



Report to: Development Services Committee

Meeting Date: December 12, 2023

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**SUBJECT:** Award of Tender 223-T-23 Backstop and Outfield Fence Replacement

**PREPARED BY:** Richard Fournier, Ext 2120  
Rosemarie Patano, Ext 2990

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**RECOMMENDATION:**

1. THAT the report entitled “Award of Tender 223-T-23 Backstop and Outfield Fence Replacement” be received; and
2. THAT staff be authorized to award a contract to Anthony Furlano Construction Inc., the lowest priced bidder, in the total amount of \$394,775.88 inclusive of HST; and,
3. THAT a contingency in the amount of \$19,738.79 (5%) inclusive of HST, be established to cover any additional project costs, be approved, and that authorization be granted to approve expenditures of this contingency amount up to the specified limit in accordance with the Expenditure Control Policy; and,
4. THAT the award and contingency in the total amount of \$414,514.67 be funded from capital project 23217 Outfield and Backstop Fence Improvement, GL account 0059-6150-23217-005, which has an available budget of \$331,000; and,
5. THAT the shortfall of \$83,514.67 be funded from City Non-DC Capital Contingency; and,
6. THAT this report be received by Council on December 13, 2023; and,
7. THAT Staff be authorized and directed to do all things necessary to give effect to this resolution.

**PURPOSE:**

The purpose of this report is to obtain approval to award the contract for the Backstop and Outfield Fence Replacement at Featherstone Park (111 Featherstone Ave.) and Milliken Mills Park (4375 14<sup>th</sup> Ave).

**BACKGROUND:**

As part of the Life Cycle replacement program, backstop and outfield fence replacement is currently required for a total of four (4) baseball diamonds located at Featherstone Park (1 baseball diamond) and Milliken Mills Park (3 baseball diamonds). This is the first time these assets are being replaced since original construction and are warranted based on a condition assessment and current standard compliance requirements.

The scope of work includes the following:

- Removal and disposal off site of existing backstop and outfield fences.
- Installation of new fencing to match current fencing design and dimensions.

- Restoration of all areas affected by construction back to original conditions.
- All required mobilization, demobilization, construction fencing, clean up and insurance.

The tender specified that the contractor shall complete all work by April 1, 2024.

**Tender Information (223-T-23)**

Bid closed on	November 9, 2023
Number picking up bid document	14
Number responding to bid	2

\*Procurement contacted the suppliers who downloaded the document and did not submit a bid. Of the nine suppliers contacted: one supplier stated they could not participate due to the bonding requirements; two suppliers stated they were unable to receive their bonding in time, four suppliers stated they cannot handle due to present plant/workload; and, two suppliers stated they were unable to quote competitively

**OPTIONS/ DISCUSSION:**

The tender for backstop and outfield fence replacement closed on November 9, 2023 with a total budget shortfall in the amount of \$83,514.67 (~25.23%) inclusive of the cost of award, 5% contingency, and 1.76% HST impact.

Staff contacted the recommended bidder in an effort to mitigate a portion of the budget shortfall, however, the bidder was not in a position to provide any cost reduction opportunities that would be considered as a viable solution (due to either the nominal amount of the discount or the significant impact the proposed changes would have on the current project requirements). With the cost review, it should also be noted that that lowest priced bidder is \$355,334.73 (or 90.01%) lower than the second lowest priced bidder. Despite this cost difference, the lowest priced bidder is capable of completing this project

In reviewing the options available and taking into consideration the most cost effective way to proceed with the project, staff recommend moving forward with the contract award in the full amount of \$414,514.68, without any further delay in order to stay on schedule for construction substantial completion by Q2 of 2024.

Staff believe the shortfall can be attributed to the following:

**Increased scope of work requirements to accommodate regulation changes**

- Significant height increase of the backstop portion of the fencing.
  - Existing backstop fence at all 4 baseball diamonds is 15' tall. As per the new baseball backstop fence specifications and detail requirements, the backstop fence has increased to 24'. This change was not accounted for in the most recent life cycle update.
- Addition of engineering drawings requirements.
  - With the new fence requirement now being over 15' tall, the contractor is required to provide shop drawings stamped and signed by a professional engineer licensed to practice in the Province of Ontario. This change was not taken into account in the most recent life cycle update.

- Addition of fine grading and sod restoration behind the backstop and outfield fencing.
  - Sod restoration includes supply and installation of new topsoil, soil amendments as required, as well as supply, installation and maintenance of the new sod until acceptance by Park Operations. Previously this work was undertaken by Operations staff and it has been transferred to the contractor.
- Addition of the requirement to repair/replace any damages to the asphalt or clay surfaces of the baseball diamonds or park.

Additionally, increased construction material costs and the uncertainty to further price increases that may be faced by the contractor, as work will not commence until February/March 2024 (weather dependent), have contributed to the higher price relative to what was estimated in the most recent life cycle update.

Staff recommend increasing the budget to allow this project to remain on schedule with substantial completion anticipated in Q2 2024. It also should be noted that yearly increase in fence material and construction costs, as well as possible price volatility over the next few years are expected to contribute to further increase the cost of construction if the project is to be retendered in 2024.

### FINANCIAL CONSIDERATIONS

The award of the contract for Tender 223-T-23, in the amount of \$414,514.68 inclusive of HST, will be awarded to Anthony Furlano Construction Inc.

The financial breakdown is as follows:

<b>Project</b>	<b>Amount</b>
<b>Budget Available</b> (0059-6150-23217-005)	\$331,000.00 (A)
Award	\$394,775.88 (B)
Contingency (5%)	\$19,738.79 (C)
<b>Total Capital Costs</b>	\$414,514.67 (D)=(B)+(C)

**Budget Shortfall** (-\$83,514.67)\* (E) = (A)-(D)

\*The shortfall of \$83,514.67 (\$414,514.67 - \$331,000.00) to be funded from the City Non-DC Capital Contingency, which has an account balance of (\$719,495) as of November 27, 2023. The Non-DC Capital Contingency will be replenished at the next Status of Capital Projects in 2024.

### OPERATING BUDGET AND LIFE CYCLE IMPACT

This is a capital project funded from Life Cycle Reserve; updated pricing will be adjusted accordingly in the next Life Cycle Reserve Study update. The revised specifications for the new fencing is also not expected to increase operating and maintenance costs, so there is no incremental impact to the Operating Budget from this project.

### ENVIRONMENTAL CONSIDERATIONS

All materials removed (steel, aluminum, concrete) will be recycled through an appropriate scrap metal or aggregate recycling facility consistent with best practices.

**HUMAN RESOURCES CONSIDERATIONS**

Not applicable

**ALIGNMENT WITH STRATEGIC PRIORITIES:**

Not applicable

**BUSINESS UNITS CONSULTED AND AFFECTED:**

This report was jointly prepared by the Procurement, Planning & Urban Design Department, with review and comments provided by the Finance Department

**RECOMMENDED BY:**

Giulio Cescato, RPP, MCIP  
Director, Planning & Urban Design

Arvin Prasad, RPP, MCIP  
Commissioner, Development Services

**ATTACHMENTS:**

Not applicable