



The Regional Municipality of Durham

Works Committee Agenda

Wednesday, December 4, 2024, 9:30 a.m.

Regional Council Chambers

Regional Headquarters Building

605 Rossland Road East, Whitby

If this information is required in an accessible format, please contact 1-800-372-1102 ext. 2097.

Note: This meeting will be held in a hybrid meeting format with electronic and in-person participation. Committee meetings may be [viewed via live streaming](#).

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There are no presentations	
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8.1 Correspondence

- a. Correspondence received from the City of Oshawa, dated November 8, 2024
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9. Advisory Committee Resolutions

There are no advisory committee resolutions to be considered

10. Confidential Matters

There are no confidential matters to be considered

11. Other Business

12. Date of Next Meeting

Wednesday, January 8, 2025 at 9:30 AM

13. Adjournment

Notice regarding collection, use and disclosure of personal information:

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information, please contact the Regional Clerk/Director of Legislative Services.

The Regional Municipality of Durham

MINUTES

WORKS COMMITTEE

Wednesday, November 6, 2024

A regular meeting of the Works Committee was held on Wednesday, November 6, 2024 in Council Chambers, Regional Headquarters Building, 605 Rossland Road East, Whitby, Ontario at 9:30 AM. Electronic participation was offered for this meeting.

1. Roll Call

Present: Councillor Barton, Chair
Councillor Marimpietri, Vice-Chair
Councillor Cook* left the meeting at 11:00 AM on municipal business and returned at 12:10 PM
Councillor Crawford
Councillor Mulcahy*
Councillor Nicholson*
Councillor Yamada
Regional Chair Henry
***denotes Councillors participating electronically**

Absent: None

Also

Present: Councillor Anderson attended the meeting at 12:09 PM
Councillor Carter*
Councillor Foster* left the meeting at 10:40 AM
Councillor McDougall
Councillor Neal left the meeting at 11:54 AM
Councillor Wotten left the meeting at 12:11 PM
***denotes visiting Councillors participating electronically**

Staff

Present: S. Ciani, Committee Clerk, Corporate Services – Legislative Services
S. Dessureault, Committee Clerk, Corporate Services – Legislative Services
A. DiPietro, Director, Health Protection
C. Dunkley, Director of Corporate Infrastructure and Strategic Business Services, Works Department
A. Evans, Director of Waste Management Services
P. Gee, Manager, Transportation Infrastructure
C. Goodchild*, Director, Planning
B. Holmes, General Manager, Transit
R. Inacio, Systems Support Specialist, Corporate Services – IT
R. Jagannathan, Commissioner of Works

J. Kilgour*, Deputy General Manager, Maintenance, Transit
R.J. Kyle, Commissioner & Medical Officer of Health
B. McWade, Manager, Sustainable Infrastructure
A. Porteous, Supervisor, Waste Services
L. Saha, Manager, Waste Services
D. San Juan, Environmental Health Specialist
N. Taylor, Commissioner of Finance
P. Veiga, Manager, Waste Operations
A. Wakeford, Senior Solicitor, Corporate Services – Legal Services
V. Walker, Committee Clerk, Corporate Services – Legislative Services
N. Williams, Project Manager, Waste Services
*** denotes staff participating electronically**

2. Declarations of Pecuniary Interest

There were no declarations of pecuniary interest.

3. Adoption of Minutes

Moved by Councillor Crawford, Seconded by Councillor Yamada,
(66) That the minutes of the regular Works Committee meeting held on
Wednesday, October 2, 2024, be adopted.
CARRIED

4. Statutory Public Meetings

There were no statutory public meetings.

5. Presentations

There were no presentations heard.

6. Delegations

- 6.1 Linda Gasser, Durham Resident, re: Response to Questions Raised by Municipality of Clarington Council in Correspondence Received at the June 5, 2024, Works Committee Meeting (2024-WR-7) [Item 7.2 A]

Linda Gasser, Durham Resident, appeared in-person before the Committee, and with the aid of a PowerPoint presentation, expressed concerns regarding Report #2024-WR-7: Response to Questions Raised by Municipality of Clarington Council in Correspondence Received at the June 5, 2024, Works Committee Meeting.

Highlights from the delegation included:

- Report #2019-COW-3 Page 13 of 41

- Footnotes for Table 2 in Report #2019-COW-3 (Previous Slide)
- Questions in Report, Section 3.4 and 3.12
- Question from Clarington, Section 3.1
- Page 8 of the 2023 Durham Annual Waste Management Report
- July 2024: Enhanced Green Bin. Staff Expect to Capture More Organics.
June 2025: Start of Source Separated Organics (SSO) Collection at Multi-Residential in 6 Lower-Tier Municipalities. Both Programs Would Capture More Organics Currently in Garbage
- In 2023 Durham Only 13,502 Tonnes Over Allocated Capacity of 110,000 Tonnes – This Prior to Enhanced Green Bin and SSO Collection to Multi-Residential
- Compare 2021 Total Greenhouse Gases (GHG)'s for 140,000 Tonnes Per Year (TPY) (Left) vs. Estimate for 160,000 in Environmental Screening Report (ESR) Pg. 60 (Right)
- From Intrinsic September 2024 Report – Page 5, Works Agenda Page 69
- Mischaracterizations, re: 400,000 TPY Scenario

Moved by Councillor Yamada, Seconded by Councillor Crawford,
(67) That the rules of procedure be suspended in order to extend L. Gasser's delegation by 2 minutes to finish her delegation.

CARRIED ON A 2/3rds VOTE

- Sample Concerns, re: 400,000 TPY Scenario in February 2010 Ministry Review
- Staff Statement, re: Dioxin Emissions are Misleading. Staff Report Section 3.9 b), Page 6
- Please Refer Report Back to Staff Directing that Requested Information be Produced as per June 5 Works Motions

L. Gasser responded to questions from the Committee.

6.2 Wendy Bracken, Clarington Resident, re: Response to Questions Raised by Municipality of Clarington Council in Correspondence Received at the June 5, 2024, Works Committee Meeting (2024-WR-7) [Item 7.2 A)]

Wendy Bracken, Clarington Resident, appeared in-person before the Committee, and with the aid of a PowerPoint presentation, expressed concerns regarding Report #2024-WR-7: Response to Questions Raised by Municipality of Clarington Council in Correspondence Received at the June 5, 2024, Works Committee Meeting.

Highlights from the delegation included:

- Report #2024-WR-7: Inadequate and Missing Key Information; Fails to Acknowledge and Address Identified Problems with the 160,000 Proposal and Environmental Screening Report (ESR)

- Staff Responses Leads One to Believe the Human Health and Environmental Risk Assessment (HHERA) was Reviewed and That They Responded to All Submitted Concerns in Their Responses
- Fundamental Flaws in ESR Remain Unacknowledged, Unaddressed: Failure to Assess Increased Mass Loading
- Numerous Problems with Intrinsic Report
- Copes' Review Acknowledges Conclusion "Relies Heavily on the Results of the Air Dispersion modelling Which Predicts No Increase"
- Fundamental Flaws in Air Quality Assessment Remain Unacknowledged, Unaddressed
- Air Quality Impact Assessment (AQIA) Conclusions Based on Unfair Apples-to-Oranges 140K to 160K Comparison

Moved by Councillor Marimpietri, Seconded by Councillor Yamada,
(68) That the rules of procedure be suspended in order to extend W. Bracken's delegation by 2 minutes to finish her delegation.

CARRIED ON A 2/3rds VOTE

- Failure to Address Totality of Facts Around DYEC Operational History Around Dioxin/Furan Emissions and Monitoring Which Point to Need for Precautionary Approach, More Monitoring
- Examples Where DYEC Does not Meet the European BAT Requirements Include Highlighted Sections
- Comparing Stack Test Results Against Outdated Emissions Limits Does Not Protect Us

W. Bracken responded to questions from the Committee.

7. Waste

7.1 Correspondence

- A) Correspondence received from Wendy Bracken, Clarington Resident, dated October 16, 2024, re: BBC News Article Titled, "Burning Rubbish Now UK's Dirtiest Form of Power"
-

Moved by Councillor Marimpietri, Seconded by Councillor Crawford,
(69) That the correspondence received from Wendy Bracken, Clarington Resident, dated October 16, 2024, regarding the BBC News Article titled, "Burning Rubbish Now UK's Dirtiest Form of Power" be referred to consideration of Report #2024-WR-7: Response to Questions Raised by Municipality of Clarington Council in Correspondence Received at the June 5, 2024, Works Committee.

CARRIED

- B) Correspondence received from Linda Gasser, Durham Resident, dated October 17, 2024, re: Concerns About Access to Documents/Reports on the Durham York Energy Centre (DYEC) Website

Moved by Councillor Marimpietri, Seconded by Councillor Crawford,
(70) That the correspondence received from Linda Gasser, Durham Resident, dated October 17, 2024, regarding concerns about access to documents/reports on the Durham York Energy Centre (DYEC) website be referred to consideration of Report #2024-WR-7: Response to Questions Raised by Municipality of Clarington Council in Correspondence Received at the June 5, 2024, Works Committee.

CARRIED

- C) Correspondence received from Linda Gasser, Durham Resident, dated October 30, 2024, re: History & Overview of Durham's Monitoring Commitments, re: DYEC Air and Soil Monitoring

Moved by Councillor Marimpietri, Seconded by Councillor Crawford,
(71) That the correspondence received from Linda Gasser, Durham Resident, dated October 30, 2024, regarding the history and overview of Durham's monitoring commitments regarding the DYEC air and soil monitoring be referred to consideration of Report #2024-WR-7: Response to Questions Raised by Municipality of Clarington Council in Correspondence Received at the June 5, 2024, Works Committee.

CARRIED

- D) Correspondence received from Wendy Bracken, Clarington Resident, dated October 30, 2024, re: DYEC Monitoring Not Keeping Up with Other Jurisdictions

Moved by Councillor Marimpietri, Seconded by Councillor Crawford,
(72) That the correspondence received from Wendy Bracken, Clarington Resident, dated October 30, 2024, regarding the DYEC monitoring not keeping up with other jurisdictions be referred to consideration of Report #2024-WR-7: Response to Questions Raised by Municipality of Clarington Council in Correspondence Received at the June 5, 2024, Works Committee.

CARRIED

- E) Correspondence received from Linda Gasser and Wendy Bracken, Durham Residents, dated May 22, 2024, re: Requesting an Update Report on the Durham York Energy Centre (DYEC) Throughput Capacity Increase to 160,000 Tonnes per Year

Staff responded to questions regarding whether the correspondence should be received for information or referred to consideration of Report #2024-WR-7; whether all of the questions posed by the residents have been answered; and if all relevant information has been posted publicly to the DYEC website.

Moved by Councillor Marimpietri, Seconded by Councillor Crawford,
(73) That the correspondence received from Linda Gasser and Wendy Bracken, Durham Residents, dated May 22, 2024, with respect to requesting an update report on the Durham York Energy Centre (DYEC) throughput capacity increase to 160,000 tonnes per year be received for information.

CARRIED ON THE FOLLOWING
RECORDED VOTE:

Yes

Councillor Cook
Councillor Crawford
Regional Chair Henry
Councillor Marimpietri
Councillor Mulcahy
Councillor Barton, Chair

No

Councillor Nicholson
Councillor Yamada

Absent: None

Declarations of Interest: None

7.2 Reports

A) Response to Questions Raised by Municipality of Clarington Council in Correspondence Received at the June 5, 2024, Works Committee ([2024-WR-7](#))

Report #2024-WR-7 from R. Jagannathan, Commissioner of Works, was received.

Staff responded to questions from the Committee regarding what the contractual agreement is between the Municipality of Clarington and the Region of Durham for the Durham York Energy Centre (DYEC) with respect to increasing the DYEC capacity to 160,000 tonnes per year from the current capacity of 140,000 tonnes per year; whether the monitoring systems are up to industry standards and when would they be reviewed next; what mechanisms are in place if any of the data came back abnormal or of concern; European vs. Canadian/American standards with respect to monitoring systems; whether costs that were contributed to the capacity increase could be quantified; whether the information available on the DYEC website could be simplified for the public to be able to better understand; and whether the 2019 assumptions regarding the capacity increase would be reviewed.

