

**REPORT NO. 6 of the
FAMILY AQUATICS AND LIBRARY COMPLEX
STEERING COMMITTEE**
of its meeting held
September 28, 2011

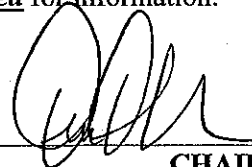
Present: Councillor Dilkens, Chair
Councillor Sleiman
Councillor Jones
Councillor Payne

Regrets: Councillor Fulvio Valentinis (via conference call)

Your Committee submits the following recommendation:

Moved by Councillor Jones seconded by Councillor Sleiman
That the report of the Manager of Purchasing and Risk Management dated September 28,
2011 entitled "Family Aquatic and Library Complex" **BE RECEIVED** for information.
Carried.

Clerk's Note: The report of the Manager of Purchasing and Risk Management dated September
28, 2011 entitled "Family Aquatic and Library Complex" is attached for information.



CHAIRPERSON



COMMITTEE COORDINATOR

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

**THE CORPORATION OF THE CITY OF WINDSOR
CITY SOLICITOR- Legal Services Division**



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"

| | |
|--|---------------------------------------|
| Author's Name: Shelby Askin Hager | Date Heard : 28 September 2011 |
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To: Members of the Steering Committee – Family Aquatic and Library Complex

Subject: Family Aquatic and Library Complex

1. RECOMMENDATION: City Wide: _____ Ward(s): _____

To Committee for information.

2. BACKGROUND:

On August 24, 2011, Council gave Administration further instructions in regard to the Family Aquatic and Library Complex (the "Facility") by Council Resolution M186/2011. Requirements of this resolution included:

- Preparation of an RFP for compliance consulting;
- Prequalification of design/build proponents for the design and construction of the Facility;
- Preparation of a design/build RFP;
- Preparation of an Owner's Statement of Requirements for inclusion in the design/build RFP.

This report is to inform the Steering Committee as to the progress on the RFP processes for both compliance consulting and the design/build process. As separate report addresses the prequalification processes for the design/build teams and the electrical and mechanical subtrades.

3. DISCUSSION:

I. *Request for Proposals for Compliance Consulting Services*

Compliance consulting is a service required by the City to properly evaluate design/build submissions and ensure the completion of the construction in adherence to the OSR established

by the City. This service involves the coordination of numerous different disciplines to first review the submissions against the standards established by the City for the purposes of determining whether they comply with the City's requirements, and later to ensure that the construction carried out is in compliance with the terms of the agreement between the City and the successful design builder.

During the Steering Committee meeting held September 19, 2011 the Committee approved the sole sourcing of Smith and Andersen Consulting Engineering to provide electrical and mechanical compliance consulting in coordination with the successful proponent under a consulting RFP. This decision recognized the role played by Smith and Andersen to date in establishing the mechanical and electrical specifications under the OSR and the technical and financial benefits of continuity of the service.

The RFP for compliance consulting was released on September 21, 2011 and is scheduled to close on October 24, 2011. A recommendation is expected to be made to the Steering Committee prior to the end of October, with Council Approval anticipated on November 7, 2011. This schedule will enable the timely progression to the selection of a design builder.

II. Preparation of Design/Build RFP

Miller Thomson LLP and members of administration have been preparing the design/build RFP since direction was received from City Council on August 24, 2011. As background, Miller Thomson was selected to provide legal support to the City on this project due to the specific skills needed to address a project of this complexity and cost. The Purchasing Manager and City Solicitor are very familiar with Windsor's legal community and did not feel that adequate expertise exists locally to address the City's needs on a project of this magnitude. In considering specialized external counsel, the City selected Miller Thomson for the following reasons:

- Miller Thomson provided the legal background and evaluation to the audit of the construction of 400 City Hall Square and is therefore very familiar with the City's processes, bylaws and concerns;
- Miller Thomson prepared the procurement documents for the successful tendering of waste and recycling collection in 2010;
- Miller Thomson is familiar with the levels of in-house expertise available at the City and maximizes the use of this resource, thereby reducing some of its own work; and,
- William Pigott, is a leading expert and author on the subject of procurement law in Canada.

RFP Document: The RFP is still being finalized and is designed to fast-track selection of a successful proponent as much as possible while providing opportunities for proponents to be able to gauge the City's needs and interests.

Prequalification: The prequalification of the teams was an important first step in reducing the number of proposals to be submitted for review to only those prepared by teams comprised of experienced builders and architects supported by strong mechanical, structural and aquatic consultants. This eliminates the need to make qualitative determinations regarding teams as part of the RFP process. Only those bidders who prequalified are eligible to participate in the design build RFP.

OSR: The OSR has been prepared by Administration in conjunction with Smith and Andersen Consulting Engineers, Ramaker and Associates/Cities' Edge (Canada) Ltd, departmental contribution and community and user group input. The main aspects of this document will be presented separately to the Steering Committee.

As in any RFP, the process is dictated by the RFP document working in harmony with the laws of competitive bidding and the City's Purchasing Bylaw. Once the City embarks on the process, it is bound to follow those requirements to completion, failing which the City may face liability. In this specific case, the RFP will be under significant scrutiny given the public interest and the large amount of money at stake. To ensure the greatest degree of fairness, the RFP specifically forbids any form of contact between the proponents and any member of Council, the Windsor Public Library Board or the administration of both organizations save and except the Purchasing Department. Failure to abide by these rules may result in disqualification of the proponents

4. FINANCIAL IMPLICATIONS:


Not applicable to this report. A separate financial status report for the project will be provided.

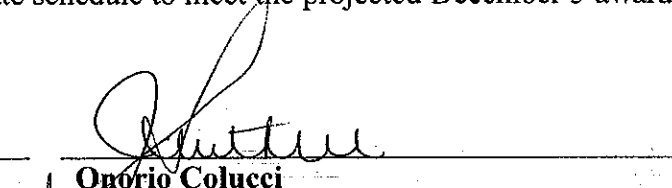
5. CONSULTATIONS:

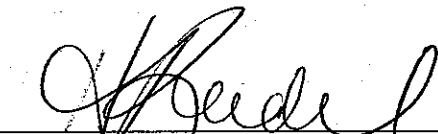
George Wilkki, City Solicitor

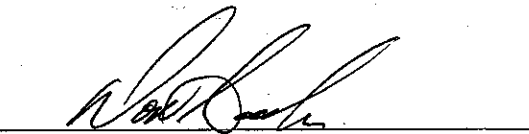
6. CONCLUSION:

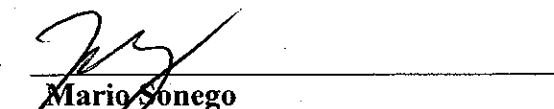
Administration is proceeding to lay the necessary groundwork to build the facility. At this time, all processes are proceeding on an appropriate schedule to meet the projected December 5 award date.


Shelby Askin Hager
Manager of Purchasing and Risk
Management


Onorio Colucci
Chief Financial Officer/City Treasurer and
Corporate Leader Finance & Technology


Helga Reidel
Chief Administrative Officer


Don Sadler
Executive Director – Parks & Facility
Operations


Mario Sonogo
City Engineer and Corporate Leader
Environmental Protection &
Transportation


George Wilkki
City Solicitor & Corporate Leader
Economic Development & Public Safety