

REGION OF OTTAWA-CARLETON
RÉGION D'OTTAWA-CARLETON

REPORT
RAPPORT

Our File/N/Réf.
 Your File/V/Réf.

DATE 28 June 1999

TO/DEST. Chair and Members of the
 Corporate Services and Economic Development Committee

FROM/EXP. Committee Co-ordinator

SUBJECT/OBJET **MUNSTER HAMLET - WASTEWATER TREATMENT
 FACILITY - PROJECT IMPLEMENTATION PLAN**

REPORT RECOMMENDATION

That the Corporate Services and Economic Development Committee consider the attached reports for recommendation to Council.

BACKGROUND

On 05 January 1999, the Corporate Services and Economic Development Committee considered a staff report dated 02 December 1998 {Attachment 'A'} that contained the following staff recommendation:

“That the Corporate Services and Economic Development Committee and Council approve that the construction of the pipeline and related works required to transfer Munster Hamlet wastewater to the Regional Wastewater Collection system be tendered in accordance with Section 4.5 of the Corporate Policy Manual.”

The Committee amended the staff recommendation and forwarded the following recommendation to Regional Council:

“That Council approve staff enter into negotiations with the two pipeline proponents, now acting as one (Thornburn Penny Limited/Oliver Mangione McCalla & Associates/Taggart Construction Limited) upon filing of the addendum to the Environmental Study Report, and that any contract negotiated be awarded by the Corporate Services and Economic Development Committee and Council.”

On 13 January 1999, Regional Council modified the above Committee recommendation by carrying the following motion:

“With reference to Item 3 of Corporate Services and Economic Development Committee Report No. 29; That a decision on whether to tender the construction of a pipeline and related works (including design of the system) be deferred until the addendum has been filed.”

On 12 May 1999, Regional Council carried the following recommendation from the Planning and Environment Committee:

“Approve the pipeline routing selected as the preferred option (Option 1A) from the Munster Hamlet facility south on Munster Road to Franktown Road and then east into Richmond.”

PURPOSE

With the completion of the route selection process, the addendum to the Environmental Study Report (ESR) with the Ministry of Environment (MOE) has been filed and it is, therefore, now appropriate to bring the deferred decision on the method of project delivery back to the Corporate Services and Economic Development Committee for reconsideration.

Attached for the Committee’s consideration is a report from the Environment and Transportation Commissioner dated 25 June 1999 and the original report dated 02 December 1998 {Attachment “A”} that was considered by Committee on 05 January 1999.

*Approved by
Cheryle Watson*

Attach. (3)

REGION OF OTTAWA-CARLETON
RÉGION D'OTTAWA-CARLETON

REPORT
RAPPORT

Our File/N/Réf. **50 19-92-0027-V**
Your File/V/Réf.

DATE 25 June 1999

TO/DEST. Co-ordinator
Corporate Services and Economic Development Committee

FROM/EXP. Acting Deputy Commissioner
Environment and Transportation Department

SUBJECT/OBJET **MUNSTER HAMLET - WASTEWATER TREATMENT
FACILITY - PROJECT IMPLEMENTATION PLAN**

DEPARTMENTAL RECOMMENDATION

That the Corporate Services and Economic Development Committee and Council receive this report for information.

BACKGROUND

During the evaluation of alternatives for wastewater treatment for Munster Hamlet conducted by the firm of Conestoga-Rovers and Associates (CRA), at Council's direction, a Request for Proposal (RFP) document was issued to solicit proposals for new and innovative technologies to address the problems with the existing lagoons and spray irrigation system. The RFP focused on the environmental requirements for technologies that would discharge treated wastewater either to the land surface, to the groundwater or directly to the Jock River and was not structured for pipeline proposals. The RFP documents were prepared on the basis that a subsequent negotiation step and work scope refinement, if necessary, would be required before an award to a successful proponent could be made.

During the RFP process, several contractors inquired to CRA and staff whether the Region was soliciting pipeline proposals. The response was that the purpose of the RFP was to bring forward new and innovative treatment technologies and that as part of the requirements of the Class Environmental Assessment process, CRA's mandate would also include looking at the more traditional solutions including, lagoons and spray irrigation and the pipeline alternative in determining which was the appropriate solution for Munster Hamlet.

