



Report to: Development Services Committee

Report Date: October 22, 2013

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**SUBJECT:** Award of Tender 204-T-13, Multi-use Pathway Phase 1 Construction in Areas 2, 3 and Part of Area 4

**PREPARED BY:** Dereje Tafesse, Capital Works Engineer, ext. 2034  
Tony Casale, Senior Construction Buyer, ext 3190

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**RECOMMENDATION:**

- 1) That the report entitled "Award of Tender 204-T-13, Multi-use Pathway Phase 1 Construction in Areas 2, 3 and Part of Area 4" be received;
- 2) And that the contract for Tender 204-T-13, Multi-use Pathway Phase 1 Construction in Areas 2, 3 and Part of Area 4 be awarded to the lowest priced qualified Bidder, Speedside Construction Limited in the amount of \$2,491,993.51 inclusive of HST;
- 3) And that a separate purchase order in the amount of \$249,199.35 (10%) inclusive of HST be established as a contingency to cover any additional construction costs and that staff be authorized to approve the expenditure of this contingency amount in accordance with the City of Markham's Expenditure Control Policy;
- 4) And that the Engineering Department Capital Administration Fee in the amount of \$205,589.46 be funded from Capital Budget account # 083-5350-8502-005 Major Mackenzie Path Construction";
- 5) And that the award amounts listed in Recommendations 2) and 3) be funded from account # 640-101-5699-8264 Pathways Master Plan Implementation in the amount of \$400,000.00; account # 083-5350-8502-005 Multi Use Path Construction in the amount of \$1,714,499.54 and account # 080-5350-9355-005 Cycling Pathways and Trails Implementation in the amount of \$626,693.32;
- 6) And that additional compensation for property acquisitions, permit fees and related expenses arising out of contract matters in the amount of \$160,000.00 be funded from account # 080-5350-9355-005;
- 7) And that the remaining funds of \$138,084.68 be returned to the original funding source after agency approvals & properties are acquired;
- 8) And that staff be authorized and directed to do all things necessary to give effect to this resolution.

**EXECUTIVE SUMMARY:**

The implementation of a complete and connected multi-use pathway system will provide a variety of transportation, economic, environmental and community health benefits. Pathways will be available to all residents regardless of age or ability and designed to be accessible where possible and practical. Phase 1 of the multi-use pathway construction project consists of limestone and small sections of asphalt pathways, boardwalks and three pedestrian bridges located between Carlton Road/Main Street Unionville and Drakefield Road within the Rouge River.

**PURPOSE:**

The purpose of this report is to seek Council's approval to award the contract for the Multi-use Pathway Phase 1 construction in Areas 2, 3 and Part of Area 4 (see Attachment "A").

**BACKGROUND:**

Council approved the Cycling Master Plan in 2010, and the Pathways and Trails Master Plan in 2008. Both plans implement the Official Plan policies to encourage pedestrian and cycling movement throughout Markham.

Key aspects of the vision from these 2 plans include:

- Accommodating a wide variety of users;
- Providing a diversity of experiences which allow greater appreciation and enjoyment of the natural, cultural and heritage environment;
- Encouraging residents to walk, run and cycle for fitness, fun and transportation;
- Connecting neighbourhoods to key destinations and providing crossing points of significant physical barriers such as river valleys and highways;
- Protecting the natural features, species and wild life habitats; and
- Providing improved connections to other existing and planned pedestrian and cycling infrastructure.

Both plans were developed with comprehensive public consultation. The Pathways and Trails Master Plan identified improved pathway connections to, and within, the Milne Dam Conservation Park as a high priority. From 2010 to 2013 there was an extensive community consultation process (Community Liaison Committee, Milne Working Group, stakeholders and the public) to determine the pathway alignment and design specifications of the multi-use path (MUP). The consultation process will continue during the detailed design stage for the Phases 2 and 3 projects.

A Municipal Class Environmental Assessment was completed by the City to connect the missing MUP links from 16<sup>th</sup> Avenue to Bob Hunter Memorial Park through Toogood Pond and the Milne Dam Conservation Park. The Municipal Class Environmental Assessment was completed and approved by Council and the Minister of the Environment in 2012.

**Phase 1**

On June 18, 2013, Council approved Phase 1 construction as follows:

- Area 2 –Carlton Road and Main Street Unionville to Highway 7/Walden Pond
- Area 3 – Hwy 7 bridge west of Bullock Drive to McCowan Road/The Milne Dam Conservation Park Main Entrance
- Area 4 – McCowan Road to Drakefield Road (through the Milne Dam Conservation Park). The proposed construction limit in the Milne Dam Conservation Area was refined and included the accessible parking and the access path to the beach area as part of the Phase 2 work.

