




CITY OF HAMILTON
PUBLIC WORKS DEPARTMENT
Environmental Services Division

TO:	Chair and Members Public Works Committee
COMMITTEE DATE:	February 20, 2024
SUBJECT/REPORT NO:	Award of Tender C15-76-23 (P) Construction of Spray Pad at Woodlands Park (PW24007) (Ward 3)
WARD(S) AFFECTED:	Ward 3
PREPARED BY:	Wes Kindree (905) 546-2424 Ext. 2347
SUBMITTED BY:	Cynthia Graham Director, Environmental Services Public Works Department
SIGNATURE:	

RECOMMENDATION

- (a) That the 2024 capital budget for Woodlands Spray Pad (Project ID 4242109310) be increased by \$426,800.00 and funded 95% or \$405,460.00 from the Parkland Development Charge Reserve – Residential (DeptID 110316), and 5%, or \$21,340.00 from the Parkland Development Charge Reserve- Non-Residential (DeptID 110317)
- (b) That Council approve the award of Request for Tenders C15-76-23 (P) Construction of Spray Pad at Woodlands Park, pursuant to Procurement Policy #2 Approval Authority and #5.3 Request for Tenders, to Three Seasons Landscape Group Inc. in the amount of \$862,900.00, and that the General Manager, Public Works Department be authorized to enter into and execute any required Contract and any ancillary documents required to give effect thereto with Three Seasons Landscape Group Inc., in a form satisfactory to the City Solicitor.

EXECUTIVE SUMMARY

Council approved the Woodlands Park Spray Pad project at its meeting on July 9, 2021, to design and construct a spray pad at Woodlands Park. The project's funding of \$710,000.00 was allocated from the Ward 3 Special Capital Re-investment Reserve Fund (#108053) to design and construct a spray pad within Woodlands Park.

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The tender for C15-76-23 (P) Construction of a Spray Pad at Woodlands Park closed on Monday, November 6, 2023, with the lowest of seven compliant bids received being \$862,900.00.

Currently, Project ID 4242109310 has \$528,828.75 in available funding, leaving a funding deficit of \$426,800.00 that is inclusive of an amount for a construction contingency and estimated value for non-recoverable HST. As per Procurement Policy #2, the additional funding and specific Council approval are required to award the Contract for Works.

Alternatives for Consideration – See Page 4

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: The additional \$426,800.00 funding for Woodlands Spray Pad (Project ID 4242109310) will be funded 95%, or \$405,460.00 from the Parkland Development Charge Reserve – Residential (Dept ID 110316), and 5%, or \$21,340.00 from the Parkland Development Charge Reserve- Non-Residential (DeptID 110317) per the December 2023 Development Charges Background Study, City of Hamilton.

Staffing: N/A

Legal: N/A

HISTORICAL BACKGROUND

Woodlands Park is a neighbourhood park located at 501 Barton Street East, within Ward 3. The park has a multi-use court, playground area/equipment, seating, soccer fields, legal street art wall, washroom building, green open space, asphalt pathway system and a small parking lot accessed on the west side via Wentworth Street.

At its meeting on July 9, 2021, council approved Public Works Committee Report 21-010 inclusive of the motion for the *Design and Construction of a Spray Pad at Woodlands Park*. The project's initial budget of \$710,000.00 was allocated from the Ward 3 Special Capital Re-investment Reserve Fund (#108053) to design and construct the Woodlands Park Spray Pad.

Through 2022, staff began to complete background studies of the site and initiated a community engagement strategy to help shape the spray pad's design to meet the community's needs. This engagement included collaboration and consultation with members of Niwasa Kendaaswin Teg (Niwasa), a local non-profit community group that

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provides high-quality programs and services to the Indigenous population in Hamilton and surrounding areas.

Staff continued to develop the spray pad design through 2022 and 2023 to prepare for a 2023 tender timeline. The project was originally released for tender in June 2023 but was later cancelled due to pending ratification of a revised encampment protocol that would inform how encampments at Woodlands Park would be addressed. The project was re-tendered in October 2023 and closed on November 6th, with seven compliant bids being received. The lowest compliant bid received was from Three Seasons Landscape Group Inc. in the amount of \$862,900.00 without tax.