In response to the RFP, a total of six proposals were received, of which two proposals were for a pumping station and pipeline connection to the Regional wastewater collection system. The proponents of the pipeline proposals presented an alternative solution (pipeline) since they concluded that it was more preferred than local on-site treatment. No proposal fully met the requirements of correcting the existing problems with the Munster Hamlet facility and providing a new system that met the Region's technical standards.

After an exhaustive review of all reasonable alternatives through the Class Environmental Assessment Process, combined with extensive public input and involvement, the recommended preferred alternative was to construct a pumping station and pipeline to convey the wastewater to the Regional collection system and subsequently on to the R.O. Pickard Environmental Centre for treatment.

PROJECT IMPLEMENTATION ALTERNATIVES FOR THE PREFERRED SOLUTION

Initially, two basic concepts were considered for construction of the Munster Hamlet pipeline. One is the Design-Tender-Construct method which is commonly used in the delivery of Regional Construction contracts. The other is the Design-Build approach which has been used by the Region but with less frequency than the Design-Tender-Construct method. Recently, a third method, Construction Management, has also been considered and is discussed further in this report.

Conventional Design-Tender-Construct

This method of project delivery is the "traditional" engineering/contractor arrangement where all preliminary and detailed design work is completed before tendering the project. Contract drawings and specifications are put out for public tender, bids are received and provided there are no tender irregularities, the work is awarded to the lowest bidder all in accordance with Corporate policy.

The benefits to this approach are significant owner input into the design and a very clear definition of the expected final product. Also, all proponents are bidding on the same concept allowing for a simplified evaluation process based almost exclusively on the bid price.

Design-Build

The design-build method of project delivery typically involves the preparation of a comprehensive tender package followed by a tender in which the contractor is free to implement the solution within the guidelines in the tender documents. The package generally consists of a conceptual design sufficiently completed to give a general concept of what the owner is looking for. The design-builder fulfils the role of detailed design engineer and construction contractor and as a result the design-builder is often an consortium or partnership of separate firms established for the particular project. The principal advantage with the design-build process is the ability to shorten construction schedules and potential cost savings by integration of design and construction

activities. However, in the case of Munster Hamlet, the schedule is unknown with respect to a construction start which is problematic with respect to negotiating a design build contract.

Also, in order to maximize the benefits, it is essential for the owner to have a comprehensive tender package to convey owner's expectations, provide financial accountability, assign risks to the party best able to control those risks; and, meet life cycle cost objectives.

Construction Management

Based on the motion at the 05 January 1999 Corporate Services and Economic Development Committee, staff have had preliminary discussions with the proponent, Thornburn Penny Limited/Oliver Mangione McCalla and Associates/Taggart Construction Limited to determine if there is an alternate service delivery mechanism for this project. An approach that could be considered would be use of a construction management approach in which the detailed design is carried out and then various work packages for the overall project are tendered separately under the auspices of a construction manager who manages the overall programme.

The concept of this approach is to form a partnership using the technical abilities of a construction firm with expertise in construction management, as well as those of engineering firms to prepare detailed engineering designs for specific contract packages. This technique can integrate the design process and the construction process at the earliest stages to produce a cost-effective facility. Under this concept, all tender packages for the construction would be publicly tendered and then assigned to the construction manager as a general contractor.

Preliminary indications from the Taggart/Thornburn Penny/Oliver Mangione McCalla and Associates team have indicated that the approach using this technique could be negotiated and applied to the Munster Hamlet project.

CONSULTATION

Significant public consultation has taken place on this project with open houses, flyer distribution and public hearings. Goulbourn Township Council have requested that further consultation with the Township be undertaken with respect to the specific pipeline routing within the limits of Richmond Village.

Letters have been received from National Capital Heavy Construction Association and the Ottawa Construction Association on this matter and copies are appended to this report as {Attachment B}.

CONCLUSIONS

The Munster Hamlet Wastewater Pipeline Project could be successfully implemented using any one of the three approaches described in this report.

The report tabled at Corporate Services and Economic Development Committee on 05 January 1999, recommends the Design/Tender/Construct approach which is consistent with the Corporate Policy Manual. This recommendation was based on the fact that the RFP did not specifically request proposals for a pumping station / pipeline and that the pipeline proposals submitted were not the result of a competitive process.

