

Minutes - Standing Policy Committee on Finance - June 4, 2015

REPORTS

**Item No. 8 Plessis Road Twinning and Grade Separation at CN Rail – Financial
Status Report No. 10 for the Period Ending March 31, 2015
File SC-4**

STANDING POLICY COMMITTEE DECISION:

The Standing Policy Committee on Finance concurred in the recommendation of the Winnipeg Public Service that the financial status of the Plessis Road Twinning and Grade Separation at CN Rail, as contained in the report be received as information.

Minutes - Standing Policy Committee on Finance - June 4, 2015

DECISION MAKING HISTORY:

Moved by Councillor Gillingham,

That the recommendation of the Winnipeg Public Service be concurred in.

Carried

Councillor Wyatt, Transcona Ward submitted a communication dated April 21, 2015, with respect to the Plessis Road Twinning and Grade Separation at CN Rail – Financial Status Report No. 10 for the Period Ending March 31, 2015.

ADMINISTRATIVE REPORT

Title: PLESSIS ROAD TWINNING AND GRADE SEPARATION AT CN RAIL – FINANCIAL STATUS REPORT NO. 10 FOR THE PERIOD ENDING MARCH 31, 2015

Critical Path: STANDING POLICY COMMITTEE ON FINANCE

AUTHORIZATION

Author	Department Head	CFO	CAO
L. Deane, P. Eng.	B.W. Sacher, P.Eng.	Mike Ruta	Doug McNeil

RECOMMENDATIONS

That this financial status of the Plessis Road Twinning and Grade Separation at CN Rail as contained in this report be received as information.

REASON FOR THE REPORT

Administrative Standard FM-004 requires quarterly reporting to the Standing Policy Committee on Finance.

IMPLICATIONS OF THE RECOMMENDATIONS

The project costs are estimated to exceed the adopted budget of \$77 million by \$8.4 million, however, it is anticipated that this excess may be offset by recoveries from the rail authority. These recoveries will be determined upon completion of the project when all costs are known. In the interim it is expected that the City will need to finance an additional \$8.4 million.

The project continues to experience delays. The City will continue to work with our Engineering Services Providers and Contractors to identify cost and schedule efficiencies; however, we will not meet the dates identified in our agreements with Canada and Manitoba and have requested an extension. Two lanes of Plessis Road are expected to be open to traffic by October 31, 2015.

HISTORY

On November 16, 2011, Council adopted a first charge of \$2 million in 2011 or prior to the adoption of the 2012 Capital Budget to allow for timely award of a Consulting Engineering Assignment to undertake the Preliminary Design Study and to initiate property acquisitions.

On December 13, 2011, Council adopted the 2012 Capital Budget which identified \$77,000,000 for the Plessis Road Twinning and Grade Separation at CN Rail, including contributions from the Building Canada Fund (Federal Government; \$25,000,000) and the Provincial Government (\$25,000,000).

On December 22, 2011, the City submitted the Plessis Road Underpass Project Application to the Government of Canada Infrastructure Funding to the Canada-Manitoba Infrastructure Secretariat.

On January 12, 2012, the City notified the rail authority of the application to the Building Canada Fund and requested that discussions commence as soon as possible. On July 16, 2012, the rail

authority requested a proposal from the City demonstrating the need for a grade separation structure and substantiating that an underpass as opposed to an overpass is warranted. On May 31, 2013, the City of Winnipeg submitted the Plessis Road Underpass Project: Cost Apportionment Proposal to the rail authority as a starting point for negotiations pursuant to Canadian Transportation Agency guidelines.

On January 24, 2012, Professional Consulting Services were awarded to AECOM Canada Ltd. for a preliminary land drainage study which was completed on May 4, 2012.

On June 18, 2012, the City was advised that the Government of Canada has identified the Plessis Road Underpass Project as a priority for funding consideration under the Building Canada Fund – Major Infrastructure Component. Under the program, the Government of Canada will consider an investment of up to one-third of the project's total eligible costs, to a maximum contribution of \$25,000,000, conditional upon the completion of a federal project review, fulfilling environmental and Aboriginal consultation requirements, and signing contribution agreements, amongst others.

