



**STAFF REPORT
ACTION REQUIRED
with Confidential Attachment**

**Toronto-York Spadina Subway Extension
Settlement of Claim – Highway 407 Station and the Northern Tunnels,
Contract A35-26**

Date:	December 11, 2017
To:	TTC Board
From:	Chief Executive Officer
Reason for Confidential Information:	This report contains advice that is subject to solicitor-client privilege and litigation privilege, including communications necessary for those purposes

Summary

On February 2, 2011 OHL Construction Canada, Inc. and Fomento de Construcciones y Contratas Canada Ltd Limited Partnership (OHL/FCC) was awarded the contract for the Toronto-York Spadina Subway Extension Highway 407 Station and the Northern Tunnels – Contract A35-26, in the amount of \$404,387,479.00.

This report includes a recommendation and requests the Board’s approval of funds to provide resolution related to claims in the performance of the work.

Recommendation

It is recommended that the TTC Board:

1. Approve the recommendations outlined in the confidential attachment; and
2. Authorize the information contained in the confidential attachment to remain confidential as it contains advice that is subject to solicitor-client privilege.

Financial Summary

Funds for this expenditure are included in the TTC's 2017-2026 Capital Budget under the Toronto York Spadina Subway Extension (TYSSE) Project that was approved by City Council on February 15, 2017 and the Regional Municipality of York on February 18, 2016. The total project budget for the TYSSE Project is \$3.184 billion.

The Chief Financial Officer has reviewed this report and agrees with the financial impact information.

The TYSSE Executive Task Force approved the allocation of funding for this recommendation on December 9, 2017.

Accessibility/Equity Matters

The above recommendations have no accessibility issues.

Decision History

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Issue Background

During the execution of the work as part of Contract A35-26, delays were encountered in the tunnelling and the construction of the station and bus terminal resulting in multiple claims from OHL/FCC. This report provides recommendations for the full and final resolution of all claims related to Contract A35-26.

Contact

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Attachment

Confidential Attachment

70-12-144
03-04-000256860