*Approved by
Doug Brousseau*

JM/lm

REGION OF OTTAWA CARLETON

RÉGION D'OTTAWA CARLETON

REPORTRAPPORT

Our File/N/Réf. **50 19-92-0027-V**
 Your File/V/Réf.

DATE 2 December 1998

TO/DEST. Co-ordinator
 Corporate Services and Economic Development Committee

FROM/EXP. Acting Deputy Commissioner
 Environment and Transportation Department

SUBJECT/OBJET **MUNSTER HAMLET - WASTEWATER TREATMENT
 FACILITY - PROJECT IMPLEMENTATION PLAN**

DEPARTMENTAL RECOMMENDATION

That the Corporate Services and Economic Development Committee and Council approve that the construction of the pipeline and related works required to transfer Munster Hamlet wastewater to the Regional Wastewater Collection system be tendered in accordance with Section 4.5 of the Corporate Policy Manual.

BACKGROUND

On 11 March 1998 Council directed staff to conduct a thorough review of new and innovative technologies as well as those reviewed in the original ESR, confirm the selection of a preferred alternative and prepare an addendum if required. As a result of this direction, the firm of Conestoga-Rovers and Associates was retained to complete the work as described.

As a part of the evaluation process, a Request for Proposal document was issued to solicit proposals for new and innovative technologies to address the problems in Munster Hamlet. It should be noted that it is unusual to solicit proposals during the Environmental Assessment process. During this proposal call at the mandatory site meeting, it was made clear to all proponents that CRA would be evaluating the pipeline option as well as lagoon and spray irrigation technology and other possible treatment options as part of their terms of reference. Nevertheless, two unsolicited proposals were submitted that proposed the use of a pipeline.

After an exhaustive review of the alternatives combined with extensive public input and involvement, the recommended preferred alternative was to construct a pumping station and

pipeline to convey the wastewater to the Regional collection system and subsequently on to the R.O. Pickard Environmental Centre for treatment.

During the course of the public consultation process and at the Planning and Environment Committee meeting of 10 November, the issue of how the preferred alternative was to be implemented was raised. Of particular concern was whether the Region would consider accepting either of the unsolicited pipeline proposals. The Department has reviewed this issue in consultation with the Legal Department and the Supply Management Division, and recommend that the project implementation proceed in the design, tender and construct manner. This is in accordance with Section 4.5 of the Corporate Policy Manual entitled Tenders, Negotiations and Proposals. This recommendation is based on the fact that the RFP did not request proposals for a pumping station and pipeline. In the opinion of staff the unsolicited proposals submitted cannot be considered to be the result of a competitive process and therefore may not represent the best value to the Region.

Further, it is staff's opinion that in order to implement either of the unsolicited proposals, significant modifications of the proposed designs would be necessary. These modifications would have to be negotiated without a competitive frame of reference.

SCHEDULE

Once the preferred route has been selected it will be necessary to complete the Environmental Assessment process by filing an Addendum to the Environmental Study Report and to initiate an amendment to the Regional Official Plan to allow connection of Munster Hamlet to the wastewater collection system. It is anticipated that this process may take at least a year and will likely result in a construction start during 2000.

CONSULTATION

Throughout the extensive public consultation component of the Class Environmental Assessment Process a recurring comment was that a fair, open and transparent process was critical to the successful completion of the work program for Munster Hamlet. In a similar respect, by using the traditional design, tender and construct approach, the maximum number of contractors and consultants will have an opportunity to apply their expertise to the project. This will ensure that the residents of Munster Hamlet receive the best possible solution at the most cost effective price.

*Approved by
Nancy B. Schepers, P.Eng.*



OTTAWA-CARLETON ENVIRONMENT & TRANSPORTATION DEPARTMENT	
MSES / JM	
FEB 26 1999 08-99-0014	
FILE NO:	07-99-0010
REC. NO.:	1372
FILE:	COPIES SENT TO:

February 17, 1999

The Region of Ottawa-Carleton
111 Lisgar Street
Ottawa, ON K2P 2L7

Attention: Chair and Councillors

Dear Sirs/Madams:

Re: Request For Proposals (RFP)
Munster Hamlet Wastewater Treatment Facility

Further to our letter of January 12, 1999, please find attached Taggart Construction Limited letter of February 16, 1999.

