

Clause 10 in Report No. 15 of Committee of the Whole was adopted, without amendment, by the Council of The Regional Municipality of York at its meeting held on October 20, 2016.

10

Delegation of Authority During Summer Recess
June 24, 2016 – September 21, 2016

Committee of the Whole recommends adoption of the following recommendation contained in the report dated October 2, 2016 from the Chief Administrative Officer:

1. Council receive this report for information.
-

Report dated October 2, 2016 from the Chief Administrative Officer now follows:

1. Recommendation

It is recommended that Council receive this report for information.

2. Purpose

This report advises Council of matters approved under the authority delegated to the Chief Administrative Officer during the 2016 summer recess pursuant to the provisions of the Purchasing Bylaw, being Bylaw No. 2014-53.

The report further advises Council of matters delegated to the Regional Chair and Chief Administrative Officer pursuant to the provisions of Bylaw No. 2014-34, which delegates certain powers and duties during a recess of Council, including settling and initiating litigation. The litigation described in this report is referred to in a private attachment. The attachment is private pursuant to the provisions of section 239(2)(e) of the *Municipal Act, 2001* as the matter being considered is litigation.

3. Background

It is important to ensure timely delivery of Regional projects and services, and to protect the Region's rights and remedies at law at all times. Accordingly, Council

has delegated authority to carry out these important functions, among others, during periods where regular Council meetings are suspended for any reason, including the summer recess.

The Purchasing Bylaw delegates power to the Chief Administrative Officer to award contracts during the summer recess

With respect to the timely delivery of Regional projects and services, section 6.17 of the Purchasing Bylaw provides as follows:

Despite any other provision of this bylaw, during any period that regular Council meetings are suspended either during the summer recess or for any other reason, or during the period that the acts of Council are restricted under Section 275 of the *Municipal Act, 2001* the Chief Administrative Officer shall be authorized to award any contract.

Section 6.18 of the Purchasing Bylaw requires a report to Council as soon as reasonably possible setting out the details of any contract awarded pursuant to the authority delegated by section 6.17.

Bylaw 2014-34 delegates certain powers and duties during periods when Council meetings are suspended, subject to a number of conditions

Bylaw 2014-34 also provides for the delegation of various authorities during periods where Council meetings are suspended, including during the summer recess. Specifically, this includes authorization to:

- a) Award and execute contracts and other forms of commitment where such matters are not otherwise currently delegated by Council;
- b) Approve the acquisition or disposal of real property, including leases and other interests in real property; and
- c) Approve the exercise of the Region's rights and remedies at law including termination of contracts and settlement of claims, appeals and other matters before the courts or administrative tribunals.

The exercise of the delegated authority described in Bylaw 2014-34 is subject to the following conditions:

- a) The Chief Administrative Officer is satisfied that the authorization is required to prevent interruption of service delivery or to avoid incurring unnecessary costs;
- b) A memorandum outlining the necessity of such requests be submitted to the Chief Administrative Officer by the respective Commissioner;

Delegation of Authority During Summer Recess

- c) Any contracts or documentation be subject to review and approval by Legal Services as to form and content; and
- d) A report be submitted to Council at the earliest opportunity to advise of the approval of any contracts under this authority.

4. Analysis and Implications

The Chief Administrative Officer awarded 12 contracts pursuant to the authority delegated pursuant to section 6.17 of the Purchasing Bylaw

The total value of 12 expenditure contracts awarded by Chief Administrative Officer was \$43,335,402.04. These contracts are further described in Attachment 1.

The authority delegated during this period which is described in this report is in addition to the authority delegated to the Chief Administrative Officer and Commissioners to award contracts in the normal course pursuant to the provisions of the Purchasing Bylaw. These contract awards are reported separately as may be required.

The Regional Chairman and Chief Administrative Officer authorized legal action for cost recovery pursuant to the authority delegated by Bylaw 2014-34

The Regional Chairman and Chief Administrative Officer authorized the commencement of legal action by the Region for cost recovery which exceeded \$500,000.00. Further details are included in Private Attachment 1.

