

**Council Meeting Number 23-2021
Addendum
Tuesday, October 19, 2021**

Reports

Report Number 88: Received from the Chief Administrative Officer (Consent)

The consent of Council is requested for the **addition** of Clause 6.

6. Award of Contract – Turtle Mitigation Measures

That Council approve an increase of \$405,000 to the existing Turtle Mitigation Measures capital project with funds to be reallocated from the approved Engineering Services capital envelope; and

That Council authorize the Mayor and Clerk to enter into a contract, in a form satisfactory to the Director of Legal Services, with Len Corcoran Excavating Ltd. for Tender F18-EN-2021-09 Turtle Mitigation Measures.

(The Report of the Commissioner, Transportation & Public Works (21-265) is attached to the Addendum as schedule pages 1-5)

Miscellaneous Business

The consent of Council is requested for the **addition** of Miscellaneous Business 3.

3. Moved by Councillor Neill

Seconded by Councillor M^cLaren

That the resignation of Leah Riddell from the Municipal Accessibility Advisory Committee be received with regret.

(See Communication 23-890)



**City of Kingston
Report to Council
Report Number 21-265**

To: Mayor and Members of Council
From: Brad Joyce, Commissioner, Transportation & Public Works
Resource Staff: Luke Follwell, Director, Engineering Services
Date of Meeting: October 19, 2021
Subject: Award of Contract – Turtle Mitigation Measures

Council Strategic Plan Alignment:

Theme: 1. Demonstrate leadership on climate action

Goal: 1.2 Enhance and expand green spaces, protect wetlands, and increase the tree canopy through greening initiatives.

Executive Summary:

On Wednesday, October 13, 2021, Engineering Services received two submissions for Tender F18-EN-2021-09 Turtle Mitigation Measures on Princess Street at Collins Creek.

In accordance with Section 6.5, Clause iv of the Purchasing By-law, approval shall be sought by report to Council when fewer than three tenders have been received. The purpose of this report is to seek Council approval to award the contract for the Turtle Mitigation Measures on Princess Street at Collins Creek to Len Corcoran Excavating Ltd.

This project is partially funded (\$80,000) through the Province's Species at Risk (SAR) Stewardship Grant Program for the installation of the turtle crossing mitigation measures on Princess Street at the Collins Creek Wetland Complex.

Recommendation:

That Council approve an increase of \$405,000 to the existing Turtle Mitigation Measures capital project with funds to be reallocated from the approved Engineering Services capital envelope; and

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That Council authorize the Mayor and Clerk to enter into a contract, in a form satisfactory to the Director of Legal Services, with Len Corcoran Excavating Ltd. for Tender F18-EN-2021-09 Turtle Mitigation Measures.

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Authorizing Signatures:

ORIGINAL SIGNED BY COMMISSIONER

**Brad Joyce, Commissioner,
Transportation & Public Works**

ORIGINAL SIGNED BY CHIEF **p.p.**
ADMINISTRATIVE OFFICER

**Lanie Hurdle, Chief
Administrative Officer**

Consultation with the following Members of the Corporate Management Team:

Paige Agnew, Commissioner, Community Services	Not required
Craig Desjardins, Acting Commissioner, Corporate Services	Not required
Peter Huigenbos, Commissioner, Business, Environment & Projects	Not required
Jim Keech, President & CEO, Utilities Kingston	Not required
Desirée Kennedy, Chief Financial Officer & City Treasurer	

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Options/Discussion:

Staff issued a tender to procure construction services for the Turtle Mitigation Measures on Princess Street at Collins Creek on September 21, 2021. This project is partially funded by the Provincial Government through the Species at Risk (SAR) Stewardship Grant Program. The project scope includes wildlife fencing, nesting mounds, an eco passage under Creekside Valley Drive and provisions for soil disposal. The contract includes an interim date of completion for installation of the wildlife fencing and turtle nest construction by April 15, 2022 with a fully completed contract by June 1, 2022.

On Wednesday October 13, 2021, two tender submissions were received for ENG-2021-09 Turtle Mitigation Measures in the City of Kingston.

- Len Corcoran Excavating Ltd. - \$912,176.00 plus HST
- R.W. Tomlinson Limited - \$1,499,927.00 plus HST

Len Corcoran Excavating Ltd is a reputable contractor that has successfully completed contracts for the City in the past. The bid received from Len Corcoran Excavating Ltd is \$405K higher than the \$525K budgeted for this work. The project team completed a thorough review of the submitted bid and have concluded that the primary driver that makes up the variance between the estimated cost and the tender bid is related to the installation of the wildlife fencing. The wildlife fencing cost is \$250K higher than estimated. In addition, traffic control and materials for the nesting mounds were \$50K higher than estimated. Provisional items related to potential contaminated soil removal were also a contributing factor at \$80,000.

The pandemic continues to impact the services and construction industries. The skilled labour force shortage and supply chain challenges remain as key contributing factors in cost increases.

There are funds available to be reallocated from the approved Engineering Services capital budget envelope in order to proceed with the award of this contract.

All aspects of the Len Corcoran Excavating Ltd. bid, as submitted, are compliant with the requirements of the tendering process and the overall procurement met trade treaty obligations. As only two bids were received, Council approval is required to execute the contract and to reallocate funds.

As part of standard practice, a notice was sent to all registered Biddingo subscribers based on those that indicated an interest in being notified of all procurement postings related to services and construction. Twenty-five vendors downloaded the procurement documents for this project through Biddingo.

Up-to-date information on approved capital projects, including the scope of work and status, are available on the My Neighbourhood App which can be accessed through the City's website.

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Existing Policy/By-Law:

By-law Number 2000-134, "A By-law to Establish Purchasing Policies and Procedures"

Notice Provisions:

None

Accessibility Considerations:

None

Financial Considerations:

Included in [Report Number EITP-21-005](#) Council directed staff to include \$525,000 in the Transportation and Public Works capital budget submission (2021) and to increase the operating budget starting in 2022 by \$10,000 on an annual basis, for the ongoing maintenance and monitoring of the turtle crossing mitigation strategy for Princess Street at Collins Creek.

As part of this report, staff are recommending that additional funds in the amount of \$405,000 be reallocated from the existing approved Engineering Services capital budget envelope to complete the turtle mitigation measures along Princess Street at Collins Creek.

There are sufficient funds available in the current engineering capital budget envelopes and existing Public Works Turtle Fencing capital project to proceed with the award of a contract as recommended in this report. This includes \$80K of Species at Risk Stewardship grant funding and \$850K of funding from the Municipal Capital Reserve Fund.

Contacts:

Luke Follwell, Director, Engineering Services 613-546-4291 extension 3139

Other City of Kingston Staff Consulted:

Anthony Simmons, Manager, Construction, Engineering Services

Matthew McCombs, Project Engineer, Parks and Shoreline, Engineering Services

Exhibits Attached:

None