

## **COST SHARING AGREEMENT**

THIS AGREEMENT made in triplicate this 17<sup>th</sup> day of March, 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
<b>TOTAL (excluding tax)</b>	<b>\$1,976,129.98</b>

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: [Signature]  
Name: Bruce Zvaniga, P. Eng.  
Position: Commissioner Public Works

APPROVED FOR EXECUTION

LEGAL SERVICES

March 16/22

I have authority to bind the Corporation.

**THE CORPORATION OF THE TOWN OF PELHAM**

Per: [Signature]  
Name: HOLLY WILLFORD  
Position: CLERK

Per: [Signature]  
Name: MARVIN JUNKIN  
Position: MAYOR

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: Wetland is approximately 800m of the total 1200m (66%)  
Potholes are approximately 400m of the total 1200m (33%)

Item No.	Description	Unit	Unit Price	Estimated Quantity	Total Cost	Niagara Region Costs Percentage	Town of Pelham Costs Percentage	Total Costs
SECTION 11 - GENERAL								
1	Bonding, Insurance, Etc.	lump sum	\$180,000.00	1	\$180,000.00	53.0%	28.8%	\$244,720.00
2	Mobilization/De-mobilization	lump sum	\$50,000.00	1	\$50,000.00	53.0%	28.8%	\$144,600.00
3	Pre-condition Survey	lump sum	\$5,000.00	1	\$5,000.00	53.0%	28.8%	\$13,900.00
4	Site Office	lump sum	\$25,000.00	1	\$25,000.00	53.0%	28.8%	\$67,000.00
5	Trailer/Storage	lump sum	\$25,000.00	1	\$25,000.00	53.0%	28.8%	\$67,000.00
6	Construction Incident	lump sum	\$12,000.00	1	\$12,000.00	53.0%	28.8%	\$32,400.00
7	Contingency (20%)	lump sum	\$1,050,000.00	1	\$1,050,000.00	53.0%	28.8%	\$3,024,400.00
Subtotal Section 1 - General \$1,779,889.00								
SECTION 2A - Removals								
8	Remove & dispose of existing asphalt	m <sup>2</sup>	\$4.50	9,400	\$42,450.00	50%	17%	\$110,989.99
9	Remove & dispose of existing concrete (sidewalk, curb)	m <sup>3</sup>	\$3,000.00	1	\$3,000.00	50%	17%	\$7,500.00
10	Remove & dispose of existing concrete (curbs, etc.)	m <sup>3</sup>	\$13,750.00	1	\$13,750.00	50%	17%	\$34,625.00
11	Tree removal, pruning, maintain & relocate as required	lump sum	\$12,000.00	1	\$12,000.00	50%	17%	\$30,000.00
12	Miscellaneous removals (fence, signs, etc.)	lump sum	\$20,000.00	1	\$20,000.00	50%	17%	\$50,000.00
Subtotal Section 2 - Removals \$111,150.00								
SECTION 2B - ROADS								
13	Re-surfacing Paving	lump sum	\$115.00	10,000	\$115,000.00	85%	17%	\$327,000.00
14	Gravel "X" (150mm) - to be confirmed	lump sum	\$20.00	3,600	\$72,000.00	85%	17%	\$192,000.00
15	Gravel "X" (150mm) - to be confirmed	lump sum	\$125.00	1,200	\$150,000.00	85%	17%	\$390,000.00
16	Surface Asphalt (H-3) (50 mm) - to be confirmed	lump sum	\$150.00	3,600	\$540,000.00	85%	17%	\$1,404,000.00
17	Base Asphalt (4.8% (150 mm) - to be confirmed	lump sum	\$14.00	7,200	\$100,800.00	50%	17%	\$252,000.00
18	Base Asphalt (4.8% (150 mm) - to be confirmed	lump sum	\$14.00	7,200	\$100,800.00	50%	17%	\$252,000.00