The Board of Directors of the National Capital Heavy Construction Association (NCHCA) has had many discussions regarding the issue of the Munster Hamlet Wastewater RFP.

One of the mandates of the NCHCA is to promote and maintain integrity to the tendering process.

The RFP is a process to obtain design/build proposals from various proponents. This process can be very costly in terms of time and money as contractors team up with design consultants and others to provide innovative solutions to the identifiable problem at hand.

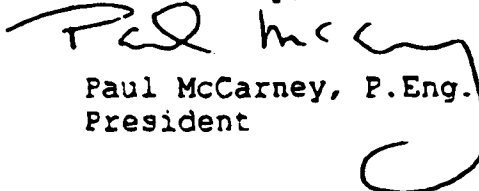
If indeed the record of events as detailed in the Taggart Construction Limited letter of February 16, 1999 is accurate, then our Association believes that at least two member firms of the NCHCA have been adversely affected in different ways by the method Regional staff and/or their agents have handled this RFP.

Our Association firmly believes in a fairly executed RFP process whereby the submitted proposal evaluated to be the best is awarded to the party who submitted it!

If the Region proceeds to tender work mirroring a proposal put forth during an RFP process, then clearly, the intent of the RFP process is being undermined.

We trust this to be satisfactory and look forward to your response.

Yours truly,


Paul McCarney, P.Eng.
President

Attach.

National Capital Heavy Construction Association

P.O. Box 8252 Ottawa, Ontario K1G 3H7



February 16, 1999

Board of Directors
National Capital Heavy Construction Association

Dear Directors,

RE: MUNSTER HAMLET WASTEWATER TREATMENT FACILITY

On July 3, 1998, pursuant to RMOC request for proposals, Taggart Construction Ltd., along with four other proponents, submitted a design build proposal for the above project. Our proposal consisted of a pipeline to the Regional Wastewater Collection and Disposal System. Our proposal consisted of route selection design, soils investigation and pricing. This process involved spending considerable time and money to enable us to put this proposal forward.

All five proposals went through an extensive evaluation process by Regions Independent Consultants CRA. This evaluation process determined that our pipeline proposal was the best and preferred solution.

With this proposal in hand, the RMOC has now stated that our proposal was unsolicited and has recommended that a conventional design and tender process, be undertaken for the project using our solution.

We wish to clarify a few facts on this matter.

1. The Request for Proposals was not specific in requesting submission for treatment only. In fact, section 2.1 A of the Information for Proposers states that the objective of the request is "to determine if applicable wastewater technologies and implementation programs are available that can provide attractive environmental and financial benefits for treatment in Munster Hamlet". The pipeline option is an alternative implementation program. The RFP did not exclude pipeline in fact another proponent had the same idea.

2. There was no mention at the site meeting or at any other time that the RMOC or CRA were not going to review the pipeline alternative and that we should not submit. This is evidenced by the notes of the site meeting that were prepared and distributed by CRA. The indication was that it had already been evaluated in the ESR and determined to be expensive. RMOC staff and CRA were well aware that we were submitting pipeline proposals and in fact we were encouraged to make our submissions.

3. There was a great deal of concern expressed at the site meeting, by potential submitters that the RMOC would simply use the information from the submissions to implement their own system. The message was to not worry and to trust them. In fact section 2.1E on page IP-1 clearly states that if the RMOC selects a preferred proposal, they will negotiate a contract with them. This is the usual procedure in design/build.


We believe that if the RMOC decides to tender our proposal solution this undermines the whole design build process and is unfair to us and the other proponents who have submitted on this RFP because our proposals are a matter of public record and the Region has received the benefit of our proposals without cost.

Our design build proposal ensures that the Region will receive the benefit of a better solution at a considerable savings in both capital cost and ongoing cost as compared to the originally chosen spray irrigation solution.

We believe that negotiating with the preferred proponent is the only fair way to proceed with this project and will probably result in a considerable time saving.

Yours truly,

TAGGART CONSTRUCTION LIMITED



Ian Taggart
President



By Fax: 560-1203

January 12, 1999

The Region of Ottawa-Carleton
111 Lisgar Street
Ottawa, ON K2P 2L7,

Attention: Chair and Councillors

Dear Sir:

Re: Request For Proposals (RFP)
Munster Hamlet Wastewater Treatment Facility

Please find attached a copy of a January 11, 1999 letter (two pages) received by our Association from one of our members, Thomas Cavanagh Construction Limited.