Staff responded to further questions from the Committee regarding whether the diversion numbers would start to increase after the introduction of the extended producer responsibility (EPR) program and the enhanced green bin program; how multi-residential units would be addressed with respect to separating organics;

what the AMESA system measures; and what the remaining lifecycle is for the DYEC.

Staff clarified that there would be no physical expansion to the DYEC but that the expansion from 140,000 to 160,000 tonnes per year would be an optimization of what is already available; and that staff are always researching if there are other monitoring systems available that would not require expanding the footprint of the plant.

Moved by Regional Chair Henry, Seconded by Councillor Marimpietri,
(74) That Report #2024-WR-7 of the Commissioner of Works be received for information in response to the direction to staff to address questions raised in correspondence from Municipality of Clarington Council at the June 5, 2024, Works Committee meeting.

CARRIED ON THE FOLLOWING
RECORDED VOTE:

Yes

Councillor Crawford
Regional Chair Henry
Councillor Marimpietri
Councillor Mulcahy
Councillor Barton, Chair

No

Councillor Nicholson
Councillor Yamada

Absent: Councillor Cook

Declarations of Interest: None

Moved by Councillor Marimpietri, Seconded by Regional Chair Henry,
(75) That the Committee recess for 10 minutes.

CARRIED

The Committee recessed at 11:30 AM and returned at 11:38 AM.

A roll call was conducted following the recess and all members of Committee were present with the exception of Councillor Cook who was absent on municipal business.

- B) Sole Source with Miller Waste Systems Inc. for the Collection of Source Separated Organic Waste from Regional Municipality of Durham Approved Multi-Residential Properties in Durham Region (2024-WR-8)

Report #2024-WR-8 from R. Jagannathan, Commissioner of Works, was received.

Moved by Councillor Marimpietri, Seconded by Regional Chair Henry,

(76) That we recommend to Council:

- A) That staff be authorized to award a sole source agreement to Miller Waste Systems Inc. for the collection of source separated organic waste for the Multi-Residential Enhanced Green Bin Program from Region-approved multi-residential properties in the City of Pickering, Town of Ajax, Townships of Uxbridge, Brock and Scugog, and the Municipality of Clarington;
- B) That 2025 pre-budget approval for \$532,046 (\$912,078 annualized) be authorized to finance the sole source contract; and
- C) That the Commissioner of Finance be authorized to execute the necessary documents related to the sole source agreement.

CARRIED ON THE FOLLOWING
RECORDED VOTE:

<u>Yes</u>	<u>No</u>
Councillor Crawford	None
Regional Chair Henry	
Councillor Marimpietri	
Councillor Mulcahy	
Councillor Nicholson	
Councillor Yamada	
Councillor Barton, Chair	

Absent: Councillor Cook

Declarations of Interest: None

8. Works

8.1 Correspondence

- A) Correspondence received from the Residents of Wards 1 and 2 in the City of Oshawa, dated October 24, 2024, re: A Petition Submitted to the Regional Clerk with 391 Signatures, to Construct the Missing Sidewalk on the East Side of Ritson Road from the Southern Inlet of Ritson Fields Park to Conlin Road, in the City of Oshawa
-

Staff responded to questions from the Committee regarding the need for attention to this area with the increased growth and the timing of the infrastructure being planned; whether there will be continued communication with the City of Oshawa; and what would be possible with respect to permanent sidewalk locations.

Moved by Regional Chair Henry, Seconded by Councillor Marimpietri,

- (77) That correspondence received from the residents of Wards 1 and 2 in the City of Oshawa, dated October 24, 2024, regarding a petition submitted to the Regional Clerk with 391 Signatures, to construct the missing sidewalk on the East Side of Ritson Road from the Southern Inlet of Ritson Fields Park to Conlin Road, in the City of Oshawa be received for information.

CARRIED ON THE FOLLOWING
RECORDED VOTE:

Yes

No

Councillor Crawford
Regional Chair Henry
Councillor Marimpietri
Councillor Mulcahy
Councillor Nicholson
Councillor Yamada
Councillor Barton, Chair

None

Absent: Councillor Cook

Declarations of Interest: None

8.2 Reports

- A) Declaration of Lands as Surplus to Regional Requirement and Approval to Convey the Surplus Lands to Asante Canada Inc. (2024-W-23)

Report #2024-W-23 from R. Jagannathan, Commissioner of Works, was received.

Moved by Councillor Marimpietri, Seconded by Councillor Crawford,

(78) That we recommend to Council:

- A) That Block 47, Plan M749, formerly in the Town of Newcastle, now in the Municipality of Clarington, identified as all of PIN 26693-0067 (LT), having the municipal address of 3094 Liberty Street North, Clarington be declared as surplus to Regional Municipality of Durham requirements;
- B) That Regional Municipality of Durham's solicitors be authorized to complete the transfer of the Lands having an estimated fair market value of \$500,000 to Asante Canada Inc.;
- C) That the requirements in Section 3 of Regional Municipality of Durham By-Law #52-95 establishing the procedures, including giving notice to the public, governing the sale of real property be waived;

- D) That Regional staff be permitted to negotiate the disposition of the lands described in Recommendation A) of Report #2024-W-23 of the Commissioner of Works with Asante Canada Inc. at fair market value; and
- E) That the Commissioner of Works be authorized to execute all documents associated with the transaction, including but not limited to an Agreement of Purchase and Sale.

CARRIED AS AMENDED
(See Following Motion)

Moved by Councillor Marimpietri, Seconded by Crawford,
(79) That the main motion (78) of Councillors Marimpietri and Crawford be amended as follows:

That Recommendation D) of Report #2024-W-23 of the Commissioner of Works be deleted in its entirety.

CARRIED

The main motion (78) of Councillors Marimpietri and Crawford was then put to a vote and CARRIED AS AMENDED.

9. **Advisory Committee Resolutions**

There were no advisory committee resolutions to be considered.

10. **Confidential Matters**

10.1 Reports

- A) Confidential Report of the Commissioner of Works – Expropriation of Lands Required for the Oshawa Zone 4 Reservoir Project at 2981 Grandview Street North, in the City of Oshawa (2024-W-24)
-

Confidential Report #2024-W-24 from R. Jagannathan, Commissioner of Works, was received.

Moved by Councillor Crawford, Seconded by Councillor Marimpietri,
(80) That the meeting be closed to the public in order to consider a matter with respect to the proposed or pending acquisition or disposition of land as it relates to the expropriation of lands required for the Oshawa Zone 4 Reservoir Project at 2981 Grandview Street North, in the City of Oshawa.

CARRIED

[Refer to the Closed Meeting minutes of November 6, 2024]

A roll call was conducted following the closed session and all members of Committee were present with the exception of Regional Chair Henry who was absent on municipal business.

Chair Barton advised that during the closed session there were no motions made.

Moved by Councillor Marimpietri, Seconded by Councillor Yamada,
(82) That we recommend to Council:

That the recommendations contained in Confidential Report #2024-W-24 of the Commissioner of Works be adopted.

CARRIED ON THE FOLLOWING
RECORDED VOTE:

Yes

No

Councillor Cook
Councillor Marimpietri
Councillor Mulcahy
Councillor Nicholson
Councillor Yamada
Councillor Barton, Chair

Councillor Crawford

Absent: Regional Chair Henry

Declarations of Interest: None

11. Other Business

There was no other business to be considered.

12. Date of Next Meeting

The next regularly scheduled Works Committee meeting will be held on Wednesday, December 4, 2024 at 9:30 AM in Council Chambers, Regional Headquarters Building, 605 Rossland Road East, Whitby.

13. Adjournment

Moved by Councillor Yamada, Seconded by Councillor Crawford,
(83) That the meeting be adjourned.

CARRIED

The meeting adjourned at 12:15 PM

Respectfully submitted,

D. Barton, Chair

S. Ciani, Committee Clerk

File: 03-05

November 8, 2024

DELIVERED BY E-MAIL

(clerks@durham.ca)

Region of Durham

Re: Stevenson Road North from Taunton Road West to Conlin Road West, Agreement Request (Ward 2)

Oshawa City Council considered the above matter at its meeting of October 28, 2024 and adopted the following recommendation of the Economic and Development Services Committee:

“That, pursuant to Report ED-24-116 dated October 2, 2024, concerning the design and construction of Stevenson Road North from Taunton Road West to Conlin Road West:

1. That staff be authorized to advance the detailed design of Stevenson Road North, as outlined in Section 4.4 of Report ED-24-116; and,
2. That staff include the cost to advance the detailed design of Stevenson Road North in the Mayor’s 2025 Budget for consideration; and,
3. That staff include the estimated cost for the reconstruction of Stevenson Road North in the Mayor’s 2026 Budget for consideration; and,
4. That the Region of Durham be requested to advance the required funds within their 2025 and future Budgets for the purpose of providing serving works on Stevenson Road North in coordination with the City; and,
5. That the Manager, Procurement be authorized to negotiate a contract extension to Gannett Fleming Canada ULC not to exceed the approved 2025 budget for design services.”

Your consideration of Part 4 of the above resolution is requested. Please find attached a copy of Report ED-24-116 for information.

If you need further assistance concerning the above matter, please contact Anthony Ambra, Commissioner, Economic and Development Services Department at the address listed below or by telephone at 905-436-3311.



Mary Medeiros
Director, Legislative Services/City Clerk

/fb

- c. Economic and Development Services Department
Corporate and Finance Services Department
Office of the Mayor

To: Economic and Development Services Committee

From: Anthony Ambra, P.Eng., Commissioner,
Economic and Development Services Department

Report Number: ED-24-116

Date of Report: October 2, 2024

Date of Meeting: October 7, 2024

Subject: Stevenson Road North from Taunton Road West to Conlin
Road West, Agreement Request

Ward: Ward 2

File: 03-05

1.0 Purpose

On June 24, 2024, City Council considered Correspondence ED-24-85 from Hans Jain, Atria Development Corp., concerning the Stevenson Road North Developer Commitment to Site Servicing and referred it to staff for a report.

The purpose of this Report is to provide staff's response to ED-24-85, a request from Atria Development Corporation (see Attachment 1) to advance the design and construction work associated with the provision of roadway improvements, adequate sanitary, water and storm services for Stevenson Road North from Taunton Road West to Conlin Road West.

Attachment 1 is a letter dated May 24, 2024 from Atria Development Corporation, expressing their interest to advance the reconstruction work for Stevenson Road North.

Attachment 2 is a letter dated August 26, 2024 from Region of Durham, confirming that the Region is considering advancing the budget for Stevenson Road widening and servicing to 2025.

Attachment 3 is a letter dated September 3, 2024 from Gurundwara Sahib Durham Region Group, requesting the advancement of servicing and roadwork for Stevenson Road North to facilitate the construction of their new community centre.

2.0 Recommendation

That the Economic and Development Services Committee recommend to City Council:

That, pursuant to Report ED-24-116 dated October 2, 2024, concerning the design and construction of Stevenson Road North from Taunton Road West to Conlin Road West:

1. That Council authorize staff to advance the detailed design of Stevenson Road North, as outlined in Section 4.4 of Report ED-24-116;
2. That staff include the cost to advance the detailed design of Stevenson Road North in the Mayor's 2025 Budget for consideration;
3. That staff include the estimated cost for the reconstruction of Stevenson Road North in the Mayor's 2026 Budget for consideration;
4. That the Region of Durham be requested to advance the required funds within their 2025 and future Budgets for the purpose of providing serving works on Stevenson Road North in coordination with the City; and,
5. That the Manger, Procurement be authorized to negotiate a contract extension to Gannett Fleming Canada ULC not to exceed the approved 2025 budget for design services.

