

**THE REGIONAL MUNICIPALITY OF YORK**

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**REPORT NO. 5  
OF THE REGIONAL  
COMMISSIONER OF TRANSPORTATION AND WORKS**

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**For Consideration by  
The Council of The Regional Municipality of York  
on September 6, 2001**

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**1  
TENDER AWARD  
CONSTRUCTION OF BAYVIEW AVENUE  
CONTRACT 01-105, PROJECT 8025**

**1. RECOMMENDATIONS**

It is recommended that:

1. The tender of Miller Paving Limited in the amount of \$10,283,711.31 be accepted for the construction of Bayview Avenue (Y.R. 34) from Stouffville Road (Y.R. 14) to Bloomington Road (Y.R. 40) in the Towns of Richmond Hill and Aurora.
2. The Regional Solicitor be authorized to prepare the contract documents.
3. The Regional Chair and Clerk be authorized to sign the contract on behalf of the Region.
4. The Commissioner of Transportation and Works be authorized to disburse the funds allocated to this project in the approved 2001 budget.
5. Staff incorporate adequate funding in the draft 2002 Capital Program and Budget, for Council's subsequent approval, to complete the project in 2002.
6. Staff continue to meet and discuss the issue of amphibian road crossings with representatives of Save The Rouge Valley System Inc.

## 2. PURPOSE

The purpose of this report is to seek authorization to award Contract No. 01-105 for the construction of Bayview Avenue from Stouffville Road to Bloomington Road in the Town of Richmond Hill and the Town of Aurora.

## 3. BACKGROUND

The Transportation and Works Department called tenders for the reconstruction of Bayview Avenue from Stouffville Road to Bloomington Road in the Town of Richmond Hill and the Town of Aurora.

Included in this contract, is the construction of Bayview Avenue to provide primarily two through lanes from Stouffville Road to Bloomington Road, with base grading to accommodate a future four-lane cross section, and additional widenings for left and right turn lanes at Stouffville Road, Bethesda Sideroad, Snively Street and Bloomington Road. A four-lane bridge structure spanning 70 metres across the Jefferson Ravine will also be constructed to facilitate the passage of wildlife through the ravine under Bayview Avenue. Environmental mitigation measures such as amphibian crossing facilities, stormwater management ponds and extensive landscaping/plantings have been incorporated into this contract to address the high environmental sensitivities of this project. Illumination and an underground conduit system will be provided at Stouffville Road and Bloomington Road. A detailed location map is provided in *Attachment 1* to this report.

Tender documents were prepared and advertised in the Daily Commercial News and via the Electronic Tender Network System. As a result of these advertisements, 50 firms took out plans and specifications.

Tenders were received and publicly opened by the Clerk's Office in the presence of the Supplies and Services Branch at 1:30 p.m. on August 9, 2001, at the Regional Administrative Centre.

## 4. ANALYSIS AND OPTIONS

A total of eight tenders were received.

### 4.1 Tender Results

The Supplies and Services Branch reviewed the submitted tenders and concur that this contract be awarded to Miller Paving Limited, the lowest responsive and responsible bidder. A summary of the bid amounts is provided in Table 1.

**Table 1**  
Summary of Bid Amounts

<b>Tender Received</b>	<b>Amount of Bid</b>
1. Miller Paving Limited	10,283,711.31
2. B. Gottardo Construction Ltd.	10,285,444.82 *
3. K J. Beamish Holdings Ltd.	10,360,275.51
4. Graham Bros. Construction Limited Fairglen Excavating Limited 795208 Ontario Limited Graham Bros. Aggregates Limited Graham Realty Inc.	10,477,466.51 *
5. Miwell Construction Ltd.	10,771,724.64 *
6. Dagmar Construction Inc	11,047,569.33 *
7. Warren Bitulithic Limited	11,447,001.51 *

\* *Corrected Extensions*

A submission was also received from Mardave Construction Limited. However, that submission did not comply with the requirements of the tender documents because it did not contain the specified minimum amount for the maintenance and warranty of the required landscaping and tree planting, and was therefore determined to be non-compliant.

## 4.2 Committee Proceedings

Linda McCaffrey, Q.C. of the law firm Lang Michener, legal counsel for Save The Rouge Valley System Inc. ("SRVS Inc."), appeared as a deputant at the Transportation and Works Committee meeting of August 29, 2001. She outlined what her clients viewed to be deficiencies in the environmental assessment process and indicated that she had been instructed to institute proceedings for an interlocutory and permanent injunction in respect of the Bayview Avenue construction. Such legal action could potentially disrupt the award of this construction contract or delay its implementation, either of which could result in additional costs to the Region.

