

COST SHARING AGREEMENT

THIS AGREEMENT made in triplicate this day of , 2022.

- BETWEEN -

THE REGIONAL MUNICIPALITY OF NIAGARA

Hereinafter called "Niagara Region" (of the first part)

- AND –

THE CORPORATION OF THE TOWN OF PELHAM

Hereinafter called the "Town" (of the second part)

WHEREAS Niagara Region intends to issue a Tender (hereinafter called the "Tender") for Quaker Road Water-Wastewater Infrastructure Projects, specifically installation of a new sanitary sewer, and replacement of local sanitary sewers, watermain and appurtenances along Quaker Road from Pelham Street to Clare Avenue in the Town of Pelham (hereinafter called the "Project").

AND WHEREAS MTE Consultants Inc. submitted a cost estimate for the construction work to be undertaken for the Project totalling \$6,720,125.00, excluding taxes;

AND WHEREAS the Town's portion of the Project is estimated at \$1,976,129.98 (excluding taxes) based on the agreed cost-sharing breakdown attached as Schedule "A" to this Agreement, and based on estimated quantities and prices, and subject to potential increase based on actual bid prices and contingencies payments to the extent Niagara Region is obligated to make same pursuant to the terms of the Tender;

AND WHEREAS Council of the Town agreed on December 20, 2021 to cost share certain services related to the Project undertaken by Niagara Region on behalf of the Town related to the Project as further detailed herein;

AND WHEREAS Niagara Region's authority to proceed with the Tender remains (i) subject to receiving budgetary approval and (ii) is internally conditional upon the Town making the contribution contemplated by this Agreement.

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises and other good and valuable consideration, the sufficiency whereof is acknowledged hereby by the parties, the parties hereto agree with each other as follows:

1. The Town agrees to pay the Town's share for the services undertaken by Niagara Region on the Town's behalf relating to the Project (the "Town Works"), as having an estimated value totaling \$1,976,129.98, excluding Harmonized Sales Tax (HST), and based on estimated quantities and prices, as outlined in the cost-sharing breakdown attached as Schedule "A" to this Agreement.

2. The Town's share for the above-noted contract amounts to:

Construction Cost	\$1,534,279.98
Construction Contingency	\$302,400.00
Contract Administrator / Inspection Services and Material Testing	\$99,900.00

(the above referenced costs,
together, the "Estimated
Construction Costs")

Engineering Design Services	\$39,550.00
-----------------------------	-------------

TOTAL (excluding tax)	\$1,976,129.98
------------------------------	-----------------------

- The Town acknowledges and agrees that the said sum is an estimate only and that payment shall be made by the Town to Niagara Region for the actual costs incurred, together with all surcharges and non-recoverable HST; provided that, if the Town's share of the actual construction costs attributable to the Project, once known, exceed the total Estimated Construction Costs set out in Section 2, above, Niagara Region's obligation to proceed with the construction of the Town Works shall be conditional on and subject to the Town obtaining budgetary approval for such additional costs from its Council and providing evidence of same to Niagara Region.
3. Niagara Region shall provide an invoice to the Town after tendering for the cost of the Town's share of the Engineering Design Services, which shall be paid within thirty (30) days of the invoice date.
4. Notwithstanding anything in this Agreement to the contrary, Niagara Region's obligation to proceed with the Tender is conditional on and subject to Niagara Region obtaining any necessary authorizations and approvals required in connection with the Project, including, for certainty, budgetary approval from Regional Council and as well as approval of any other relevant government authority. Provided that Niagara Region receives all necessary approvals it agrees to proceed with issuing the Tender and, provided the Tender is awarded, further agrees to be responsible for the management of the construction works contemplated thereby. In all cases, the Town shall only be responsible for paying its proportionate share of those design and construction services relating to the Project actually completed.
5. The final cost-sharing breakdown will be provided by Niagara Region at the completion of the Project using actual contract quantities.
6. Niagara Region shall provide invoices to the Town at Substantial Completion and at the end of the Warranty period for the cost of the Town's share of the construction portion of the Project, which shall be paid within thirty (30) days of the invoice dates.

IN WITNESS WHEREOF the parties hereto have duly executed this Agreement.

THE REGIONAL MUNICIPALITY OF NIAGARA

Per: _____

Name: Bruce Zvaniga, P. Eng.

Position: Commissioner Public Works

I have authority to bind the Corporation.

THE CORPORATION OF THE TOWN OF PELHAM

Per: _____

Name:

Position:

Per: _____

Name:

Position:

We have authority to bind the Corporation.

