

THAT the City Clerk be directed to so notify the funding partners for the Brant Street Pier project of the tender award including:

- Canada Ontario Infrastructure Program
- Region of Halton
- Burlington Hydro Incorporated; and

THAT the Total Project Cost of \$7,668,833 (net of full GST rebate) as outlined in Appendix B – Table 2, be charged to Capital Order PD0127 to be financed as follows; and

Canada Ontario Infrastructure Program	\$4,356,230
Region of Halton	\$2,500,000
Burlington Hydro	\$100,000
City of Burlington	
Debentures – Non Tax Supported	\$423,639
Park Dedication Reserve Fund	\$242,964
Park Development Development Charges RF	<u>\$46,000</u>
Subtotal City	<u>\$712,603</u>
 Total Project Financing	 <u><u>\$7,668,833</u></u>

THAT the Mayor and City Clerk be authorized to sign the necessary contract agreements subject to the review by the City Solicitor, and

THAT the City Clerk be directed to prepare the necessary debenture by-law; and

THAT the City Manager and City Treasurer be authorized to proceed under the parameters identified in Confidential Appendix C – Part 2 regarding construction contingency.

2.0 PURPOSE:

The purpose of this report is to obtain approval for the tender award of the Brant Street Pier. Appendix A provides a graphic illustration of the Brant Street Pier as tendered.

3.0 BACKGROUND:

As Committee is aware, the Brant Street Pier represents the final element of the overall Downtown Waterfront Project and over the past few months a comprehensive redesign of this highly anticipated waterfront amenity has been undertaken in order to achieve Council's overall approved project budget and to ensure the pier is completed in a timely manner. In 2005 an environmental assessment was completed which involved extensive public and stakeholder input into the design, functionality and features of the pier.

4.0 DISCUSSION:

4.1 Tender Overview

Tenders for the Brant Street Pier were opened on Wednesday, July 26, 2006. Of the three tenders received, the lowest bid was from Harm Schilthuis & Sons Limited at a total contract price of \$6,782,557.34 (see Appendix B, Table 1). This price includes the GST and several provisional items. After removing certain provisions items (ie. not recommended by staff) from the three bids, the lowest bid was from Harm Schilthuis & Sons Limited at a revised contract price of \$6,406,257.34 (GST included - see Appendix B, Table 1). Taking into consideration the full GST rebate that will be applied to the pier project, the net construction contract price totals \$6,043,639, which is under the approved Council construction budget.

Harm Schilthuis and Sons Limited was one of the pre-qualified general contractors on the previous pier tender and has successfully completed a number of recent major projects for the City including Aldershot Pool (general contractor) Waterfront Centre and Rotary Centennial Pond (subcontractor). Harm Schilthuis is currently completing work on Aldershot Arena and have also completed a number of waterfront-related projects for the City of Hamilton. Staff are very pleased with the quality of their work and are confident in their ability to successfully complete the pier project. Staff have also reviewed and are satisfied with qualifications and experience of the marine contractors.

Included in the detailed Form of Tender document were a number of sections and individual items which were priced separately including some provisional items and options. Recognizing the overall approved budget of \$6.2 million for pier construction, staff in recommending the tender award to the low bidder have included a limited number of provisional items including:

- a) New watermain and hydrant on headlands to provide water service to end of pier
- b) Water service to end of pier for fire protection
- c) East lawn landscaping

For Committee's information, three (3) remaining provisional items and options have not been accommodated within the staff recommended tender award. They include:

- d) Pathway Extension – extension of the new pedestrian pathway/ramp to the north side of the Travelodge Hotel
- e) Pocket Beach Access – new accessible ramp/walkway from the pedestrian pathway to the pocket beach
- f) Pier Extension – 20 metre extension to the pier to increase total pier length from 112 metres to 132 metres

Note: all of the above cost figures were provided as part of the tender submission and additional information on the individual cost of these items is provided in confidential Appendix C – Part 1. As Committee is aware, the City's purchasing policy requires that unit prices included within tenders and RFP's are to remain confidential.

Should Committee wish to consider approving any of the three items noted above, it is staff's view that the pier extension should be given priority consideration for one primary reason. The cost of the 20 metre pier extension has been derived based on unit costs submitted by the low bidder and any extension of the pier at a later date would involve significantly higher costs due to "in water" set-up and mobilization costs. With respect to items d and e, these items are "on land" amenities and could be completed at a later date subject to approval by Council.

4.2 Other Considerations

Committee should also be aware of a number of other considerations including:

- Project Timing – As a result of the requirement to secure final agency approvals for the final design as tendered, the pier tender provided a contract start date of July 2007 (which is the earliest date the contractor can begin construction in water due to fish habitat restrictions). Staff anticipate site preparation and start up operations will need to commence in May 2007. In the pier tender, the potential for an earlier construction start date (i.e. September 15, 2006) was included in the event the City is successful in expediting agency approvals. The lower bidder has identified a credit should this outcome be realized and subject to Council approval of the tender award, staff will continue to actively pursue agency approvals over the next month.
- Impact on 2007 Special Events and Park Users – With construction expected to be fully underway in late spring, the east end of Spencer Smith Park, namely the headlands south of the Travelodge Hotel, will not be available for special events and general park users (note: use of headlands for setting off of July 1st fireworks will still be accommodated). Parks and Recreation staff will work with event organizers to ensure the impact of this restriction is minimized on programming. Some pedestrian access on the immediate south side of the Travelodge Hotel will need to be maintained throughout the construction. Appropriate fencing will also be installed under the contract, and staff will work with adjacent businesses to minimize construction impacts. Restrictions on general park use and during special events will be communicated as part of the overall project communication plan.
- Canada Ontario Infrastructure Program (COIP) Funding - In keeping with the requirements of our formal agreement, staff advised our COIP representatives in June of the changes to the pier based on the tendered design. Recently staff have received written confirmation that the revised pier design still meets the objectives and intent of the agreement and our total COIP funding of \$6.75 million will be maintained. Our COIP agreement requires that all claims for eligible expenses, including those related to the pier construction, be submitted by the March 31, 2008 deadline. Staff do not foresee any issues with claiming our full COIP funding by that date.
- Tree Planting and Removal Plan - Similar to the pre-construction plans for the DTWF project works completed at the west end of Spencer Smith Park, the

construction of the pier and pier district will also require Council approval of a Tree Planting and Removal Plan. With regard to removals, as is our normal practice, staff will minimize the number of removals and look to spade and replant as many trees as possible in other parks and open space locations. A staff report on this matter will be brought forward separately to Committee in September recognizing that the fall is the ideal time for tree replanting.

- Closure of Completed DTWF Capital Projects - As Committee is aware a number of DTWF projects have now been completed and will be formally closed out in conjunction with the annual report to C&CS prepared by the Finance Dept each fall. The DTWF related projects that are (or will be) completed and can be closed include:

○ Lakeshore Road/Maple Ave Gateway	RA0061
○ Waterjet Cascade and Playground Renewal	PD0139
○ Waterfront Centre/Rotary Centennial Pond	MB0002
○ DTWF Communications and Marketing	SU0017
○ DTWF Project Management	PD0131

All projects will be closed within the approved authorization limits of the City Manager and City Treasurer under the capital closure policy. Further details will be provided in the Finance Department's report on the 2006 capital project closures.

5.0 FINANCIAL MATTERS:

The attached Appendix B – Tables 2 & 3 (Project Estimate and Financing) summarize the gross costs and financing for the overall Brant Street Pier project based on the total project cost of \$7,668,833 (net of full GST rebate). The total project amount, which includes the recommended pier construction tender, is within the overall approved budget for the Brant Street Pier. As such only a minor adjustment is required to the approved project financing to reduce tax debentures by \$6,361. For Committee's information, the total revised project cost has also been adjusted to include \$100,000 from Burlington Hydro Inc for the wind turbine, which is part of the beacon/lookout node of the pier. The BHI funding is being provided under their energy conservation program as a demonstration project and the electricity generated by the wind turbine will power the new lighting on the pier.

City of Burlington funding for the pier is all non-tax supported including debentures of \$423,639 and in total represents 9.3% of the total pier cost. With regard to the non-tax supported debt, the operation of the pier and programming of the larger pier district will require some revenue generation strategies to be confirmed in the business plan including consideration of recreational and commercial docking charges, concession and seasonal rentals (eg. kiosks), and possibly incremental revenues from new special events on the east lawn (eg. sponsorships, rentals, etc.).

Overall, the pier project is funded by all four (4) levels of government with all senior government partners providing clear direction that the Brant Street Pier was their highest priority within the overall DTWF plan.

6.0 ENVIRONMENTAL MATTERS:

The Brant Street Pier received approval in principal from the regulatory agencies during the Class Environmental Assessment process since caissons were proposed to support the pier rather than lake fill. The use of caissons minimizes the impacts on the lake bottom and minimizes impacts on near shore currents, sediment transport and fish migration. Still, the Brant Street Pier has some minor negative impacts as the caissons negatively impact the lake bottom which is viewed by the Federal Department of Fisheries and Oceans (DFO) as fish habitat. To compensate for this negative impact, staff and the pier consultants have received approval in principal from DFO to improve fish habitat and fish passage in Sheldon Creek within Sherwood Forest Park. Specifically the compensation works include:

- Removal of a low level grade crossing of Sheldon Creek which currently obstructs fish passage. The low level crossing is currently used by Roads and Park Maintenance for vehicle access across Sheldon Creek.
- Stabilizing and revegetating the creek banks in the vicinity of the existing pedestrian bridge over Sheldon Creek.
- Replacement of the existing pedestrian bridge crossing of Sheldon Creek with a new bridge capable of supporting both pedestrians and RPM maintenance vehicles.

The above works will be cost shared with Parks and Recreation as the existing pedestrian bridge is in need of replacement. Included in the Pier project cost estimate (Appendix B – Table 2) is \$100,000 towards fish compensation.

7.0 COMMUNICATION MATTERS:

The Brant Street Pier project is a major capital project of significant interest to the community. As well, the project is the final project funded through the COIP agreement and will require a formal special event protocol to be followed for the opening.

Recognizing the above, a comprehensive communications plan will be implemented through the Corporate Communications Department working closely with Engineering and Parks and Recreation staff.

8.0 CONCLUSION:

The Brant Street pier represented the final element of the DTWF Implementation Plan. When completed, it will complement the public amenities now in place at the west end of Spencer Smith Park and achieve Council's vision for the Downtown Waterfront as a unique and vibrant destination. Staff are pleased to recommend the Brant Street Pier tender award for approval.

Respectfully submitted,

Philip Kelly
Manager of Development
Environmental & Transportation
Engineering

Ross Stephen,
Contract Manager - DTWF

Appendices:

Appendix A – Pier Design
Appendix B – Tender Listing, Project Cost Estimate and Project Financing
Appendix C – Confidential Appendix re: Construction Contingency

Staff / Others Consulted:

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Special Instructions:

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