On July 11, 2012, Professional Consulting Services were awarded to AECOM Canada Ltd. for Project Planning and Preliminary Design. Fees for future services (Detailed Design, Contract Administration and Post Construction Services) will be negotiated at key stages. Future services cannot commence until authorization is provided by the City. Fees for Detailed Design and Contract 1 Contract Administration were negotiated with the Director of Public Works on June 25, 2013; AECOM Canada Ltd. was authorized to proceed with these works on July 12, 2013, following approval of the Chief Administrative Officer. Fees for Hydrogeological Investigations and Groundwater Monitoring, Contract 2 Contract Administration, Contract 3 Contract Administration, and Oil Pipeline Designs and Contract Administration were negotiated with the Director of Public Works and authorization to proceed was received on May 20, 2014.

On July 17, 2012, Manitoba Conservation and Water Stewardship confirmed this project will not require environmental assessment and licensing pursuant to the Environment Act.

On July 20, 2012, the Plessis Road Underpass Project Business Case was submitted to Transport Canada for federal project review.

On October 9, 2012, the Aboriginal Consultation Form was submitted to the Province of Manitoba recommending that consultation is not required as the Project does not adversely affect an Aboriginal treaty right.

On October 9, 2012, owner controlled Professional and Pollution Liability Insurance coverage were put in place.

On October 12, 2012, the Preliminary Environmental Review form was submitted to Transport Canada who will assess federal environmental assessment requirements. On May 1, 2013, Transport Canada confirmed that no further information is required.

On November 15, 2012, Professional Consulting Services were awarded for Third Party Contract Administration (Advisory and Public Participation Services) to MMM Group Limited.

In December 2012, the existing sewers were cleaned and televised where required in order to address any deterioration prior to construction.

On December 19, 2012, Transport Canada advised Mayor Katz of approval-in-principle of funding for the Plessis Road Underpass Project. The draft contribution agreement was received on April 16, 2013; negotiations have been finalized and the agreement has been executed.

On February 12 and 13, 2013, a value engineering session was attended by subject matter experts and stakeholders. The purpose of the session was to ensure the City of Winnipeg is receiving value for our budget by identifying cost saving, risk reduction and schedule improvement opportunities.

On February 28 and June 19, 2013, Public Open Houses were held. Corporate Support Services provided translation services for the newsletter, advertisements and story boards.

On April 15, 2013, a letter of intent was submitted to the rail authority for the supply of safety flagging and track materials as well as the protection, design and relocation of their signals and fibre optics.

On April 16, 2013, the draft contribution agreement was received from the Government of Manitoba; negotiations have been finalized and the agreement has been executed.

On May 7, 2013, approval-in-principle was received from the rail authority to construct water pipeline crossings subject to submitting evidence of insurance, signing and returning the crossing agreements and paying the associated fees. Final approval to proceed with the work was received from the rail authority on July 9, 2013.

On May 24, 2013, the City of Winnipeg signed and returned an oil authority Letter of Intent confirming both parties' mutual interest in proceeding with relocating their pipeline to accommodate the underpass. The Letter of Intent obligated the City of Winnipeg to pay for the oil authority's design work and both parties to prepare and negotiate an agreement within 60 days. The oil authority would prepare the initial draft agreement which, once executed, would supersede the Letter of Intent. The initial draft agreement was received on December 27, 2013. On July 8, 2013, the oil authority indicated that due to their capital project process they could not continue to administer the design and relocation of their pipeline. The oil authority indicated that the City of Winnipeg will need to procure a design consultant and construction contractor to proceed with these works. On September 9 and 16, 2013, the oil authorities confirmed URS is an acceptable engineering firm to prepare the designs related to their plant relocations; AECOM Canada Ltd. has engaged URS as a subconsultant.

On May 28, 2013, a settlement data sheet approving the temporary easement at Big Freight Systems Inc. was completed.

On May 29, 2013, Council passed expropriation by-law 56/2013 and made the corresponding Declaration of Expropriation. Notices of Intended Expropriation were submitted to the Winnipeg Land Titles Office and owners and encumbrancers. Two objections to the intended expropriations were received; however, one was withdrawn and the other was removed in an Amended Declaration of Expropriation. A hearing before the Inquiry Officer was not required.

On May 29, 2013, Council concurred with the Executive Policy Committee's recommendation that the Chief Administrative Officer be delegated the authority to award construction contracts exceeding \$10,000,000.00, including multi-year contracts not exceeding 5 years, associated with the Plessis Road Twinning and Grade Separation at CN Rail Project, within the Council approved budget.

