



Corporate Report

Report from Transportation & Environmental Services, Operations

Date of Report: October 30, 2012

Date of Meeting: November 12, 2012

Report Number: TES-633-2012

File: 18.20.10, 68.32.152

Subject: Project Number P10-170 – St. Catharines Performing Arts Centre –
Excavation & Shoring Bid Package – Substantial Performance and Release
of Holdback Payment

Recommendation

That Council grants approval to release the substantial performance and release of holdback payment for Project P10-170 - St. Catharines Performing Arts Centre – Excavation & Shoring Bid Package in the amount of \$220,703.70 plus applicable taxes to Peters Excavating Inc. FORTHWITH

Background

Approval of completion and release of holdback payments was delegated to staff by Council at its meeting of March 8, 2004. Exceptions to this delegation deal with those projects whose final costs exceed the awarded contract price.

Council awarded Project Project Number P10-170 – St. Catharines Performing Arts Centre – Excavation & Shoring Bid Package on April 2, 2012, to Peters Excavating Inc. at their tender price of \$2,406,565.00 plus taxes.

This contract included the bulk of the excavation for the Performing Arts Centre project along with the installation of the shoring and hoarding required for the building.

Report

This contract has been substantially performed by Peters Excavating Inc. The Contractor has published a notice of substantial performance in accordance with the Construction Lien Act – the first date of this publication was October 2, 2012.

The estimated final construction cost amounts to \$2,650,000 which is greater than the tender amount. Several factors contributed to the additional costs for the completion of this project.

The material excavated from the site consisted of essentially two components – contaminated fill which required disposal at a landfill site and clean native material

which was either stockpiled on-site for future re-use or hauled off-site. In preparation for this project, extensive geotechnical investigation was undertaken to attempt to quantify the amounts of contaminated fill versus clean native soil that required removal. During construction, significantly more contaminated fill was encountered than what had been originally estimated, resulting in increased disposal costs. In addition, older basements and foundation walls were discovered in several areas which hampered the excavation and shoring operations. Poor soil conditions also resulted in additional tie-back requirements for the shoring walls.

The insulation of the shoring walls was not originally included in this contract as it was anticipated that that operation would have been undertaken by the main building contractor. As Council is aware, the main building contract was not awarded due to higher than expected tender results, and the building is being redesigned. Staff felt that it was prudent to proceed with the insulation of the shoring at this time to protect the shoring from possible frost damage over the winter until such a time as the main building contract is ready to commence, which is expected in the spring of 2013.

In accordance with the Construction Lien Act, the 10% holdback for work completed to date can be released on November 17, 2012, after the expiration of the statutory 45 days. The substantial performance and release of holdback payments total \$220,703.70. Corporate Support Services has confirmed that no outstanding liens exist against this project.

All amounts in this report are without applicable H.S.T.

Financial Implications

The total Council approved project budget for the Performing Arts Centre Project remains at \$60,757,101, which includes a construction budget of \$45,174,300. As Council is aware, the redesign for the main building tender for the Performing Arts Centre is currently underway. The remaining construction budget for that tender has been adjusted accordingly to accommodate the additional cost from this project such that the total budget remains unchanged.

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