 2, 5 and 10
<b>PREPARED BY:</b>	Wes Kindree (905) 546-2424 Ext. 2347
<b>SUBMITTED BY:</b>	Cynthia Graham Director, Environmental Services Public Works Department
<b>SIGNATURE:</b>	

### RECOMMENDATION

- (a) That in accordance with By-law 20-205 Procurement Policy as amended, Procurement Policy #5.4 section 2(d), that staff be directed to proceed with a new Request for Proposals for a roster of multiple consultancy firms specializing in coastal engineering for implementation of the Disaster Mitigation and Adaptation Funding project for Shoreline Protection Measures; and
- (b) That the General Manager, Public Works Department be authorized to negotiate, enter into and execute a Contract, and any ancillary documents required to give effect thereto, in a form satisfactory to the City Solicitor.

### EXECUTIVE SUMMARY

On May 8, 2019, Report FCS19038 was approved at Council through Report 19-009, approving the funding for the Disaster Mitigation and Adaptation Fund (DMAF) project for Shoreline Protection Measures.

On May 22, 2019 Report FCS19076/PW19087 was approved at Council through Report 19-010 and included the recommendation to proceed with a modified Request for Proposals (the "Initial RFP") to consultancy firms specializing in coastal engineering for implementation of the Disaster Mitigation and Adaptation Funding project for Shoreline Protection Measures, in accordance with By-law 20-205 Procurement Policy, Procurement Policy #5.4 section 2(d). Included within the Procurement Process of the

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OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

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approved Report was a requirement for Landscape Architectural Services staff to report back to Committee and Council on the outcome of the Initial Request for Proposals process and request further direction in anticipation of the end of the three-year pre-qualification term.

The three-year pre-qualification term is due to expire on June 01, 2023. Given the high volume of sites within the scope of the Disaster Mitigation and Adaptation Fund project for Shoreline Protection Measures project as well as the associated timelines, staff are recommending a new Request for Proposals be issued to establish a roster of multiple consultancy firms specializing in coastal engineering for implementation of the Disaster Mitigation and Adaptation Funding project for Shoreline Protection Measures (the “New RFP”) in accordance with By-law 20-205 as amended, Procurement Policy, Policy #5.4 section 2(d) Request for Proposals.

**Alternatives for Consideration – See Page 5**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: N/A

Staffing: The establishment of a shortlist of consultant teams has reduced the administrative burden on staff since individual request for proposals have not been required to complete each of the sub-projects. The remaining work to complete the projects included in the Disaster Mitigation and Adaptation Fund program warrants another three-year term of consultant roster for this work to ensure timely assignment and completion of the projects.

Legal: N/A

**HISTORICAL BACKGROUND**

On July 12, 2018, Report PW18063 was approved at Council through Report 18-010 directing staff to undertake a study of the shoreline for future erosion risk and remediation design, as well as complete repair work at damaged sections of the Lake Ontario and Hamilton Harbour shoreline. This report outlined specifically the damage that was sustained in the Bayfront Trail area due to high water levels and extreme storm events in 2017 and 2018.

On December 12, 2018, Report PW18097 was approved at Council through Report 18-022. This report outlined the Disaster Mitigation and Adaptation Fund, a series of proposed projects that staff recommended be submitted for consideration for this funding and directed staff to proceed with submission for consideration of shoreline protection projects for Disaster Mitigation and Adaptation Fund approval. Staff

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completed this direction, and an announcement was made by the Government of Canada in April 2019 that the project submission was successful.

On May 8, 2019, Report FCS19038 was approved Council through report 19-009, approving the funding sources for the City of Hamilton's (City) share of the project costs, and directed staff to enter into the Disaster Mitigation and Adaptation Fund agreement Shoreline Protection Measures project (the Project), for a project total of \$31.85 million. The terms of the program state that the Federal portion is 40% of the cost of the project (\$12.74M), with the city share totalling 60% (\$19.11M)

On May 22, 2019 Report FCS19076/PW19087 was approved at Council through Report 19-010 and included the recommendation to proceed with the Initial RFP to consultancy firms specializing in coastal engineering for implementation of the Disaster Mitigation and Adaptation Funding project for Shoreline Protection Measures. Included within the procurement process of the approved Report was a requirement for Landscape Architectural Services staff to report back to Committee and Council on the outcome of the Initial RFP process and request further direction in anticipation of the end of the three-year pre-qualification term.

The three-year pre-qualification term is due to expire on June 01, 2023. At the onset of the Initial RFP, staff anticipated there to be a significant amount of consultancy work (in excess of \$3 million) to be procured in order to complete the work and meet the funding requirement dates for the Project.

To date, 10 assignments have been awarded, dispersed amongst the original 6 consultants approved through the Initial Request for Proposals. The total value of the assignments awarded between 2020 and 2023 is \$1,995,516.30 and includes 12 sites of the overall 31 locations identified in the Disaster Mitigation and Adaptation Fund application.

The Project is expected to take 8 years to execute, taking until March 31, 2028 to complete.

