



## The Corporation of the Town of Tecumseh

Public Works & Engineering Services

**To:** Mayor and Members of Council

**From:** Phil Bartnik, Director Public Works & Engineering Services

**Date to Council:** July 25, 2023

**Report Number:** PWES-2023-55

**Subject:** Demonte Branch Drain – Tender Award

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### Recommendations

It is recommended:

**That** the tender for the Demonte Branch Drain in the amount of \$198,687 excluding HST **be awarded** to Mark G. Contracting;

**And that** By-law 2023-083 **be given** first, second, third and final reading, to authorize the Mayor and Clerk to execute an agreement, satisfactory in form to the Town's solicitor, with Mark G. Contracting.

### Background

On February 14, 2023, Council considered report [PWES-2023-10](#) for the repair and improvement of the Demonte Branch Drain under the Drainage Report by Mark Hernandez, P.Eng., of Dillon Consulting Ltd. (Dillon) dated August 5, 2022, and provisionally adopted By-Law 2023-021 (Motion PCM-09/23). Council gave the third and final reading on April 11, 2023.

This project consists of cleaning out accumulated silt and debris, replacing existing bridges and enclosures and installing cable concrete liner. The Town received approval from the Essex Region Conservation Authority (ERCA) on August 5, 2022.

## Comments

A Tender call was advertised on the Town's website along with being posted on the Town's bids and tenders account on June 8, 2023. Six (6) tender submissions were received on June 29, 2023, and were virtually opened in the presence of the Town's Purchasing Officer.

Dillon has reviewed the tenders and provided a summary report which is included as Attachment 1. The tender results are summarized as follows:

<b>Tenderer</b>	<b>Total Tender Price (excluding HST)</b>
Mark G. Contracting Inc.	\$198,687
Shepley Excavating & Road Maintenance Ltd.	\$227,006
Murray Mills Excavating & Trucking (Sarnia) Ltd.	\$322,097
Quinlan Inc.	\$355,500
Nevan Construction Inc.	\$377,100
Rudak Excavating Inc.	\$396,800

As part of their review, Dillon checked each of the submissions for mathematical errors or bid irregularities and discovered none.

All Tenderers submitted their required Bid Bond and there were no addendums.

The Engineer's construction estimate for this project was \$175,750. The lowest tender of \$198,687 is 113% of the Engineer's construction estimate and does not exceed 133% which would trigger Section 59(1) of the *Drainage Act*.

Based on their low tender submission and subsequent discussions, Administration, in consultation with Dillon, recommends that Council award the tender for the Demonte Branch Drain in the amount of \$198,687 excluding HST to Mark G. Contracting.

## Consultations

Financial Services  
Dillon Consulting Ltd.

## Financial Implications

According to Section 59(1) of the Act, if the contract price exceeds 133% of the engineer's construction estimate, the Council of the initiating municipality shall call a meeting to consider the contract price with the affected landowners and discuss the next steps. As the lowest tender bid was 113% higher than the engineer's construction estimate, a meeting with the affected landowners is not required.

Other than costs to administer the project, the project costs are 100% recoverable from the affected lands, including Town owned lands, as detailed in the Assessment Schedule included in the Engineer's Report dated August 5, 2022. The Town will utilize the Drain Lifecycle Reserve to pay for the Town's drainage assessment.

In accordance with Section 62(1) of the Act, Council will need to pass a by-law to assess out actual costs to the lands and roads that contribute to the Drain, at which time the Town's final costs will be known. The estimated costs to the Town within the Drainage Report are \$4,887.

## Link to Strategic Priorities

Applicable	2019-22 Strategic Priorities
<input type="checkbox"/>	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.
<input checked="" type="checkbox"/>	Ensure that Tecumseh's current and future growth is built upon the principles of sustainability and strategic decision-making.
<input type="checkbox"/>	Integrate the principles of health and wellness into all of Tecumseh's plans and priorities.
<input checked="" type="checkbox"/>	Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses.
<input type="checkbox"/>	Demonstrate the Town's leadership role in the community by promoting good governance and community engagement, by bringing together organizations serving the Town and the region to pursue common goals.

## Communications

Not applicable ☒

Website ☐

Social Media ☐

News Release ☐

Local Newspaper ☐

This report has been reviewed by Senior Administration as indicated below and recommended for submission by the Chief Administrative Officer.

Prepared by:

Alessia Mussio, E.I.T.  
Drainage Superintendent

Reviewed by:

Phil Bartnik, P.Eng.  
Director Public Works & Engineering Services

Reviewed by:

Tom Kitsos, CPA, CMA, BComm  
Director Financial Services & Chief Financial Officer

Recommended by:

Margaret Misek-Evans, MCIP, RPP  
Chief Administrative Officer

<b>Attachment Number</b>	<b>Attachment Name</b>
1	Dillon Consulting Ltd. Recommendation Letter (dated July 5, 2023) for Demonte Branch Drain Tender Award