

Windsor, Ontario September 26, 2011

**REPORT NO. 4** of the  
**FAMILY AQUATICS AND LIBRARY COMPLEX**  
**STEERING COMMITTEE**  
of its meeting held  
September 19, 2011

**Present:**

**Councillor Dilkens, Chair**  
**Councillor Sleiman**  
**Councillor Jones**  
**Councillor Payne**  
**Councillor Valentinis**

Your Committee submits the following recommendations:

Moved by Councillor Payne, seconded by Councillor Valentinis,

I. That Administration **BE REQUESTED** to meet with representatives from the Art Gallery of Windsor and the Windsor Public Library to develop a plan to connect the Family Aquatic Centre and Library Complex with the Art Gallery of Windsor including a report outlining the implications of closing Pitt Street and to report back on September 23, 2011.

Carried.

II. Moved by Councillor Jones, seconded by Councillor Sleiman,  
That Administration **BE REQUESTED** to begin the process of closing Pitt Street for design purposes for the construction of the Family Aquatics and Library Complex

Carried.

Councillor Payne voting nay.

III. Moved by Councillor Sleiman, seconded by Councillor Payne,  
That Smith and Andersen Consulting Engineers **BE RETAINED** for the provision of mechanical and electrical compliance services estimated at \$150,000 plus disbursements, as a pre-commitment to the compliance portion of the overall project budget and that an agreement **BE SIGNED** by the CAO and City Clerk, in form satisfactory in technical content to the City Engineer, financial content to the CFO and City Treasurer and legal content to the City Solicitor.

Carried.

**Clerk's Note:**

The report of the Executive Director Parks & Facilities dated September 9, 2011 entitled "Specifying Mechanical and Electrical Consultant within Compliance Firm RFP" is **attached** as Appendix "A".

Report No. 4 of the Family Aquatics & Library Complex Steering Committee

An Information Memorandum from the Manager of Purchasing and Risk Management dated September 23, 2011 entitled "Smith and Andersen Consulting Engineering - Contract" is attached as Appendix "B".

**CHAIRPERSON**

**COMMITTEE COORDINATOR**

NOTIFICATION		
Members of the Family Aquatics & Library Complex Steering Committee (including resource personnel)		

**THE CORPORATION OF THE CITY OF WINDSOR  
FAMILY AQUATICS AND LIBRARY COMPLEX STEERING COMMITTEE**

*MISSION STATEMENT:*

*"The City of Windsor, with the involvement of its citizens, will deliver effective and responsive municipal services, and will mobilize innovative community partnerships"*

<b>LiveLink REPORT#:</b>	<b>Report Date: Sept 19, 2011</b>
<b>Author's Name Don Sadler</b>	<b>Date to Steering Committee: Sept 19 2011</b>
<b>Author's Phone: (519) 253 2300 ext 6711</b>	<b>Classification #:</b>
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**To: Family Aquatic and Library Complex Steering Committee**

**Subject: Specifying Mechanical and Electrical Consultant within Compliance Firm RFP**

**1. RECOMMENDATION: City Wide:  Ward(s): \_\_\_**

THAT the Steering Committee **ENDORSE and RECOMMEND APPROVAL** to City Council of retaining Smith and Andersen Consulting Engineering for the provision of mechanical and electrical compliance services estimated at \$150,000 plus disbursements, as a precommitment to the compliance portion of the overall project budget and that an agreement be signed by the CAO and City Clerk, in form satisfactory in technical content to the City Engineer, financial content to the CFO and City Treasurer and legal content to the City Solicitor.

**EXECUTIVE SUMMARY: N/A**

**2. BACKGROUND:**

On August 24, 2011 City Council by resolution M186-11 (attached) approved the next steps in moving forward with the development of the Family Aquatic and Library Complex.

This report addresses item 8 of the resolution:

*"That Administration BE DIRECTED to issue a Request for Proposals to engage a compliance consultant or compliance consultant team for the Family Aquatic and Library Complex. "*

The RFP is being prepared and direction is required as to whether the City should continue to directly retain the firm of Smith & Andersen as mechanical and electrical compliance consultants.

### **3. DISCUSSION:**

As the committee will recall the firms of Ramaker and Associates Inc./Cities' Edge Canada Ltd. and Smith and Andersen were selected after a quotation process to assist the City in developing minimum standards to be included in the Owner's Statement of Requirements(OSR). The OSR is the key document and specification to which the Design/Build proponents must conform. In conjunction with the current consultants, the City is in the process of developing this document.

Concurrently administration has been developing the RFP for compliance consulting services. The compliance consultants will be required to determine whether the submitted proposals conform to the OSR and will play a significant part in the technical evaluation of the Design Build RFP. The compliance consultants will also act as the owner's representatives during the construction, monitoring the progress and ensuring that the City's requirements are being properly met.

Mechanical and electrical consulting was included as part of the development of the OSR as it was recognized that these elements are crucial to the operation of the facility. Accordingly, a vital part of the compliance work will involve the mechanical and electrical components, including all equipment required to heat, cool, circulate and exchange air, pump the water to the aquatic components and pools, control the water temperature. As well, the mechanical engineers will be required to design the technology components in the library and many other components and systems throughout the complex.