On June 3, 2013, the City of Winnipeg engaged River East Transcona School Division to provide additional crossing guards at Bernie Wolfe Community School during construction.

On June 11, 2013, the acquisitions of 1168 and 1172 Plessis Road were approved by Standing Committee.

On June 13, 2013, the City of Winnipeg engaged Intergraphics Decal Ltd. to fabricate infrastructure signage for the project.

On June 14, 2013, Hy-Way Construction Inc. was awarded Contract 1: Rail Shoofly Grade Preparation and Miscellaneous Wastewater Sewer, Watermain and Land Drainage Works (Bid Opportunity No. 342-2013).

On June 25, 2013, a Request for Service was sent to the Traffic Signals Branch for the design, supply and installation of traffic signals.

On June 27, 2013, Contract 2: Shoofly Track Installation and Permanent Track Construction (Bid Opportunity No. 539-2013) was advertised on the Materials Management website. On July 19, 2013, Materials Management indicated that no bids were received. On October 2, 2013, the Chief Operating Officer approved the Single Source Negotiation and Award to Cando Contracting Ltd.

On June 28, 2013, detailed design drawings were submitted to the rail authority for comment. The railway provided feedback on November 18, 2013.

On July 9, 2013, the rail authority confirmed they cannot supply track materials. The supply of the majority of these materials was included in Contract 2; the remainder was included in Contract 3. On October 15, 2013, the rail authority confirmed they will supply the No. 12 turnouts for the permanent track. On March 17, 2014, the rail authority confirmed that they will supply the track materials for the permanent alignment.

On July 15, 2013, Enter and Construct agreements were executed with Fresh Water Fish Marketing Corporation and the rail authority. The agreement with Fresh Water Fish Marketing Corporation expires on July 1, 2015, and must be extended.

On July 15, 2013, the rail authority indicated they do not have the available staff to supply safety flagging and the City would need to procure these services. In the interim works in the rail authority's right of way could not commence. The City's contractors have been supplying safety flaggers since July 29, 2013.

On July 16, 2013, the temporary construction easement was executed with Big Freight Systems Inc.

On July 17, 2013, Council approved the land exchange for the temporary easement with East Side Self Storage.

On July 28, 2013, Plessis Road was closed between Dugald Road and Kernaghan Avenue and is now expected to open in fall 2015.

On August 7, 2013, the City requested that the Federal Government consider costs incurred prior to approval-in-principle, contracts signed prior to approval-in-principle, and services delivered by employees of the City as eligible costs. On August 27, 2013, the Federal Government confirmed that services delivered by employees of the City are eligible, however any cost incurred and/or contract awarded prior to the approval-in-principal date of December 19, 2012 is not eligible for reimbursement by Canada.

On October 17, 2013, an oil authority submitted a Confidentiality Agreement to the City which had to be executed before they would provide the City with design information related to their plant. The oil authority's design criterion was received in early November, 2013.

On October 17, 2013, the City advised an oil authority that the Water Stewardship is concerned with their proposed design. An alternative alignment has been developed in consultation with the oil authority; the pipelines will go through the underpass retaining walls and will need to be coordinated with the bridge construction.

On October 17, 2013, an oil authority indicated that there is only one contractor that is approved to relocate their pipeline. The City requested a letter from the oil authority instructing the City to engage the contractor for their pipeline relocation works. On December 20, 2013, the oil authority indicated that they will not supply the requested letter.

On October 25, 2013, the City requested that the Government of Manitoba approve a one-year extension to the project completion date. On January 9, 2014, Manitoba confirmed it has no issue with extending the project completion deadline to March 31, 2016.

On November 5, 2013, the City requested that the rail authority relocate their gate cables or decommission the gates as the road is closed. On November 15, 2013, the rail authority identified site safety concerns that required attention before the gates can be decommissioned. The City addressed the rail authority's concerns by November 20, 2013 and requested a meeting to confirm compliance. In March, 2014, the rail authority indicated that the existing grade crossing cannot be decommissioned until the agreement with the City is executed. The gates have been decommissioned.

