

EMERGENCY CONTRACT AWARD

Project Award	Emergency Contract Award for environmental cleanup and spill containment to Accuworx Inc. and for environmental consulting services to WSP E&I Canada Limited for spill response at Highpoint Pond.
Recommendation	<p>Staff proceeded with the contract award for the emergency environmental clean up to Accuworx Inc. in the total amount of \$138,203.58 (exclusive of HST), and for emergency environmental consulting services work required to facilitate soil and water samples, and response to the Ministry of Environment, Conservation and Parks (MECP) related to a spill event at Highpoint Pond, to WSP E&I in the total amount of \$20,000 (exclusive of HST).</p> <p>These awards are being received for information.</p>
Purpose of Report	As per Section 11.1 of Purchasing By-law No. 061-2018, emergency expenditures shall be reported to Council for information.
Background information	<p>In late November 2022, a sheen on Highpoint Pond was reported by a member of the public to the MECP. The MECP contacted Town staff, as the pond is owned by the Town. As owners of the pond, the Town was required to respond to the MECP and address the apparent “spill” at the pond. This required the immediate engagement of Accuworx Inc., in order to contain the substance within the pond to avoid it from migrating downstream. In addition to containment, Accuworx flushed and cleaned the upstream storm sewer system, and removed material from the surface of the pond.</p> <p>In order to determine the source of the spill, the Town engaged WSP (one of the Town’s civil engineering roster consultants) to complete a site visit, and complete both soil and surface water sampling and analysis (as required by the MECP). This work was completed in December and early January, ultimately culminating in a report provided to the Town, indicating that the test results were not indicative of a subsurface source, but rather a spill event, or possibly the result of previous spill events that were not detected.</p> <p>From late November 2022 to the first week of June 2023, both Town staff and Accuworx monitored the site, with Accuworx attending weekly and replacing the containment measures as needed. Weekly reports were provided by Town staff to the MECP to keep them up to date on the status of the pond; over this period of time, two other spill events were identified and containment and clean up continued to be required.</p> <p>In May 2023, Town staff proceeded with providing a letter and a copy of the Town’s Stormwater Management By-law (095-2022) to</p>

CORS-041-23 - Schedule J

the businesses in the Highpoint Industrial area to ensure they are aware of the by-law, as well as their responsibilities under the Environmental Protection Act, and to provide public education and outreach to mitigate the risk of any future, unreported spills by the source of the spill.

In spring 2023 it was agreed to by the MECP that once there were 3 consecutive weeks observed at the pond with no “sheen”, that all containment measures could be removed and no further water or soil sampling was required. This criterion was satisfied in early June, and all containment measures were removed from the site on June 9, 2023.

The Town has installed a locking gate at the entrance to the Highpoint Pond to mitigate the potential for future spills in the immediate vicinity of the pond. In addition, Town staff are continuing weekly monitoring of the pond inlet, so that if a subsequent spill event is identified, then swift action can be taken to contain and clean up the spill as required. In addition, the MECP has asked the Town to reach out to the MECP approvals branch to determine if any future modifications are required by the MECP for the Highpoint Pond. Staff anticipate a meeting with the approvals branch in late summer or early fall of this year.

This emergency contract award of \$138,203.48 (exclusive of HST) to Accuworx represents the total of the monthly invoices received for original site cleanup, storm sewer flushing and vacuuming, sheen removal, placement of containment measures and subsequent maintenance and replacement, and associated weekly site visits was required to ensure the Town was in compliance with the Environmental Protection Act and the requirements of the MECP. The emergency contract award of \$20,000 (exclusive of HST) to WSP E&I (PO# C-22-34 Rel.3) was required to move forward with site visits, soil and water samples and analysis, and the preparation of a technical memo for the Town, to assist in response to the MECP requirements. Of the \$20,000 (ex. HST) award to WSP E&I, \$12,024.69 (ex. HST) has been invoiced to-date – it is anticipated that the remaining \$7,975.31 (ex HST) will not be required. While not a typical “roster” assignment, WSP honored the 21-051 Civil Engineering Roster rates for this emergency work.

In order to ensure the Town was able to respond immediately to the identified spill event, and to subsequent requirements of the MECP, the emergency awards outlined above were required.

The cost of this emergency work was able to be accommodated within the approved budget for C43000122 Stormwater Pond Maintenance - Construction.

Financial Planning Section: Budget Impact (Note 1)	
Account Number(s)	C43000122-N0821-7290/7710
Account Description	2022 Stormwater Pond Maintenance - Construction
Project Total Budget	\$ 1,293,039
Contract Budget –WSP E&I	\$0
Actual (Net of HST Rebate)	\$20,352
Variance	\$20,352 (U) (Note 2)
Funding Source	Project Variance Account
Contract Budget – Accuworx	\$0
Actual (Net of HST Rebate)	\$140,636
Variance	\$140,636 (U) (Note 3)
Funding Source	Project Variance Account

Note 1: Financial impact includes any non-refundable portion of HST.

Note 2: Budget increase in an amount of \$25,000 was requested through 2022 Year End Capital Variance Report CORS-11-23 and is therefore not included as part of Schedule A to this purchasing various report.

Note 3: Budget increase in an amount of \$25,000 was requested through 2022 Year End Capital Variance Report CORS-11-23 (\$50,000 total for both amounts shown above). A further \$35,559 of the variance was able to be funded from a reallocation of spending in the project. A budget increase is being requested for the remaining amount of \$80,077 through this purchasing various report.