SCHEDULE "A"

TABLE 1 - PRELIMINARY CONSTRUCTION COST ESTIMATE (40% Design)
Quaker Road Sanitary Trunk Sewer



Project No. 48335-100
January 11, 2022

General Notes Welland is approximately 800m of the total 1200m (66%)
Pelham is approximately 400m of the total 1200m (33%)

Item No.	Description	Unit	Unit Price	Estimated Quantity	Total Cost	Niagara Region Costs		Town of Pelham Costs	
						Percentage	Total Costs	Percentage	Total Costs
SECTION '1' - GENERAL									
1	Bonding, Insurance, Etc.	lump sum	\$190,000.00	1	\$190,000.00	53.0%	\$100,700.00	28.8%	\$54,720.00
2	Mobilization/Demobilization	lump sum	\$50,000.00	1	\$50,000.00	53.0%	\$26,500.00	28.8%	\$14,400.00
3	Pre-condition Survey	lump sum	\$8,000.00	1	\$8,000.00	53.0%	\$4,240.00	28.8%	\$2,304.00
4	Site Office	lump sum	\$25,000.00	1	\$25,000.00	53.0%	\$13,250.00	28.8%	\$7,200.00
5	Traffic control	lump sum	\$25,000.00	1	\$25,000.00	53.0%	\$13,250.00	28.8%	\$7,200.00
6	Construction layout	lump sum	\$12,000.00	1	\$12,000.00	53.0%	\$6,360.00	28.8%	\$3,456.00
7	Contingency (20%)	lump sum	\$1,050,000.00	1	\$1,050,000.00	53.0%	\$556,500.00	28.8%	\$302,400.00
Subtotal Section 1 - General					\$1,360,000.00		\$720,800.00		\$391,680.00
SECTION '2A' - Removals									
8	Remove & dispose of existing asphalt	m ²	\$6.50	9,600	\$62,400.00	50%	\$31,200.00	17%	\$10,399.99
9	Remove & dispose of existing concrete (sidewalk, curb)	LS	\$3,000.00	1	\$3,000.00	50%	\$1,500.00	50%	\$1,500.00
10	Removal and modifications to existing sanitary	m	\$250.00	55	\$13,750.00	100%	\$13,750.00	0%	\$0.00
11	Tree removals, protection, maintain & relocate as required	lump sum	\$12,000.00	1	\$12,000.00	50%	\$6,000.00	17%	\$2,000.00
12	Miscellaneous removals (pillars, signs etc.)	lump sum	\$20,000.00	1	\$20,000.00	50%	\$10,000.00	17%	\$3,333.33
Subtotal Section 1 - General					\$111,150.00		\$62,450.00		\$17,233.32
SECTION '2B' - ROADS									
13	Roadway Paving								
14	Granular 'B' (450mm) - to be confirmed	tonnes	\$15.00	10,800	\$162,000.00	83%	\$135,000.00	17%	\$27,000.00
15	Granular 'A' (150mm) - to be confirmed	tonnes	\$20.00	3,600	\$72,000.00	83%	\$60,000.00	17%	\$12,000.00
16	Surface Asphalt (HL3) (50 mm) - to be confirmed	tonnes	\$125.00	1,200	\$150,000.00	83%	\$125,000.00	17%	\$25,000.00
17	Base Asphalt (HLB)(150 mm) - to be confirmed	tonnes	\$100.00	3,600	\$360,000.00	83%	\$300,000.01	17%	\$60,000.00
18	Boulevard restoration - including reinstate ditch, topsoil and sod	m ²	\$14.00	7,200	\$100,800.00	50%	\$50,400.00	17%	\$16,800.00
Subtotal Section 2 - Roads					\$844,800.00		\$670,400.01		\$140,800.00
SECTION '3' - Region SANITARY SEWER									
19	Supply and Install 600mm concrete sanitary trunk sewer	m	\$1,250.00	1,200	\$1,500,000.00	100%	\$1,500,000.00	0%	\$0.00
20	Supply and Install Maintenance holes (1200mm)	ea	\$15,000.00	11	\$165,000.00	100%	\$165,000.00	0%	\$0.00
21	Flume Chamber (2400mm MH, including benching and flume, ladder, hatch, etc.)	lump sum	\$53,000.00	1	\$53,000.00	100%	\$53,000.00	0%	\$0.00
22	Electrical (Panel, wiring)	lump sum	\$25,000.00	1	\$25,000.00	100%	\$25,000.00	0%	\$0.00
23	Diversion Chamber (including sluice gates)	lump sum	\$60,000.00	1	\$60,000.00	100%	\$60,000.00	0%	\$0.00
24	Sewer Main Testing	m	\$15.00	1200	\$18,000.00	100%	\$18,000.00	\$0.00	\$0.00
Subtotal Section 3 - Sanitary Sewer					\$1,821,000.00		\$1,821,000.00		
SECTION '4' - MISCELLANEOUS AND PROVISIONAL									
25	Removal of Unsuitable Fill	lump sum	\$80,000.00	1	\$80,000.00	95%	\$76,000.00	2%	\$1,333.33