There were no settlements of legal claims over the summer recess which required the exercise of Council's delegated authority.

5. Financial Implications

All contracts awarded were included within the approved budgets. There are no other financial implications associated with these contracts.

The financial implications of the legal action described above are set out in Private Attachment 1.

6. Local Municipal Impact

There is no local municipal impact associated with this report.

7. Conclusion

Pursuant to section 6.17 of the Purchasing Bylaw, Council delegated its authority to the Chief Administrative Officer to authorize contracts during the Council summer recess which would otherwise have required Council approval. During the summer recess, 12 such contracts were awarded.

Pursuant to Bylaw 2014-34, Council delegated its authority to the Regional Chair and the Chief Administrative Officer to exercise the Region's rights and remedies. During the summer recess, one legal action was commenced under this delegated authority.

For more information on this report, please contact Stan Gal, Director, Supplies and Supplies, at ext. 71650, or Joy Hulton, Regional Solicitor, at ext. 71417.

The Senior Management Group has reviewed this report.

October 2, 2016

Attachment (1)

Private Attachment (1)

7042566

Accessible formats or communication supports are available upon request

**Delegation of Authority During Summer Recess
June 24, 2016 - September 21, 2016**

**Chief Administrative Officer - Supplies and Services
Procurement of Goods and Services**

Contract and Description

<p>P-16-59</p> <p>For the supply of all labour, material and equipment necessary to carry out work associated with consulting services to review and update the design guideline on development and maintenance of asset inventory and tagging for water and wastewater assets. The review is being undertaken to improve data quality and consistency in order to better manage assets to ensure long term sustainability.</p> <p>The contract was awarded to the highest overall scoring proponent. Section 6.15 of the Purchasing Bylaw states that the award of a contract shall be subject to Council approval if it is recommended that an award is not made to the bidder submitting the highest scoring bid at the lowest total cost, or, if applicable, the lowest cost per technical point.</p> <p>(Term: from notice to commence work to April 2017)</p>	No. of Bids/ Contract Renewals	3
	Contractor	CH2M Hill Canada Limited
	Previously Approved	
	Amount	\$410,670.00
<p>T-16-84</p> <p>For the supply of all labour, material and equipment necessary to carry out work associated with winter road maintenance operations for the North Patrol District. The work is for snow plowing and sand and salt application on an as needed basis for Regional roads in the Town of East Gwillimbury and in the Town of Georgina.</p> <p>The term of the contract is for 5 years with an option to renew for 2 additional 1 year terms. Section 16.1(a) of the Purchasing Bylaw states that a report shall be submitted to Council prior to authorizing an award where the term of a contract is for a period greater than five years, or where the renewal or extension of a contract would result in an aggregate term of greater than five years.</p> <p>(Term: 5 years with an option to renew for 2 additional 1 year terms)</p>	No. of Bids/ Contract Renewals	13
	Contractor	Rafat General Contractor Inc.
	Previously Approved	
	Amount	\$5,609,650.00
<p>T-16-85</p> <p>For the supply of all labour, material and equipment necessary to carry out work associated with winter road maintenance operations for the Central Patrol District. The work is for snow plowing and sand and salt application on an as needed basis for Regional roads in the Township of King, the Town of Aurora and in the Town of Whitchurch-Stouffville.</p> <p>The term of the contract is for 5 years with an option to renew for 2 additional 1 year terms. Section 16.1(a) of the Purchasing Bylaw states that a report shall be submitted to Council prior to authorizing an award where the term of a contract is for a period greater than five years, or where the renewal or extension of a contract would result in an aggregate term of greater than five years.</p> <p>(Term: 5 years with an option to renew for 2 additional 1 year terms)</p>	No. of Bids/ Contract Renewals	12
	Contractor	Melrose Paving Co. Ltd.
	Previously Approved	
	Amount	\$8,318,533.30

