

**Listing of Non-Competitive Procurement Activity by Change PO
Q3 (Jul-Sep) 2024**

BY-LAW SECTION***	PO ORIGINAL LAST CHANGE DATES	DEPT.* & PO #	ORIG. CHANGE PO TYPE	SUPPLIER	PO LINE DESCRIPTION	ORIGINAL PO VALUE	CHANGE IN VALUE**	CURRENT PO VALUE	TOTAL VALUE FORMALLY PROCURED	TOTAL VALUE SINGLE SOURCE
18.(a) (i) Compatability	2023-02-07 / 2024-07-23	Public Works 116361	FRM - SNG	Beam-Rankin Joint Venture Limited	2021-T-269 - RR98 (Montrose) b/w RR47 (Lyons Creek) & Grassy Brook - Construction	\$24,744,425.00	\$ 5,543,587.79	\$ 30,288,012.79	\$ 24,744,425.00	\$ 5,543,587.79

JUSTIFICATION

Beam-Rankin Joint Venture Ltd (BRJV) was awarded Contract 2021-T-269 following a competitive bid process, however, following award the City of Niagara Falls requested additional municipal servicing be constructed as part of this Contract. As the Contractor has already been awarded and commenced the road widening and reconstruction in this location, the installation of additional municipal servicing works must be completed by BRJV. The increase is required to complete the balance of remaining contract works due to additional work completed on behalf of the City of Niagara Falls and overruns of estimated quantities.

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18.(a) (i) Compatability, (iii) No Competition & (iv) Urgency	2019-03-11 / 2024-08-13	Public Works 56146	FRM - SNG	Associated Engineering (Ont.) Ltd.	RR49 (McLeod) b/w Hydro Electric Power Canal & Wilson Cres Detail Design	\$ 315,895.00	\$ 257,564.40	\$ 573,459.40	\$ 323,245.00	\$ 250,214.40

JUSTIFICATION

Associated Engineering was retained through a competitive bidding process under 2018-RFP-84 for the Regional Road 49 (Montrose Road) Reconstruction detailed design. The Scope Change/Change PO request was submitted to complete additional work required to proceed with the detailed design of RR49 McLeod Road between Hydro Canal Bridge and Wilson Crescent in Niagara Falls, including: Temporary traffic signal design, Turning Movement Counts, Additional Boreholes, Signal Warrant McLeod / Wilson, Licensed well driller, and SUE Level A - Test Pits and Active transportation facilities on Dorchester Road.

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18.(a) (i) Compatability	2022-08-10 / 2024-07-29	Public Works 108822	FRM - SNG	RV Anderson Associates Ltd.	2022-RFP-74 - Grimsby WTP Expansion	\$ 559,160.00	\$ 246,385.00	\$ 805,545.00	\$ 559,160.00	\$ 246,385.00

JUSTIFICATION

R.V. Anderson Associated Ltd. was initially retained through a competitive bid process 2022-RFP-74 and awarded the EA investigation of the Grimsby WTP Expansion. Due to the decision to cancel project 20001392, the modification to the Grimsby WTP outfall scope has been added to the Expansion EA Project assignment.

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18.(a) (i) Compatability	2019-07-15 / 2024-07-09	Public Works 62163	FRM - SNG	Associated Engineering (Ont.) Ltd.	2019-RFP-167 Bridge St., NR-12 & HS Drop-Off Depot Upgrades	\$ 171,085.00	\$ 478,861.00	\$ 649,946.00	\$ 326,139.00	\$ 323,807.00

JUSTIFICATION

Associated Engineering (AE) was retained through a competitive bid process (2019-RFP-167) and awarded detailed design, tendering and CA/I of the 2019-RFP-167 Design of Improvements at Three Landfill Sites. Due to additional findings through the design process, unanticipated regulatory responses, and design changes from the Niagara Region, there is a need to increase the scope of the project, including: 1. Contract Administration and Inspection - This portion of the PO Amendment was covered in the above noted RFP and was competitively bid; 2. An increase in the CA/CI bid in 2019-RFP-167 considering the tendering of this project is happening three years after the schedule that was provided in 2019-RFP-167. Staff requested that AE submit a request for a fee increase based on the project delay; 3. An increase to address scope changes requested by staff (above and beyond base scope of work) to address traffic flow issues identified during the review of the 90% Detailed Design Report (DDR); 4. An addition to address comments from NPCA.

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18.(a) (i) Compatability	2020-07-13 / 2024-08-23	Public Works 78918	FRM - SNG	Environ. Infra. Solutions Inc	2020-RFP-14 NFWTP Intake Relocation & Add. Design Services	\$ 1,903,778.00	\$ 495,642.95	\$ 2,399,420.95	\$ 1,903,778.00	\$ 495,642.95

JUSTIFICATION

Environmental Infrastructure Solutions Incorporated (EIS) was initially retained through competitive bid 2020-RFP-14 and awarded detailed design of NFWTP Intake Relocation project. To complete the Niagara Falls Water Treatment Plant Intake Relocation project (20000464), additional Engineering Fees are required, including: Site plan revisions, Source water protection analysis, archaeological, additional instrumentation design, tunneling design changes, Intake design changes, insurance premiums, and hourly rate increases.