Subtotal Section 2B - Roads \$1,461,800.00								
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%	0%	\$1,500,000.00
20	Supply and install 600mm concrete sanitary trunk sewer	m	\$15,000.00	11	\$165,000.00	100%	0%	\$165,000.00
21	Flume Chamber (2400mm MH, including benching and frame, ladder, hatch, etc.)	ea	\$53,000.00	1	\$53,000.00	100%	0%	\$53,000.00
22	Electrical Panel, wiring	lump sum	\$25,000.00	1	\$25,000.00	100%	0%	\$25,000.00
23	Sanitary Chamber (including valves, gates)	lump sum	\$50,000.00	1	\$50,000.00	100%	0%	\$50,000.00
24	Sanitary Manhole	m	\$15.00	1200	\$18,000.00	100%	0%	\$18,000.00
Subtotal Section 3 - Region Sanitary Sewer \$1,821,000.00								
SECTION 4 - MISCELLANEOUS AND PROVISIONAL								
25	Removal of Unusable Fill	lump sum	\$50,000.00	1	\$50,000.00	50%	17%	\$127,500.00
26	Advance for contaminated material remediation	lump sum	\$50,000.00	1	\$50,000.00	50%	17%	\$127,500.00
Subtotal Section 4 - Miscellaneous and Provisional \$127,500.00								
SECTION 5 - TOWN OF PELHAM UTILIZATION								
34	Supply and install 300mm local sanitary sewer	m	\$400.00	420	\$168,000.00	0%	100%	\$168,000.00
35	Supply and install 300mm local sanitary sewer	m	\$400.00	9	\$3,600.00	0%	100%	\$3,600.00
36	Supply and install 300mm local sanitary sewer	m	\$400.00	9	\$3,600.00	0%	100%	\$3,600.00
37	Supply and install 300mm local sanitary sewer	m	\$400.00	9	\$3,600.00	0%	100%	\$3,600.00
38	Supply and install catch basins with inlets	ea	\$25,000.00	450	\$11,250,000.00	0%	100%	\$11,250,000.00
39	Supply and install 200mm watermain	m	\$500.00	450	\$225,000.00	0%	100%	\$225,000.00
40	Supply and install 200mm watermain	m	\$500.00	450	\$225,000.00	0%	100%	\$225,000.00
41	Supply and install 200mm watermain	m	\$500.00	450	\$225,000.00	0%	100%	\$225,000.00
42	Supply and install 1.5m concrete sidewalk	m <sup>2</sup>	\$86.00	840	\$72,240.00	0%	100%	\$72,240.00
43	Supply and install water services	ea	\$3,500.00	77	\$269,500.00	0%	100%	\$269,500.00
44	Supply and install water services	ea	\$3,500.00	77	\$269,500.00	0%	100%	\$269,500.00
45	Private driveway alterations	lump sum	\$20,000.00	1	\$20,000.00	0%	100%	\$20,000.00
Subtotal Section 5 - Town of Pelham Utilization \$1,277,540.00								
SECTION 7 - CONTRACT FARMING CONSTRUCTION SERVICES								
46	Contract Farming Services (200 Days @ 1 Hour/Day)	ea	\$135.00	400	\$54,000.00	53%	28.8%	\$135,540.00
47	Contract Farming Services (200 Days @ 1 Hour/Day)	ea	\$135.00	400	\$54,000.00	53%	28.8%	\$135,540.00
48	Contract Farming Services (200 Days @ 1 Hour/Day)	ea	\$135.00	400	\$54,000.00	53%	28.8%	\$135,540.00
49	Contract Farming Services (200 Days @ 1 Hour/Day)	ea	\$135.00	400	\$54,000.00	53%	28.8%	\$135,540.00
50	Contract Farming Services (200 Days @ 1 Hour/Day)	ea	\$135.00	400	\$54,000.00	53%	28.8%	\$135,540.00
