

## THE MUNICIPALITY OF LAMBTON SHORES

Report DCS 29-2023

Council Meeting Date: November 28, 2023

**TO:** Mayor Cook and Members of Council  
**FROM:** Ashley Farr, Director of Community Services  
**RE:** RFT 2023-34 – Klondyke Sports Park – Pickleball and Tennis Court – Tender Results

### RECOMMENDATION:

**THAT** Report DCS 29-2023 regarding the Tender Results for the Klondyke Sports Park – Pickleball and Tennis Court Construction project be received; and

**THAT** the tender not be awarded based on the pricing received; and

**THAT** staff be directed to issue a Request for Proposal for the project.

---

### SUMMARY

This report presents Council with tender results for the Klondyke Sports Park Pickleball and Tennis Court Construction project. Based on pricing received, staff are recommending that the project not be awarded and be reissued for Request for Proposals.

### BACKGROUND

At its October 17, 2023 meeting, Council made the following motion:

***THAT*** staff be directed to issue a Request for Tender immediately for the development of six pickleball courts and one tennis court to be located at the Klondyke Sports Park.

Staff completed general design services using comparable industry projects, standards, and best practices. The design includes six (6) pickleball courts and one (1) tennis court adjacent to the existing washroom facility at the Klondyke Sports Park.

In addition to the tennis and pickleball courts, the tender included several provisional items such as a shade shelter and shade shelter surfacing, and noise mitigation screening.

The tender for this project was released in October 2023 and closed on November 13, 2023, with seven (7) submissions received out of ten (10) registered plan takers. The results are presented below:

<b>Bidder Name</b>	<b>Total Tender Incl. HST.</b>
Southwest Fence & Decks Ltd.	\$1,237,208.75
Van Roestel Contracting Ltd.	\$898,905.20
All Season Excavating	\$1,199,037.00
J-AAR Excavating Limited	\$1,014,367.10
DiCocco Contractors 2015 Inc.	\$1,396,759.10
598424 Ontario Ltd. o/a R. Russell Construction	\$786,503.52
Armstrong Paving and Materials Group Ltd.	\$1,071,322.75

The tender submissions have been checked for accuracy, and mathematical error corrections are not incorporated as part of the above results. Due to the project not having any dedicated funding, the below table represents the results with all provisional items (sun shelter, shelter surfacing and noise mitigation screening) removed. These results also carry a standard 10% project contingency.

<b>Bidder Name</b>	<b>Total Tender Incl. HST. Without Provisional Items</b>
Southwest Fence & Decks Ltd.	\$888,772.55
Van Roestel Contracting Ltd.	\$615,346.99
All Season Excavating	\$803,394.41
J-AAR Excavating Limited	\$904,096.05
DiCocco Contractors 2015 Inc.	\$968,359.15

598424 Ontario Ltd. o/a R. Russell Construction	\$603,404.88
Armstrong Paving and Materials Group Ltd.	\$695,595.84

**ALTERNATIVES TO CONSIDER**

There are numerous alternatives for Council to consider:

- 1. Award the tender with or without provisional items included.*

Council may choose to go ahead with the project. The lowest two (2) tenders were found to be in accordance with the specifications and requirements of the tender documents. Due to the high-profile nature of this project, similar recent project experience was also a critical part of the tender submissions. While 598424 Ontario Ltd. o/a R. Russell Construction had the lowest tender submission, the experience provided by Van Roestel provides much better overall value to the Municipality given the comparable prices.

Van Roestel is a well-known contractor capable of undertaking this type of project and have successfully completed projects for the Municipality of Lambton Shores in the past. Based on this, if Council wishes to proceed with the project, staff recommends that the contract for the project be awarded to Van Roestel. Van Roestel’s proposal with provisional items included (shade shelter, shelter surfacing and noise mitigation screening) is \$898,905.20 including HST. With provisional items removed, the proposal from Van Roestel is \$615,346.99 including HST. Staff would need Council direction on the provisional items based on the pricing.

Council should be aware that based on contractor feedback, even if the project is awarded based on the tender results that the project most likely will not be completed by the May 17, 2024 deadline.

- 2. Issue a Request for Proposal for the Project*

Council may choose to not award the project based on tender pricing. Instead, Council could direct staff to issue a Request for Proposal for the construction of the courts.

One of the common comments heard by bidders was the concern over the project timing, with the Municipality’s requirement to have construction completed by May 17, 2024. Some contractors have described this completion date as impossible given supply issues for asphalt throughout the winter into spring, and the requirement for the asphalt surfacing to cure for at least 30 days before the rubberized surfacing can be applied. It is expected that the deadline provided by the Municipality drove up some project costing to account for the liquidated damages of \$500 per day for each day of non-completion after the project completion deadline of May 17, 2024.

A Request for Proposal would provide the flexibility for contractors to determine realistic timelines for project completion that will be known upfront and before contract award.

Staff's recommendation is to proceed with Option Two. It is expected that this option will result in a delay opening the courts and a solution to accommodate Pickleball throughout the spring and early summer may need to be considered at a future meeting of Council. Actual timing will be known once proposals are received and will be provided to Council.

*3. Cancel or postpone the project.*

Council could choose to cancel or postpone the project until such time as grants or funding for projects of this nature becomes available. Timing would not be known and could not be predicted.

**RECOMMENDED ACTIONS**

The recommendation is not award the project based on the tender pricing and for Council to direct staff to issue a Request for Proposal for the Pickleball and Tennis Court construction.

**FINANCIAL IMPACT**

The tender prices are higher than anticipated. Staff's recommendation is to issue a Request for Proposal for the project in an attempt to receive better pricing as the tendered costs may have been impacted by the Municipality's completion deadline. As such, there is no direct financial impact associated with this report. Pricing through the RFP process will be brought back to Council for consideration.

**CONSULTATION**

Sam Shannon, Infrastructure Manager  
Steve McAuley, CAO  
Janet Ferguson, Director of Financial Services