The City of Markham retained Schollen and Company in August 2012 to prepare the detailed design, construction drawings, specifications, tender documents and construction administration of the MUP from 16<sup>th</sup> Avenue to Bob Hunter Memorial Park. This work is to be undertaken over 3 years subject to budget and approval.

**Design:**

Work on the detailed design and the securing of approvals has been ongoing since 2012 and has advanced to the stage where the design for Phase 1 is completed and tenders have been received for the construction of this phase of the project.

The major items of construction required to complete the MUP include:

Area 2 (see Attachment “B”)

- Construction of 150 meters of asphalt pathway at steep gradient just south of Carlton Road,
- Reconstruction of 400 meters of existing limestone screening pathways
- Construction of 120 meters of boardwalk
- Minor rehabilitation/repair of five existing pedestrian bridges
- Installation of regulatory signage
- Landscape and armourstones work
- Property at 49 Victoria Avenue has been acquired to facilitate the MUP construction

As part of Phase 1 design, three alternatives were considered for pathway in the Main Street and Carlton area as noted in Attachments “C”, “D” & “E”. As per Council direction, two alternatives, Option 2 and Option 3 (see Attachments C & D) for Main Street Unionville and Carlton Road crossings, were included in the Tender document.

The total cost of constructing these pedestrian signals is as follows:

Option 2 - Two pedestrian activated crossings across Main St Unionville and Carlton Rd	\$398,383.00
Option 3 – One pedestrian activated signal crossing Carlton Road	\$210,000.00

The costs of these options are provisional items and were not included in the final Bid price. Due to local concerns of signalized crossings in the heritage area (i.e. Option 2 & 3), it is recommended that Phase 1 of the MUP work in Area 2 begin from south side of Carlton Road.

Directional signage to assist pedestrians and cyclists to cross the intersection of Main Street Unionville and Carlton Road safely will be installed as part of this phase. Staff will review, evaluate and monitor the crossings for the next two years and discuss with the Community Liaison Committee (CLC), Cycling Pedestrian Advisory Committee (CPAC) and Ward 3 Councillor the findings and recommendations. Staff will report back to Council with final recommendations.

Area 3 (see Attachment “F”)

- Construction of 1100 meters of limestone screenings pathways
- Construction of 200 meters of boardwalk
- Installation of directional signage
- Landscape work including tree planting
- Construction of two new pedestrian bridges and the repair and rehabilitation of six existing pedestrian bridges
- Out of the three properties required to facilitate the MUP construction, one property has already been acquired by the City. Staff is currently negotiating with the landowners to secure a permanent easement over the remaining two private properties which is expected by December 2013.

Area 4 (see Attachment “G”)

- Construction of 350 meters of limestone screening and 20 meters wood chips pathways
- Reconstruction of 1200 meters of limestone screening pathways
- Construction of 120 meters of boardwalk
- Installation of directional signage
- Landscape work including restoration planting, riverbank stabilization and armourstone work
- Construction/replacement of 14 meters of span bridge within the Milne Dam Conservation Park at Drakefield Road.
- Construction of 12 meters of asphalt pathway due to steep gradient just south of Drakefield Road at the bridge area.

The work to improve the accessibility of the parking lot and the access path to the beach area at the Milne Dam Conservation Park and the signal crossing at McCowan Road will be included as part of Phase 2 works which is scheduled for Summer/Fall 2014 subject to budget approval.

**Consultation Process**

During the Municipal Class Environmental Assessment process, a comprehensive public consultation program was undertaken with eight (8) Community Liaison Committee (CLC) meetings, one (1) public information meeting and four (4) site walks. Agency Working Group meetings with participation from the Toronto & Region Conservation Authority (TRCA) and York Region were held at key points during the project. In addition, representatives from the TRCA attended two (2) guided walks to key locations. Separate meetings with the Milne Working Group were held on three (3) occasions with one (1) site walk. The consultation process was designed to engage key stakeholders and the broader public to ensure inclusive community participation in the planning process.

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**Regulatory Agency Permits/Approval**

The status of permits/approvals is as follows:

- TRCA permit for altering flood storage capacity within flood plain - all required documentation including tender drawings have been submitted to the TRCA for final approval;
- MNR permit – awaiting written confirmation, however, all issues for Phase 1 have been cleared verbally;
- Ministry of Tourism, Culture and Sport (Archaeology) – No issue for Area 4 and the bridge sites (written confirmation in the form of email received). Archaeological review is underway in Areas 2 and 3. Approval is expected in late November 2013;
- MTO, CNR and York Region encroachment permit have been submitted and awaiting for approval.