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

Should Council give its approval to proceed with the New Request for Proposals, the New Request for Proposals will be issued and awarded in compliance with the following:

- the Canada – European Union Comprehensive Economic and Trade Agreement (CETA) and the Canadian Free Trade Agreement (CFTA) are applicable to municipal procurement initiatives for goods or services of a certain value (CETA: \$365,700 and above, CFTA: \$101,100 and above); and

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- By-Law 20-205 as amended, City's Procurement Policy.

**RELEVANT CONSULTATION**

The Procurement Section has provided their comments to this Report and supports the use of a roster of consultants to facilitate the consultancy work required to complete the Project. The issuance of a New Request for Proposals will ensure that a competitive procurement process is undertaken to suffice the requirements of both European Union Comprehensive Economic and Trade Agreement and Canadian Free Trade Agreement as well as the City's Procurement Policy.

**ANALYSIS AND RATIONALE FOR RECOMMENDATIONS**

Proposed Procurement Process

Staff is requesting Council's approval to proceed with a New Request for Proposals to establish a roster of consultancy firms specializing in coastal engineering for the Shoreline Protection Measures project. The Request for Proposals would be issued similar to the City's Request for Rostered Candidates ("RFRC") whereby:

- 1) Several consultant firms would be pre-qualified for a term of three (3) years based on their technical expertise;
- 2) Proposed hourly rates will be evaluated;
- 3) Consultant assignments will be issued directly to pre-qualified firms on a rotational basis as well as a best fit basis and having an estimated procurement cost of less than \$150,000;
- 4) Should a consultant assignment be estimated above \$150,000, each of the pre-qualified firms will be asked to submit a cost proposal for the work and the award of the work will be to the lowest compliant bid.

In anticipation of the end of the new three-year pre-qualification term, Landscape Architectural Services staff will report back to Committee and Council and provide a summary of the Work awarded under the New Request for Proposals process at the end of the Disaster Mitigation and Adaptation Fund project in 2028.

Rationale of Recommendation

Qualified consultant firms to work on the Project will be required to have the technical expertise of a Coastal Engineer on staff to perform and lead the project. Staff is aware that there are a limited number of consultant firms in Canada with this technical knowledge on staff.

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Staff also recognize that the volume of work to be completed by the timelines required is too much for one consultant firm to complete. By retaining a list of qualified consultants, staff will be able to distribute the work on a rotational and best fit basis, similar to the work awarded under the Roster, without having to undertake separate request for proposals for each sub-project. Similar to the Roster, consultant firms have been, and anticipate will continue to be interested in being a pre-qualified firm and being directly awarded work without having to submit multiple proposals. This will also allow the firms to take on work that is within the capacity of their firm.

**ALTERNATIVES FOR CONSIDERATION**

Alternative #1

An alternative to the recommended approach would be to issue separate request for proposals for each sub-project within the Shoreline Protection Measures Project. Additional Landscape Architectural Services (LAS) and Procurement staff resources will be required to undertake this option due to the number of separate requests for proposals to be issued, evaluated, and awarded. In addition to this, it is unlikely that the proponents' technical submissions will vary in response to multiple requests for proposals since both the nature of the work is similar, and the team being proposed will be similar. It is likely that staff will be evaluating similar submissions, if not the same, from the same group of consultants for each request for proposal issued.

Financial: N/A

Staffing: Executing separate Request for Proposals on a per project would be very time consuming and would require the reallocation of staff resources to complete Request for Proposals evaluations. This option could potentially impact the delivery of the Disaster Mitigation and Adaptation Fund project in terms of meeting the projects timelines and would also result in other capital project timing impacts as staff resources are being used for the Request for Proposals process.

Legal: N/A

Alternative #2

An alternative to the recommended approach would be to issue one request for proposals for the entire consulting work required for the Project. Due to the nature of the work to be completed (multiple sites and sub projects) staff has determined that this option is not feasible since the volume of work is too much for one firm to complete within the timelines required. Also, this option will only provide the City with one firm's expertise and knowledge transfer. Since the Project is scheduled to continue for another

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5 years, it is likely that there may be personnel changes during that time that may change (adversely or favourably) the makeup of the technical team and the expertise they bring.

Also, the timelines set out in the funding agreement make it difficult for staff to predict the entire scope of work required to complete the Project. It will be very difficult for Landscape Architectural Services staff to develop the scope of work for a single request for proposals for the next 5 years of the Project. There will likely be many changes in the work required, therefore creating multiple change orders to the original contract as well as scope creep as the Project progressed.

Financial: Cost controls for an assignment of this size that would include numerous 18 separate locations would be harder to manage. This approach would also result in higher costs to complete the overall project.

Staffing: Would require one or two staff members to be dedicated to the execution of this project full time to deliver within the Disaster Mitigation and Adaptation Fund timing schedule.

Legal: N/A

**ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**

**Community Engagement and Participation**

Hamilton has an open, transparent, and accessible approach to City government that engages with and empowers all citizens to be involved in their community.

**Built Environment and Infrastructure**

Hamilton is supported by state of the art infrastructure, transportation options, buildings and public spaces that create a dynamic City.

**Our People and Performance**

Hamiltonians have a high level of trust and confidence in their City government.

**APPENDICES AND SCHEDULES ATTACHED**

N/A