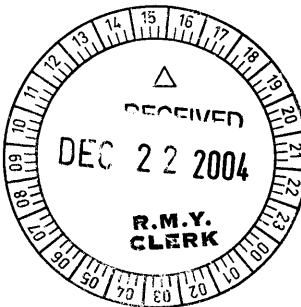


December 20, 2004

Mr. Denis Kelly
Regional Clerk
The Regional Municipality of York
17250 Yonge Street
Newmarket, ON L3Y 6Z1



REGION OF YORK
CLERK'S OFFICE

FILE No. - *fol*

**RE: STATUS REPORT ON THE PHASE 1 ENTERPRISE DRIVE/
HELEN AVENUE EXTENSION & GO RAIL GRADE
SEPARATION CONSTRUCTION PROJECT (5.10, 5.14.2 & 7.0)**

Dear Mr. Kelly:

This will confirm that at the meeting of Council held on December 14, 2004, Clause 1 of Report No. 66, was approved as follows:

"That the confidential report entitled "Status Report on the Phase 1 Enterprise Drive/Helen Avenue Extension & GO Rail Grade Separation Construction Project" dated December 6, 2004 be received;

And that Engineering staff be authorized to direct Miwel Construction to proceed with winter construction of the GO Transit grade separation structure;

And that staff be authorized to issue a purchase order to Miwel Construction in a total amount not to exceed \$624,769.79 inclusive of 7% GST, (\$583,897 exclusive of GST) for the additional cost of the winter construction works;

And that staff be authorized to issue a purchase order to McCormick Rankin Corporation in a total amount not to exceed \$75,756 inclusive of 7% GST, (\$70,870 exclusive of GST) for the additional construction inspection and contract administration fees associated with the winter construction works for the bridge structure;

And that the Director of Engineering, Town Solicitor and Treasurer be authorized to retain Ronald Frieday, a claims resolution specialist, as a sole source supplier to provide assistance to staff in the review and negotiation of the anticipated Contractor claims for lost productivity and increased overhead costs resulting from delays in the project schedule, and that an allowance of \$16,050 inclusive of 7% GST. (\$15,000 exclusive of GST) be approved for these consulting costs;

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And that staff report back as to the negotiations with Miwell Construction on the claim for Council's approval;

And that staff be authorized to issue a purchase order to GO Transit for a total amount not to exceed \$160,500 inclusive of 7% GST, (\$150,000 exclusive of GST) for the additional cost of works to be carried out by GO Transit for the temporary diversion of the rail line to allow construction of the grade separation;

And that staff be authorized to invoice the Region of York for their proportional share of the additional costs of winter construction in the amount of approximately \$193,000;

And that funding for the above works/services be funded from the Engineering Department's 2004/2005 Capital Budget from development charges for Phase 1 Enterprise Drive/Helen Avenue extension and GO Line Grade Separation project;

And that Engineering staff be authorized to delay the tendering of construction contracts for the balance of the Markham Centre major road projects including Phase 2 of the Enterprise Drive extension and the Birchmount Road extension until all necessary approvals from external agencies are received and property is acquired to the satisfaction of the Director of Engineering."

Yours sincerely,



Sheila Birrell
Town Clerk