3.0 Input From Other Sources

The following have been consulted in the preparation of this Report:

- Commissioner, Corporate and Finance Services Department
- Finance Services

4.0 Analysis

4.1 Existing Conditions

Stevenson Road North is a Type 'C' Arterial road extending from Taunton Road West to Conlin Road West and falls within the Northwood Business Park's policy boundary. As documented in the 2015 Integrated Transportation Master Plan ("I.T.M.P."), the road is currently a two-lane rural north-south street with a posted speed limit of 50 km/hr. Other existing road characteristics include:

- Pavement Condition: The current Pavement Condition Index ("P.C.I.") assessment rating is 40 P.C.I., highlighting an immediate need for full reconstruction. The P.C.I. is rated on a scale from 0 to 100, with 100 representing a new or perfect condition.
- Active Transportation: Currently, there are no dedicated bike lanes or sidewalks along Stevenson Road North.

4.2 Future Needs

The I.T.M.P. recommends upgrading Stevenson Road North from to a two-lane urban arterial road including integrating a complete streets approach into its design. To implement these recommendations, an Environmental Assessment (“E.A.”) was required to confirm the need and identify the environmental impacts of the proposed upgrades.

The City retained Gannett Fleming Canada ULC to undertake the E.A. for Stevenson Road North. The E.A. is currently underway and expected to be completed by the end of 2024. The purpose of the study includes investigating upgrades to the roadway infrastructure, active transportation services, and municipal services. These improvements aim to enhance the overall function of Stevenson Road North, support adjacent land development, and boost economic and job creation opportunities for the City.

The current preferred solution includes reconstructing Stevenson Road North to a two-lane arterial road within the existing 20.1 metre (65.94 ft.) right-of-way, with no additional property required at this time. However, the study confirmed the need to protect a 30 metre (98.43 ft.) right-of-way for long-term needs beyond 2051. The E.A. also contemplates the potential need for Stevenson Road to be expanded to four lanes by 2051, dependant upon further analysis associated with the airport lands, to accommodate further growth and ensure efficient transportation.

4.3 Northwood Development Interest along Stevenson Road North

Significant development interest is emerging along Stevenson Road North, with three recent development projects submitted to the City poised to transform the area. The Gurundwara Sahib Durham Region Group is planning a new community center at 1410 Stevenson Road North, envisioning a central hub for cultural and social activities. Atria Development Corporation has submitted a proposal for two industrial developments at 1645 and 1707 Stevenson Road North, totaling approximately 29,636 square metres (319,000 sq. ft.). The larger development at 1645 Stevenson Road North would encompass three industrial units, while the site at 1707 Stevenson Road North is planned for one to two units. The completion timing of these developments is proposed by 2026 and is subject to the advancement of servicing and road improvements. In addition to these developments the City has received several requests from landowners, developers and prospective buyers/investors who have interest in advancing the servicing and road improvements on Stevenson Road North between Taunton Road West and Conlin Road East to facilitate development activity.

These projects directly align with the City’s economic development goals of attracting new investment, expanding employment opportunities, and enhancing the Northwood Business Park’s vitality. However, the anticipated servicing needs and traffic associated with these developments underscores the urgency for infrastructure improvements. The existing two-lane rural road design, with its lack of servicing, paved shoulders and sidewalks, is inadequate to handle the proposed developments and increased traffic/pedestrian volumes safely and efficiently. Therefore, advancing the Stevenson Road North servicing and reconstruction project is essential to accommodate this growth, prevent congestion, and ensure safe access for all road users, including pedestrians, cyclists, and transit users.

4.4 Correspondence from Development Community

- May 24, 2024: Atria Development Corporation sent a letter to the City (on behalf of 2865259 Ontario Corp. and 1000042400 Ontario Corp.) requesting the City of Oshawa to advance the design and construction of sanitary, water, and storm services for Stevenson Road North, to facilitate developments at 1645 and 1707 Stevenson Road North. Proposed development is slated to be completed by 2026, and Atria requires all related servicing to be functional as soon as possible.
- July 16, 2024: The Gurundwara Sahib Durham Region Group met with City staff to discuss their planned development of the Guru Nanak Sewa Community Centre at 1410 Stevenson Road North. They inquired about the City's road improvement timeline, which staff indicated is currently planned for 2029-2033, pending the completion of the Environmental Assessment. The group requested the City consider advancing the work to support their new community centre.
- August 26, 2024: A letter from John Henry, Regional Chair and C.E.O. of Durham Region, acknowledging Satwinder Singh's request to prioritize advancing the budget for regional servicing, including water and sanitary services, to 2025, pending Council approvals.
- September 3, 2024: A letter from the Gurundwara Sahib Durham Region Group requesting the City to advance roadwork and servicing to assist in the timely construction of their community centre, ensuring it meets the community's needs without delays.

There are strong economic benefits of these developments, including job creation and increased competitiveness within the Region. The Region's report highlights the importance of market-ready employment lands in attracting new investments and supporting economic growth.

4.4 Detailed Design and Utility Relocations

The E.A. is expected to be finalized by the end of 2024, providing a preliminary design for an interim and ultimate service solution.

To expedite the design and ensure a seamless and timely reconstruction process in 2026, it is recommended that the City single source a contract extension to Gannett Fleming Canada ULC (who is currently completing the E.A. process) to complete the detailed design of Stevenson Road North from Taunton Road West to Conlin Road East to support the advancement of potential utility relocations in 2025 and in preparation for the possibility of reconstruction in 2026.

Expanding the scope of work for Gannett Fleming Canada ULC to include the detail design assignment could result in both time and cost efficiencies as it would allow the detailed design to advance immediately following the E.A. completion. Gannett Fleming Canada ULC would have background information specific to the project location owing to them completing the E.A. process and preliminary design and have the expertise to complete the detailed design process. Advancing the design assignment through traditional

methods would delay the process and would push the possibility of construction activity beyond 2026.

The detailed design process will be comprehensive and will focus on road geometry, servicing, drainage, active transportation, and utility relocation, while ensuring a safe, efficient, and sustainable road environment for all users. The City will require Gannett Fleming Canada ULC to work closely with the Region of Durham to ensure seamless coordination of design for water and sanitary sewer services, minimizing potential delays and disruptions during the construction process.

4.5 Next Steps

The next steps include staff advancing a project in the Mayor's 2025 Budget for consideration, in order to coordinate the necessary support for the development of these sites and others on Stevenson Road, in conjunction with the Region's servicing plans. This initiative aims to align the City's infrastructure improvements with the planned developments, ensuring timely and efficient progress for all projects in the area.

It is also recommended that staff continue to explore opportunities to advance the reconstruction work to 2026 in collaboration with the Region and developers. This includes investigating various types of Development Agreements to assist with the cash flow of capital expenditures, such as service emplacement agreements (which are broadly referred to as Front Funding Agreements). These agreements, as per the Development Charges Act, 1997, S.O. 1997, are ideal when a landowner or developer performs work related to a City-covered service on the City's behalf. The City then reimburses the Developer either through Development Charge Credits or payment.

5.0 Financial Implications

Advancing the design and utility work is estimated at \$880,000 funded through the Transportation Roads Development Charge Reserve, and the Growth-Related Non-Development Charge Reserve, submitted for consideration in the Mayor's 2025 Budget.

Future needs beyond 2025, including construction costs, will be refined through the detailed design process and included in the Mayor's 2026 Budget for consideration.

6.0 Relationship to the Oshawa Strategic Plan

This Report responds to the Oshawa Strategic Plan Priority Areas:

“Belong: Inclusive and Healthy Community” with the goal to invest in infrastructure and assets that meet the needs for sustainable growth.

“Lead: Governance and Service Excellence” with the goal to provide transparent, efficient, and responsible fiscal stewardship and use of resources.

A handwritten signature in black ink that reads "Greg Hardy". The signature is fluid and cursive, with a long horizontal stroke at the end.

Greg Hardy, P.Eng., Director,
Engineering Services

A handwritten signature in blue ink that reads "Anthony Ambra". The signature is stylized and cursive.

Anthony Ambra, P.Eng., Commissioner,
Economic and Development Services Department

May 24, 2024

**Item: ED-24-116
Attachment 1**

Attention: Anthony Ambra, Commissioner

Economic and Development Services
The Corporation of the City of Oshawa
50 Centre Street South
Oshawa, ON
L1H 3Z7

Dear Mr. Ambra,

**RE: 1645 and 1707 Stevenson Road North, Oshawa
Developer Commitment to Site Servicing**

Atria Development Corp. ('Atria') is pleased to provide this letter of request on behalf of 2865259 Ontario Corp. and 1000042400 Ontario Corp. to enter into an agreement with the City of Oshawa to take responsibility for the design, tendering and construction work associated with the provision of adequate sanitary, water and storm services for Stevenson Road North, inclusive of 1645 and 1707 Stevenson Road North (the 'Sites'). It is important to note that it is our preference that the Region of Durham complete the above noted works, so please advise anticipated timing.

The Sites currently contemplate separate/independent one-storey industrial facilities, as summarized below:

1. 1645 Stevenson Road North
 - Approximately 209,000 sq.ft.;
 - Three units; and
 - 19 trailer parking spaces, 141 parking spaces and 27 loading spaces.
2. 1707 Stevenson Road North
 - Approximately 110,000 sq.ft.;
 - One to two units; and
 - 36 parking spaces and 15 loading spaces.

*Please note that the above noted development statistics are subject to amendment through the approval process.

As you are aware, portions of both Sites are currently subject to a Hold Zone Provision ("h-71"), as per the City of Oshawa's Zoning By-Law 60-94, to ensure that the sites are not developed until such time that they are compliant with applicable provisions, including site servicing:

Atria Development Corporation
5000 Yonge St, Suite 1706
Toronto, ON M2N 7E9

T 416.466.2144
info@atria.ca
atriadevelopment.ca

ATRIA
DEVELOPMENT

3.5.7(71)

- (b) *Appropriate arrangements are made for the provision of adequate sanitary, water and storm services to the satisfaction of the City, the Region of Durham and the Central Lake Ontario Conservation Authority.*

Atria is currently in the process of completing the City's 3-Stage Pre-Application Consultation (PAC) process, with the submission of a 'Technical' Stage-2 application for 1645 Stevenson in April 2024, followed by same for 1707 Stevenson Road in the coming months. We anticipate the conditional approval of a Site Plan Control (SPA) application and H-Lifting application by the end of 2024 (including Committee of Adjustment approval for Minor Variances, if necessary), for 1645 Stevenson Road North (followed by 1707 Stevenson Road North).

As the first proposed development is slated to be completed by 2026, Atria requires all related servicing be functional as soon as possible in the interest of public safety and tenant requirements. Atria will manage the works but will require a guaranteed compensation for project costs (inclusive of all hard and soft costs). A preliminary estimate provided by Crozier & Associates Consulting Engineers estimates a budget of approximately \$2 million plus contingency for sewer upgrades and restoration.

If agreed to, Atria will proceed with the design and coordination with the City of Oshawa to guarantee that said work is completed in a timely manner.

I trust that the foregoing is in order. Please contact the undersigned should you have any questions or require further information. Thank you.

Yours Truly,
Atria Development Corp.



Hans Jain
President and CEO

Sent by Email



August 26, 2024

Satwinder Singh
President, Gurudwara Sahib Durham Region (GSDR)
satwinder.virdi@gmail.com

**The Regional
Municipality of
Durham**

Office of the Regional
Chair

605 Rossland Rd. E.
Level 5
PO Box 623
Whitby, ON L1N 6A3
Canada
905-668-7711
1-800-372-1102
john.henry@durham.ca
durham.ca

John Henry
Regional Chair and
CEO

Re: 1410 Stevenson Road North Development

Dear Mr. Singh,

Thank you for your letter dated August 21, 2024 on the above subject matter.

