



STAFF REPORT ACTION REQUIRED

Making Wellesley Station Accessible - Procurement Authorization

Date:	October 16, 2017
To:	TTC Board
From:	Chief Executive Officer

Summary

The purpose of this report is to obtain authorization for the award of Contract S45-8 Easier Access Phase III Wellesley Station to EllisDon Civil Ltd. in the amount of \$17,322,607.33, on the basis of only the qualified bid submission.

The work under Easier Access Phase III (EA III) Wellesley Station includes construction and installation of two elevators and all other associated work at Wellesley Station as shown in Appendix A.

Recommendation

It is recommended that the Board authorize:

1. Award of Contract S45-8 Easier Access Phase III Wellesley Station to EllisDon Civil Ltd. in the amount of \$17,322,607.33 inclusive of all taxes on the basis of only one qualified bid submission.

Financial Summary

Funds for this expenditure are included in the TTC's 2017-2026 Capital Budget under 3.9 Buildings & Structures, Easier Access Phase III Program that was approved by City Council on February 15, 2017. The Easier Access Phase III total project budget is approximately \$774 million of which approximately \$512 million is budgeted for the remaining stations.

Contract S45-8 does not qualify for the Public Transit Initiative Fund (PTIF). The Chief Financial Officer has reviewed this report and agrees with the financial impact information.

Funding for this project is shared among the following projects:

- Program - 3.9 Easier Access Phase III under Legislative category;
- Program - 3.4 Structural Paving Rehabilitation, under State of Good Repair/Safety category;
- Program - 3.2 Backflow Preventer Program, under State of Good Repair/Safety category; and
- Program - 2.3 Fire Alarm Upgrades, under State of Good Repair/Safety category.

Accessibility/Equity Matters

The work of this contract will provide accessibility to Wellesley Station. An accessible path will be provided from street level to both subway platforms by one elevator for each platform, along with the associated equipment and finishes.

The TTC has set the goal of making all subway stations accessible to people with disabilities. The EA III Program is an important part of the *2014-2018 TTC Accessibility Plan* in its objective to fulfil the provincially-legislated requirements in the *Accessibility for Ontarians with Disabilities Act, 2005* (AODA).

Issue Background

TTC started work to make subway stations accessible to people with disabilities in 1990 with a target to complete by 2025. To date, 37 stations are accessible and there are 29 remaining stations to be made accessible.

The current program schedule is meeting this commitment with four stations currently in construction: St. Patrick, Royal York, Coxwell and Dupont Stations. Including Wellesley, an additional seven stations are expected to commence construction in 2018.

Decision History

The previous budget funding reductions were reinstated to the EA III program in the 2016 – 2025 Capital Budget.

In order to meet the 2025 required completion date, the EA III Program schedule has been accelerated to complete an average of 3 stations per year.

For further project background and history refer to:
[Feasibility of Acceleration – Easier Access Phase III \(For Action\)](#)

Comments

Contract S45-8 Easier Access Phase III Wellesley Station provides for the work related to the supply and installation of two elevators for a barrier-free path from street level to platform level, as well as structural rehabilitation of the bus loop, waterproofing, wayfinding signage, fire alarm system and backflow preventer.

The Request for Bids (RFB) specified that the bidder (including every participant of a Joint Venture, if applicable) must be Certificate of Recognition (COR™) registered, with Infrastructure Health and Safety Association, at the time of the closing and for the duration of the term of the contract.

The RFB was posted on the TTC's website and MERX on June 20, 2017. Of the 18 companies that downloaded the bid documents, 13 companies were general contractors and four companies submitted bids, summarized in Appendix B.

The basis for award as specified in the RFB was to award to the lowest priced qualified bidder. The evaluation of bids was based on a two envelope process and consisted of a qualitative and pricing component in a second envelope to be opened for qualified contractors publicly one week after the completion of the qualitative process.

All bids received were reviewed for commercial compliancy and all bids that appeared to be compliant were rated by the evaluation team.

An evaluation team consisting of three members from the Construction Department, one member from the Engineering Department and one member from Materials and Procurement Department evaluated the qualitative portion of the bids in accordance with the criteria set out in the RFB and attached Appendix C.

Bids were first scored jointly by all members of the evaluation team based on qualitative criteria at the associated weightings as set out in the RFB documents. It was pre-determined that any bid that scored a total qualitative rating of at least 70% and obtained satisfactory references for the shoring and underpinning subcontractor and the bidder, would be considered qualified for further evaluation of their pricing information.

Non-Compliant Bidders:

Bondfield Construction Company Limited (Bondfield) submitted the Proposed Shoring and Underpinning Subcontractor Corporate Summary Form; however, each reference for the projects listed was Bondfield. The instruction to bidders clearly stated that the proposed shoring and underpinning subcontractor shall not list the bidder as a reference under Appendix A and, in the event they did, TTC would not evaluate that project.

