



**STAFF REPORT
ACTION REQUIRED
with Confidential Attachment**

**Toronto-York Spadina Subway Extension
Settlement of Claim – York University Station Contract A29-1**

Date:	December 11, 2017
To:	TTC Board
From:	Chief Executive Officer
Reason for Confidential Information:	This report contains advice that is subject to solicitor-client privilege and litigation privilege, including communications necessary for those purposes

Summary

On August 9, 2012 EllisDon Civil Ltd. was awarded the contract for the Toronto-York Spadina Subway Extension York University Station, Contract A29-1 in the amount of \$117,983,679.00.

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.

Recommendation

It is recommended that the TTC Board:

1. Approve the recommendations 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 2017-2026 Capital Budget under the Toronto York Spadina Subway Extension (TYSSE) Project that was approved by City Council on February 15, 2017 and the Regional Municipality of York on February 18, 2016. The total project budget for the TYSSE Project is \$3.184 billion.

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

As of this date, the funding described in this report is under consideration by the TYSSE Executive Task Force.

Accessibility/Equity Matters

The above recommendations have no accessibility issues.

Decision History

On August 9, 2012 EllisDon Civil Ltd. was awarded the contract for the Toronto-York Spadina Subway Extension York University Station, Contract A29-1 in the amount of \$117,983,679.00.

Issue Background

On August 9, 2012 EllisDon Civil Ltd. was awarded the contract for the Toronto-York Spadina Subway Extension York University Station, Contract A29-1. The contract schedule was based on an anticipated Notice-to-Proceed (NTP) of January 31, 2013 with a Substantial Performance (SP) 885 days from NTP (July 05, 2015). The NTP date was later amended to September 15, 2013.

During the execution of the work as part of Contract A29-1, delays were encountered in the construction of the station resulting in claims from EllisDon Ltd. This report provides recommendations for the full and final resolution of all claims related to Contract A29-1.

Contact

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Attachment

Confidential Attachment

70-12-144
03-04-000256504