Further to our meeting at the Regional Headquarters on May 27, Regional and City staff continue to discuss and assess your request on a priority basis. Specifically, considering your request and other development interests in the area, the City of Oshawa (City) is looking to advance the budget for the Stevenson Road widening to 2025, with the Regional Municipality of Durham (Region) simultaneously advancing the budget for servicing works to 2025. The budgets will be subject to City and Regional Councils on respective project elements.

As mentioned at the meeting, the City is in the process of completing an Environmental Assessment for Stevenson Road, which is anticipated to be completed by year end. That will be a significant milestone in advancing infrastructure on Stevenson Road. Regional staff meet quarterly with City staff to review and align projects, providing further opportunities to assess servicing options for properties in the Stevenson Road North area.

Sincerely,

A handwritten signature in blue ink, appearing to read 'John Henry', written over a printed name.

John Henry
Regional Chair and CEO

- c. Mayor Dan Carter
MPP Lorne Coe
Anthony Ambra, Commissioner, Economic & Development Services, City
of Oshawa



ੴ ਸਤਿਗੁਰ ਪ੍ਰਸਾਦਿ
ਗੁਰਦੁਆਰਾ ਸਾਹਿਬ ਡੁਰਹਮ ਰੀਜਨ

Gurudwara Sahib Durham Region
Guru Nanak Sewa Community Centre

P.O. Box No. 80063, 3100 Garden Street- Unit #1- Whitby L1R 0H1
durhamsikh.ca - 289-991-1410



Item: ED-24-116
Attachment 3

Date: September 03, 2024

Subject: Follow-Up on Water & Sewer Connections Request at 1410 Stevenson Road North, Oshawa

Dear Mayor Carter,

I hope this message finds you well. I am writing to follow up on my email from August 21, 2024, regarding the urgent need for coordination on the water and sewer connections for the Gurudwara Sahib Durham Region's new site at 1410 Stevenson Road North, Oshawa.

As highlighted in my previous message, the timely advancement of this project is critical to the successful development of our new community center, which will serve as an essential hub for our growing community. We understand that the Region's Employment Land Servicing Policy provides a framework for the financing and construction of these necessary services. However, we are concerned about potential delays that could significantly impact our timeline.

I kindly request an update on the status of this matter and any actions that have been taken or are planned to facilitate the coordination and installation of the required infrastructure. Your support in advancing this project would greatly assist us in moving forward with the construction of our community center, ensuring that we can meet the needs of our community without unnecessary delays.

Please let me know if there is any further information you require from our end or if a meeting would be beneficial to discuss this matter in more detail.

Thank you for your continued attention and support. I look forward to your response.

Sincerely,

Satwinder S Virdi

Satwinder S. Virdi
President, (GSDR)
Gurudwara Sahib Durham Region

647 937 8410

If this information is required in an accessible format, please contact 1-800-372-1102 ext. 3540.



The Regional Municipality of Durham Report

To: Works Committee
From: Commissioner of Works
Report: #2024-W-25
Date: December 4, 2024

Subject:

Updated Encroachment Policy for Encroachment, Tieback and Crane Swing Agreements

Recommendations:

That Works Committee recommends to Regional Council:

- A) That the updated Encroachment Policy (Attachment #1) for Encroachment, Tieback and Crane Swing Agreements be approved and adopted;
- B) That the Commissioner of Works be delegated authority pursuant to Section 23.2(1)(c) and Section 23.2(4) of the Municipal Act, 2001 SO 2001, c. 25 to amend the Encroachment Policy from time to time as may be required, including modifications and amendments to the Encroachment, Tieback and Crane Swing Agreements in a form and content satisfactory to the Regional Solicitor; and
- C) That the Commissioner of Works be authorized to attach the template agreements for Encroachment, Tieback and Crane Swing agreements as schedules to the Encroachment Policy once finalized in a form satisfactory to the Regional Solicitor and to execute all agreements associated with the Encroachment Policy.

Report:**1. Purpose**

- 1.1 The purpose of this report is to seek Regional Council approval for staff to implement an updated Encroachment Policy for Encroachment, Tieback and Crane Swing Agreements.

2. Background

- 2.1 The purpose of the Encroachment Policy is to formalize and clarify the procedure for granting encroachments onto Region-owned properties, including streets and road allowances.
- 2.2 This policy mitigates the Regional Municipality of Durham's (Region) exposure to risk and liability and protects the Region's rights and obligations with respect to the subject property. By outlining the Region's process for granting and terminating encroachments, the policy also provides standards and guidelines for Regional staff and transparency for property owners.
- 2.3 The current Encroachment Policy, in place since 1986, needs to be updated.

3. Tieback Agreements and Crane Swing Agreements

- 3.1 The updated Encroachment Policy also incorporates the implementation of Tieback Agreements and Crane Swing Agreements.
- 3.2 A Tieback Agreement authorizes a developer to shoot or drill tiebacks under adjoining land owned by the Region of Durham. The Tieback Agreement outlines various rights, obligations, and responsibilities of a developer and the Region being the adjoining property owner.
- 3.3 A Crane Swing agreement refers to an agreement that allows a developer to operate a crane above an adjacent property owned by the Region of Durham. During the development phase of the construction of a project, a crane requires enough space to swing or rotate while lifting materials in the airspace of a Region-owned property. The Crane Swing Agreement outlines various rights, obligations, and responsibilities of the developer and the Region, the adjoining property owner whose airspace would be encroached upon by the operation of a swinging crane.

4. Previous Reports and Decisions

- 4.1 Report #77-86, "Policy for Encroachment on Regional Road Allowances and Easements", was approved by Regional Council.

5. Financial Implications

- 5.1 Applicable fees under this policy will be updated as required and published annually in the Region's booklet of fees and charges.
- 5.2 Annual fees for Crane Swing and Tieback will be based on the property value discounted at the time of application and adjusted annually to reflect the property value for subsequent years.

6. Relationship to Strategic Plan

- 6.1 This report aligns with/addresses the following strategic goals and priorities in the Durham Region Strategic Plan:
- Goal 2.2 - Enhance community safety and well-being.
 - Goal 5.4 – Drive organizational success through innovation, a skilled workforce and modernized services.

7. Conclusion

- 7.1 Staff recommend that the attached updated Policy for Encroachment, Tieback and Crane Swing Agreements be adopted, as the policy has not been updated since April 1986.
- 7.2 This report has been reviewed by Legal Services – Office of the CAO.
- 7.3 For additional information, please contact Christine Dunkley, Director of Corporate Infrastructure and Strategic Business Services, at 905-668-7711, extension 3475.

8. Attachments

- 8.1 Attachment #1: Updated Encroachment Policy for Encroachment, Tieback and Crane Swing Agreements

Respectfully submitted,

Original signed by:

Ramesh Jagannathan, MBA, M.Eng., P.Eng., PTOE
Commissioner of Works

Recommended for Presentation to Committee

Original signed by:

Elaine Baxter-Trahair
Chief Administrative Officer



**THE REGIONAL MUNICIPALITY OF DURHAM
ENCROACHMENT POLICY – ENCROACHMENT, TIEBACK AND CRANE SWING ON
REGIONAL PROPERTY, INCLUDING STREETS AND ROAD ALLOWANCES**

1. Policy Statement

- 1.1 All existing and proposed privately owned encroachments on Region-owned properties, including streets and road allowances under the jurisdiction of the Regional Municipality of Durham (the “Region”), shall be subject to this Encroachment Policy.
- 1.2 The Region’s Encroachment Policy governs the application and approval procedure for the authorization of encroachments onto municipal streets and road allowances. If approved, the property owner and The Regional Municipality of Durham shall enter into an Encroachment Agreement.
- 1.3 The Encroachment Policy establishes the process for terminating an existing Encroachment Agreement with the Region.
- 1.4 The purpose of the Encroachment Policy is to formalize and clarify the procedure for granting encroachments onto Region-owned properties, including streets and road allowances. This policy mitigates the Region’s exposure to risk and liability and protects the Region’s rights and obligations with respect to the subject property. By outlining the Region’s process for granting and terminating encroachments, the policy also serves to provide standards and guidelines for members of the regional administration as well as transparency and property owners.

2. Definitions

- 2.1 **Commissioner of Works** - means the Commissioner of Works, or their designate or their employees in the Corporate Real Estate Services division.
- 2.2 **Director of Legal Services** - means the Director of Legal Services being the Regional Solicitor or their designate.
- 2.3 **Region** - means The Regional Municipality of Durham.
- 2.4 **Council** - means the Municipal Council of the Corporation or the Council of the Regional Municipality of Durham.
- 2.5 **Encroachment** - means any vegetation or natural object placed by a property owner, or man-made feature or object or item of personal property of a person which exists wholly or partly on or extends from a property owner's premises onto streets or road allowances and shall include any aerial, surface or subsurface encroachments.
- 2.6 **Encroachment Agreement** - means a binding agreement between the Region and the property owner, prepared by the Region, granting authorization for a property owner to erect and maintain an encroachment on a Region-owned property, street, or road allowance.
- 2.7 This policy also includes any applications for a Tieback Agreement and Crane Swing Agreement, for which there is a Region of Durham template for either form of agreement also subject to this policy containing the application and contractual requirements that an applicant must adhere to. The definition of each agreement is as follows.
- 2.8 **Tieback Agreement** - A tieback agreement authorizes a developer to shoot or drill tiebacks under an adjoining property owner's land owned by the Region of Durham. The Tieback Agreement template, attached as Schedule B, outlines various rights, obligations, and responsibilities of a developer and the Region being the adjoining property owner.
- 2.9 **Crane Swing Agreement** - A crane swing agreement refers to an agreement that allows the developer to operate its crane above the property of a nearby neighbour owned by the Region of Durham. During the construction of a project, the crane requires enough space to swing or rotate while lifting materials in the airspace of Region of Durham owned property. The Crane Swing Agreement

template, attached as Schedule C, outlines various rights, obligations, and responsibilities of the developer and the Region being the adjoining property owner and whose airspace will be encroached upon by the operation of a swinging crane from time to time.

2.10 **Property Owner** - means the registered owner of the property.

3. Applicability

3.1 This policy applies to all Region-owned property, including road allowances, streets, and lanes, whether assumed or not under the jurisdiction of the Regional Municipality of Durham.

4. The Policy

Standards for Assessing Encroachments on Streets and Road Allowances

4.1 The general nature of encroachments to be considered for a formal agreement under this policy is that they are of a permanent or semi-permanent nature, not easily removable and do not involve an area enclosed for exclusive use.

4.2 Temporary encroachments are to be processed as applications for a Licence Agreement or an Encroachment Permit and are not covered under this policy.

4.3 The Region of Durham considers the following non-exhaustive list of factors when considering the appropriateness of an encroachment:

- a. The encroachment interferes with the Region's use, enjoyment or purpose in holding the property;
- b. The creation of unsafe or hazardous conditions if the encroachment is permitted;
- c. The encroachment provides valuable commercial benefits;
- d. The encroachment interferes with any plans, initiatives or works of the Region to the subject property;
- e. The encroachment interferes with a utility or similar installation located on the subject property;
- f. The encroachment diminishes the right of public usage;

- g. The encroachment is deemed incompatible with established neighbourhood aesthetics, particularly in designated heritage districts;
- h. The encroachment creates liabilities for which the Region cannot assign sufficient responsibility to the owner of said encroachment or threatens to nullify the Region's blanket insurance coverage;
- i. Encroachments onto lanes and walkways will generally not be approved due to the limited space and potential interference with throughway traffic; and
- j. Encroachments already under construction or recently constructed prior to receiving approval will not increase the likelihood of an approval being granted.