The TTC did not want the bidder to be listed as a reference for the proposed shoring and underpinning subcontractor since there would be a bias on whether or not the shoring and underpinning subcontractor has performed satisfactory work for a project. A bidder would most likely deem their own proposed shoring and underpinning subcontractor to have performed satisfactory work, which would defeat the purpose of the reference checks and render them meaningless. A legal opinion was sought with respect to the above mentioned and it was determined that since all projects listed Bondfield as the reference, there were no projects for TTC to evaluate. Since this was a mandatory requirement, their bid was deemed non-compliant and was not evaluated further.

Torcom Construction Inc. (Torcom) submitted their list of similar contracts completed (within last five years); however, each project listed by Torcom was completed more than five years prior. The instructions to bidders clearly stated that the bidder was to provide a list of contracts of similar scope, nature, size, complexity and cost completed within the last five years. A legal opinion was sought with respect to the above mentioned. It was determined that since all contracts provided by Torcom fell beyond the five years, there were no contracts for TTC to evaluate and since it was a mandatory requirement, their bid was deemed non-compliant and was not evaluated further.

Final scores for the qualitative evaluation of the bids were arrived at by consensus, where the following bids failed/passed the qualitative evaluation bar.

Non-Qualified Bidder:

1. Maystar General Contractors Ltd.

Achieved a score of less than 70% points based on qualitative evaluation.

Qualified Bidder:

1. EllisDon Civil Ltd.

The RFB identified that all bidders would be notified, via e-mail, at least one week in advance of the date and time of the public bid opening for the pricing phase of the evaluation and MERX would also be updated to identify the date and time. The bidders were notified on September 1, 2017 of the opening that took place on September 7, 2017.

EllisDon Civil Ltd. (EllisDon) was the only bidder to have their pricing submission evaluated and did not state any exceptions or qualifications. Their bid is considered commercially acceptable. The agreement to bond submitted by EllisDon covers both a labour and material payment bond and a performance bond. The surety company noted on the bid is licensed to transact business under the Insurance Act of Ontario. As such they are considered financially capable of performing the work.

Reference checks were performed for the one bid and were considered satisfactory.

EllisDon will be required to execute a performance bond and labour and material payment bond each in the amount of 50% of the contract value.

Justification

This project involves substantial risk due to underpinning required to transfer the foundation loads of columns for a multi-storey parking garage above the station to below the proposed foundation level of the elevator shafts. Bidders had to submit underpinning/shoring subcontractor information and methodology to qualify. The bid submitted by EllisDon is the only qualified bid. They have previously completed work of similar complexity and demonstrated that their subcontractor has the experience and knowledge to perform the work. EllisDon's bid price is at

the higher end of the engineer's estimate but is considered fair and reasonable taking into account the complex nature of the work and the associated risk.

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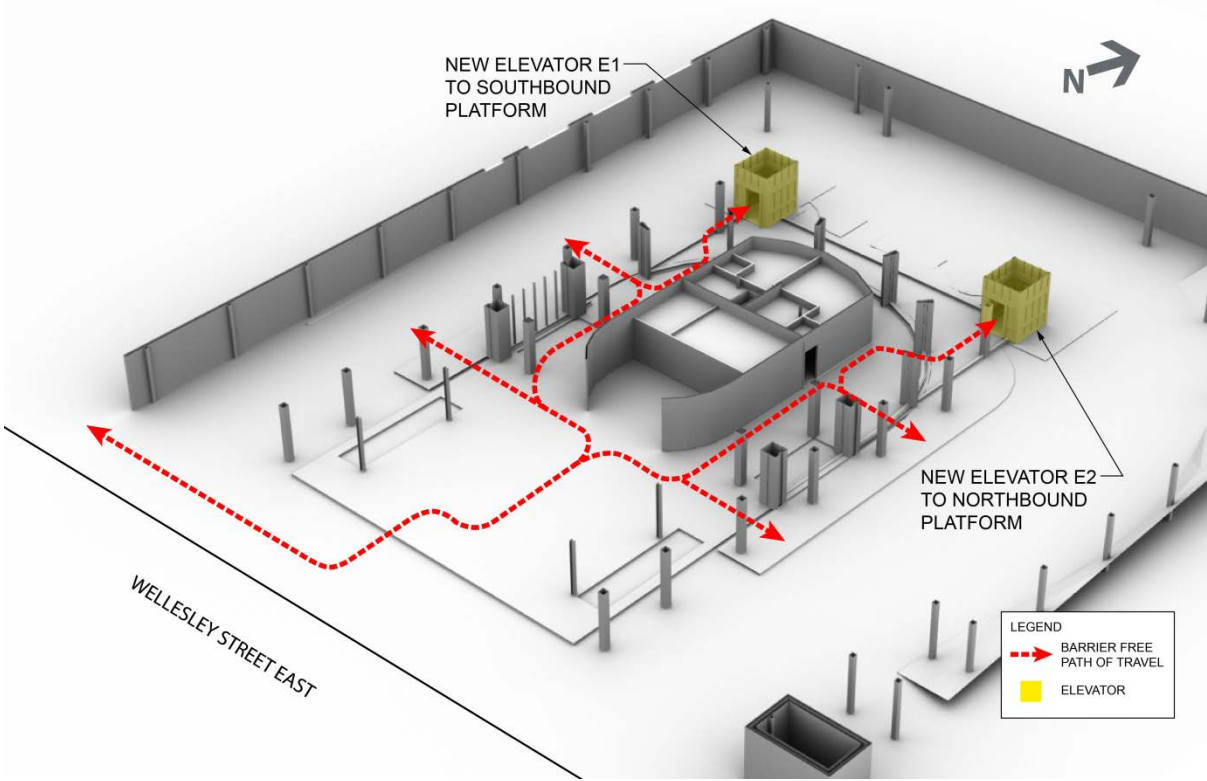
Attachments