The recent fire at the washroom building at Woodlands Park is not anticipated to be a barrier to the construction and completion of this spray pad project, as the water and sewer servicing for the project is designed to be separate from the building.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

This Report is in accordance with the City's Procurement Policy, Policy #2 Approval Authority and Policy #5.3 Request for Tenders.

The Procurement Policy, Policy 2 – Approval Authority, subsection (3) states:

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

(b) for capital projects, when the final competitively procured cost of the proposed procurement exceeds the amount provided in the Council approved capital budget for that project by \$250,000 or greater”

RELEVANT CONSULTATION

Landscape Architectural Services has consulted with:

Procurement Staff – worked with Procurement staff to identify the low bidder of the compliant bids and logistics of awarding the project as per Procurement Policy #2 – Approval Authority.

Finance Staff – worked with staff to coordinate the funding through DC reserves to bridge the funding deficit to award the project.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

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The design and construction of a new spray pad within Woodlands Park was brought forward through a motion in July 2021 and unanimously supported by council.

Shortly after its approval, staff began the planning process, including background works, site inventory and analysis, geotechnical study, and archaeological works. Staff also worked with the Ward 3 office to prepare an engagement strategy, including online surveys and virtual public meetings. In addition to the community engagement, staff reached out to members of the Niwasa Kendaaswin Teg (Niwasa) organization to request their assistance with the design of the spray pad.

Through the public engagement process, it was clear that the community would like to see the spray pad pay respect to nature and all its creatures. Staff worked with Niwasa Kendaaswin Teg (Niwasa) on ways to achieve this in a meaningful way. There was an opportunity here that staff wanted to explore in collaboration with Niwasa Kendaaswin Teg (Niwasa) to develop a spray pad that formed an expression of nature and all its creatures.

While completing the background studies and site analysis, it was discovered that the existing water service to the park, separate from the washroom building, was previously decommissioned within the right of way. This meant a new water service would be required, and these works were not accounted for in the original cost estimate.

With the design direction guided by community engagement, the new water service and general escalation costs in the construction industry, the overall project cost was greater than initially anticipated in preparing the July 2021 motion. The spray pad is a new amenity at the park and can be attributed to supporting growth in the city and, therefore, eligible for DC funding that is being drawn upon to bridge the funding gap.

This amenity will be a great addition to the Ward 3 community as it provides an opportunity to cool off during those extreme heat events throughout the summer months.

ALTERNATIVES FOR CONSIDERATION

Alternative 1

An alternative for consideration is not to award the tender and defer the project construction to a future year. From a procurement perspective, the scope of work would also require significant alteration to re-tender the project and avoid the perception of bid shopping. Staff do not recommend this alternative.

Financial: Staff must extend the design consulting contract to revise the design to meet procurement requirements to re-tender the project. We anticipate those costs

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to be approximately \$75,000.00 to change the design and contract package as procurement requires. Overall construction costs would be similar to the current bid, with the possibility of an increased cost due to current industry trends.

Staffing: N/A

Legal: N/A

Alternative 2

A re-design of the spray pad could be completed to reduce costs. Staff do not recommend this option as the design is based on community consultation and collaboration with Niwasa Kendaaswin Teg (Niwasa). Substantial changes will result in additional time to re-engage with the public. This approach would require additional consulting fees to work through the design and re-tender the project. Further cost escalations would be anticipated due to inflation, material, and staffing costs of consultants and contractors.

Financial: A redesign would result in additional consulting fees of approximately \$100,000.00, as the public consultation process would need to be completed as part of the redesign. It's assumed the delayed project timeline will contribute to higher overall construction costs due to the rising costs the construction industry is experiencing.

Staffing: N/A

Legal: N/A

APPENDICES AND SCHEDULES ATTACHED

N/A