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**MEMORANDUM**

**PWC-C 8-2021**

**Subject: Public Works Single Source Purchases over \$100,000 - Exceptions**

**Date: March 9, 2021**

**To: Public Works Committee**

**From: Bruce Zvaniga, P.Eng., Commissioner of Public Works (Interim)**

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Per Council direction on September 17, 2020, this memo has been prepared to inform Public Works Committee of Single Source procurements greater than \$100,000 processed under one of the following exceptions.

**Sole Source**, specifically Section 18 (a) (iii): “there is an absence of competition for technical reasons and the Goods and/or Services can only be supplied by a particular Supplier”; and/or

**Special Circumstances**, specifically Section 17 and Procurement By-law definition clause (ii): “An event that, unless immediately addressed, is likely to cause significant loss or damage to property”; and/or

**Negotiation**, specifically Section 19 (a) (iii) and (vi) respectively: “(iii) a Sole Source is being recommended”; and “(vi) the extension of an existing Contract would be more effective”

Appendix 1 provides detail of purchases made from August 1, 2020 to January 31, 2021.

Respectfully submitted and signed by

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Bruce Zvaniga, P.Eng.  
Commissioner of Public Works (Interim)

## Appendix 1: Single Source Purchase Orders - Exceptions

### 1. Project Name: Influent channel repair-Seaway WWTP

Purchase Order (PO) Number: 82427  
Supplier: RJ Gillespie  
Exception Category: Special Circumstance  
Date Work Authorized: October 6, 2020  
Type: New Purchase Order  
Original PO Amount: \$103,522.25  
Cumulative Single Source Increase: N/A

**Description:** The Seaway Wastewater Treatment Plant has an elevated influent channel that funnels all of the wastewater into the plant for processing. The channel is in constant use and must remain in continuous service. Its structural condition is poor and it required immediate attention to reduce its high risk of failure. This situation presented a Special Circumstance that unless immediately addressed presents a high risk potential for property damage and or environmental impact along with MECP compliance issues. The following three quotations were received for this work; RJ Gillespie \$103,522.25, Kenaidan \$214,079.71, McCanical - No Response.

### 2. Project Name: Emergency Retaining Wall Repair on RR81 in Jordan

Purchase Order (PO) Number: 83343  
Supplier: Rankin Construction  
Exception Category: Special Circumstance  
Date Work Authorized: October 27, 2020  
Type: New Purchase Order  
Original PO Amount: \$169,050  
Cumulative Single Source Increase: N/A

**Description:** In April of 2020 Ellis Engineering completed an evaluation report for the retaining wall on Regional Road 81 (King Street) between Brookside Drive and Twenty Mile Creek in the Town of Lincoln. The report identified that temporary repairs be undertaken immediately to maintain the structural integrity of the walls with a view of complete replacement within the next five years. The report by Ellis Engineering identified that there is no danger of a catastrophic failure of the retaining wall, but "the walls will likely continue to experience additional settlement and lateral movement with the continuing passage of time and additional weather, which would cause further pavement distress and ultimately failure of the retaining walls if left in their current condition".

Therefore, in order to minimize the settlement and lateral movement until the replacement can be designed Niagara Region is proceeding with the immediate temporary repairs. The temporary repair works include installing shallow steel sheets, placement of Rip Rap, and placing steel 'X' straps between piles where lagging boards are bowing outwards.

Due to the current state of the retaining walls there is an unforeseeable situation of urgency to ensure that the temporary repairs are implemented as soon as possible to maintain the wall stability. Therefore, the repairs are considered a Special Circumstances, specifically Section 17 and Procurement By-law definition clause (ii): 'An event that, unless immediately addressed, is likely to cause significant loss or damage to property'."

### **3. Project Name: NF WWTP – Emergency Generator Repair**

Purchase Order (PO) Number: 84851

Supplier: Cummins ULC

Exception Category: Special Circumstance

Date Work Authorized: November 19, 2020

Type: New Purchase Order

Original PO Amount: \$179,675.60

Cumulative Single Source Increase: N/A

**Description:** Emergency Service was required due to Generator Failure. This auxiliary back up power generator protects the Niagara Falls Wastewater treatment plant from power outage. This is an emergency repair for critical infrastructure that would otherwise result in a significant risk to the Niagara Falls WWTP and the ability for staff to provide safe treatment of wastewater from the serviced communities.

### **4. Project Name: Infor EAM Licence and Support Agreement**

Purchase Order (PO) Number: 85832

Supplier: Infor (Canada) Ltd.

Exception Category: Sole Source

Date Work Authorized: December 18, 2020

Type: New Purchase Order

Original PO Amount: \$102,639.94

Cumulative Single Source Increase: N/A

**Description:** Water-Wastewater Division uses Infor EAM (Enterprise Asset Management Software) application as its Computerized Maintenance Management System (CMMS) to manage the lifecycle costing and tracking of all Water and Wastewater assets. This application is used by the W-WW Division for Work Order

Requests, Tracking Work History, Preventative Maintenance and Reporting functions (such as MOE, MOL and QMS).

**5. Project Name: SNF AF-340 Polymer Trial Niagara Falls WWTP-MECP Order**

Purchase Order (PO) Number: 86969

Supplier: SNF

Exception Category: Sole Source

Date Work Authorized: January 15, 2021

Type: New Purchase Order

Original PO Amount: \$280,500.00

Cumulative Single Source Increase: N/A

**Description:** The Niagara Falls Wastewater Treatment Plant (NFWWTP) has been in a state of decline since an anaerobic digester failure in July of 2017. Because of this event, persistent effluent non-compliance and a general degraded operational state had continued at the facility throughout 2018, 2019 and 2020. To this effect, Ministry of Environment, Conservation and Parks (MECP) issued a Provincial Officers Order against the NFWWTP in late 2018 to evaluate the operational state of the facility and develop a corrective actions plan with implementation measures to improve the overall facility operation and improve effluent quality. An amended MECP order was issued on April 3 2020 to continue the previously established direction until such time that planned upgrades to the facility can be completed.

**6. Project Name: Cityworks Software Licence and Maintenance (2021-2023)**

Purchase Order (PO) Number: 87686

Supplier: Esri Canada Limited

Exception Category: Sole Source

Date Work Authorized: January 27, 2021

Type: New Purchase Order

Original PO Amount: \$358,100.00

Cumulative Single Source Increase: N/A

**Description:** Transportation Services Division uses Cityworks AMS (Asset Management Software) application as its Computerized Maintenance Management System (CMMS) to manage the lifecycle costing and tracking of all Transportation assets contained within the Regional road right-of-way. Additionally, this application is used by the Division for Service Requests and Work Order tracking. The licence agreement is for a three (3) year total commitment.