



# Exhibition Place

## Item No. 8

**ACTION REQUIRED**

March 4, 2015

To: The Board of Governors of Exhibition Place

From: Dianne Young, Chief Executive Officer

Subject: **2015 Capital Works Program – Tender Report  
New Splash Pad at Exhibition Place - Contract No. 14-079-47903**

### Summary:

This report recommends approving a contract with Beta & Associates Inc. for the construction of a splash pad at Exhibition Place. The tender call for this contract was issued on January 28, 2015 through the City of Toronto Purchasing and Materials Management Division and the recommendation is to award the contract with a reduced scope to the lowest bidder meeting specifications within the available budget.

### Recommendations:

**It is recommended that the Board:**

- a) **Award Contract No. 14-079-47903 to Beta & Associates for the construction of a splash pad at Exhibition Place in the amount of \$560,043.98, which includes a contingency of \$13,000, but excludes HST; this being the lowest acceptable tender with a reduced scope received; and,**
- b) **Direct that the confidential report contained in Attachment 1 to this report remain confidential in its entirety and not be released publicly as it pertains to the security of the property of the Board or relates to litigation or potential litigation that affects the Board, and contains advice or communications that are subject to solicitor-client privilege.**

### Financial Impact:

The financing for this project is included within the approved Exhibition Place Capital Works Program 2014 for the Splash Pad; surplus from 2014 Pan Am program approved by City Council; as well as 2015 Capital Works Program for Parks, Parking Lots and Roads which was approved by the Board at its meeting of September 11, 2014 relating to fountain upgrades.

### Decision History:

The Exhibition Place 2014 – 2016 Strategic Plan had a Recognition and Public Understanding Goal to establish Exhibition Place as a destination and gathering place for the community and as a Strategy to support this Goal we will increase community use of the grounds by animating and/or programming our parks.

At its meeting of July 5, 2013, the Board approved of the 2014 Capital Works Program along with the additional funding for this Pan Am 2015 Budget, which was adopted and approved by City Council at its meeting of January 29 and 30, 2014. The 2015 Capital Works Program was approved by the Board on September 11, 2014.

At its meeting of December 1, 2014, the Board adopted of a motion to refer Report No. 9 dated November 19, 2014 from the Chief Executive Officer with respect to the Splash Pad in Centennial Square, back to the CEO; that a meeting be scheduled with the CNEA, Mark Grimes, Mike Layton, Connie Dejak and staff to discuss the concerns of the Splash Pad location given the CNEA operations in Centennial Square; and the CEO report back to the Board on the results of this meeting.

At its meeting of February 6, 2015, the Board approved Report No. 17 dated January 23, 2015 with respect to the Splash Pad in Centennial Square – Supplementary Report which recommendations were as follows:

Proceeding with the construction of a splash pad within Centennial Square near the vicinity of McGillivray Fountain;  
 Engaging a heritage fountain repair Consultant to provide the methodology to retrofit the existing McGillivray Fountain and include this repair as part of the 2016/ 2017 Capital Works Program;  
 and,  
 Reporting to the Board as part of the 2016 Capital Program on the possible funding envelop for a new children's playground in Centennial Park.

#### Issue Background:

This report concerns Recommendation No. 1 approved by the Board at its meeting on February 6, 2015 as noted above for the tendering of the splash pad. Work on this project must be completed by July 2015 prior to the PanAm Games.