<p>PO84762</p> <p>For the supply of all labour, material and equipment necessary to carry out work associated with maintenance and support services for York Region's 911 Call Centres. The service includes the ability to request 911 services via text message by individuals in the hearing and speech impaired community, and to determine caller contact and location information for dropped 911 calls.</p> <p>The contract was awarded as a Direct Purchase. Section 9.2 of the Purchasing Bylaw states that the award of a contract exceeding \$100,000 shall be subject to Council approval.</p> <p>(Term: from notice to commence work to April 2019)</p>	No. of Bids/ Contract Renewals	Direct Purchase
	Contractor	Bell Canada
	Previously Approved	\$49,437.00
	Amount	\$86,701.00
<p>PO82789</p> <p>For the supply of all labour, material and equipment necessary to carry out work associated with maintenance, support and hosting fees for online software applications for several business processes related to Human Resources including: ePerformance employee appraisals, eSuccession Planning and Job Description Builder. The increase reflects the addition of 120 Performance Licenses and 935 Job Description Builder licences.</p> <p>The contract was awarded as a Direct Purchase. Section 9.2 of the Purchasing Bylaw states that the award of a contract exceeding \$100,000 shall be subject to Council approval.</p> <p>(Term: from notice to commence work to July 2017)</p>	No. of Bids/ Contract Renewals	Direct Purchase
	Contractor	Halogen Software Inc.
	Previously Approved	\$189,528.09
	Amount	\$93,994.10
<p>P-16-46</p> <p>For the supply of all labour, material and equipment necessary to carry out work associated with facilities management services at four York Region Transit operating, maintenance and storage facilities. The locations include 55 Orlando Avenue in the Town of Richmond Hill, 8300 Keele Street in the City of Vaughan and 18106 and 18110 Yonge Street in the Town of Newmarket.</p> <p>The term of the contract is for 10 years with an option to renew for 1 additional 10 year term. Section 16.1(a) of the Purchasing Bylaw states that a report shall be submitted to Council prior to authorizing an award where the term of a contract is for a period greater than five years, or where the renewal or extension of a contract would result in an aggregate term of greater than five years.</p> <p>(Term: 10 years with an option to renew for 1 additional 10 year term)</p>	No. of Bids/ Contract Renewals	3
	Contractor	ENGIE Services Inc.
	Previously Approved	
	Amount	\$27,198,377.30
<p>PO86036</p> <p>For the supply of all labour, material and equipment necessary to carry out work associated with maintenance services for NetDesigner spatial asset management software. The services include software support and updates on an as required basis.</p> <p>In compliance with Section 9.2 and 16.1(a) of the Purchasing Bylaw, the contract was awarded as a Direct Purchase exceeding a 5 year term. Section 9.2 of the Purchasing Bylaw states that the award of a contract exceeding \$100,000 shall be subject to Council approval. Section 16.1(a) of the Purchasing Bylaw states that a report shall be submitted to Council prior to authorizing an award where the term of a contract is for a period greater than five years, or where the renewal or extension of a contract would result in an aggregate term of greater than five years.</p> <p>(Term: from notice to commence work to March 2021)</p>	No. of Bids/ Contract Renewals	Direct Purchase Exceeding 5 years
	Contractor	Enghouse Systems Limited
	Previously Approved	\$86,499.79
	Amount	\$49,482.70