On November 13, 2013, the rail authority submitted the draft agreement; the issue as to whether the railway's share of the costs should be calculated after applying the amounts received from Canada and Manitoba has been highlighted as a matter for further adjudication by the Canadian Transportation Agency. Negotiations have concluded and the agreement has been distributed for signatures. The rail authority shall contribute 15% towards the shareable costs upon completion of the Grade Separation and the Canadian Transportation Agency's ruling.

On November 22, 2013, Contract 3 (roadworks, structures, pump station, land drainage and miscellaneous works) was advertised on the City's Materials Management website. The bid submission deadline was extended twice due to delays associated with relocating the oil pipelines and closed on February 7, 2014. The City intended to award the contract by February 21, 2014. The contract was awarded to PCL Constructors Canada Inc. on March 5, 2014.

On November 28, 2013, the City received a letter confirming funding support from Manitoba.

On December 2, 2013, an oil authority indicated that their works associated with relocating their plant will be completed approximately six weeks later than anticipated. On January 14, 2014, the oil authority indicated that their reconnection works will need to be staged and will take a further three weeks.

In December, 2013, Notices of Expropriation, Offers of Compensation and Notices of Possession were distributed to affected persons in accordance with the Expropriation Act. Notice of the confirming order was published in a local paper on December 3, 2013. The persons served must surrender and give up possession of the expropriated land on or before noon on January 30, 2014. Any owner/encumbrancer/occupant may request that the possession date be extended.

On January 10, 2014, the Government of Canada indicated that in the event the City is unable to open two lanes on Plessis Road to traffic by December 31, 2014, it may terminate the Agreement or suspend its funding obligations. On February 13, 2014, the City requested that Transport Canada approve a one-year extension to the project completion date.

On January 25, 2014, it was identified that if the pipeline is lowered, a secure (fenced) shutoff valve is required on the oil pipeline south of the rail line. The supply time for the valve was estimated at six months and ownership of the majority of the property south of the rail line is expected to be transferred to an adjacent landowner.

On January 27, 2014, Contract 4: Oil Pipelines Relocation Works (Bid Opportunity 1058-2013) was advertised on the City's Materials Management website with a submission deadline of February 7, 2014. In accordance with the bid opportunity, the successful bidder had to be qualified by the oil authorities. Only one bid was received and the bidder was not qualified. The non-award report and authorization to negotiate a single source contract was approved on March 19, 2014.

On January 28, 2014, an oil authority provided the City with their list of approved Canadian vendors.

On February 14, 2014, the Province indicated that the following costs (an estimate totaling approximately \$470,000), which were incurred prior to the City receiving approval-in-principal of funding from Canada, will be considered eligible:

- Owner-controlled professional and pollution liability insurance
- Third party contract administration
- Sewer televising

On February 19, 2014, an oil authority provided the City with a list of their approved contractors. The oil authority had previously declined to provide the City with a list.

On February 24, 2014, an oil authority indicated that the cost estimate they provided in the draft agreement was not a firm estimate and their works associated with relocating their pipeline through the rail shoofly will likely cost an additional \$4M. To mitigate the cost and schedule impacts associated with:

- receiving no bids for Contract 4;
- the shutoff valve requirement; and
- the additional \$4M associated with relocating the pipeline through the rail shoofly a structural slab was constructed over the existing pipeline.

On March 19, 2014, the City began single source negotiations for the oil pipeline works with the only contractor that is qualified by both oil authorities. One reason the contractor declined to bid on Contract 4 was they do not want to supply the pipeline materials. Contract 5 Supply of Steel Pipe and Fittings was advertised on the City's Materials Management website and awarded to Flocor Inc. on July 4, 2014. Single source negotiations for the construction have concluded and Contract 4 was awarded to Flint Field Services Ltd. on September 17, 2014.

On April 15, 2014, the Government of Canada added conditions to the contribution agreement indicating that two lanes of Plessis Road between Dugald Road and Kernaghan Avenue will be open to traffic by July 31, 2015, and that four lanes of Plessis Road between Dugald Road and Kernaghan Avenue will be open to traffic by September 30, 2015. In the event that the City is unable to meet these conditions, Canada may terminate the Agreement or suspend its funding obligations.

On May 29, 2014, the City requested assistance from the Government of Canada in getting one of the oil authorities engaged on this project. The oil authority has since assigned significant resources to this project; however this construction did not commence in June, 2014 as identified in Contract 3 and is behind schedule.