5. Approval Process

- 5.1 Prior to making a formal application for permission to encroach onto a street or road allowance, property owners shall contact the Commissioner of Works, who shall determine if the encroachment can be approved.
- 5.2 All proposed encroachments will be reviewed and assessed using Regional standards related to health and safety, and in the case of a road allowance, the safe functionality of the road, and any other relevant criteria that may apply. Encroachment requests will be reviewed, but approval is not guaranteed.
- 5.3 Some areas may allow encroachment, while others may prohibit them due to local circumstances. The refusal to approve an existing encroachment may result in the owner having to remove the encroachment from the road allowance.
- 5.4 The Commissioner of Works, at their complete discretion, may circulate the request to other members of the Region of Durham Administration including, but not limited to, the Commissioner of Planning and the Director of Legal Services, where the Commissioner of Works deems it necessary for the purposes of consultation and approval.
- 5.5 Possible outcomes:

Acceptable Encroachments that comply with Region standards

- The property owner will be advised that the proposed encroachment complies with Regional standards and that a formal application for

encroachment agreement will be accepted subject to any applicable conditions.

Unacceptable Encroachments that do not comply with Region Standards.

- Encroachments that create an unacceptable risk or otherwise interfere with the use of the street or road allowance by either the public, the Region or utility company operations, now or in the future, will not be permitted and, if existing, must be removed by the owner forthwith. Examples include sight obstructions, any obstacle that creates a trip or fall or snow plough hazard near the publicly travelled portion of the street, and anything that unduly interferes with access to or has the potential to damage existing or proposed Region services or utility infrastructure.

Minor Encroachments that do not comply with Region Standards.

- Encroachments that do not comply with Region Standards that otherwise do not create a significant risk to the public or Region or utility companies will not be considered for an encroachment agreement but may remain temporarily at the Region's sole and absolute discretion, it being understood that the property owner is fully responsible for the encroachment and that neither the Region nor utility companies will be responsible for damage caused thereto or for the complete loss of the encroachment no matter how caused. Examples of minor encroachments include irrigation systems, hedges, shrubbery, and simple landscaping at grade.

Encroachments caused by a property being acquired by the Region.

- Special consideration will be given should the Region engage in acquiring property for a capital project, or road construction project and an encroachment is created resulting from the Region acquiring the required property. In such instances, should the encroachment be approved, the Commissioner of Works shall have the discretion to waive all fees except for any insurance and indemnity requirements for the encroachment.
- Commissioner of Works may also waive all fees except for any insurance and indemnity requirements for an encroachment in instances where the encroachment may have been created by construction activity, event, or act of negligence as may be attributable to the Region.

6. Application Process

6.1 Formal applications for encroachment agreements are to be made in writing to the Region Works Department and include the following and shall be the same requirements for an application for a Tieback Agreement or Crane Swing Agreement:

- a. A plan drawn to scale deemed acceptable by a professional surveyor that adequately depicts the extent of the encroachment onto the Regional road allowance, fully dimensioned in both plan and profile including heights and underground footings and utility locations, if applicable.
- b. PIN (Property Identifier Number) printout for the property which will benefit from the agreement.
- c. Full name, address, telephone number and email address of the owner and owner's Solicitor.

6.2 The fee shall be the application fee plus any one-time amount as determined by the Region.

6.3 Property owners may make one application per proposed encroachment. Completed applications accompanied by the application fee should be delivered to:

Regional Municipality of Durham

Works Department, 5th Floor

605 Rossland Road West,

Whitby, Ontario

Attention: Corporate Real Estate

7. Billing and Arrears

7.1 The Region will invoice the applicant at least thirty-days prior to the expiry of the agreed upon term for the fees of the following term. Any invoice not paid within

ninety days of the invoice date; the Region will have the option to add the arrears to the property tax invoice, including late payment charges, if applicable.

- 7.2 The Region shall have the option to treat the arrears as a charge against the applicant's property.

8. Approval Process

- 8.1 The Commissioner of Works is responsible for reviewing street encroachment applications and granting approvals.
- 8.2 Before approving an application for an encroachment onto a street or road allowance, the Commissioner of Works shall be satisfied that the encroachment meets Region standards.
- 8.3 Upon approval by the Commissioner of Works, the application will be forwarded to the Region's Legal Department. The Legal Service department in coordination with the corporate Real Estate division will draft the Encroachment Agreement which will be sent to the applicant for execution.
- 8.4 Any pending building permits or development approvals will not be issued until the executed agreement is returned from the applicant's lawyer complete with proof of insurance and payment for any charges owing.
- 8.5 The executed agreement will be registered against the applicant's adjoining property after it is returned to the Region.
- 8.6 Registration fees are the responsibility of the Region and are included in the application fee. Encroachment Agreements will be subject to an annual fee to be updated from time to time and listed in the Fees and Charges By-law to be paid in advance for five years, every five years.
- 8.7 Where the Commissioner of Works deems it appropriate to approve an encroachment and depending upon the nature of the encroachment, the agreement may contain a "removal clause" that requires the property owner to remove the encroachment and restore the road allowance to its original condition, at the applicant's sole expense, upon written notice being given by the Commissioner of Works.

9. Denied Applications

9.1 If the Commissioner of Works denies an application, the property owner will be advised in writing of the reasons for the denial. Should the applicant wish for a review of the denial they may submit in writing to the Commissioner of Works, which shall in turn be reviewed in consultation with the Regional Solicitor or their designate.

10. Authority for Approval of Encroachments, Tieback and Crane Swing Agreements

10.1 The Commissioner of Works shall have delegated authority to approve or reject applications, authorize encroachments, tiebacks and crane swing agreements, execute on behalf of the Region the agreement and terminate existing Encroachment, Tie back or Crane Swing Agreements, whether Region initiated or upon property owner request, on streets and road allowances pursuant to Section 23.2(1)(c) and Section 23.2(4) of the Municipal Act, 2001 SO 2001, c.25.

10.2 The Commissioner of Works delegated authority shall also include the ability to amend this policy from time to time as may be required, including modifications and amendments to the Encroachment, Tieback and Crane Swing Agreement in a form and content as may be approved by the Regional Solicitor, as long as either the policy or agreement is not being altered materially.

11. Insurance and Indemnity

11.1 The encroacher must be capable of holding adequate insurance in perpetuity and indemnifying the Region from all claims that may result by reason of the existence of the encroachment.

11.2 The applicant shall provide proof of insurance in a form and amount satisfactory to the Region's Risk Management and Insurance division in the minimum amount of \$5 million or such other amount as determined by the Risk Management and Insurance division, naming The Corporation of the Regional Municipality of Durham as an additional insured. The Certificate of Insurance shall be submitted to the Region at the time the executed Encroachment Agreement is returned to the Region. The Certificate of Insurance must be satisfactory in form and content to the Risk Management and Insurance division. The onus is on the landowner to carry the insurance in perpetuity and to provide the Region with proof of insurance at each renewal of coverage.

- 11.3 The applicant shall agree to indemnify and hold harmless The Corporation of the Regional Municipality of Durham from and against all liability with respect to all claims that may arise or be made against the Region resulting from the encroachment.
- 11.4 All approved encroachments are placed at the property owner's own risk. The Region is not responsible for repairing or replacing an encroachment or providing damages arising from clearing and removing litter, graffiti, posters, snow, or ice, or as a result of repairs or reconstruction.

12. Termination of an Encroachment Agreement

- 12.1 To terminate an existing Encroachment Agreement with the Region the property owner or their lawyer must submit a request, in writing, and provide proof that the encroachment no longer exists, to the Commissioner of Works.
- 12.2 Where a property owner has removed the encroachment to the satisfaction of the Commissioner of Works, the discharge document will be executed and returned to the property owner's lawyer for registration. Proof of registration must be provided to the Region so that any ongoing charges from the property's tax register can be deleted.
- 12.3 Charges relating to the agreement will continue until the Region is formally advised. Any fees paid will not be refunded in whole or in part because of the termination of the agreement.
- 12.4 Where an existing encroachment agreement approved by by-law has been grandparented into this policy, the Commissioner of Works will request the Clerks Office to arrange to have the necessary rescinding by-law submitted directly to Council.

13. Form of Agreement

- 13.1 Attached as Schedule 'A' to this policy is the Form of Agreement to be used in cases where an encroachment has been approved. Minor deviations not impacting the nature of the agreement shall be allowed at the discretion of the Commissioner of Work.
- 13.2 Schedule B contains the form of template Tieback Agreement.
- 13.3 Schedule C contains the form of template Crane Swing Agreement.

14. Grandparenting

- 14.1 Any approved outstanding non-registered agreements as of the date this policy is adopted will be accepted as-is and registered under the provisions of this policy. For termination purposes, all existing agreements are grandparented under this policy. Otherwise, the Encroachment Policy does not apply to encroachments approved before the date that the Encroachment Policy is adopted, provided that such encroachments continue to comply with the terms of their original approvals and agreements and have not expired.

Compliance after expiry

- 14.2 Under the old policy, encroachment agreements had a term of five years. Therefore, should any encroachment not be covered by a new encroachment agreement at the expiry of that five-year cycle, they shall be subjected to this new policy and enter into an encroachment agreement in compliance with this policy.

If this information is required in an accessible format, please contact 1-800-372-1102 ext. 3540.



The Regional Municipality of Durham Report

To: Works Committee
From: Commissioner of Works
Report: #2024-W-26
Date: December 4, 2024

Subject:

Sole Source Procurement of Engineering Services for the Detailed Design of Intersection Improvements at Bayly Street (Regional Road 22) and Sandy Beach Road in the City of Pickering

Recommendation:

That the Works Committee recommends to Regional Council:

- A) That staff be authorized to award a sole source engineering services agreement to T.Y. Lin International Canada Inc. to undertake the detailed design of intersection improvements at Bayly Street (Regional Road 22) and Sandy Beach Road, in the City of Pickering, for an amount not to exceed \$310,000, subject to the approval of additional financing for the project in the proposed 2025 Business Plans and Budgets; and
 - B) That the Commissioner of Finance be authorized to execute the necessary documents related to the sole source agreement.
-

Report:

1. Purpose

- 1.1 The purpose of this report is to seek Regional Municipality of Durham (Region) Council approval to award a sole source for engineering services to T.Y. Lin International Canada Inc. (TYLin) to undertake the detailed design of intersection improvements at Bayly Street (Regional Road 22) and Sandy Beach Road, in the City of Pickering (Pickering).
- 1.2 Dollar amounts followed by an asterisk (*) are before applicable taxes.

2. Background

- 2.1 Pickering has retained TYLin to complete a detailed design assignment for the reconstruction of Sandy Beach Road extending from Bayly Street south to Montgomery Park Road.
- 2.2 Pickering has construction funding approved to complete the Sandy Beach Road reconstruction. It is anticipated that the tender will be distributed in late 2025 with construction to commence in Spring 2026. Pickering completed a Request for Proposal (RFP) in April 2017 for the Sandy Beach Road Environmental Assessment, Detailed Design and Contract Administration/Field Inspection Services. In June 2017, Pickering awarded the Request for Proposal to The Municipal Infrastructure Group Ltd. (See Attachment #1 City of Pickering Report to Executive Committee (ENG 12-17)). In March 2022, The Municipal Infrastructure Group Ltd. changed its name to T.Y. Lin International Canada Inc. (TYLin). Pickering's original assignment did not include detailed design for the intersection improvements at Bayly Street and Sandy Beach Road as the Region was not involved in the original RFP process.
- 2.3 Funding for the intersection improvements at Bayly Street and Sandy Beach Road in the amount of \$250,000 was previously approved in the Regional Capital Road Program budget. Additional funding totalling \$450,000 is being proposed in the 2025 Regional Road Program to award the sole source engineering services agreement, provide internal staff time to manage the consultant, and for utility relocations. The execution of the sole source engineering services agreement is contingent on the approval of this additional funding. The improvements at the Bayly Street and Sandy Beach Road intersection are planned to include a realignment of the north leg of the intersection to correct the existing offset north-south lane alignment, addition of northbound and southbound left-turn lanes, introduction of a median island on the east leg of the intersection to improve east-west lane alignment and improve traffic signal head visibility, and bringing the intersection up to current accessibility standards.
- 2.4 The 2024 Regional Capital Road Program forecasts construction funding for the Bayly Street and Sandy Beach Road intersection improvements in 2028. Forecasted construction funding is being brought forward to 2026 as part of the 2025 Regional Capital Road Program to align with the construction timing of Pickering's Sandy Beach Road reconstruction project.

