

Item 5



**For Action
with Confidential Attachment**

Toronto-York Spadina Subway Extension – Downsview Park Station Contract A35-25

Date: December 12, 2019

To: TTC Board

From: General Counsel

Reason for Confidential Information

This report is about litigation or potential litigation, including matters before administrative tribunals.

This report contains advice or communications that are subject to solicitor-client privilege, including communications necessary for that purpose.

Summary

On November 18, 2010, Aecon Buildings, a Division of Aecon Construction Group Inc. (Aecon) was awarded the contract for the Toronto-York Spadina Subway Extension Sheppard West Station (renamed to Downsview Park Station) and the Southern Tunnels (DPS), Contract A35-25 (Contract) in the amount of \$279,078,688.00. The current approved value of the Contract is now \$318,389,055.90 (inclusive of HST).

This report includes a recommendation and requests the Board's approval of funds to provide resolution related to claims in the performance of the work.

Recommendations

It is recommended that:

1. Approve the recommendation outlined in the confidential attachment; and
2. Authorize the information contained in the confidential attachment to remain confidential as it contains advice that is subject to solicitor-client privilege.

Financial Summary

Funds for this expenditure are included in the TTC's Capital Budget under the Toronto - York Spadina Subway Extension (TYSSE) Project that was approved by the Board on January 21, 2016, City Council on February 17, 2016 and the Regional Municipality of York on February 18, 2016. The total project budget for the YYSSE Project is \$3.184 billion and has not changed since.

The Chief Financial Officer has reviewed this report and agrees with the financial impact information.

Equity/Accessibility Matters

The above recommendations have no accessibility issues.

Decision History

On October 23, 2008, the Board approved awarding contracts for the design of Sheppard West Station (renamed Downsview Park Station) and Highway 407 Station as part of the TYSSE Project to Earth Tech Canada Inc. (now AECOM Canada Ltd.).

[http://www.ttc.ca/About the TTC/Commission reports and information/Commission meetings/2008/Oct 23 2008/Supplementary Reports/Subway Station Desig.pdf](http://www.ttc.ca/About%20the%20TTC/Commission%20reports%20and%20information/Commission%20meetings/2008/Oct%2023%202008/Supplementary%20Reports/Subway%20Station%20Desig.pdf)

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[http://www.ttc.ca/About the TTC/Commission reports and information/Commission meetings/2010/Dec 15 2010/Reports/Notice of Award TYSS.pdf](http://www.ttc.ca/About%20the%20TTC/Commission%20reports%20and%20information/Commission%20meetings/2010/Dec%2015%202010/Reports/Notice%20of%20Award%20TYSS.pdf)

On January 21, 2016 as part of the TYSSE Project reset, a revised budget of \$3.184 billion was established.

[http://www.ttc.ca/About the TTC/Commission reports and information/Commission meetings/2016/January 21/Reports/Board Report TYSSE Schedule and Budget Re set 2016-01-21 fina.pdf](http://www.ttc.ca/About%20the%20TTC/Commission%20reports%20and%20information/Commission%20meetings/2016/January%2021/Reports/Board%20Report%20TYSSE%20Schedule%20and%20Budget%20Re%20set%202016-01-21%20fina.pdf)

Issue Background

As part of the TYSSE Project, on October 24, 2008, the TTC awarded design contracts for both Downsview Park Station and Highway 407 Station to AECOM Canada Ltd., (Contracts A85-75D and A85-75F).

During the execution of the work as part of Contract A35-25, delays were encountered in the construction of the station resulting in claims from Aecon. This report provides recommendations for the full and final resolution of all claims related to the design and construction of Downsview Park Station.

Comments

The confidential attachment to this report provides advice, subject to both solicitor-client privilege and litigation privilege, relating to potential resolution of claims relating to the design and construction of Downsview Park Station.

Contact

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Signature

Brian Leck
Head of Legal & General Counsel

Attachments

Confidential Attachment 1