On July 3, 2014, PCL Constructors Canada Inc. submitted a letter to AECOM Canada Inc. indicating that a Change in Work will be required due to delays in completing the rail shoofly. Contract 3 indicates that the rail shoofly will be complete by June 27, 2014; the shoofly was complete on October 25, 2014. On February 9, 2015, PCL Constructors Canada Inc. submitted the cost (\$3,416,578.24) and schedule implications associated with the rail shoofly delay. The schedule identifies "Roadway Completion and Turnover" as August 22, 2016. The submission is under review while acceleration opportunities are being pursued.

The Pipeline Relocation Agreement with Imperial Oil Limited was finalized on October 1, 2014, and the pipeline relocation was complete on November 7, 2014.

On July 29, 2014, the first of three track blocks for the shoofly cutovers was requested of CN. The first block was provided on September 22, 2014. The following track blocks were anticipated for October 12 and 15, 2014, but on October 10, 2014 they were postponed by CN. The cutovers were complete on October 25, 2014, and the shoofly is in operation.

In October, 2014, an oil authority indicated that the estimate they provided in June, 2014, was not a firm estimate and the cost increased from \$400,000 to \$1,350,000.

The pipeline relocation agreement with Shell Canada was finalized on December 4, 2014. Construction is ongoing and expected to be complete in June, 2015.

In May 2012, URS acquired Flint Energy Services, and in October, 2014, URS was acquired by AECOM. This creates a conflict of interest where AECOM is administering Flint Energy Service's construction contract. To mitigate the perceived conflict, the City's Third Party Contract Administrator will review changes in work and progress payments for Contract 4.

In December, 2014, Electric Service Agreements were received for Manitoba Hydro works associated with the project. The agreements have been executed and the single source negotiation and award report has been approved by the appropriate City authorities.

On March 31, 2015, MTS Inc. submitted a quote for their works associated with the project. The single source negotiation and award report is in circulation for approval by the appropriate authorities.

On April 6, 2015, PCL Constructors Canada Inc. submitted a cost (\$4,258,879.09) and schedule associated with acceleration opportunities that includes the delay costs (\$3,416,578.24) submitted on February 9, 2015. The schedule identifies "Northbound Plessis Completion" as September 23, 2015, and "Substantial Performance Completion" as January 14, 2016. This submission is still under review; however, several of the acceleration opportunities are proceeding.

On April 14, 2015, the contract over-expenditure for Contract 1: Rail Shoofly Embankment and Water Utilities was approved by the Chief Financial Officer.

On April 21, 2015, the City requested that Canada approve the following extensions:

- Two lanes of the Project on Plessis Road between Dugald Road and Kernaghan Avenue will be open to traffic by October 31, 2015, as opposed to July 31, 2015;

- Four lanes of the Project on Plessis Road between Dugald Road and Kemaghan Avenue will be open to traffic by September 30, 2016, as opposed to September 30, 2015;
- The Project Completion Date will be no later than March 31, 2017, as opposed to March 31, 2016;
- The Agreement End Date will be September 30, 2017, as opposed to September 30, 2016; and
- The Final Claim Date will be July 31, 2017, as opposed to July 30, 2016

On April 21, 2015, the City requested that Manitoba approve the following extensions:

- Winnipeg must complete the project no later than March 31, 2017, as opposed to March 31, 2016; and
- Manitoba will not pay any amounts for which a claim is made if the claim is received by Manitoba after September 30, 2017, as opposed to September 30, 2015

MAJOR CAPITAL PROJECT STEERING COMMITTEE

Administrative Standard for projects with capital cost exceeding \$10 million requires formation of Major Capital Project Steering Committee. The Committee members include:

Brad Sacher, Director of Public Works
 Diane Sacher, Director of Water and Waste
 Dave Wardrop, Director of Transit
 Jason Ruby, Manager of Capital Projects
 Blake Kibbins, Streets Project Engineer

PROJECT STATUS

The project is estimated to exceed the adopted \$77,000,000 budget; however, it is expected that the rail authority's 15% contribution to shareable costs upon completion will cover the deficit.