51	Contract Farming Services (200 Days @ 1 Hour/Day)	ea	\$135.00	400	\$54,000.00	53%	28.8%	\$135,540.00
Subtotal Section 7 - Contract Farming Construction Services \$546,870.00								
SECTION 8 - CONTRACT FARMING CONSTRUCTION SERVICES								
52	Contract Farming Services (200 Days @ 1 Hour/Day)	ea	\$135.00	400	\$54,000.00	53%	28.8%	\$135,540.00
53	Contract Farming Services (200 Days @ 1 Hour/Day)	ea	\$135.00	400	\$54,000.00	53%	28.8%	\$135,540.00
54	Contract Farming Services (200 Days @ 1 Hour/Day)	ea	\$135.00	400	\$54,000.00	53%	28.8%	\$135,540.00
55	Contract Farming Services (200 Days @ 1 Hour/Day)	ea	\$135.00	400	\$54,000.00	53%	28.8%	\$135,540.00
56	Contract Farming Services (200 Days @ 1 Hour/Day)	ea	\$135.00	400	\$54,000.00	53%	28.8%	\$135,540.00
57	Contract Farming Services (200 Days @ 1 Hour/Day)	ea	\$135.00	400	\$54,000.00	53%	28.8%	\$135,540.00
58	Contract Farming Services (200 Days @ 1 Hour/Day)	ea	\$135.00	400	\$54,000.00	53%	28.8%	\$135,540.00
59	Contract Farming Services (200 Days @ 1 Hour/Day)	ea	\$135.00	400	\$54,000.00	53%	28.8%	\$135,540.00
60	Contract Farming Services (200 Days @ 1 Hour/Day)	ea	\$135.00	400	\$54,000.00	53%	28.8%	\$135,540.00
61	Contract Farming Services (200 Days @ 1 Hour/Day)	ea	\$135.00	400	\$54,000.00	53%	28.8%	\$135,540.00
62	Contract Farming Services (200 Days @ 1 Hour/Day)	ea	\$135.00	400	\$54,000.00	53%	28.8%	\$135,540.00
63	Contract Farming Services (200 Days @ 1 Hour/Day)	ea	\$135.00	400	\$54,000.00	53%	28.8%	\$135,540.00
64	Contract Farming Services (200 Days @ 1 Hour/Day)	ea	\$135.00	400	\$54,000.00	53%	28.8%	\$135,540.00
65	Contract Farming Services (200 Days @ 1 Hour/Day)	ea	\$135.00	400	\$54,000.00	53%	28.8%	\$135,540.00
66	Contract Farming Services (200 Days @ 1 Hour/Day)	ea	\$135.00	400	\$54,000.00	53%	28.8%	\$135,540.00
67	Contract Farming Services (200 Days @ 1 Hour/Day)	ea	\$135.00	400	\$54,000.00	53%	28.8%	\$135,540.00
68	Contract Farming Services (200 Days @ 1 Hour/Day)	ea	\$135.00	400	\$54,000.00	53%	28.8%	\$135,540.00
69	Contract Farming Services (200 Days @ 1 Hour/Day)	ea	\$135.00	400	\$54,000.00	53%	28.8%	\$135,540.00
70	Contract Farming Services (200 Days @ 1 Hour/Day)	ea	\$135.00	400	\$54,000.00	53%	28.8%	\$135,540.00
71	Contract Farming Services (200 Days @ 1 Hour/Day)	ea	\$135.00	400	\$54,000.00	53%	28.8%	\$135,540.00
72	Contract Farming Services (200 Days @ 1 Hour/Day)	ea	\$135.00	400	\$54,000.00	53%	28.8%	\$135,540.00
73	Contract Farming Services (200 Days @ 1 Hour/Day)	ea	\$135.00	400	\$54,000.00	53%	28.8%	\$135,540.00
74	Contract Farming Services (200 Days @ 1 Hour/Day)	ea	\$135.00	400	\$54,000.00	53%	28.8%	\$135,540.00
75	Contract Farming Services (200 Days @ 1 Hour/Day)	ea	\$135.00	400	\$54,000.00	53%	28.8%	\$135,540.00
76	Contract Farming Services (200 Days @ 1 Hour/Day)	ea	\$135.00	400	\$54,000.00	53%	28.8%	\$135,540.00
