



THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF INFRASTRUCTURE SERVICES

MISSION STATEMENT: *Committed to delivering cost-effective and efficient services for the residents of the Town of Amherstburg with a view to improve and enhance their quality of life.*

Author's Name: Antonietta Giofu	Report Date: November 15, 2021
Author's Phone: 519 736-3664 ext. 2320	Date to Council: December 13, 2021
Author's E-mail: agiofu@amherstburg.ca	Resolution #:

To: Mayor and Members of Town Council

Subject: Alma Street Watermain Improvement Detailed Design and Tendering Services – Memorandum of Understanding for Funding and Engineering Agreement

1. RECOMMENDATION:

It is recommended that:

1. The Memorandum of Understanding (MOU) for funding contributions toward the detailed engineering design and tender services for the Alma Street Watermain **BE APPROVED**;
2. The Mayor and Clerk **BE AUTHORIZED** to sign the MOU with 1710690 Ontario Ltd, Loricon Holdings Ltd, 1722817 Ontario Ltd, Joel Ferasol, and Matthew Chappus;
3. The agreement with Hrycay Consulting Engineers Inc. to provide Detailed Design and Tender Services for the Alma Street Watermain **BE APPROVED** for an amount not to exceed \$15,915 plus applicable taxes subject to being satisfactory in technical content to the Director of Infrastructure Services and in form and legal content to the Town's legal counsel; and,
4. The Mayor and Clerk **BE AUTHORIZED** to sign the agreement with Hrycay Consulting Engineers Inc.

2. BACKGROUND:

On September 10, 2020, Administration received a petition signed by property owners along Alma Street between the 4th Concession South and 4391 Alma for a watermain replacement to facilitate future industrial development. Currently, there is a 200mm (8") watermain on Alma that ends at the Concession 4 South. The proposed improvement project consists of extending and replacing the existing 100mm (4") watermain from the

4th Concession South to the end of the commercial/industrial zoned properties to the east. This improvement will enhance the services provided and allow for present and future business development opportunities.

The purpose of this report is to obtain authorization to enter into an agreement with the property owners for the engineering design costs and to obtain authorization to enter into an agreement with Hrycay Consulting Engineers to provide detailed design and tendering services. Subject to these approvals, the next step forward would be to complete the detailed design for a new 200mm watermain.

3. DISCUSSION:

Memorandum of Understanding (attached to report)

The Town has been working with the five (5) property owners to achieve agreement on sharing the engineering detailed design costs for the new watermain.

During discussions with the property owners, suggestions were made that previous Administration had indicated that the current watermain was sufficient for development and more recently that the Town would consider contributing to funding some of the cost associated with upgrades to the current watermain. Members of Administration that would have been present during these previous discussions with the property owners are no longer with the Town. There has been no correspondence provided to current Administration to substantiate these claims. The Town has been involved in numerous projects involving services required solely for development and it is the developers' responsibility to cover the cost of such work. One recent example of this is the servicing of the Southeast Quadrant. Developers are responsible for cost associated with services needed for their development. Therefore, it is Administration's recommendation that the Town not share in funding for this project. This project is an upgrade to an existing service and is not required by the Town. This project is being completed solely for the purpose of development on these particular properties.

A Memorandum of Understanding (MOU), as attached to this report, defines the commitment and responsibilities of the respective parties in order to facilitate their future development plans. The cost of the engineering work will be fully recovered by the Town to complete the detailed design and tender specifications, estimated by Hrycay at \$15,915 plus applicable taxes. The framework of the MOU is a shared cost recovery of the professional fees incurred based on the percentage of the frontage of each property owner's respective property as outlined below:

1710690 Ontario Ltd. – 18.5%
Loricon Holdings Ltd. – 30.7%
1722817 Ontario Ltd. – 24.2%
Ferasol – 12.1%
Chappus – 14.5%
Total 100.00%

The MOU includes a provision for the property owners to pay 100% of the projected costs upon execution of the MOU as highlighted in article 2.4.

Engineering Agreement – Hyrcay (attached to report)

The Town advertised a Request for Proposals (RFP), for firms to provide design engineering services for the Alma Street Watermain Replacement, on October 26, 2020 online via Bids and Tenders and on the Town's website. The RFP closed on November 24, 2020, with the Town receiving 2 proposals.

The evaluation committee consisted of the Manager of Engineering, the Manager of Environmental Services and the Engineering Technician. The committee met as a group to review the proposals, complete the evaluation process and determine the successful proponent. Upon completion of the evaluation process, the committee concluded that the successful proposal was Hyrcay Consulting Engineers.

4. RISK ANALYSIS:

Not moving forward with the Memorandum of Understanding and engineering agreement could result in the loss of future industrial development in this area. The Town could also face a legal challenge from the property owners, as their ability to develop may be restricted.

5. FINANCIAL MATTERS:

There is no financial impact with this MOU or agreement. If the work proceeds to construction, a report to Council will be brought forward which will outline any financial implications with that work.

6. CONSULTATIONS:

Todd Hewitt, Manager of Engineering
Dan Beaulieu, Manager of Environmental Services

7. CONCLUSION:

Authorizing the MOU will solidify the financial agreement for funding contributions from the property owners for engineering costs and facilitate the servicing of these lands for future development.



Antonietta Giofu


Director of Infrastructure Services

Report Approval Details

Document Title:	Alma Street Watermain MOU, Design and Tendering Services.docx
Attachments:	- Alma Street Water Main - Memorandum of Understanding and Schedule A (004).pdf - AGREEMENT - ALMA ST WATERMAIN ENGINEERING.pdf
Final Approval Date:	Oct 28, 2021

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

Mark Spizzirri

A handwritten signature in black ink, appearing to read 'Mark Spizzirri', with a stylized, cursive script.

Tony Haddad

A handwritten signature in black ink, appearing to read 'Tony Haddad', with a stylized, cursive script.


Valerie Critchley

Report Approval Details

Document Title:	Alma Street Watermain MOU, Design and Tendering Services.docx
Attachments:	- Alma Street Water Main - Memorandum of Understanding revision October 28, 2021.pdf - AGREEMENT - ALMA ST WATERMAIN ENGINEERING-PHASE 1.pdf
Final Approval Date:	Dec 2, 2021

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

Tiffany Hong

A handwritten signature in black ink, appearing to read 'Tiffany Hong', with a stylized, cursive script.

Tony Haddad

A handwritten signature in black ink, appearing to read 'Tony Haddad', with a stylized, cursive script.

Valerie Critchley