If indeed the record of events as detailed in the T. Cavanagh Construction Ltd. letter of January 11, 1999 is accurate, then our Association would support the Region in re-examining the entire RFP process which took place.

We trust this to be satisfactory.

Yours truly,

Paul McCarney, P. Eng.
President

Attach.

National Capital Heavy Construction Association

P.O. Box 8252 Ottawa, Ontario K1G 3H7

**THOMAS
CAVANAGH**
CONSTRUCTION LIMITED
R.R. 2, ASHTON, ONTARIO K0A 1B0
TEL.: 257-2918 FAX.: 253-0071
OTTAWA LINE
237-7030

January 11, 1999

Mr. Paul McCarney
President
National Capital Heavy Construction Association

Dear Paul,

Re: Munster Hamlet Wastewater Treatment Facility

Further to our discussion at last weeks Board of Directors meeting on the subject of RMOCs Request for Proposal for the Munster Wastewater Treatment Facility, I have since discussed the matter with our consultant to determine our reasoning for not having tendered a proposal. While I had voiced my support for Taggart Construction in keeping with the intent of a Request for Proposal system, I was unfortunately voicing that support without full recollection of the facts leading to our firm not tendering a proposal.

As I had indicated at the meeting, I had prior discussions with Regional Councillor Betty Hill concerning a pipeline system to either Richmond or Stittsville. On advertisement of the project, our firm obtained documents for the RFP with the hope that we might submit a bid for a pipeline system. We were represented at the mandatory site meeting by two of our estimating staff and our consultant. Subsequent to that meeting, our consultant, Edson Donnelly of Novatech Engineering, contacted Mr. George Godin of Conestoga-Rovers and Associates to clarify whether a pipeline system could be considered as a possible solution. We were informed that CRAs mandate was only to assess innovative wastewater treatment technologies and that pipeline alternatives would not be entertained at this time but would be evaluated by CRA relative to the other technologies. Based on this response, our firm did not tender a proposal.

In support of Taggart at the Board meeting, I based that support on the premise that their proposal meet the requirements of the RFP. Obviously Taggart believes their proposal does. Apparently someone at the Region and Conestoga-Rovers must also believe that the Taggart proposal meets the requirement of the RFP, it was given a full evaluation and found to be the desirable solution. Our firm, however, would have likewise submitted a

HEAVY EQUIPMENT RENTALS

ROAD PULVERIZING AND RECYCLING — ROAD BUILDING — CUSTOM CRUSHING
EXCAVATION — SEPTIC SYSTEMS — CRUSHED ROCK — ALL SIZES

SAND — GRAVEL — FILL — TOPSOIL

proposal for a pipeline system had we not been informed otherwise not to bid a pipeline solution.

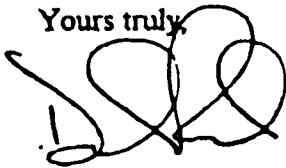
If the RFP gives the latitude for a pipeline solution, Taggart have done nothing wrong. Unfortunately, the clarification we received will have precluded our firm from a significant project in our backyard should the Region move ahead and award to Taggart.

The system has messed up here. The RMOC staff report on this matter dated Dec.2,1998 refers to two unsolicited pipeline proposals. Why would unsolicited proposals be evaluated to the point that they be chosen as the desirable solution? Why were unsolicited proposals reviewed at all considering that the consultant, who presumably has assisted in evaluating the pipeline proposals, had clarified prior to the close of the RFP that they would not be considered? What can the RMOC do so that firms such as ours can now submit a competitive pipeline proposal at this time?

Our firm has been failed by the system. Competitors likewise have been failed by the system whether it be by virtue of the wording of the advertisement or clarifications they received. Taggart, should they not be awarded the project, may be failed by the system. I believe the circumstances are such that in fairness to those firms precluded from tendering pipeline proposals, the RMOC should revisit this issue and consider soliciting new proposals for pipeline systems. We request that the NCHCA support this position.

Your consideration of this situation is appreciated. Should you have any questions or comments, please do not hesitate to contact the undersigned.