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18.(a) (i) Compatability & (iv) Urgency	2019-04-14 / 2024-07-05	Public Works 58182	FRM - SNG	CIMA Canada Inc.(CIMA)	2018-RFP-86 Consultant for Lagoon Upgrades Stevensville - Douglastown	\$ 297,025.00	\$ 782,263.00	\$ 1,079,288.00	\$ 472,059.00	\$ 607,229.00

JUSTIFICATION

CIMA was retained through a competitive bid process 2018-RFP-86 and awarded detailed design and tendering of the Stevensville Douglastown Lagoon Upgrades. The original award for CIMA was for design of phases 1 and 2 and 3 and construction of only phase 1. CIMA+ was subsequently awarded the provisionally procured Construction Administration and Inspection services. However due to additional findings through the design process and requests from the Niagara Region, there is a need to increase the scope of the project in conjunction with the award of the provisional services. Due to construction delays on site beyond CIMAs control and their continued presence required on site there is a need to increase their budget to cover those additional costs.

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18.(a) (i) Compatability	2020-11-19 / 2024-08-11	Public Works 84445	FRM - SNG	MTE Consultants Inc	2020-RFP-137 Quaker Rd Trunk Sewer Design Consulting Services	\$ 122,510.00	\$ 459,410.00	\$ 581,920.00	\$ 278,830.00	\$ 303,090.00

JUSTIFICATION

MTE was retained through a competitive bid process (2020-RFP-137) and awarded engineering design for Quaker Road Sanitary Sewer and was subsequently Provisional Construction Administration and Inspection. Due to changes in the design as part of construction and requests from the Niagara Region, there is a need to increase the the assignment, including: Design Changes to Flow Chamber Size/Location and Sanitary Trunk Alignment, a new 600mm gravity sewer on Quaker Rd between Pelham St and Rice Rd trunk sewers, increase of hours for construction phase, additional Virtual meetings, additional coordination and changes with Pelham Street Design, Changes to City of Welland portion of watermain design, Sanitary Trunk Changes (MH Size, location), Prepare PIC Documentation, additional Watermain Design at Line Ave and Drawing. Also, due to the tight timelines, project constraints, and additional coordination with LAMs during construction, the Region has requested that MTE assemble a pre-qualification package for contractors to submit ahead of tendering. MTE has been asked to prepare the package, review the submissions, and participate in the evaluation process.

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18.(a) (i) Compatability	2024-01-31 / 2024-09-16	Public Works 130562	FRM - SNG	Demar Const. Inc.	2023-T-151 Victoria Ave. Watermain Replace & Road Resurfacing	\$ 1,456,943.19	\$ 689,000.00	\$ 2,145,943.19	\$ 1,456,943.19	\$ 689,000.00

JUSTIFICATION

Demar Construction Inc. was initially retained through a competitive bid process RFT 2023-T-151 Victoria Avenue Watermain Replacement Project. Due to additional findings during construction and requests from the Niagara Region – Transportation Group, there is a naced to increase the scope of the project and add asphalt resurfacing the full road width of Regional Road 24 Victoria Avenue from King Street to Fly Road because the road surface lifespan is overdue and require the resurfacing. The resurfacing will extend to Fly Road which is beyond the original project limit.

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18.(a) (i) Compatability	2023-06-19 / 2024-08-19	Public Works 121692	FRM - SNG	Ritestart Limited	2022-T-95 BS / HS / NL DOD Improvements	\$ 3,405,700.00	\$ 235,175.91	\$ 3,640,875.91	\$ 3,405,700.00	\$ 235,175.91

JUSTIFICATION

Ritestart Ltd. was the lowest bidder from 2022-T-95 Landfill Improvements and was awarded the contract to provide tailored operational improvements at the three landfill sites. The Region worked closely with Associated Engineering (AE) to address concerns at each landfill. Additional costs stemmed from unexpected soil conditions which resulted in additional quantities of granular, asphalt, concrete and restoration activities.

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NOTES:

*NRPS, NRH and NTC are not included in the datasets outlined herein as these agencies operated under their own Procurement By-law and/or Governing Bodies

**Existing system reports are generated at a point in time and POs may have multiple change orders over the reporting period. As such, it is difficult to distinguish dollar values where Change POs (amendments) were formally procured and those which were additional in scope (Single Source); the totals in the reports represent the cumulative of both amounts.

***All Purchase Orders referenced herein were created with a minimum mandatory reference to the applicable By-law section and exception and a detailed and appropriate justification which supported the referenced exception; staff implemented they were created in alignment with initiatives which addressed control deficiencies outlined in the previous audit (as evidenced in the findings outlined in Report AC-C 16-2023), and all were approved in accordance with the authorities for non-competitive procurement as outlined in the Procurement By-law.

Procurement By-Law Section 18.(a) References:

- (i) the compatibility of a Purchase with existing equipment, product standards, facilities or service is a paramount consideration;
- (ii) a Good or Service is Purchased for testing or trial use;
- (iii) there is an absence of competition for technical reasons and the Goods and/or Services can only be supplied by a particular Supplier;
- (iv) an unforeseeable situation of urgency exists and the Goods and/or Services cannot be obtained in time by means of open procurement procedures;
- (v) the Corporation has a rental contract with a purchase option and such purchase option is beneficial to the Corporation;
- (vi) for matters involving security, police matters or confidential issues, in which case a Purchase may be made in a manner that protects the confidentiality of the Supplier or the Corporation;
- (vii) there are no bids in response to a Bid Solicitation;
- (viii) a roster for Professional Services has been developed in accordance with Section 20 of this By-law.