

**REPORT NO. 11** of the  
**FAMILY AQUATICS AND LIBRARY COMPLEX**  
**STEERING COMMITTEE**  
of its meeting held  
October 25, 2011

**Present:**                   **Concillor Dilkens, Chair**  
                                  **Councillor Sleiman**  
                                  **Councillor Jones**  
                                  **Councillor Payne**

**Regrets:**                   **Concillor Fnlvio Valentinis**

Your Steering Committee submits the following recommendation:

Moved by Councillor Jones seconded by Councillor Sleiman,

**WHEREAS** the City of Windsor recognizes the process prescribed in the Request for Proposals for the Design and Construction of the Family Aquatics and Library Complex does not provide for the payment of an honorarium to unsuccessful bidders; and

**WHEREAS** the City of Windsor is cognizant of the significant time, effort and cost on the part of the proponents to respond to the RFP; and

**WHEREAS** the question of honoraria for this project was specifically posed during the request for qualification process undertaken prior to the release of the RFP; and

**WHEREAS** the City of Windsor considered the question of honoraria for this Project and ultimately replied via addendum to all potential proponents during the prequalification that it did not intend to pay an honorarium; and

**WHEREAS** letters were received from the President of the Ontario General Contractors Association in opposition to the decision to deny honoraria;

**THEREFORE BE IT RESOLVED** that the request for honoraria for unsuccessful proponents **BE DENIED**.

Carried.

**Clerk's Note:** The following letters are attached as background information:

- Letter from the Ontario General Contractors Association to the Manager of Purchasing & Risk Management dated October 4, 2011
- Letter from the Manager of Purchasing & Risk Management to the Ontario General Contractors Association dated October 6, 2011
- Letter from the Ontario General Contractors Association to the Manager of Purchasing & Risk Management dated October 19, 2011
- Letter from the Ontario General Contractors Association to Ma or  
October 21, 2011

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COMMITTEE COORDINATOR



# WE BUILD ONTARIO

ONTARIO GENERAL CONTRACTORS ASSOCIATION

Suite 703, 6299 Airport Road,  
Mississauga, ON L4V 1N3  
TEL: (905)671-3969  
FAX: (905)671-8212

October 4, 2011

By email: purchasing@city.windsor.on.ca

Shelby Askin Hager  
Manager of Purchasing & Risk Management  
Corporation of the City of Windsor  
Office of the City Solicitor  
400 City Hall Square East, Suite 403  
Windsor, Ontario N9A 7K6

Reference: RFP # 114-11 - Design and Construction of a Family Aquatic and Library Complex

Dear Sir or Madam:

The industry has strongly supported the practice of honorariums when procurement of projects is being done through the Design Build process.

Everyone has recognized that submitting Design Build proposals is a very costly enterprise. To ensure that there is a strong response to such tenders, many owners offer an honorarium to the unsuccessful teams in recognition of the very high cost of submitting these proposals. The amounts, while not significant in terms of the overall cost of a proposal, are appreciated and do allow more bidders to participate.

The Government of Ontario's Infrastructure Ontario and Ontario Realty Corporation both recognized this at the start of their ambitious program and included the process in their project tenders. Your project mirrors the Infrastructure Ontario process but excludes the honorarium.

- Without honorariums, few architects and contractors are willing to risk the cost of responding to Design Build projects.

- The Ontario Association of Architects, OGCA and the Canadian Design Build Institute all support this practice. We urge you to include the process of an honorarium.

----- If we can provide further explanation, please contact our office and we will be pleased to assist in any way we can.

- Yours very truly,

ONTARIO GENERAL CONTRACTORS ASSOCIATION

Clive Thurston, CBCO, GSC  
President

Ref: RFP # 114-11 - Design and Construction of a Family Aquatic and Library Complex

THE CORPORATION OF THE CITY OF WINDSOR  
OFFICE OF THE CITY SOLICITOR

GEORGE WILKKI  
City Solicitor

Shelby Askin Hager  
Manager of Purchasing and Risk Management

**(519)255-6272**  
**TELEPHONE NUMBER**

6 October 2011

Via email to mary@lga.ca

Ontario General Contractors Association  
Suite 703, 6299 Airport Road  
Mississauga, Ontario L4V 1N3

Attention: TCive Thurston

Dear Sir:

**RFP 114-11 : Design and Construction of Family Aquatic and Library Complex**

This letter is in response to your correspondence of 4 October 2011 regarding honoraria in respect of the above project.