DESCRIPTION OF PROJECT

The existing at-grade crossing of Plessis Road at the CNR Redditt Subdivision will be replaced with an underpass grade separation structure, including earth retaining structures, to provide improvements in road safety, mobility, and sustainability. The underpass will be designed to accommodate four through lanes and auxiliary lanes where warranted. The pavement and bridge structure will support the addition of two through lanes in the future without modification to the bridge structure, retaining structures or embankment slopes.

Geometric and capacity improvements at the intersection of Plessis Road and Dugald Road are required. Plessis Road will be reconstructed between Pandora Avenue and Dugald Road. This section of Plessis Road is part of the City of Winnipeg Strategic Road Network as identified in the Winnipeg Transportation Master Plan and will be widened to four lanes.

Connections to the existing pedestrian and active transportation facilities on Pandora Avenue and Dugald Road will be provided on Plessis Road.

Provision of an underpass pumping facility is required.

Construction of the underpass will require the relocation of several utilities, including but not limited to watermains, sewers, fibre optic cables, gas mains, distribution poles, street lights and Manitoba Telecom Services plant.

Imperial Oil Limited and Shell Canada have pipelines and a valve station in the vicinity of the proposed underpass. The pipelines will need be relocated or lowered.

A temporary rail detour will direct rail traffic around the bridge construction. Disruption to rail operations during construction will be minimized.

PROJECT SCHEDULE

Professional Service Contracts pending and awarded as of the date of this report are as follows:

Bid Opportunity	Awarde d To	Description	Award / Authorization Date	Completion Date	Award Value
Direct Assign	AECOM Canada Ltd.	Preliminary Land Drainage Study	January 24, 2012	May 4, 2012	\$65,985.00
142-2012	AECOM Canada Ltd.	Planning and Preliminary Design Services	July 11, 2012	March 31, 2013	\$1,114,282.00
518-2012	MMM Group Limited	Third Party Contract Administration	November 15, 2012	On-going	\$469,307.00
142-2012	AECOM Canada Ltd.	Detailed Design Services	July 12, 2013	November 21, 2013	\$2,682,642.00
142-2012	AECOM Canada Ltd.	Contract 1 Contract Administration Services	July 12, 2013	On-going	\$389,001.00
142-2012	AECOM Canada Ltd.	Hydrogeological Investigations and Groundwater Monitoring	May 20, 2014	On-going	\$166,530.00
142-2012	AECOM Canada Ltd.	Contract 2 Contract Administration Services	May 20, 2014	On-going	\$299,005.00
142-2012	AECOM Canada Ltd.	Contract 3 Contract Administration Services	May 20, 2014	On-going	\$3,847,362.00
142-2012	AECOM Canada Ltd.	Oil Pipeline Designs and Contract Administration	May 20, 2014	On-going	\$814,816.00

Construction Contracts pending and awarded as of the date of this report are as follows:

Bid Opportunity	Awarded To	Description	Award Date	Completion Date	Award Value
342-2013	Hy-Way Construction Inc.	Contract 1: Rail Shoofly Embankment and Water Utilities	June 14, 2013	On-going	\$2,059,412.00
539-2013B	Cando Contracting	Contract 2: Track	October 4, 2013	March 25, 2015	\$6,892,352.84

	Ltd.	Installation			
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Construction Contracts pending and awarded as of the date of this report are as follows...cont'd...

712-2013	PCL Constructors Canada Inc.	Contract 3: Roadworks, Structures, Pump Station, Municipal Utilities and Landscaping	March 5, 2014	On-going	\$35,422,891.04
346-2014	Flocor Inc.	Contract 5: Supply of Steel Pipe and Fittings	July 4, 2014	February 25, 2015	\$260,817.40
1058-2013	Flint Field Services Ltd.	Contract 4: Oil Pipeline Construction	September 17, 2014	On-going	\$3,096,919.63

RISKS AND RISK MITIGATION STRATEGIES

In accordance with Administrative Standard FM-004, the design consultant is responsible for developing a Risk Management Plan identifying risks and appropriate mitigation strategies as they relate to the successful completion of the project. Tools developed by the City of Winnipeg Audit Department were employed and the following risks have been identified:

Schedule

- The following conditions will not be achieved and the City has requested extensions from Canada and Manitoba:
 - two lanes of Plessis Road between Dugald Road and Kernaghan Avenue will be open to traffic by July 31, 2015, and
 - four lanes of Plessis Road between Dugald Road and Kernaghan Avenue will be open to traffic by September 30, 2015
- If the extensions are not approved by Canada, they may suspend or terminate any obligation to contribute to the Project and may require the City to reimburse Canada all or in part of the contribution paid by Canada
- If the extensions are not approved by Manitoba, they may terminate the agreement and any funding obligations and demand that the City repay any portion of the Manitoba Contribution that has not been expended in accordance with the agreement

Costs

- The additional \$2,000,000 the City of Winnipeg is contributing to this project is not sufficient to cover ineligible costs identified by the Building Canada Fund and Manitoba.
- Costs incurred after March 16, 2016, will be ineligible unless Canada approves an extension to the Project Completion Date. Otherwise, costs that are ineligible for reimbursement by Canada are anticipated to be:
 - Overheads and Other - costs incurred prior to federal approval-in-principle (owner controlled insurance coverage and sewer televising; \$400,000); overhead and administration expenditures (\$2,000,000)
 - Any and all expenditures related to contracts signed prior to federal approval-in-principle (Professional Service Contracts; \$1,900,000)
 - The cost of purchasing land and associated fees (\$2,300,000)
 - **Total estimate of potential ineligible costs (\$6,600,000)**

- Manitoba will not pay any amounts for which a claim is made if the claim is received by Manitoba after September 30, 2015, unless Manitoba approves the requested extension. Otherwise, costs that are ineligible for reimbursement by Manitoba are anticipated to be:
 - Overheads and Other – overhead and administrative expenditures (\$2,000,000)
 - Expenditures related to contracts signed prior to federal approval-in-principle (Professional Service Contracts; \$1,430,000)
 - The cost of purchasing land and associated fees (\$2,300,000)
 - Total estimate of potential ineligible costs (\$5,730,000)**
- The estimated total project cost is \$85,400,000. While the rail authority's contribution is outstanding, the City's contribution to the project is anticipated to be \$35,400,000 rather than \$27,000,000. While final negotiations with the rail authority have not been concluded, the net amount the City expects to receive upon settlement of the cost appropriations is expected to exceed \$8,400,000. The final determination will be based on a ruling by the Canadian Transportation Agency.
- There is a risk of incurring additional consulting fees related to the project delays.
- An Administrative Report will be assembled requesting that Council authorize additional budget for the Plessis Road Twinning and Grade Separation at CN Rail to reflect future alternative sources of funding and the Public Works Department be authorized to expend funds of \$8,400,000 in excess of the currently approved project budget while the rail authority's contribution is outstanding. The railway's contribution will be subject to a ruling by the Canadian Transportation Agency(CTA); in the event that the City gets an unfavourable determination from the CTA, the City would be responsible for the shortfall.

	Project Budget	Anticipated Contribution	Variance
Federal Funding (1/3 of eligible costs)	25,000,000	25,000,000	0
Provincial Funding (1/3 of eligible costs)	25,000,000	25,000,000	0
Required City Funding	27,000,000	35,400,000	8,400,000
Total Project Cost	77,000,000	85,400,000	8,400,000

Rail

- The rail work contractor supplied the rail for the shoofly detours. As this rail was not supplied by the rail authority, the City is indemnifying the railway for any losses related to the performance of the rail
- Track blocks must be requested of the rail authority in a timely manner to avoid delays in obtaining approvals
- Timely inspections with the rail authority must be coordinated prior to the track blocks to avoid delays
- The railway has made modifications to their yards adjacent to the site. Train traffic has increased significantly and is being monitored to assess any impacts to construction
- The rail authority is supplying the rail for the permanent track. Coordinate with the rail authority to ensure the material is available when required

Oil Pipelines

- The east-west pipelines have been relocated. The pipelines were back in service within the allotted ten day window

Property Acquisitions

- There are two properties that cannot be expropriated, include the oil pipeline easement, and negotiations are ongoing. The City has received consent to Enter and Construct from the property owners. The agreement with Fresh Water Fish Marketing Corporation expires on July 1, 2015, and must be extended.
- Negotiations with 730 Pandora Avenue West, 1249 Plessis Road and 1225 Plessis Road are ongoing. These properties have been expropriated.
- Timely resolution to property-related issues is required to minimize works in 2016.
- The Enter to Construct agreement with 2125 Dugald Road expires on July 15, 2015, and must be extended.