2.5 The ultimate deliverable of TYLin's detail design assignment will be to produce a single construction contract for Pickering's reconstruction of Sandy Beach Road which will include the intersection improvements at Bayly Street. This is being proposed to minimize future reconstruction and disruption of the intersection.

3. Sole Source Justification

3.1 Retaining TYLin for the detail design for the intersection improvements at Bayly Street and Sandy Beach Road, while completing the design for the Sandy Beach Road reconstruction presents the following benefits:

3.2 Engaging a single consultant will provide an accelerated and seamless design and take advantage of the synergies between Pickering and the Region.

3.3 A single consultant will also streamline utility relocation work and ensure utility relocation plans account for both projects concurrently to avoid duplication of work.

3.4 Retaining a different consultant for the intersection improvements at Bayly Street and Sandy Beach Road is impractical, as the road design process is very dynamic and having two separate consultants coordinating overlapping designs would require complete integration of each of the consultants' design processes.

3.5 Combining the design of the Sandy Beach Road reconstruction and the Bayly Street intersection improvements into a single construction contract designed by TYLin will save cost, time, and limit public disruption by avoiding repeated construction at the intersection. This also benefits the overall road network by having the intersection operating in its improved configuration sooner than forecasted.

4. Proposed Engineering Services

4.1 The estimated engineering fee of \$310,000 includes the following services:

- Project Management;
- Coordination with Pickering and other key stakeholders;
- Topographic survey;
- Subsurface utility investigations, mapping, and coordination for relocations;

- Road design, including traffic safety;
- Geotechnical and geo-environmental investigations, reporting and design;
- Traffic signal design;
- Traffic and construction staging design;
- Contract specification preparation; and
- Additional services as required by the project.

4.2 The hourly staff rates quoted by TYLin for this assignment are comparable to the hourly rates paid for other competitively bid assignments undertaken by consultants on behalf of the Region.

5. Financial Implications

5.1 Section 8.4.2 of the Region's Purchasing By-law Number 16-2020 requires approval of Regional Council to award an assignment as a sole source where the project or annual value of a consulting or professional service assignment is expected to be \$100,000 or greater. Utilizing a second consultant for the additional design work at the Bayly Street and Sandy Beach intersection that was not included in the initial procurement by the City of Pickering would cause substantial duplication of costs.

5.2 Financing for the procurement of the engineering services estimated at \$310,000 is to be provided from the approved project budget (Project ID R2001) after Regional Council's approval of the 2025 Regional Road Program.

6. Relationship to the Strategic Plan

6.1 This report aligns with/addresses the following strategic goals and priorities in the Durham Region Strategic Plan:

- a) Economic Prosperity Goal #3.3: Enhance communication and transportation networks to better connect people and move goods more effectively.
- b) Service Excellence Goal #5.1: Optimize resources and partnerships to deliver exceptional quality services and value.

7. Conclusion

- 7.1 It is recommended that authorization be approved for the sole source engineering services agreement with T.Y. Lin International Canada Inc. for the detailed design of intersection improvements at Bayly Street (Regional Road 22) and Sandy Beach Road, in the City of Pickering, at an upset limit not to exceed \$310,000.
- 7.2 This report has been reviewed by the Finance Department, and the Commissioner of Finance concurs with the recommendations.
- 7.3 For additional information, contact: Reid McGregor, Manager, Transportation Design, at 905-668-4113, extension 3502.

8. Attachments

- 8.1 Attachment #1: City of Pickering Report to Executive Committee (ENG 12-17) Consulting Services for Sandy Beach Road Reconstruction

Respectfully submitted,

Original signed by:

Ramesh Jagannathan, MBA, M.Eng., P.Eng., PTOE
Commissioner of Works

Recommended for Presentation to Committee

Original signed by:

Elaine C. Baxter-Trahair
Chief Administrative Officer

From: Richard Holborn
Director, Engineering Services

Subject: Consulting Services for Sandy Beach Road Reconstruction
- Request for Proposal No. RFP-1-2017
- File: A-1440

Recommendation:

1. That Proposal No. RFP-1-2017, for Consulting Services for Sandy Beach Road Reconstruction; to include the Class Environmental Assessment, Detailed Design and Contract Administration/Field Inspection Services (Montgomery Park Road to Bayly Street) submitted by The Municipal Infrastructure Group Ltd. in the amount of \$649,594.06 (HST included) be accepted;
2. That the total gross project cost of \$749,558.00 (HST included), including the RFP amount, and associated costs, and the total net project cost of \$675,000.00 (net of HST rebate) be approved;
3. That Council authorize the Director, Finance & Treasurer to finance the net project cost of \$675,000.00 as follows:
 - a) The sum of \$300,000.00 as approved in the 2016 Capital Budget – Development Projects to be financed by an Internal Loan for 10 Years;
 - b) The sum of \$337,500.00 as approved in the 2016 Capital Budget – Development Projects to be funded by a transfer from the Development Charges Roads & Related Reserve Fund;
 - c) The additional sum of \$37,500.00 to be funded by a transfer from the Accelerated Infrastructure Program Reserve (AIP); and
4. That the appropriate officials of the City of Pickering be authorized to take the necessary actions as indicated in this report.

Executive Summary: As part of the 2016 Capital Budget – Development Projects, the completion of the Sandy Beach Road Environmental Assessment, Detailed Design and Contract Administration/Field Inspection Services was approved as a project.

Request for Proposal No. RFP-1-2017 was issued on April 5, 2017 and closed on May 4, 2017. The Evaluation Committee consisting of staff from the Engineering Services Department, reviewed and evaluated the six proposals received using criteria outlined in the Terms of Reference.

It is recommended by the Evaluation Committee that The Municipal Infrastructure Group Ltd. (TMIG) be retained to undertake the Class Environmental Assessment, Detailed Design and Contract Administration/Field Inspection Services of the Sandy Beach Road reconstruction at a cost of \$649,594.06 (HST included). The proposal cost provided by TMIG exceeds the approved budget and additional funds are required. The total net project cost (including proposal amount, TRCA permits, contingencies and net HST) is estimated to be \$675,000.00. Additional funding in the amount of \$37,500.00 will be required from a transfer from the Accelerated Infrastructure Program (AIP) Reserve.

In accordance with Section 10.04 of the Purchasing Policy, where the project cost of a consulting assignment is more than \$50,000.00, the award is subject to the approval of Council.

Financial Implications:

1. Proposal Amount

Proposal No. RFP-1-2017	\$574,862.00
HST (13%)	<u>74,732.06</u>
Total Gross Project Amount	<u>\$649,594.06</u>

2. Estimated Project Costing Summary

Proposal No. RFP-1-2017	\$574,862.00
Associated Costs	
Contingency (10%)	57,486.00
Toronto and Region Conservation Authority Permit Approval and Review Cost	<u>30,978.00</u>
Total	663,326.00
HST (13%)	<u>86,232.00</u>
Total Gross Project Costs	\$749,558.00
HST Rebate (11.24%)	<u>(74,558.00)</u>
Total Net Project Costs	<u>\$675,000.00</u>

3. Approved Source of Funds – 2016 Development Projects

Expenditure Account	Source of Funds	Budget	Required
5321.1609.6221	Internal Loan-10 Years	\$300,000.00	\$300,000.00
5321.1609.6221	DC Roads & Related Reserve Fund	300,000.00	337,500.00
Additional Funds Required	Accelerated Infrastructure Program (AIP) Reserve	<u>0.00</u>	<u>37,500.00</u>
Total Funds		<u>\$600,000.00</u>	<u>\$675,000.00</u>

Net project costs (over) under approved funds	(\$75,000.00)
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This project has an over expenditure that exceeds 10% of the approved amount. The over expenditure is primarily due to the inclusion of a 10% contingency provided to cover possible additional construction costs in the event of unforeseen circumstances, and costs associated with permit review and approval. This contingency may not be required.

In accordance with Section 11.04 of the City’s Financial Control Policy, over expenditures exceeding 10% of the approved capital expenditure shall require the approval of the Treasurer, the Chief Administrative Officer, and Council.

The Director, Finance & Treasurer concurs that the additional funds required will be funded from the AIP Reserve as this project is one of the projects included in the Accelerated Infrastructure Program.

Discussion: The 2016 Capital Budget – Development Projects, includes \$600,000.00 for the completion of the Sandy Beach Road Environmental Assessment, Detailed Design and Contract Administration/Field Inspection Services. Proposal No. RFP-1-2017 was issued on April 5, 2017 and closed on May 4, 2017. The Evaluation Committee consisting of staff from the Engineering Services Department, reviewed and evaluated the six proposals received using criteria outlined in the Terms of Reference.

Sandy Beach Road is located between Liverpool Road and Brock Road. Sandy Beach Road is an Arterial Road Class C, from Bayly Street to a point 950 meters south, and is a collector road from that point to Montgomery Park Road, under the jurisdiction of the City of Pickering. It has an Average Annual Daily Traffic (AADT) of approximately 4500 including truck traffic. It is currently a two-lane roadway and has a rural cross-section. It is located in the Brock Industrial Area serving commercial businesses, as well as, Kinsmen Park, Alex Robertson Park and the Pickering Nuclear Generating Station and provides a means of access to the Bay Ridges neighbourhood to the west. The existing Waterfront Trail crosses Sandy Beach Road close to the intersection of Montgomery Road.

There are two major existing structures, one culvert and one bridge on Sandy Beach Road. Krosno Creek crosses Sandy Beach Road at these two locations, as shown in the location map (Attachment #1). The 2016 Road Needs Study recommends Sandy Beach Road for reconstruction, and the 2013 Development Charges Study recommends three-lane reconstruction, including storm sewers. There is an existing sidewalk on some sections of Sandy Beach Road, but it is not continuous or connected.

A consultant is required to carry out the Environmental Assessment (EA) and Preliminary Design for Sandy Beach Road from Montgomery Park Road to Bayly Street, and also to complete a Detailed Design package including detailed design drawings and tender specification documents. The consultant will also provide contract administration and field inspection during construction for the road, at a future date subject to the budget approval.

Proposal No. RFP-1-2017 was issued on April 5, 2017 to obtain proposals to undertake the Environmental Assessment and Detail Design of Sandy Beach Road (Montgomery Park Road to Bayly Street). The RFP process closed on May 4, 2017, with 6 proposals submitted.

The City received submissions from the following consulting firms:

- Ainley Group
- Chisholm, Fleming & Associates
- GHD
- GREER GALLOWAY Consulting Engineers
- Morrison Hershfield
- The Municipal Infrastructure Group Limited (TMIG)

The proposals received were reviewed by the Evaluation Committee consisting of staff from the Engineering Services Department. Proposals were evaluated based on the consultant's experience on similar projects, their understanding of the project, proposed work plan and deliverables, project team overview, quality of their references, quality of their proposal and their pricing. The Municipal Infrastructure Group Limited (TMIG) received the highest average score.

The proposal submitted by TMIG exceeds the approved budget and additional funds are required. The total net project cost required (including proposal amount, contingencies and net HST) is estimated to be \$675,000.00. An additional funding amount of \$75,000.00 is required.

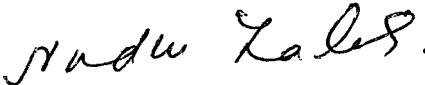
The Health & Safety Statement signed by TMIG and Certificate of Clearance issued by the Workplace Safety & Insurance Board have been reviewed by the Coordinator, Human Resources and deemed acceptable. TMIG is currently providing consulting and professional services to the City for the detailed design of culverts and erosion control for Krosno Creek and is deemed acceptable by the Manager, Capital Projects and Infrastructure. The list of sub-consultants as submitted by TMIG for this project has been reviewed and deemed acceptable by the Manager, Capital Projects and Infrastructure. The Certificate of Insurance has been reviewed by the Manager, Budgets & Internal Audit, and is deemed acceptable.