It is anticipated that all permits/approvals will be secured prior to December 2013. If a permit cannot be received by December, staff recommend that the contractor proceed to order the bridge from the manufacturer as it will take up to three months for the bridge to be manufactured. The bridge work is intended to be completed during the winter months. This will give additional time if needed for the agency to finalize processing and issuing of the permit.

**Property Acquisition**

The acquisition of four properties is required in order to construct the first phase of the MUP construction project. Two properties have already been acquired by the City. Staff is currently negotiating with the landowners to secure a permanent easement over the remaining two private properties in Area 3. Discussion with these property owners to acquire the required lands and permission to construct the proposed works have been ongoing for more than a year, and it is anticipated that these negotiations will be concluded and construction access available by the end of December 2013. The contract has been framed such that the contractor cannot access private property unless authorized to do so by the City. All other areas are clear of property requirements and ready to commence the construction work.

**In-Water Construction and Migratory Birds Timing Window**

According to the TRCA, warm water fisheries construction window applies to any construction work within the Rouge River. Construction works are prohibited by the Department of Fisheries (DFO) for in-water/near water work between March 31<sup>st</sup> and July 1<sup>st</sup>. Migratory Birds Act also applies to some of the areas. Federal Legislation prohibits the destruction of habitat during the migratory bird nesting period between May 1<sup>st</sup> and July 31<sup>st</sup>. Bidders are notified the restrictions/the regulations through the tender document.

**Risk Analysis**

If property acquisition or regulatory agency permits/approval cannot be received by December 2013, the construction work may be delayed beyond the current proposed 2013/2014 construction commencement timeframe. The City may incur additional costs in the form of a cost delay claim or additional works required by the agencies. If Council wishes to avoid such risk then the project could either be:

- i) defer tender award until February 7, 2014, which is the last date the low bidder has to honor the bid price,
- ii) re-tendered upon approval of all permits and property.

Staff are concerned that further delaying of the award of this project may result in the loss of available Municipal Infrastructure Initiative funding grant of \$1.9M from the province which was provided in 2008, and recommend Council to award the tender now to enable the contractor to order the bridge components for installing this winter.

### **Landscaping**

Tree planting is proposed within the floodplain for restoration purposes. The landscape plan includes the selection of tree species and the number of trees in accordance with the TRCA native tree and shrub planting lists. As part of the landscape plan, over 60 new trees, 19 whips and some 2000 shrubs, will be planted along the MUP routes. The construction of entry point features, way finding signages and illumination will be constructed as part of Phase 2 work, and staff will report back to Committee about the proposed landscaping standards for approval.

### **Accessibility**

Part of Area 2 and Area 4 of the pathways within the proposed Phase 1 MUP areas will be accessible as per Attachment "H". This is consistent with suggestions from the CLC and Accessibility Committee.

### **Construction Tender**

The construction tender # 204-T-13 was issued in accordance with the Purchasing By-law 2004-341. Engineering and Purchasing staff and the consultant have reviewed the bid documents and are satisfied that all items, conditions, bid prices and specifications comply with the City's requirements. The tender results are summarized below:

#### **BID INFORMATION:**

Advertised	ETN
Bids Closed on	October 2, 2013
Number picking up bid documents	24
Number responding to bid	3

Of the Bidders that picked up the Bid document but did not submit; one Bidder submitted a late Bid, one Bidder could not meet the bonding requirements, one Bidder does not provide pedestrian bridges, three Bidders were too busy and six Bidders advised they were sub contractors.

#### **Price Summary (inclusive of HST):**

<b>Company</b>	<b>Bid Price (Incl. of HST)</b>
Speedside Construction Limited	<b>\$2,491,993.51</b>
Hawkins Contracting Services	\$2,592,535.43
Rutherford Contracting Ltd.	\$2,663,742.88

#### **Bid Evaluation:**

Purchasing staff completed references to ensure that the lowest priced Bidder has the necessary qualifications and experience to complete the project. The feedback received was positive and Staff recommends awarding the contract.