The City of Windsor does indeed recognize that the process described in the RFP will require significant time and effort on the part of the proponents to respond and we appreciate the points raised in your letter.

The question of honoraria for this project was specifically posed during the request for qualification process undertaken prior to the release of the RFP. The City of Windsor considered this question and ultimately replied via addendum to all potential proponents that it did not intend to pay any honorarium on this project.

Thank you for bringing this matter forward on behalf of your membership. If the City's direction in this project, we will advise accordingly.

Yours Truly,

**The Corporation of the City of Windsor**

Shelby Askin Hager

Manager of Purchasing and Risk Management

# WINDSOR ONTARIO

ONTARIO GENERAL CONTRACTORS ASSOCIATION

Suite 703, 6299 Airport Road,  
Mississauga, ON L4V 1N3  
TEL: (905)671-3969  
FAX: (905)671:212

October 19, 2011

By email: [purchasing@city.windsor.on.ca](mailto:purchasing@city.windsor.on.ca)

Shelby Askin-Hager  
Manager of Purchasing & Risk Management  
Corporation of the City of Windsor  
Office of the City Solicitor  
400 City Hall Square East, Suite 403  
Windsor, Ontario N9A 7K6

Reference: RFP # 114-11 - Design and Construction of a Family Aquatic and Library Complex

Dear Ms. Askin-Hager:

Thank you for responding to our concerns on this project. We were greatly disappointed by your response as was the OGCA Board of Directors and the proponents. While you recognize the points we made, especially the immense cost to the proponents, without explaining why, you dismiss the very real need to provide an Honorarium for this project.

As a result, the OGCA Board respectfully requests you reconsider your position and follow the very reasonable practice of using honoraria for these types of projects. Both Infrastructure Ontario and the Design Build Institute of Canada can provide information and assistance in this area.

This is a technology and time challenged project for proponents to effectively provide you with the best possible project. They need to be treated fairly and reasonably.

We appreciate you taking the time to reconsider your position.

Yours sincerely,

ONTARIO GENERAL CONTRACTORS ASSOCIATION

Clive Thurston  
President

cc: Mike Reinders, Chairman  
Jim Lyons - Windsor Construction Association  
Kristi Doyle - Ontario Association of Architects

Ref: RFP # 114-11 - Design and Construction of a Family Aquatic and Library Complex

October 21, 2011

Email: [mavoro@city.windsor.on.ca](mailto:mavoro@city.windsor.on.ca)

Mayor Eddie Francis  
Mayor's Office  
350 City Hall Square West  
P.O. Box 1607  
Windsor, Ontario  
N9A6S1

Reference: RFP # 114-11- Design & Construction of Family Aquatic and Library Complex

Dear Mayor Francis:

The Ontario General Contractors Association represents over 200 general contractors throughout Ontario. We provide the industry with a number of services including the review of tender documents. This is done in the belief that a clear, concise and equitable set of bidding documents will benefit all of the parties involved: the design professional, the contractor and most importantly, the owner.

We have made several attempts to communicate to your representatives the importance of a fair process for this project.

The City's response of October 6 recognizes the high costs to the proponents who wish to compete for this project. Yet, the City still refuses to consider the necessity for an honorarium. On a complex project with a tight timeline, it is essential that the bidders be able to put forward the resources and expertise needed to provide a response.

At present, we wish to advise you that all four proponents are reconsidering their participation on this project. They and their partners cannot assume such large expenditures of time, cost and expertise without fair compensation.

Infrastructure Ontario and the Design Build Institute of Canada have fair formats for addressing the issue. The OGCA would be pleased to assist you in obtaining that information and helping to address this serious matter. Without the inclusion of an honorarium, we cannot assure you that you will receive sufficient responses to your project.

We remain committed to assisting in any way we can to resolving this issue.

Yours sincerely,

ONTARIO GENERAL CONTRACTORS ASSOCIATION

Clive Thurston  
President

cc: Mike Reinders, Chairman

Ref: RFP # 114-11- Design & Construction of Family Aquatic and Library Complex