Administration believes that using one proven and competent consultant from start to finish in the mechanical/electrical/IT area would provide much better assurance of the quality and performance of these important systems, which are reasonably estimated to be 30-40% of the complex costs and are vital to its successful operation. As part of the electrical, Smith and Anderson will work with our City and Library specialists and developers requirements for LT. and communications and security. To date, Smith and Andersen has demonstrated its ability to provide timely, realistic and practical design parameters for inclusion in the Design/Build RFP. They have also shown a willingness to work with the City's existing in-house expertise. Smith and Andersen was also listed in two of the six submissions in the first consulting RFP, citing aquatic facilities among their completed projects. See Schedule A.

The electrical and mechanical systems for the facility are being custom-designed by an extremely competent and experienced professional. The ideal situation is that the evaluation of the manner in which these systems would be executed and constructed would be by the same person who created the specifications. No one else will have that level of understanding, at least at the outset, of what the systems are intended to be.

Administration is recommending that the City continue to directly retain Smith and Andersen to work alongside all potential compliance consultants. It is noted the compliance RFP is to be sent out the week of Sept 19, 2011.

#### **Purchasing Considerations**

The retention of Smith and Andersen would constitute a sole source. The Purchasing Bylaw recognizes that there are circumstances in which a sole source is the most appropriate way to acquire a good or service. One of the considerations allowing for sole source is found in section 32(1)(a) in situations where the compatibility of the service is a paramount considerations. For the technical reasons outlined above, the compatibility of the evaluation and monitoring function with the design function already

nearing completion supports a sole source. The aggressive timelines under which this project is being executed requires that any efficiencies in time management should be realized if possible. The importance of the noted compatibility is highlighted in not only the crucial role of the electrical and mechanical aspect of the facility, but also in the need to ensure that no time is lost in the evaluation of the proposals and subsequent construction of the facility.

### **Summary of Benefits and Drawbacks**

The benefits to be realized by continuing to work with Smith and Andersen are:

- Seamless understanding of the most vital components of the facility
- Evaluation of execution and construction by system designer
- Design experience may give greater ability to troubleshoot
- Established skill and experience can be brought to best overall team
- No time needed to be brought up to speed on design
- Smith and Andersen will be able to continue working throughout the Design/Build RFP period

The potential drawbacks are:

- Compliance contract management will be slightly more complex as two separate consultants will have to be coordinated
- Imposes limits on proponents regarding team

### **4. FINANCIAL MATTERS:**

The retention of Smith & Anderson is expected to cost approximately \$150,000 plus disbursements and is not expected to increase costs in any substantial way for the compliance work overall.

### **5. CONSULTATIONS:**

This report was design with Information Technology, Library, Purchasing, Legal, City Clerks, Public Work, Parks and Treasurer and Finance areas.

### **6. CONCLUSION:**

Adminstration recommends that the continued retention of Smith and Andersen is in the best interest of the City.

**Executive Director of Parks & Facilities**

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ntal Protection and  
Transportation**

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Management

**DEPARTMENTS/OTHERS CONSULTED:**

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**THE CITY OF WINDSOR**  
COUNCIL SERVICES DEPARTMENT

VALERIE CRITCHLEY

IN PRINCIPLE, PLEASE REFER  
TO OUR: P111.11.11

The following recommendation was adopted by Council at its meeting held August 29, 2011 (M186,2011):

1. That the confidential report *from* the Manager of Purchasing and Risk Management, Chief Financial Officer/City Treasurer and Corporate Director Finance and Technology, City Engineer and Corporate Leader Environmental Protection and Public Safety respecting a legal matter - update - solicitor's client privilege BE RECEIVED FOR INFORMATION, and further that the following recommendations BE ADOPTED:
  - I. That the current consulting RFP BE TERMINATED and the unopened cost proposals BE RETURNED to the respective proponents;
  - II. That Administration BE DIRECTED to engage Miller Thomson LLP to prepare a prequalification document in support of a design/build RFP for the Family Aquatic and Leisure Complex (the "Design/Build RFP"), with the advice and assistance of Administration as required;
  - III. That Administration BE DIRECTED to engage Miller Thomson LLP to work with Administration to prepare the Design/Build RFP;
  - IV. That Administration BE DIRECTED to work with the Steering Committee and any necessary resources, including Miller Thomson LLP as required, to properly and fully complete an Owner's Statement of Requirements ("OSR") to support the Design/Build RFP;
  - V. That Administration BE AUTHORIZED to engage any consultants or professional, as required to properly and fully complete an Owner's Statement of Requirements to support the Design/Build RFP, and further that the City Clerk and Chief Administrative Officer BE AUTHORIZED to execute any necessary consultant agreements, satisfactory in financial content to the City Treasurer and Chief Financial Officer, in legal content to the City Solicitor and in technical content to the Project Manager;

Continued...

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- VI. That the City Clerk and Chief Administrative Officer **BE AUTHORIZED** to execute any agreements with Miller Thomson LLP necessary to effect Council's resolutions, provided such agreements are satisfactory in form and content to the City Solicitor;
- VII. That Administration **BE AUTHORIZED** to engage the necessary public utilities to commence the relocation of utilities and services from the project as required, and to issue purchase orders for payment thereof;
- VIII. That Administration **BE DIRECTED** to issue a Request for Proposals to engage a compliance consultant or compliance consultant team for the Family Aquatic and Library Complex.

City Clerk  
/bm