**FINANCIAL CONSIDERATIONS AND TEMPLATE: (external link)**

<b>Item</b>	<b>Cost (Incl. of HST)</b>
Budget Available for this project	<b>\$3,244,867.00</b>
Construction Cost	\$2,491,993.51
Construction Cost Contingency (10%)	\$ 249,199.35
Engineering Department Capital Administration Fee @7.5%	\$ 205,589.46
Property Allowance	\$ 70,000.00
Permit Fee (TRCA/MNR/MTO/Transport Canada/CNR)	\$ 90,000.00
Total Construction Cost	<b>\$3,240,726.97</b>
Budget Remaining	<b>\$ 138,084.68*</b>

\*The budget remaining will be returned to the original funding source after the necessary approval & property are acquired. TRCA/MNR as part of their approval may have requirements that will require use of these funds.

Funding for the construction of Phase 1 of the MUP project will be provided from the following sources:

	<b>Account #</b>	<b>Funding incl. HST</b>
Pathways Master Plan Implementation	640-101-5699-8264	\$ 400,000.00
Multi Use Path Construction	083-5350-8502-005	\$1,920,089.00*
Cycling Pathways and Trails Implementation	080-5350-9355-005	\$ 712,102.00
York Region Pedestrian and Cycling Partnership Program	Funding from Region of York	\$ 212,676.00
<b>Totals</b>		<b>\$3,244,867.00</b>

\* Municipal Infrastructure Investment Initiative Funding Grant - 2008

**York Region Pedestrian and Cycling Partnership Program**

York Region Pedestrian and Cycling Partnership Program approved funding for Phase 1 of MUP construction work in the amount of \$212,676.00 for 2013/2014 construction year. The Region of York provides assistance for infrastructure which forms part of a network plan prepared and adopted by a municipality and/or agency. The MUP construction meets the Region's eligibility guidelines which promotes commuter walking and cycling through the development of infrastructure that supports a Regional scale network.

**Construction Schedule**

Subject to Councils approval of the tender award, construction is anticipated to start in early December 2013, weather and site conditions permitting. It is anticipated that majority of work will be undertaken late Spring 2014 to August 2014. The contractor will be required to adhere to the fisheries timing restrictions/construction window (DFO/TRCA).

Once Council awards the tender, the contractor will submit a detailed construction schedule.

Public notice and communications will be provided following the award of the contract and receipt of the contractors detailed construction schedule.

**Phase 2**

Staff have requested funds in the draft 2014 Capital budget to continue construction of the MUP from 16<sup>th</sup> Avenue to Toogood Pond and from Drakefield Rd to 14<sup>th</sup> Avenue, subject to funding. The Milne dam crossing bridge may be completed as part of Phase 3 work pending resolution of structural design and permit issues.

**Operating Budget impact**

Engineering and Operations staff will report back in 2014 regarding future maintenance, and capital replacement requirements of the pathway system in future Operations budget submissions. In addition, the new pathway systems including bridges, asphalt paving, boardwalks, etc. will be added to the Life Cycle Reserve Study.

**HUMAN RESOURCES CONSIDERATIONS:**

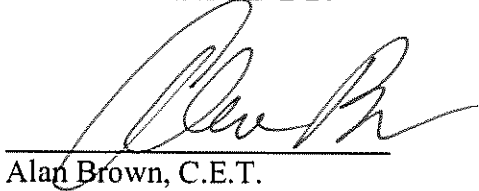
Not Applicable

**ALIGNMENT WITH STRATEGIC PRIORITIES:**

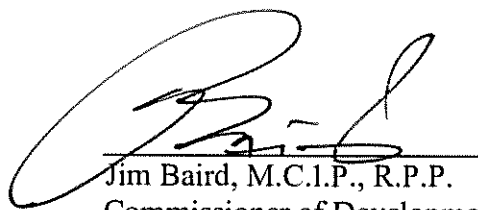
The construction of Phase 1 of MUP supports the Cycling Master Plan and the Pathways and Trails Master Plan. It is a vital link to existing residences and local businesses.

**BUSINESS UNITS CONSULTED AND AFFECTED:**

This report was circulated internally to the Financial Services, Legal Department and Operations Departments and their comments have been incorporated.

**RECOMMENDED BY:**

Alan Brown, C.E.T.  
Director of Engineering



Jim Baird, M.C.I.P., R.P.P.  
Commissioner of Development Services

**ATTACHMENTS:**

- Attachment "A" – Phase I Proposed MUP Construction Areas
- Attachment "B" – Area 2
- Attachment "C" – Option 2 – Main St and Carlton Rd Crossings
- Attachment "D" – Option 3 – Carlton Rd Crossing
- Attachment "E" – Option 1 – Main St and Carlton Rd
- Attachment "F" – Area 3
- Attachment "G" – Area 4
- Attachment "H" – Accessible Trails