Upon careful examination of all proposals and relevant documents received, the Engineering Services Department recommends the acceptance of Proposal No. RFP-1-2017 submitted by TMIG in the amount of \$649,594.06 (HST included) and that the total net project cost of \$675,000.00 (net of HST rebate) be approved.


Attachments:

1. Location Map
 2. Supply & Services Memorandum dated May 16, 2017
-

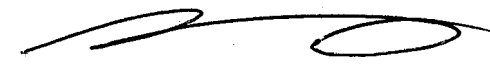
Prepared By:

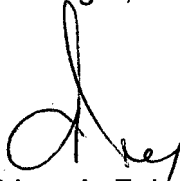

 Nadeem Zahoor, P.Eng., M.Eng.
 Coordinator Transportation Engineering

Approved/Endorsed By:



 Richard Holborn, P.Eng
 Director, Engineering Services

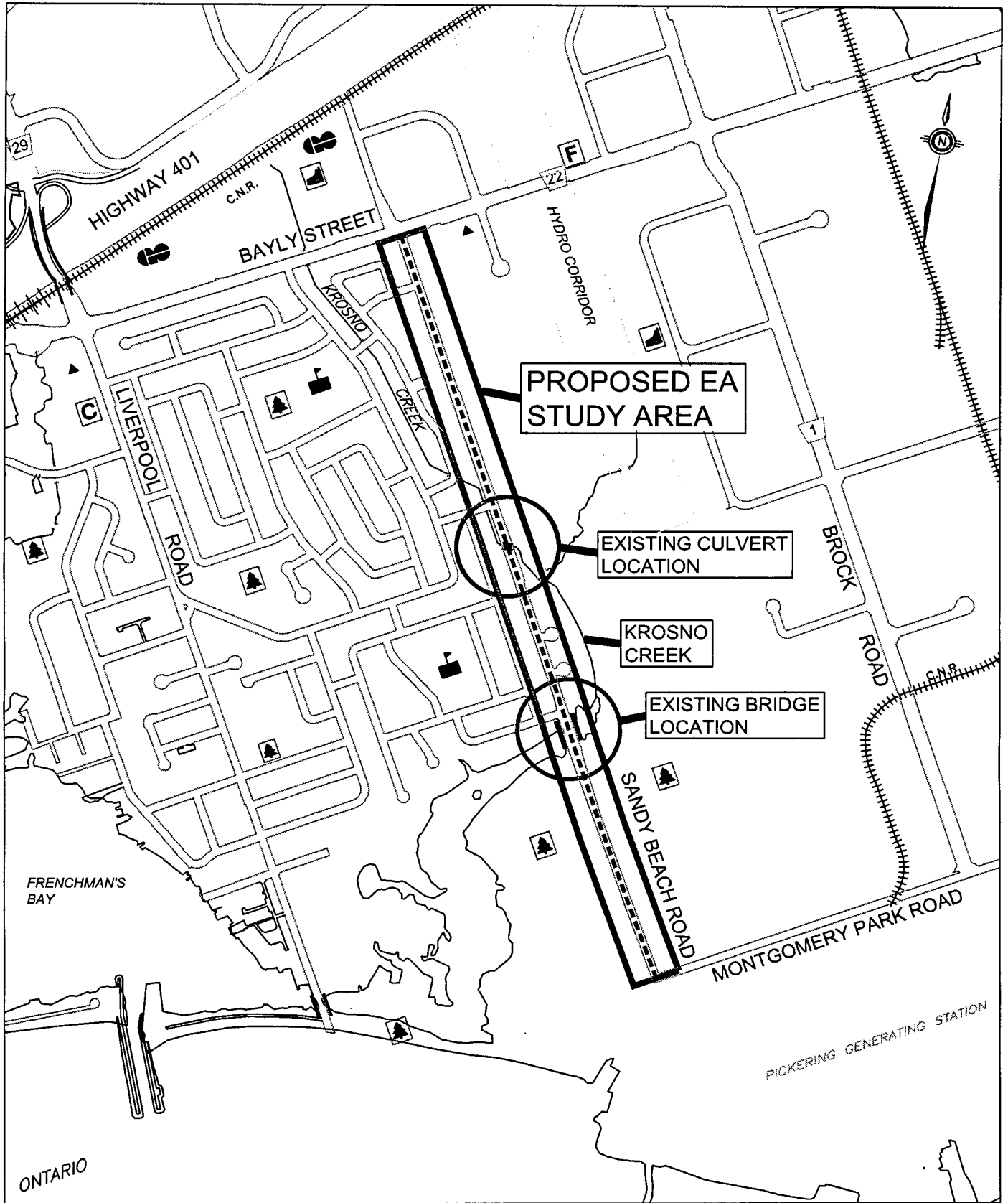

 Darrell Selsky, C.E.T., CMM III
 Manager, Capital Projects & Infrastructure


 Stan Karwowski, MBA, CPA, CMA
 Director, Finance & Treasurer


 Vera A. Felgemacher
 CSCMP, CPPO, CPPB, CPM, CMM III
 Manager, Supply & Services

NZ:mjh

<p>Recommended for the consideration of Pickering City Council</p> <p></p> <p>Tony Prevedel, P.Eng. Chief Administrative Officer</p>



Engineering Services
Department

Location Map
Report ENG 12-17

City of
PICKERING

SCALE: N.T.S. DATE: May 19 /2017

To: Richard Holborn
Director, Engineering Services

May 16, 2017 Revised

From: Vera A. Felgemacher
Manager, Supply & Services

Copy: Administrative Assistant, Engineering Services
Supervisor, Supply & Services

Subject: Consulting Services for Sandy Beach Rd. Reconstruction
Proposal No. RFP-1-2017
Closing Date: Thursday, May 4, 2017 at 12:00 p.m. (local time)
- File: F-5300-001

Further to the memo dated May 8, 2017, the Terms of Reference for the above project were issued on April 5, 2017. An advertisement was posted on the City's website. Six (6) proposals were received by the closing date.

The proposals received contained the mandatory requirements for Stage 1 Evaluation, and proceeded to Stage II. The Evaluation Committee, consisting of City Staff from the Engineering Services Department, conducted independent evaluations of the proposals. A combined average score for the proposal was completed and a copy of the approved final consensus spreadsheet is attached.

A summary of the submitted pricing (excluding HST) and points awarded for the proposal is attached.

Municipal Infrastructure Group has received the highest overall points. The total cost to provide this service is \$574,862.00 plus HST.

A budget of \$600,000.00 was provided to Supply & Services for this procurement.

In accordance with Appendix D – Request for Proposals Particulars, Item B – Material Disclosures, the following documents will be requested from Municipal Infrastructure Group and submitted for approval by the Employment & Compensation Specialist and the Manager, Budgets & Internal Audit:

- (a) A copy of the Health & Safety Policy to be used on this project (currently dated and signed), or the City's Health & Safety Policy Acknowledgement form;
- (b) A copy of the current Certificate of Clearance issued by Workplace Safety & Insurance Board;
- (c) The City's certificate of insurance shall be completed by the bidder's agent, broker or insurer.
- (d) A completed Accessibility Regulations for Contracted Services form; and
- (e) A completed Sub-contractors List, listing all sub-contractors who may be carrying out any part of this Contract.

Please advise if Supply & Services is to proceed with this task.

In accordance with Purchasing Policy Item 06.04, the authority for the dollar limit as set out below excludes HST.

As such, in accordance with Purchasing Policy Item 10.04, where written proposals are obtained by the Manager in accordance with procedures set out in Section 06 and funds are available in the approved budget;

(a) An award over \$50,000 is subject to the additional approval of Council.

Please include the following items in your report:

1. if Items (a) and (b) noted above are acceptable to the Co-ordinator, Health & Safety or designate;
2. if Item (c) is acceptable to the Manager, Budgets & Internal Audit;
3. if the list of subcontractors is acceptable;
4. any past work experience with Municipal Infrastructure Group including work location;
5. the appropriate account number(s) to which this work is to be charged;
6. the budget amount(s) assigned thereto;
7. Treasurer's confirmation of funding;
8. related departmental approvals; and
9. related comments specific to the project.

After receiving Council's approval, an approved "on-line" requisition will be required to proceed.

Do not disclose any information to enquiries during this time. The Proponent will be advised of the outcome in due course. An award notice will be placed on the City's website upon receipt of all required approvals.

If you require further information, please feel free to contact me or a member of Supply & Services.



VAF/sb
Attachments (1)

If this information is required in an accessible format, please contact 1-800-372-1102 ext. 3540.



The Regional Municipality of Durham Report

To: Works Committee
From: Commissioner of Works
Report: #2024-W-27
Date: December 4, 2024

Subject:

Additional Financing for Unbudgeted Capital Projects Declared as Emergencies

Recommendation:

That Works Committee recommends to Regional Council that:

- A) Information related to unbudgeted capital work resulting from emergency events be received for information; and
- B) Additional financing for the completion of the following unbudgeted capital projects be provided from surplus funding from within the 2024 Solid Waste Management and Durham Region Transit Budgets at the discretion of the Commissioner of Finance:

Solid Waste Management

Fire Suppression System Material Recovery Facility (MRF) - Phase 2
Project ID: G2218

Previously Approved Financing

General Tax \$ 500,000

Additional Financing first from any available 2024 Solid Waste Management surplus, with any remaining amounts from any other Solid Waste Management source at the discretion of the Commissioner of Finance \$582,545

Total Revised Capital project **\$1,082,545**

Durham Region Transit

Bus Hoist Repair Durham Region Transit (DRT) East
Project ID:H2401

Proposed Financing first from any available 2024 Durham Regional Transit surplus, with any remaining amounts from any other Durham Region Transit source, as determined at the discretion of the Commissioner of Finance 279,848

Total Financing Required **\$279,848**

Report:

1. Purpose

1.1 The purpose of this report is to obtain approval to reallocate surplus funding from within the Solid Waste Management and Durham Region Transit Budgets at the discretion of the Commissioner of Finance to fund unbudgeted capital projects resulting from emergencies declared in accordance with Section 10 of the Regional Municipality of Durham's (Region) Purchasing By-law #16-2020.

2. Emergency Fire Suppression System Phase 2 – Material Recovery Facility (MRF)

2.1 In January 2020, the Commissioner of Works declared an emergency at the Region's Material Recovery facility located at 4590 Garrard Road in Whitby, to address system deficiencies and code compliance issues due to changes in the volumes of material being processed at the site.

2.2 The sprinkler system consists of six dry sprinkler systems (four ceiling systems, one standpipe system and one equipment / platform system) originally connected to the central air compressor in the fire pump room. The sprinkler upgrade project

delivered under the emergency declaration involved upgrading two of the existing ceiling dry sprinkler systems above the Receiving/Tipping and Bale Storage areas to pre-action systems to comply with NFPA 13. A new nitrogen generator system was provided to supply 98 per cent nitrogen to all six sprinkler systems as part of the system upgrade.

- 2.3 The upgrades highlighted additional issues with the remaining two sprinkler systems that were not addressed under the original emergency. Pipe corrosion had increased and the air compressor could not maintain the required air pressure due to continued new leaks in the standpipe and equipment/platform system. The leak rates in the two remaining original central ceiling sprinkler systems exceeded the maximum allowed leak rate for the nitrogen generator, causing it to shut down. To address this, staff moved these systems to a different air compressor to isolate the original system from the upgraded system.
- 2.4 As of 2022, all four sprinkler systems in the facility were in service. However, the standpipe and equipment/platform systems could not be restored as the leak rates were high enough that the system air pressure was unable to hold down the dry pipe valves. The two systems were shut down as in January 2022 and as a result, Whitby Fire issued an Inspection Order related to the shut off of the standpipe and equipment/platform system with a compliance deadline of April 19, 2022.
- 2.5 In April 2022, staff recommended that all remaining deficiencies in the system (repair two remaining original systems and the standpipe and equipment/platform systems) be repaired given the condition and risk of failure and a second emergency (Phase 2) was declared.
- 2.6 The consulting agreement with Arencon Inc. use for the first emergency was amended to accommodate the design of the new system for phase 2. A change order was issued to the contractor, Greater Toronto Fire Protection to install the replacement systems.
- 2.7 The project was substantially performed on December 14, 2023.