## 4.3 Environmental Analysis

SRVS Inc. was one of the parties that requested that the original Municipal Class environmental assessment for this project be "bumped up" to an individual assessment. That request was granted, and the Individual Environmental Assessment ("EA") was completed and ultimately approved in October of 1998. That Individual EA included a very detailed environmental review and impact statement that dealt with issues such as the one raised by SRVS Inc. and those issues were fully canvassed during that rigorous process. The design of the project as approved by Regional Council includes additional measures designed to mitigate the impacts on wildlife and maintain green space connections, at significant additional expense.

The Region designed and tendered the project on the basis of the extensive EA work and the required approvals which were subsequently secured. Nevertheless, on contracts such as this, additional issues often arise during the implementation of the project which may necessitate minor revisions to the design. Such revisions, if necessary, can be incorporated as negotiated items into the construction contract.

Region staff have met with a representative of the Richmond Hill Naturalists to discuss the possible discovery and movement patterns of additional amphibians within the project limits. As a result of this meeting staff is reviewing whether the introduction of minor design revisions is merited.

After considering the matter at the in camera portion of its meeting, the Committee directed staff to continue its discussions with SRVS Inc. and added Recommendation No. 6 set out in this report to the original staff recommendations.

## 5. FINANCIAL IMPLICATIONS

Table 2 summarizes the budgeted and projected expenditures and recoveries for the project, based on the results from the tender.

**Table 2**  
Financial Implication of Tender Bid

	<b>Approved 2001 Budget</b>	<b>Current Projection 2001</b>	<b>Current Projection 2002</b>
<b>Expenditures</b>			
Design		165,000	
Quality Control	127,000	32,000	95,000
Contractor Payments	6,950,000	3,000,000	7,283,711
Less G.S.T. Rebate (4%)		(111,826)	(270,996)
Supervision and Inspection	278,000	69,500	208,500
Utility Relocation		90,000	
Contingency Allowance		387,500	1,162,500
<b>Total Expenditures</b>	<b>7,355,000</b>	<b>3,632,174</b>	<b>8,478,715</b>
<b>Recoveries</b>			
Development Charge	5,550,000	2,778,613	6,409,717
Other	100,000		100,000
Tax Levy	1,705,000	853,561	1,968,998
<b>Total Recoveries</b>	<b>\$7,355,000</b>	<b>3,632,174</b>	<b>8,478,715</b>

Also identified in Table 2 are two separate contingency amounts for each specified year totalling \$1,550,000 that the Commissioner of Transportation and Works is authorized to

disburse for any additional work that may be required during construction. Conditions and situations sometimes arise which are out of the control of either the Region or the contractor.

Since the 2001 roadworks budget was prepared, the industry has experienced significant increased costs on some commodities. For example, asphalt cement has increased by as much as 56 percent. This means a considerable increase in the overall project costs since the asphalt paving on this contract represents approximately 15 percent of the total tender value.

Furthermore, since the preparation of the 2001 budget estimate, significant changes to the design package have been implemented by Regional staff such as the bridge structure over the Jefferson Ravine and various environmental mitigation measures. These changes were required to adequately address the high environmental sensitivities of this project, and were not originally budgeted for.

The value of the work to be completed in 2001 will not exceed the 2001 budget amount. Since significant portions of this contract will be completed in 2002, appropriate provisions for funding the outstanding contract amount will be made in the 2002 Roads Capital Program.

## **6. LOCAL MUNICIPAL IMPACT**

There are no local municipal implications associated with this report.

## **7. CONCLUSION**

It is recommended that Contract 01-105 be awarded to Miller Paving Limited in accordance with their bid of \$10,283,711.31.

*(Mayor Black declared an interest in the foregoing due to the fact there may be a connection between this project and matters discussed at the Ontario Municipal Board hearing relating to the Oak Ridges Moraine, and due to the fact that her spouse is an environmental engineer on projects on the Oak Ridges Moraine. She left the private session and did not take part in Council's consideration or discussion of, or vote on, this item in either private session or public session.)*

***(Regional Council at its meeting on September 6, 2001, amended the foregoing Clause, Recommendation 6, by inserting the following words after the word "discuss":***

***"alternatives regarding" so that each of the recommendations now reads: "Staff continue to meet and discuss alternatives regarding the issue of amphibian road crossings with representatives of Save The Rouge Valley System Inc."***

**Respectfully submitted,**

**Newmarket, Ontario  
August 31, 2001**

**K. Schipper  
Commissioner of  
Transportation and Works**

*(Report No. 5 of the Commissioner of Transportation and Works was adopted, as amended, by Regional Council at its meeting on September 6, 2001.)*