

Municipality of Chatham-Kent
Infrastructure and Engineering Services
Public Works

To: Mayor and Members of Council
From: Dennis Chepeka, Manager of Public Works North
Date: November 21, 2022
Subject: Contract Award T22-127-F Concrete Curb, Sidewalk and Driveway Repairs

Recommendations

It is recommended that:

1. The contract in the amount of \$177,703.35 (including HST) for work associated with T22-127-F Concrete Curb, Sidewalk and Driveway Repairs be single sourced to Shoreline Restoration Ltd.
2. The Acting General Manager of Infrastructure and Engineering Services be authorized to enter into the necessary agreement with the successful contractor.

Background

The Procurement By-law #166-2020 was adopted by Council on December 14, 2020. The Single Source section of the Procurement states the following:

A non-competitive direct award of Contract may be used to purchase Deliverables from Municipality funds only and with a value of \$100,000 or less with the prior approval of the CAO under the following circumstances:

The Procurement By-law #166-2020 was adopted by Council on December 14, 2020. The Single Source section of the Procurement states the following:

A non-competitive direct award of Contract may be used to purchase Deliverables from Municipality funds only and with a value of \$100,000 or less with the prior approval of the CAO under the following circumstances:

- a. Where there is one (1) or no (0) Response to a competitive process;
- b. To recognize exclusive rights, or to maintain specialized products that must be maintained by the manufacturer or its representative or where the Municipality is contractually bound to purchase a Deliverable from one Supplier;

- c. To purchase an item for testing or trial use;
 - d. Where Deliverables are in short supply due to market conditions, including geographic limitations and lack of competition;
 - e. To exercise a purchase option under a rental contract;
 - f. To purchase Goods offered for sale by auction or tender;
 - g. Where a competitive method of purchasing could interfere with the Municipality's ability to maintain security or order, or to protect human, animal or plant life. For clarity, this exception only applies where the competitive method of purchasing is what causes the interference, not where the good or service being purchased affects the ability to maintain security or order, or protects human, animal or plant life.
 - h. Where an unforeseeable situation of urgency exists and competitive methods of purchasing would result in the Municipality's inability to obtain the Deliverable in time. For clarity, this exception cannot be used where the urgency was foreseeable;
- or,
- i. Where Deliverables relating to matters of a confidential or privileged nature are required and disclosure of these matters could reasonably be expected to compromise confidentiality, cause economic disruption, or otherwise be contrary to the public interest.

Comments

In accordance with the Procurement By-Law, Contract T22-127-F was advertised on the municipal website on September 9, 2022, for the supply of equipment, labour and materials required to repair and replace curbs, sidewalk panels, and driveway approaches in various locations within the Municipality of Chatham-Kent that were removed or damaged in the course of infrastructure repairs, or identified by Public Works as trip hazards.

One quotation was received by the Purchasing Office on September 28, 2022 and forwarded to the Manager of Public Works North for review.

The results were as follows:

Rank	Company Name	Amount (including H.S.T.)
1.	Shoreline Restoration Ltd.	\$ 177,703.35

Public Works reviewed the submission, and it was found to be complete and mathematically correct.

The Procurement By-law allows the CAO the authority to approve single source transactions up to 100,000. This transaction exceeds that authority. Delays caused by the municipal election process prevented Public Works from obtaining Council approval on this tender, and with impending winter weather conditions, the opportunity to complete the fall concrete curb and sidewalk work is necessary to be completed in an expedited manner.

On October 17, 2022, in consultation with Chatham-Kent Council, the CAO granted Public Works the authority to proceed with the contract. Accordingly, it is recommended that the contract be awarded to the sole bidder, Shoreline Restoration Ltd. of London, Ontario.

Areas of Strategic Focus and Critical Success Factors

The recommendations in this report support the following areas of strategic focus:

- ☐ Economic Prosperity:
Chatham-Kent is an innovative and thriving community with a diversified economy
- ☒ A Healthy and Safe Community:
Chatham-Kent is a healthy and safe community with sustainable population growth
- ☐ People and Culture:
Chatham-Kent is recognized as a culturally vibrant, dynamic, and creative community
- ☐ Environmental Sustainability:
Chatham-Kent is a community that is environmentally sustainable and promotes stewardship of our natural resources

The recommendations in this report support the following critical success factors:

- ☐ Financial Sustainability:
The Corporation of the Municipality of Chatham-Kent is financially sustainable
- ☒ Open, Transparent and Effective Governance:

The Corporation of the Municipality of Chatham-Kent is open, transparent and effectively governed with efficient and bold, visionary leadership
- ☐ Has the potential to support all areas of strategic focus & critical success factors

☐ Neutral issues (does not support negatively or positively)

Consultation

The tender was received by the Purchasing Office, and reviewed by the Manager of Public Works North, Infrastructure and Engineering Services.

The CAO supports the recommendations.

Financial Implications

The cost of each repair will be funded from the contract lines within the 2022 Council approved base budget utility accounts in which the removal was deemed necessary (storm sewer, sanitary sewer or water distribution).

Description	Total
A) Project Costs	
Recommended Tender	\$ 157,259.60
Plus HST (13%)	\$ 20,443.75
Less HST Rebate (11.24%)	- \$ 17,675.98
Total Project Costs	\$ 160,027.37
B) Estimated Project Funding	
Water Main Repairs	\$ 23,910.85
Water Service Repairs	\$ 4,313.10
Catch Basin Repairs	\$ 30,434.53
Storm Sewer Repairs	\$ 2,343.53
Sidewalk Repairs	\$ 83,757.94
Sanitary Sewer Repairs	\$ 11,372.04
Hydrant Maintenance	\$ 3,895.37
Total Project Funding	\$ 160,027.37

Prepared by:

Dennis Chepeka
Manager, Public Works North

Reviewed by:

Ryan Brown, P.Eng
Director, Public Works

Chris Thibert, P.Eng.
Acting General Manager
Infrastructure and Engineering Services

Consulted and confirmed the content of the consultation section of the report by:

Jennifer Scherle
Manager, Purchasing & Accounts Payable

Attachments: None

c Purchasing Coordinator