



Staff Report for Committee of the Whole Meeting

Date of Report: January 21, 2019

Report Number: SREIS.19.001

Department: Environment and Infrastructure Services

Division: Asset Management

Subject: Notification of Non Competitive Single Source Acquisitions

Purpose:

The purpose of this staff report is to provide notification of Non – Competitive Acquisition award of contracts required due to an unforeseen situation of urgency.

Recommendation(s):

- a) That this report be received for information purposes only.

Contact Person:

J. Patrick Caron P.Eng., Director of Asset Management, Extension 2403

Report Approval:

Submitted by: Italo Brutto, Commissioner of Environment and Infrastructure Services

Approved by: Neil Garbe, Chief Administrative Officer

All reports are electronically reviewed and/or approved by the Division Director, Treasurer (as required), Town Solicitor (as required), Commissioner, and Chief Administrative Officer. Details of the reports approval are attached.

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Background:

On July 15, 2016, the Town awarded a contract to build the Oak Ridges Library to Bondfield Construction Company Limited. The contract was scheduled to be substantially completed by November 17, 2017. Because of the significant weather delays and other contractual issues, the substantial completion date was changed to March 28, 2018.

There are provisions in the contract that allow the contractor to respond to unforeseen delays beyond their control. Notwithstanding the efforts of staff and the project team working with the contractor to reach substantial completion, the contractor failed to mitigate prolonged delays, which is a breach of contract.

The Town issued a Notice of Default to Bondfield Construction Company for the construction of the Oak Ridges Library Project on October 4, 2018 terminating the Contract between the Town and Bondfield Construction Company.

The Town is currently working with the Bonding Company, Zurich Insurance, to complete or arrange for completion of the balance of work.

Unfortunately, the building did not reach a state where the permanent heating was functional. To preserve the work from deterioration or damage, it was necessary for the Town to engage a contractor to provide temporary heat in the facility until such time a replacement General Contractor is engaged. On November 14, 2018, the Commissioner of Environment and Infrastructure Services enacted By-Law 113-16 Section 10.4.6 "Award of Contract Required Due to an Unforeseen Situation of Urgency".

A purchase order was issued to Buttcon Limited on November 23, 2018 in the amount of \$50,992.14 to provide temporary heat.

As a required by By-Law # 113-16, Section 10.4. and Section 10.4.6, the Commissioner must report to Council on any medium and high value acquisition made pursuant to this section of the by law within sixty (60) calendar days of approving the acquisition.

Financial/Staffing/Other Implications:

The Town will attempt to recover the costs associated with this work as part of the claim with the Bonding Company.

Relationship to the Strategic Plan:

Reporting of non-competitive acquisition award of contracts required due to an unforeseen situation of urgency, demonstrates transparent and responsible municipal management.

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Conclusion:

This report has been prepared to fulfill reporting requirements provided in Procurement By-Law #113-16.

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Report Approval Details

Document Title:	Notification of Non Competitive Single Source SREIS.19.001.docx
Attachments:	
Final Approval Date:	Jan 7, 2019

This report and all of its attachments were approved and signed as outlined below:

Italo Brutto - Jan 2, 2019 - 12:35 PM

Task assigned to Neil Garbe was completed by delegate MaryAnne Dempster

MaryAnne Dempster on behalf of Neil Garbe - Jan 7, 2019 - 6:18 PM