3. Emergency Bus Hoist Repair – Durham Region Transit East

- 3.1 On February 28, 2024, an emergency was declared to repair three bus hoists at the Durham Region East facility located at 715 Farewell in Oshawa. Following an annual inspection three of the eight hoists (hoists 3, 5 and 6) were locked out due

to severe corrosion that reduced the metal thickness below the manufacturer's safety threshold. These hoists are critical for maintaining the DRT bus fleet.

- 3.2 Staff engaged Novaquip, the sole authorized distributor and certified service provider in Eastern Canada for Steril-Koni hoists, to replace the corroded cassettes and overhaul the movable posts.
- 3.3 The repairs were completed on September 17, 2024, and are expected to extend the lifespan of the hoists by approximately ten years.

4. Financial Implications

- 4.1 Section 10 of the Region's Purchasing By-law #16-2020 specifies the process to procure goods and/or services to address emergency situations. The process requires reporting to Regional Council on the nature of the emergency and the necessity of actions taken in cases where the costs will exceed \$100,000.
- 4.2 The cost to repair/replace the fire suppression system at the Material Recovery Facility is \$1,082,545. The project components are detailed as follows:

Project Element	Cost \$
Engineering Services	51,200
Construction	1,012,620
Estimated Project Cost	1,063,820
Net HST (1.76%, rounded)	18,725
Total Project Cost	1,082,545
Previously Approved Financing	(500,000)
Total Additional Financing Required	582,545

- 4.3 Previously approved financing of \$500,000 was reallocated from closed project saving in 2022. The additional funding for this emergency project is to be provided first from any available 2024 Solid Waste Management surplus, with any remaining amounts from any other Solid Waste Management source, at the discretion of the Commissioner of Finance.

- 4.4 The cost of the emergency repair of the hoist located at DRT East is \$279,848. The project was completed on September 17, 2024. The project components are detailed as follows:

Project Element	Cost \$
Construction	275,008
Net HST (1.76%, rounded)	4,840
Total Financing Required	279,848

- 4.5 The funding for this unbudgeted project will be determined at the discretion of the Commissioner of Finance.

5. Relationship to Strategic Plan

- 5.1 This report aligns with the following strategic goals and priorities in the Durham Region Strategic Plan:

- a. Goal 5.1 and 5.2 - Service Excellence:
- Optimize resources and partnerships to deliver exceptional quality services and value; and
 - Collaborate for a seamless service experience.

6. Conclusion

- 6.1 It is recommended that Regional Council approve the reallocation of surplus funding from within the Solid Waste Management and Durham Region Transit Budgets, at the discretion of the Commissioner of Finance, to fund unbudgeted capital projects resulting from emergency events.
- 6.2 This report has been reviewed by the Finance Department and the Commissioner of Finance concurs with the proposed recommendations.

6.3 For additional information, please contact Christine Dunkley, Director, Corporate Infrastructure and Strategic Business Services at 905-668-7711, extension 3475.

Respectfully submitted,

Original signed by:

Ramesh Jagannathan, M.B.A., M.Eng., P.Eng., P.T.O.E.
Commissioner of Works

Recommended for Presentation to Committee

Original signed by:

Elaine Baxter-Trahair
Chief Administrative Officer

If this information is required in an accessible format, please contact 1-800-372-1102 ext. 3540.



The Regional Municipality of Durham Report

To: Works Committee
From: Commissioner of Works
Report: #2024-W-28
Date: December 4, 2024

Subject:

Approval of Unbudgeted Capital Project Financing for Work at the Courtice Water Pollution Control Plant Declared as an Emergency

Recommendation:

That Works Committee recommends to Regional Council that unbudgeted capital financing in the amount of \$1,000,000* for the emergency transformer repair and replacement work at the Courtice Water Pollution Control Plant be approved and that the funding be provided at the discretion of the Commissioner of Finance.

Report:

1. Purpose

1.1 The purpose of this report is to provide an update on an emergency at the Courtice Water Pollution Control Plant, declared by the Commissioner of Works in accordance with Section 10 of the Regional Municipality of Durham's (Region) Purchasing By-law 16-2020 and to obtain approval for financing for the work.

1.2 Dollar amounts followed by an asterisk (*) are before applicable taxes.

2. Background

2.1 On July 27, 2024, the Commissioner of Works declared an emergency at the Courtice WPCP because of a blown transformer that interrupted the power supply to the plant.

- 2.2 Wilson High Voltage was engaged to repair and replace the transformer. The work included the installation of a temporary rental transformer, the investigation to replace or repair the damaged transformer, and the replacement of the damaged wiring. Additionally, Stromart Sutton Ltd repaired the radiator on the diesel generator.
- 2.3 Upper Canada Fuels provided fuel during the emergency under an existing standing agreement.
- 2.4 Region staff carried out temporary repairs to the generator on Sunday July 28, 2024. The repairs were completed by Stromart Sutton Ltd during the week of August 19, 2024.
- 2.5 Wilson High Voltage sourced and installed a temporary transformer, restoring utility power to the facility by August 1, 2024.
- 2.6 Wilson High Voltage has been issued a purchase order in the amount of \$300,000 to complete the installation of new wiring to ensure the electrical stability of the power transmission.
- 2.7 We have committed \$560,000 for the emergency works at the Courtyce Water Pollution Control Plant. This was for the rental and installation of the temporary transformer and replacement of the damaged wiring.
- 2.8 The additional funding will cover the extended rental of the transformer, the rebuilding of the damaged transformer and installation, soft costs, and a project contingency.

3. Financial Implications

- 3.1 Section 10 of the Region's Purchasing By-law #16-2020 specifies the process to procure goods and/or services to address emergency situations. The process requires reporting to Regional Council on the nature of the emergency and the necessity of actions taken in cases where the costs will exceed \$100,000.
- 3.2 Section 14.2 of the Budget Management Policy requires the approval of the Treasurer and C.A.O. and the applicable Standing Committee and Regional Council to approve project financing in excess of \$50,000 prior to the award of the applicable contract.
- 3.3 The estimated project cost of \$1,000,000* is broken down as follows:

Description	Estimated Cost (\$)
Construction	\$900,000
Sundry/Permits	\$5,000
Contingency	\$95,000
Total Project Cost:	\$1,000,000

3.4 Financing for this emergency work will be provided at the discretion of the Commissioner of Finance.

4. Conclusion

4.1 It is recommended that Regional Council approve the financing for the unbudgeted capital work in the amount of \$1,000,000*, related to the repair and replacement of the transformer at the Courtice Water Pollution Control Plant resulting from an emergency event, and that the financing be provided at the discretion of the Commissioner of Finance.

4.2 This report has been reviewed by the Finance Department, and the Commissioner of Finance concurs with the recommendations.

4.3 For additional information, please contact Mike Hubble, Director of Environmental Services, at 905-668-7711, extension 3460.

Respectfully submitted,

Original signed by:

Ramesh Jagannathan, MBA, M.Eng., P. Eng., PTOE
Commissioner of Works

Recommended for Presentation to Committee

Original signed by:

Elaine Baxter-Trahair
Chief Administrative Officer

If this information is required in an accessible format, please contact 1-800-372-1102 ext. 3540.



The Regional Municipality of Durham Report

To: Works Committee
From: Commissioner of Works
Report: #2024-W-29
Date: December 4, 2024

Subject:

Approval of Additional Financing for Capital Work at Sunderland Municipal Well #1
Declared as an Emergency

Recommendations:

That the Works Committee recommends to Regional Council:

- A) That the previously approved project budget of \$892,000 for the replacement of UV treatment units at Sunderland Municipal Well #1 be increased by \$312,189 to a revised total project budget of \$1,204,189; and
- B) That additional financing of \$312,189 be provided from the following sources:

Previously Approved financing

Water Supply Capital Budget, Project ID K2106

User Revenue	\$892,000
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Total Previously Approved Financing	\$892,000
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Additional Financing

From 2024 Completed and Closed Projects Savings, at the discretion of the
Commissioner of Finance

Water Supply User Revenue	<u>\$312,189</u>
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Total Revised Project Financing

\$1,204,189

Report:**1. Purpose**

- 1.1 The purpose of this report is to provide an update on an emergency at the Sunderland Municipal Well #1, declared by the Commissioner of Works in accordance with Section 10 of the Regional Municipality of Durham's (Region) Purchasing By-law 16-2020 and to obtain approval of additional financing for the work.

2. Background

- 2.1 In May 2021, the Commissioner of Works declared an emergency at the Sunderland Municipal Well #1 which required the replacement of the UV treatment units. The units in place were no longer supported by vendors, and parts were not available to repair them.
- 2.2 Staff contacted other municipalities to source available parts, but those attempts were unsuccessful.
- 2.3 Staff continued to operate and maintain the existing UV treatment system using stocked spare parts. However, it became necessary to replace the UV treatment system as soon as possible.
- 2.4 R.V. Anderson was retained to complete the detailed design and preparation of the tender documents. Tender #D2022-26 for the Sunderland Municipal Well #1 Pumphouse Upgrades, was awarded to Kenaidan Contracting Ltd. based on the lowest compliant bid of \$398,345.40 (excluding HST). The total approved project budget, which includes engineering services, internal staff costs, contingency and the construction contract value, totals \$892,000.
- 2.5 Sunderland Municipal Well #1 is a Groundwater Under Direct Influence of Surface Water (GUDI) well which is subject to seasonal fluctuations in water quality parameters. The design of the treatment system was based on a baseline taken from historical water quality results. However, additional water quality sampling was conducted during construction to verify historical water quality levels. These tests identified that water quality parameters had changed outside the baseline, and as such, a re-work of the treatment system was required. Additional project costs were incurred to re-design commission and calibrate the treatment system

resulting in a revised project cost of \$1,204,189. The revised project costs exceed the approved budget of \$892,000 by \$312,189.

3. Financial Implications

- 3.1 Section 10 of the Region’s Purchasing By-law #16-2020 specifies the process to procure goods and/or services to address emergency situations. The process requires reporting to Regional Council on the nature of the emergency and the necessity of actions taken in cases where the costs will exceed \$100,000.
- 3.2 Section 17.1 of the Region of Durham’s Budget Management Policy states that additional commitments for a capital project shall not be authorized if the value of the work will cause the project to be over expended by more than \$250,000 beyond project funding. Approval of the applicable Standing Committee and Regional Council will be required to approve the commitment and the additional sources of financing.
- 3.3 Project financing can be provided from the following sources:

Previously Approved Financing

Water Supply Capital Budget Project ID: K2106

User Revenue	<u>\$892,000</u>
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Total Previously Approved Financing	<u>\$892,000</u>
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Additional Financing

From 2024 Completed and Closed Project Savings, at the discretion of the Commissioner of Finance

Water Supply User Revenue	<u>\$312,189</u>
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Total Revised Project Financing	<u>\$1,204,189</u>
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4. Conclusion

- 4.1 It is recommended Regional Council grant approval for additional financing in the amount of \$312,189, related to emergency replacement of UV treatment units at Sunderland Municipal Well #1, with the additional financing to be provided from 2024 completed and closed projects savings, at the discretion of the Commissioner of Finance.
- 4.2 This report has been reviewed by the Finance Department and the Commissioner of Finance concurs with the recommendations.
- 4.3 For additional information, please contact Mike Hubble, Director of Environmental Services, at 905-668-7711, extension 3460.

Respectfully submitted,

Original signed by:

Ramesh Jagannathan, MBA, M.Eng., P. Eng., PTOE
Commissioner of Works

Recommended for Presentation to Committee

Original signed by:

Elaine Baxter-Trahair
Chief Administrative Officer