



## **Dupont Station Easier Access III – Further Status Update**

**Date:** September 24, 2019  
**To:** TTC Board  
**From:** Head of Legal & General Counsel

### **Reason for Confidential Information**

---

This report contains advice or communications that are subject to solicitor-client privilege, including communications necessary for that purpose.

### **Summary**

---

The general contractor for Dupont Station EAIII has filed for insolvency protection. The general contractor's surety has taken active involvement in managing the project.

On August 16, 2019, the contract for Dupont Station EAIII was assigned from the insolvency contractor, Bondfield Construction Company Limited, to Black & McDonald Limited, with a milestone of removing lane restrictions by end of fall 2019 and substantial performance by end of spring 2020.

### **Recommendations**

---

It is recommended that the Board:

1. Approve the Confidential Recommendations as set out in the Confidential Attachment 1; 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**

---

No financial impacts were identified as a result of the adoption of this report.

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

### **Equity/Accessibility Matters**

---

The work of the contract will provide accessibility to Dupont Station. An accessible path will be provided from street level to concourse level and to both subway platforms with installation of three elevators and associated equipment and finishes.

## Decision History

---

At its meeting of November 23, 2015, the Board authorized the award of Contract A45-13 Easier Access Phase III Dupont Station to Bondfield Construction Company Limited in the amount of \$10,103,330.00.

[https://www.ttc.ca/About\\_the\\_TTC/Commission\\_reports\\_and\\_information/Commission\\_meetings/2015/November\\_23/Reports/Procurement\\_Authorization\\_\\_Easier\\_Access\\_Phase\\_III\\_Dupont\\_St.pdf](https://www.ttc.ca/About_the_TTC/Commission_reports_and_information/Commission_meetings/2015/November_23/Reports/Procurement_Authorization__Easier_Access_Phase_III_Dupont_St.pdf)

At its meeting of June 12, 2019, the Board approved the recommendations outlined in the confidential attachment.

[http://www.ttc.ca/About\\_the\\_TTC/Commission\\_reports\\_and\\_information/Commission\\_meetings/2019/June\\_12/Reports/9\\_Dupont\\_Station\\_Easier\\_Access\\_III\\_Status\\_Update.pdf](http://www.ttc.ca/About_the_TTC/Commission_reports_and_information/Commission_meetings/2019/June_12/Reports/9_Dupont_Station_Easier_Access_III_Status_Update.pdf).

## Issue Background

---

Bondfield Construction Company Limited, the general contractor for Dupont Station EAIII, has recently filed for insolvency protection through the Companies' Creditors Arrangement Act (CCAA).

## Comments

---

The general contractor's surety has taken active involvement in managing the project. The surety assisted in assigning the Contract for Dupont Station EAIII from the insolvent contractor, Bondfield Construction Company Limited, to a new contractor, Black & McDonald Limited, with no increase to the Contract Price. The assignment agreement became effective on August 16, 2019 and thereafter Black & McDonald Limited is the general contractor on the project. Black & McDonald Limited has milestones for removing lane restrictions by end of fall 2019 and substantial performance by end of spring 2020.

## Contact

---

Samantha Ambrozy, Solicitor  
416-397-8818  
samantha.ambrozy@ttc.ca

## Signature

---

Brian Leck,  
Head of Legal & General Counsel

## Attachments

---

Confidential Attachment 1 – Dupont Station EAIII – Further Status Update