<p>ITS-16-50</p> <p>For the supply of all labour, material and equipment necessary to carry out work associated with Oracle database multi-tenant processor licenses and support services. The database supports numerous existing software applications utilized throughout the Region.</p> <p>The contract was awarded as a Direct Purchase. Section 9.2 of the Purchasing Bylaw states that the award of a contract exceeding \$100,000 shall be subject to Council approval.</p> <p>(Term: 5 years from notice to commence work)</p>	No. of Bids/ Contract Renewals	Direct Purchase
	Contractor	Oracle Corporation Canada Inc.
	Previously Approved	
	Amount	\$303,268.64
<p>ITS-16-55</p> <p>For the supply of all labour, material and equipment necessary to carry out work associated with annual software licenses for PeopleSoft Enterprise Resource Planning applications. The applications support core business processes including budget planning, financial capital management and enterprise performance management.</p> <p>In compliance with Section 9.2 and 16.1(a) of the Purchasing Bylaw, the contract was awarded as a Direct Purchase exceeding a 5 year term. Section 9.2 of the Purchasing Bylaw states that the award of a contract exceeding \$100,000 shall be subject to Council approval. Section 16.1(a) of the Purchasing Bylaw states that a report shall be submitted to Council prior to authorizing an award where the term of a contract is for a period greater than five years, or where the renewal or extension of a contract would result in an aggregate term of greater than five years.</p> <p>(Term: 5 years from notice to commence work)</p>	No. of Bids/ Contract Renewals	Direct Purchase Exceeding 5 years
	Contractor	Oracle Canada ULC
	Previously Approved	
	Amount	\$1,024,225.00
<p>T-11-70</p> <p>For the supply of all labour, material and equipment necessary to carry out work associated with the supply and delivery of bulk carbon dioxide for the Keswick Water Treatment Plant in the Town of Georgina.</p> <p>In compliance with Section 9.2 and 16.1(a) of the Purchasing Bylaw, the contract was awarded as a Direct Purchase exceeding a 5 year term. Section 9.2 of the Purchasing Bylaw states that the award of a contract exceeding \$100,000 shall be subject to Council approval. Section 16.1(a) of the Purchasing Bylaw states that a report shall be submitted to Council prior to authorizing an award where the term of a contract is for a period greater than five years, or where the renewal or extension of a contract would result in an aggregate term of greater than five years.</p> <p>(Term: from notice to commence work to November 2017)</p>	No. of Bids/ Contract Renewals	Direct Purchase Exceeding 5 years
	Contractor	Praxair Canada Inc.
	Previously Approved	\$67,680.00
	Amount	\$35,000.00
<p>AR82589</p> <p>Contract extension for seven months for the supply of all labour, material and equipment necessary to carry out work associated with the supply and delivery of janitorial supplies for 17250 Yonge Street in the Town of Newmarket.</p> <p>The term of the contract expired on August 31, 2016. Approval was requested to extend the contract for an additional 7 months, past the 5 year term, to March 31, 2017. Section 16.1(a) of the Purchasing Bylaw states that a report shall be submitted to Council prior to authorizing an award where the term of a contract is for a period greater than five years, or where the renewal or extension of a contract would result in an aggregate term of greater than five years.</p> <p>(Term: August 31, 2011 to March 31, 2017)</p>	No. of Bids/ Contract Renewals	Contract Extension 7 months
	Contractor	Swish Maintenance Ltd.
	Previously Approved	\$225,895.58
	Amount	\$0.00

<p>AR82841, AR82842, AR84458</p> <p>For the supply of all labour, material and equipment necessary to carry out work associated with the utility pole leasing for the installation of York Telecom Network fibre optic cable at various locations in York Region.</p> <p>Powerstream Inc. \$122,400.00 Hydro One \$57,500.00 Newmarket Hydro \$25,600.00</p> <p>In compliance with Section 9.2 and 16.1(a) of the Purchasing Bylaw, the contract was awarded as a Direct Purchase exceeding a 5 year term. Section 9.2 of the Purchasing Bylaw states that the award of a contract exceeding \$100,000 shall be subject to Council approval. Section 16.1(a) of the Purchasing Bylaw states that a report shall be submitted to Council prior to authorizing an award where the term of a contract is for a period greater than five years, or where the renewal or extension of a contract would result in an aggregate term of greater than five years.</p> <p>(Term: from notice to commence work to September 2021)</p>	No. of Bids/ Contract Renewals	Direct Purchase Exceeding 5 years
	Contractor	See Description
	Previously Approved	\$150,000.00
	Amount	\$205,500.00
CAO Awards - Supplies & Services	TOTAL	\$43,335,402.04