Yours truly,



D.J. Read, P. Eng.
Thomas Cavanagh Construction Limited



THE OTTAWA CONSTRUCTION ASSOCIATION

L'ASSOCIATION DE LA CONSTRUCTION D'OTTAWA

S E R V I N G T H E N A T I O N A L C A P I T A L R E G I O N

SINCE 1889

26 February 1999

Mr. Robert Chiarelli, Chairman
Regional Municipality of Ottawa-Carleton
Cartier Square
111 Lisgar Street
Ottawa, Ontario
K2P 2L7

Dear Mr. Chiarelli:

OTTAWA-CARLETON ENVIRONMENT & TRANSPORTATION DEPARTMENT		OTTAWA-CARLETON OFFICE OF THE CHAIR	
USES J.M. → G.C.		RECEIVED MAR 10 1999	
MAR 10 1999		07-99-0166	
07-99-0010		99-0624	
FILE NO.	1461	E.H.T.	
FILE:	COPIES SENT TO:		

Re: Munster Hamlet Wastewater Treatment Facility RFP

The Ottawa Construction Association has reviewed the background details with respect to the Region's June 2, 1998 Request for Proposals for Wastewater Treatment Facilities for Munster Hamlet. We believe from our review of the RFP documents; review of the June 10 Site Visit meeting minutes; review of the three addenda to the RFP, discussions with RMOC staff and discussion with the consultant that the Region should continue with the Design-Build proposal process and negotiate with the Taggart-Thorburn Penny consortium the construction of a sewage pipeline.

A number of factors have led the association to recommend this course of action to the Region, including:

- The integrity of the Request for Design-Build Proposals. This process is a proven winner to purchasers of construction in securing innovative and competitively priced construction solutions. However, the process is very costly to design-build firms in terms of time and design resources and needs to be respected by owner/clients by concluding the process with contract negotiations.
- Examining the Request for Proposal (RFP), we do not find that there is any express wording that prohibits the submission of a sewage pipeline proposal in either Section 1 *The General Description of the Work* or Section 2 *Objectives of Proposal Submissions*. The wording of Section 2 reads "*The objectives of requesting proposals for the Munster Hamlet wastewater treatment facility is to determine if applicable wastewater technologies and implementation programs are available that can provide attractive environmental and financial benefits for treatment in Munster*". A pipeline is a technology that certainly is an attractive environmental solution and financially beneficial to other alternatives.

- The very important June 2 mandatory site meeting Minutes does not offer clarification that pipeline proposals are not to be submitted. Regional staff states that the message was made clear to all attendees that pipeline proposals were not to be submitted. Other attendees rebut this assertion.
- Standard construction practice is to record mandatory site meeting minutes in detail and where issues of uncertainty are raised or uncovered, to issue an addendum for clarification. In this instance there were three addenda issued but all were silent as to the exclusion of a pipeline proposal.
- Taggart's consulting engineer discussed with Regional engineering staff on several occasions the details of a pipeline proposal during the four-week tender period. At no time did Regional staff indicate that a pipeline proposal would not be considered with the RFP.
- The RFP document in Section 8 "Interpretations" indicates that firms seeking clarification on the RFP must do so in writing and that only written responses would be binding. The section reads as follows: *"All questions about the meaning or intent of the Proposal Documents are to be directed to Corporation's consultant. Interpretations or clarifications considered necessary by Corporation in response to such questions will be issued by Addenda, mailed, faxed, or delivered to all parties recorded as having received the proposal documents. Only questions answered by formal written Addenda will be binding. Oral and other interpretations or clarifications will without legal effect."*
- Five responses were submitted by the July 2, 1998 RFP deadline, including two pipeline proposals. The five responses met the objectives of the RFP and were then subjected to a detailed evaluation process by the Region's consultant. At no time were any of the responses rejected by the Region or by the Region's consultant. It is important to note that the Region staff even facilitated meetings between the two pipeline proponents who eventually joint-ventured.

In conclusion, the Ottawa Construction Association believes the Region should move to negotiate with the proponents of the pipeline proposal. We believe this is fair to the proponent as well as important to maintaining integrity to the RFP Design-Build process.

Yours truly,



John DeVries
President

c. c. Ted Ruiters, Chair of the Board
Serge Massicotte, Chair of the Standard Practices Committee