Groundwater

- A groundwater user suggested construction activities have impacted the groundwater quality but will not provide evidence. The City has indicated it will deny any compensation until evidence is provided. The City has implemented a groundwater monitoring program

Contamination

- A contaminated sewer owned by the rail authority was located and the City is working with the owner to remove the material so work can proceed. The limits of the contamination must be determined and alternative containment areas identified in order minimize any further impacts to the schedule.

FINANCIAL ANALYSIS

Project Funding

The approved capital and projected budget surplus/deficit are as follows:

Year	Capital Program (in 000's)	Actual + Projected Cashflows	Cumulative Capital Budget Remaining
2012	\$77,000 ^{1,2,3,4}	\$957	\$76,043
2013		7,131	68,912
2014		26,130	42,782
2015		48,559	(\$5,777)
2016		2,623	(\$8,400)
Total	\$77,000	\$85,400	(\$8,400)

- (1) Includes Building Canada Fund (Federal Government) funding of up to \$25 million.
- (2) Includes Provincial Government funding of up to \$25 million.
- (3) On November 16, 2011 Council adopted a first charge of \$2 million in 2011 or prior to the adoption of the 2012 Capital Budget to allow for timely award of a Consulting Engineering Assignment to undertake the Preliminary Design Study and to initiate property acquisitions.
- (4) Project Funding does not account for the rail authority's 15% contribution towards the shareable costs of the Grade Separation.

Financial Analysis

A summary of the budget to forecast comparison is contained in the Appendix. The comparison does not differentiate between costs that may be eligible or ineligible for Federal and Provincial funding.

FINANCIAL IMPACT

Financial Impact Statement Date: May 25, 2015

Project Name:

**PLESSIS ROAD TWINNING AND GRADE SEPARATION AT CN RAIL -
FINANCIAL STATUS REPORT NO. 10 FOR THE PERIOD ENDING MARCH**

COMMENTS:

There is no financial impact associated with the recommendation of this report.

The current forecasted expenditures for this project identify that the project will be completed at \$85.4 million, exceeding the \$77 million capital budget adopted by Council. The increased forecasted expenditures will increase the City's required funding to \$35.4 million for an increase of \$8.4 million to the previously approved \$27 million.

The adopted budget for this project does not include any funding that will be received for the railway's share of the project costs which will be determined by a ruling of the Canadian Transportation Agency upon project completion.

"Original Signed by D. Stewart, CA"

D. Stewart, CA

Manager of Finance & Administration

CONSULTATION

In preparing this report there was consultation with: N/A

SUBMITTED BY

Department: Public Works
Division: Engineering
Prepared by: B.S. Kibbins, P. Eng.
Processed by: J. Curti
Date: May 25, 2015

Attachment:

Appendix: Financial Analysis - Plessis Road Twinning and Grade Separation at CN Rail

APPENDIX
PLESSIS ROAD TWINNING AND GRADE SEPARATION AT CN RAIL
As of March 31, 2015

Project Component	Capital Budget			Capital Expenditures Forecast				Surplus (Deficit)	Variance Last Report	Change in Variance
	Original	Council Approved Change	Revised	Actual Costs			Total			
				To March 31, 2015	2015	2016	Forecast	From Revised Budget		
A Professional Services	\$10,000,000		\$10,000,000	\$8,811,693	\$2,520,414	\$425,838	\$11,757,945	(\$1,757,945)	(\$1,000,000)	(\$757,945)
B Construction Work	43,500,000		43,500,000	26,536,772	\$30,819,369	2,146,832	\$59,502,973	(16,002,973)	(\$14,740,000)	(\$1,262,973)
C Rail and Utility	15,000,000		15,000,000	3,131,742	\$5,914,514	50,000	\$9,096,256	5,903,744	\$5,746,026	\$157,718
D Property	5,000,000		5,000,000	965,549	\$1,334,451		\$2,300,000	2,700,000	\$2,700,000	\$0
E Overheads and Other	3,500,000		3,500,000	1,276,204	\$1,466,622		\$2,742,826	757,174	\$493,974	\$263,200
	\$77,000,000	\$0	\$77,000,000	\$40,721,960	\$42,055,370	\$2,622,670	\$85,400,000	(\$8,400,000)	(\$6,800,000)	(\$1,600,000)

Notes:

