



The Corporation of the Town of LaSalle
Special Meeting of Council
Agenda

Tuesday, July 23, 2024, 4:30 p.m.

Council Chambers, LaSalle Civic Centre, 5950 Malden Road

Clerk's Note: The Meeting will be live-streamed at www.youtube.com/@TownofLaSalleON.
Accessible formats or communication supports are available upon request. Contact the Clerk's Office, ljean@lasalle.ca, 519-969-7770 extension 1256.

Pages

A. Opening Business

1. Call to Order
2. Land Acknowledgement Statement

B. Disclosure of Pecuniary Interest

C. Drainage Matter

1. Bessette Drain Major Improvement and Repair - Tender Results

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Clerk's Note: Pursuant to s.59(1) of *The Drainage Act*, because the tender price for the repair and improvement of the Bessette Drain exceeds 133% of the Engineer's estimated cost, a Public Meeting has been called to consider the tender results and determine next steps.

Recommendation

That the report of the Drainage Superintendent dated July 4th, 2024 (PW-23-2024) regarding the tender results for the repair and improvement of the Bessette Drain be received;

And that direction be given to Administration on how to proceed with the project.

D. By-laws

Clerk's Note: By-law 8906 will be adopted if Option A in report PW-23-2024 is chosen.

1. 8906 - Agreement - Bessette Drain Improvements (Sherway)

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E. Adjournment



The Corporation of the Town of LaSalle

To: Mayor and Members of Council

Prepared by: Brian MacMillan, C. Tech., Drainage Superintendent

Department: Public Works

Date of Report: July 4, 2024

Report Number: PW-23-2024

Subject: Bessette Drain Major Improvement and Repair - Tender Results

Recommendation

That the report of the Drainage Superintendent dated July 4th, 2024 (PW-23-2024) regarding the tender results for the repair and improvement of the Bessette Drain be received;

And that direction be given to Administration on how to proceed with the project.

Report

The Bessette Drain is a Municipal Drain with the upstream end located near Malden Road, between Laurier Parkway and Mike Raymond Drive. The drain runs southerly, adjacent to Malden Road, to a point just north of Martin Lane, then turns to the southeast and continues to its outlet into the Canard River.

The Town initiated a request for drain maintenance for the Bessette Drain and appointed Rood Engineering Inc. as the Drainage Engineer in 2016.

After working through the Drainage Act process, By-Law #8809 was read a third and final time on November 14th, 2023 adopting the final drainage report submitted by Rood Engineering, which details the recommended repair and improvements to the drain.

The recommended work consists of improvements to the open drain, repair of existing access culverts and tile drain connections, as well as replacement of existing access culverts as necessary.

On May 17th, 2024 the Town issued a request for tender to complete the repair and improvement of the Bessette Drain. The tender period closed on June 7th, 2024 and three (3) tender submissions were received. The tender results are summarized as follows:

Contractor	Tender (Excluding HST)
Sherway Contracting Windsor Limited	\$385,087.00
J.C.S. Construction Inc.	\$396,800.00
Rudak Excavating Inc.	\$410,500.00

Tender submissions were reviewed by Administration and Rood Engineering Inc. and were found to be complete and accurate.

The lowest tender submission is approximately 192.5 percent of the construction estimate in the engineer's report. Administration believes that the increase in cost is likely attributable to market increases and inflation in the time between the Engineer's estimate and the posting of the tender. Another factor may be the additional considerations necessary to comply with recently implemented Ontario Regulation 406/19 for excess soil management.

In accordance with Section 59(1) of the Drainage Act, where the contract price exceeds 133% of the engineer's estimate, the Council of the initiating municipality shall schedule a meeting to consider the tender price. The purpose of this meeting is to review the tender results, receive landowner input, and determine how to proceed with the project.

There are two options for Council to consider:

Option A – Award the tender to the lowest bidder.

Option B – Reject the tenders and issue a second request for tender.

In review and discussion of the two options, Administration is providing the following information for consideration:

- The tight grouping of the prices received (approximately 3% difference between the first and second bid) suggest that the tender was competitive;
- There is potential risk in re-tendering the project, whereby the Town could receive less bid submissions, and/or higher prices;
- Factors believed to have contributed to the increased costs (Pipe material increases, fuel cost increases, excess soils considerations, etc.) are not expected to improve with time;
- If the project is re-tendered to allow for winter work, there may be an opportunity to receive additional bids from drainage contractors to perhaps lower the price;

Based on the foregoing discussion points and comparison to other recently tendered drainage projects, Administration is recommending that Council proceed with Option A – Award the tender to the lowest bidder.

Consultations

Rood Engineering Inc.

Financial Implications

Option A – The cost of the project will be collected upon the completion of the works as per the assessment schedule and the Town's Municipal Drainage Billing and Collection Policy. Individual assessments are estimated to be approximately 169% of the original Engineers Estimate. The estimated assessment for Town owned lands increases from \$16,201.00 to \$27,342.21.

Option B – The financial implications are not known at this time.

Prepared By:

A handwritten signature in black ink, appearing to read 'B MacMillan', with a stylized flourish at the end.

Brian MacMillan, C.Tech.

Link to Strategic Goals

1. Enhancing organizational excellence - Not Applicable
2. Strengthen the community's engagement with the Town - Not Applicable
3. Grow and diversify the local economy - Not Applicable
4. Build on our high-quality of life - Not Applicable
5. Sustaining strong public services and infrastructure - Yes

Communications

Notice of the tender results the details of this meeting was sent to all landowners in the Bessette Drain watershed area.

Report Approval Details

Document Title:	Bessette Drain Major Improvement and Repair - Tender Results.docx
Attachments:	
Final Approval Date:	Jul 9, 2024

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



Jonathan Osborne
Director, Public Works

Jonathan Osborne



Peter Marra
Deputy Chief Administrative Officer

Peter Marra



Joe Milicia
Chief Administrative Officer

Joe Milicia

The Corporation of the Town of LaSalle

By-law Number 8906

A By-law to authorize the execution of an Agreement between Sherway Contracting (Windsor) Limited and the Corporation of the Town of LaSalle for the Bessette Drain Improvements

Whereas Section 9 of the *Municipal Act*, 2001, S.O. c.25 confers natural person powers on municipalities which includes the power to enter into agreements with individuals and corporations;

And whereas the Corporation of the Town of LaSalle (“Corporation”) issued a Request for Tender RFT-PW-2024-09 - Repair and Improvement of the Bessette Drain;

And whereas the Corporation has awarded the contract to Sherway Contracting (Windsor) Limited;

And whereas the Corporation deems it expedient to enter into an Agreement with Sherway Contracting (Windsor) Limited setting out the terms and conditions that have been agreed to with the Corporation for the amount of \$ 385,087.00 plus HST;

Now therefore the Council of the Corporation of the Town of LaSalle hereby enacts as follows:

1. **That** the Mayor and Clerk be and they are hereby authorized and empowered on behalf of the Corporation of the Town of LaSalle, to execute an Agreement with Sherway Contracting (Windsor) Limited for RFT-PW-2024-09 - Repair and Improvement of the Bessette Drain.
2. **That** this By-law shall come into force and take effect upon on the date of the third and final reading thereof.

Read a first and second time and finally passed this 23rd day of July, 2024.

1st Reading – July 23, 2024

2nd Reading – July 23, 2024

3rd Reading – July 23, 2024

Mayor

Clerk