26	Allowance for contaminated material remediation	lump sum	\$50,000.00	1	\$50,000.00	50%	\$25,000.00	17%	\$8,333.33
Subtotal Section 4 - Miscellaneous and Provisional					\$130,000.00		\$101,000.00		\$9,666.67
SECTION '6' - TOWN OF PELHAM URBANIZATION									
34	Supply and Install 300mm local sanitary sewer	m	\$400.00	420	\$168,000.00	0%	\$0.00	100%	\$168,000.00
35	Supply and Install Sanitary Maintenance holes (1200mm)	ea	\$8,000.00	6	\$48,000.00	0%	\$0.00	100%	\$48,000.00
36	Supply and Install 525 storm sewer	m	\$850.00	420	\$273,000.00	0%	\$0.00	100%	\$273,000.00
37	Supply and Install Storm manholes	ea	\$6,500.00	9	\$58,500.00	0%	\$0.00	100%	\$58,500.00
38	Supply and Install catch basins with leads	ea	\$3,500.00	9	\$31,500.00	0%	\$0.00	100%	\$31,500.00
39	Supply and Install 300mm watermain	m	\$550.00	450	\$247,500.00	0%	\$0.00	100%	\$247,500.00
40	Supply and install hydrants and leads	ea	\$6,500.00	6	\$39,000.00	0%	\$0.00	100%	\$39,000.00
41	Supply and install 600.04 curb and gutter w/ subdrain	m	\$90.00	840	\$75,600.00	0%	\$0.00	100%	\$75,600.00
42	Supply and install 1.8m concrete sidewalk	m ²	\$60.00	1,620	\$97,200.00	0%	\$0.00	100%	\$97,200.00
43	Supply and install water services	ea	\$3,500.00	27	\$94,500.00	0%	\$0.00	100%	\$94,500.00
44	Supply and install sanitary services	ea	\$3,500.00	27	\$94,500.00	0%	\$0.00	100%	\$94,500.00
45	Private driveway restorations	lump sum	\$50,000.00	1	\$50,000.00	0%	\$0.00	100%	\$50,000.00
Subtotal Section 6 - Town of Pelham Urbanization					\$1,277,300.00		\$0.00		\$1,277,300.00
SECTION '7' - CONTRACT ADMIN & CONSTRUCTION SERVICES									
46	Contract Administration (Assume 200 Days @ 2 hours/day)	ea	\$135.00	400	\$54,000.00	53%	\$28,620.00	28.80%	\$15,552.00
47	Construction Inspection Assume 200 Days @ 10 hours/day)	ea	\$105.00	2,000	\$210,000.00	53%	\$111,300.00	28.80%	\$60,480.00
48	Materials Testing	lump sum	\$50,000.00	1	\$50,000.00	53%	\$26,500.00	28.80%	\$14,400.00
49	Warranty Services	ea	\$105.00	40	\$4,200.00	53%	\$2,226.00	28.80%	\$1,209.60
50	As-Constructed Drawings	ea	\$105.00	35	\$3,675.00	53%	\$1,947.75	28.80%	\$1,058.40
51	Contingency	lump sum	\$25,000.00	1	\$25,000.00	53%	\$13,250.00	28.80%	\$7,200.00
Subtotal Section 7 - CA and Construction Services					\$346,875.00		\$183,843.75		\$99,900.00
SECTION '8' - ENGINEERING DESIGN SERVICES									
53	Pelham Engineering Design - 2022	lump sum	\$ 39,550.00	1	\$ 39,550.00	0%	\$0.00	100%	\$39,550.00
54	Region Engineering Design - 2022	lump sum	\$ 122,510.00	1	\$ 122,510.00	100%	\$122,510.00	0%	\$0.00
Total Construction Cost					\$6,720,125.00		\$3,559,493.76		\$1,936,579.98
Total Project Cost					\$6,899,970.00		\$3,682,003.76		\$1,976,129.98
less contingency					\$5,323,250.00	Percentage	53.0%		28.8%

Notes

Welland pays for half of the 1/3rd, Pelham pays half of 2/3
Only small amount of curb at Pelham Street and Line Ave, Region and Town to split
Modifications to Sanitary are driven by Region
Welland pays for half of the 1/3rd, Pelham pays half of 2/3
Welland pays for half of the 1/3rd, Pelham pays half of 2/3

Pelham and Region split 50/50, Region pays 100% of road granular (Watermain is in i
Pelham and Region split 50/50, Region pays 100% of road granular (Watermain is in i
Pelham and Region split 50/50, Region pays 100% of road granular (Watermain is in i
Pelham and Region split 50/50, Region pays 100% of road granular (Watermain is in i
Welland and Pelham pay half of the restoration

Expectation is that 95% of potential unsuitable will be from sanitary trench
Welland and Pelham each pay half