Appendix A – Station Layout
Appendix B – Summary of Bids
Appendix C – Evaluation Criteria

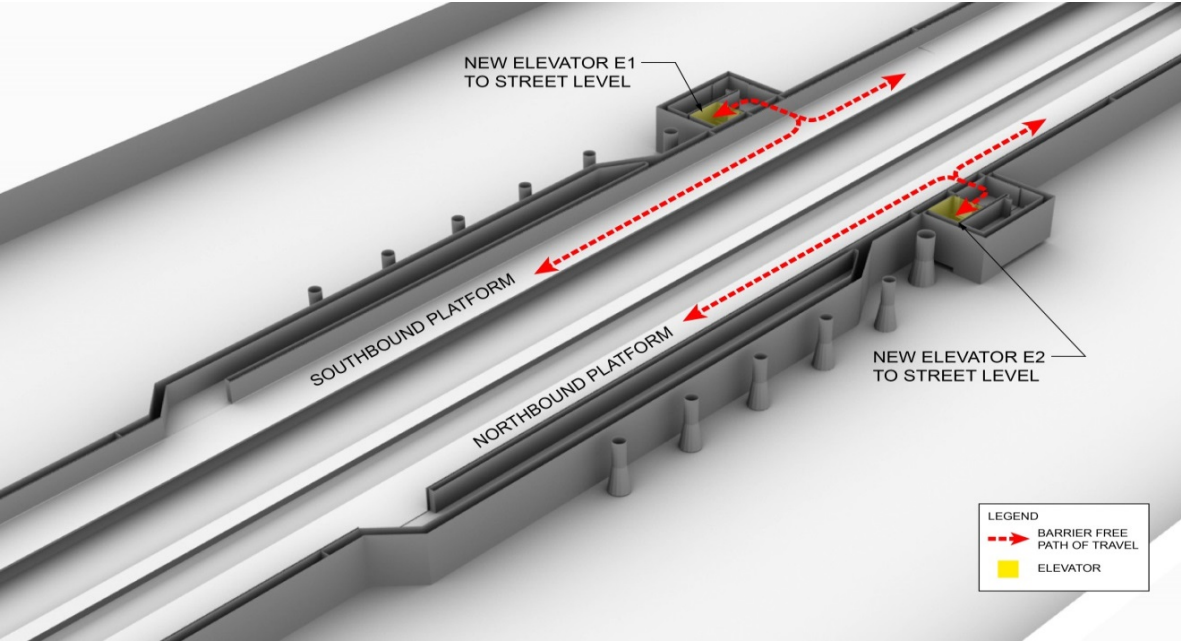
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APPENDIX A

Street Level



Platform Level



Appendix B

Procurement Authorization
Easier Access Phase III
Wellesley Station S45-8

Summary of Bids

Bid No.	Bidder	Total Bid Price (Not Evaluated)
Qualified Bidders - Achieving a Score of 70% (70) points or more based on qualitative evaluation		
1	EllisDon Civil Ltd.	\$17,322,607.33
Non-Qualified Bidders - Achieving a Score of Less Than 70% (70) points based on qualitative evaluation		
1	Maystar General Contractors Inc.	Pricing envelope not opened
Non-Compliant Bidders		
3	Bondfield Construction Company Limited	
4	Torcom Construction Inc.	

APPENDIX C

EVALUATION CRITERIA

- A. Proposed Shoring and Underpinning Subcontractor
- B. Proposed Shoring and Underpinning Subcontractor Qualifications
 - a. Background and capabilities
 - b. Number of Years in Business
 - c. Relevant Corporate Experience by project
- C. Proposed Shoring and Underpinning Project Methodology
 - a. Contract Understanding
 - b. Design and Construction Coordination
 - c. Work Methodology and Methods
 - d. Quality Control Assurance and Monitoring Plan