#### Comments:

The tender for this contract was issued on January 28, 2015 through the City of Toronto Purchasing and Materials Management Division and Ms. Fatima Scagnol, Corporate Secretary of the Board, supervised the tender opening on February 19, 2015. Twenty-five (25) bidders attended the mandatory site tour meeting and nine bids were received. Their price submissions, excluding HST, are as shown in the following table:

Tenderer	Tender Price Received	Adjustment & Reduction	Recommended / Adjusted Price	Comments
MJK Construction Inc.	\$682,692.00 *\$682,637.20	(\$123,858.00)	\$558,779.20	Does not meet requirements
Beta & Associates Inc.	\$838,074.32 *\$823,987.98	(\$263,944.00)	**\$560,043.98	Meets requirements
Sansar Contracting Ltd.	\$730,785.00 *\$717,277.00	(\$157,160.00)	\$560,117.00	Meets requirements
IBD Corporation	\$801,679.10	(\$225,056.00)	\$576,623.10	Meets requirements
R-Chad General Contracting Inc.	\$804,085.00	(\$187,760.00)	\$616,325.00	Meets requirements
Joe Pace & Sons Contracting Inc.	\$842,241.00	(\$207,132.00)	\$635,109.00	Meets requirements
Canada Construction Ltd.	\$940,241.00 *\$940,244.42	(\$164,460.00)	\$775,784.42	Meets requirements
Martinway Contracting Ltd.	\$1,424,529.00 *\$1,363,225.00	(\$380,800.00)	\$982,425.00	Meets requirements
Phoenix Restoration	\$928,494.80 *\$928,481.80	\$1,437,704.00	\$2,366,185.80	Meets requirements

\* Identifies the revised tender price after correcting the mathematical error(s);

\*\* Identifies Recommended Contract Price for Lowest Compliant Bid;

The bid response received from MJK Construction Inc. was deemed non-compliant and was not considered for award.

The construction budget for this project is under the non-committed 2014 carry forward amount of \$357,317 for a splash pad under the Capital Works Program main account #079. The original submission of the lowest compliant bid by Beta & Associates Inc. of \$823,987.98 which contains a contingency of \$13,000 is over budget. However, all the bids were significantly higher than the approved budget and value engineering was undertaken to lower the cost. A substituting material (concrete) was identified in the tender document in Appendix V–Alternative Price, for this purpose. Therefore, replacement of the granite material by concrete is being recommended.

From prices submitted on Appendix II (original price for granite material & the associated work) and Appendix V (Alternative Price) from each submission was calculated as shown on the above table in the Adjustment & Reduction column. A savings of \$263,944 would be realized from the recommended lowest compliant bidder meeting specifications, Beta & Associates Inc., resulting in an actual true project construction cost of \$560,043.98.

The Splash Pad project was approved in 2014 as a special event project meant to celebrate the Pan Am Games. Therefore, it is recommended that the surplus unused funding from the Pan Am 2014 carry forward capital budget of \$128,265 also be used to supplement this splash pad construction. With the existing available budget of \$357,317 in this splash pad project, plus the carry forward unspent amount from the Pan Am 2014 budget of \$128,265, there is still a shortfall of \$74,462 and it is recommended that this amount be funded from the 2015 Capital Works Program, Fountain Retrofit in Various Locations. Together with all the above measures, the funding for this project cost of \$560,043.98 submitted by Beta & Associates would be met.

Beta & Associates Inc. has been in business for over 20 years. The company has been installing major aquatic projects ranging from mechanical refurbishments to complete installation of aquatic natatoriums. Average annual value of work for the last five years for Beta & Associates Inc. is \$4 million. Some of their projects include: Nathan Phillip's Square – Peace Garden Phase 1 / Phase 2 (2013) and Guelph Civic Centre – New Market Square (2012). Both are extensive pool/water features construction project. Reference check with the City of Toronto provided very positive marks to Beta & Associates Inc.

This recommendation is contingent upon approval by the City's Deputy City Manager and Chief Financial Officer of the Surety Company proposed by the successful bidder for the supply of the bonding requirements and is also subject to the Fair Wage Office confirming that the recommended contractor and its subcontractors maintain wage rates and working conditions in accordance with Toronto Workers' Rights requirements.

Contact:

Danny Chui, Manager, Capital Works

Tel: 416-263-3670

Fax: 416-263-3686

Email: [dchui@explace.on.ca](mailto:dchui@explace.on.ca)