77	Contract Farming Services (200 Days @ 1 Hour/Day)	ea	\$135.00	400	\$54,000.00	53%	28.8%	\$135,540.00
78	Contract Farming Services (200 Days @ 1 Hour/Day)	ea	\$135.00	400	\$54,000.00	53%	28.8%	\$135,540.00
79	Contract Farming Services (200 Days @ 1 Hour/Day)	ea	\$135.00	400	\$54,000.00	53%	28.8%	\$135,540.00
80	Contract Farming Services (200 Days @ 1 Hour/Day)	ea	\$135.00	400	\$54,000.00	53%	28.8%	\$135,540.00
81	Contract Farming Services (200 Days @ 1 Hour/Day)	ea	\$135.00	400	\$54,000.00	53%	28.8%	\$135,540.00
82	Contract Farming Services (200 Days @ 1 Hour/Day)	ea	\$135.00	400	\$54,000.00	53%	28.8%	\$135,540.00
83	Contract Farming Services (200 Days @ 1 Hour/Day)	ea	\$135.00	400	\$54,000.00	53%	28.8%	\$135,540.00
84	Contract Farming Services (200 Days @ 1 Hour/Day)	ea	\$135.00	400	\$54,000.00	53%	28.8%	\$135,540.00
85	Contract Farming Services (200 Days @ 1 Hour/Day)	ea	\$135.00	400	\$54,000.00	53%	28.8%	\$135,540.00
86	Contract Farming Services (200 Days @ 1 Hour/Day)	ea	\$135.00	400	\$54,000.00	53%	28.8%	\$135,540.00
87	Contract Farming Services (200 Days @ 1 Hour/Day)	ea	\$135.00	400	\$54,000.00	53%	28.8%	\$135,540.00
88	Contract Farming Services (200 Days @ 1 Hour/Day)	ea	\$135.00	400	\$54,000.00	53%	28.8%	\$135,540.00
89	Contract Farming Services (200 Days @ 1 Hour/Day)	ea	\$135.00	400	\$54,000.00	53%	28.8%	\$135,540.00
90	Contract Farming Services (200 Days @ 1 Hour/Day)	ea	\$135.00	400	\$54,000.00	53%	28.8%	\$135,540.00
91	Contract Farming Services (200 Days @ 1 Hour/Day)	ea	\$135.00	400	\$54,000.00	53%	28.8%	\$135,540.00
92	Contract Farming Services (200 Days @ 1 Hour/Day)	ea	\$135.00	400	\$54,000.00	53%	28.8%	\$135,540.00
93	Contract Farming Services (200 Days @ 1 Hour/Day)	ea	\$135.00	400	\$54,000.00	53%	28.8%	\$135,540.00
94	Contract Farming Services (200 Days @ 1 Hour/Day)	ea	\$135.00	400	\$54,000.00	53%	28.8%	\$135,540.00
95	Contract Farming Services (200 Days @ 1 Hour/Day)	ea	\$135.00	400	\$54,000.00	53%	28.8%	\$135,540.00
96	Contract Farming Services (200 Days @ 1 Hour/Day)	ea	\$135.00	400	\$54,000.00	53%	28.8%	\$135,540.00
97	Contract Farming Services (200 Days @ 1 Hour/Day)	ea	\$135.00	400	\$54,000.00	53%	28.8%	\$135,540.00
98	Contract Farming Services (200 Days @ 1 Hour/Day)	ea	\$135.00	400	\$54,000.00	53%	28.8%	\$135,540.00
99	Contract Farming Services (200 Days @ 1 Hour/Day)	ea	\$135.00	400	\$54,000.00	53%	28.8%	\$135,540.00
100	Contract Farming Services (200 Days @ 1 Hour/Day)	ea	\$135.00	400	\$54,000.00	53%	28.8%	\$135,540.00
Subtotal Section 8 - Contract Farming Construction Services \$1,323,250.00								
Total Construction Cost \$6,720,125.00								
Total Project Cost \$6,899,970.00								
least contingency \$5,323,250.00								
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