

COMMUNICATIONS

Distributed February 17, 2012

	Report No.	Item No.	Committee
C1. Ms. Rosemarie L. Humphries, dated February 7, 2012.	04	11	Committee of the Whole
C2. Memorandum from the Commissioner of Planning, dated February 16, 2012.	04	12	Committee of the Whole
C3. Memorandum from the Commissioner of Engineering and Public Works and the Director of Engineering Services, dated February 17, 2012.	04	13	Committee of the Whole
C4. Memorandum from Regional Councillor Di Biase, Chair of the Pierre Berton Artifacts and Memorabilia Task Force, dated February 21, 2012.	04	15	Committee of the Whole
C5. Memorandum from the Commissioner of Finance & City Treasurer, dated February 21, 2012.	07	3	Committee of the Whole (Working Session)
C6. Memorandum from the Commissioner of Finance & City Treasurer and the Commissioner of Legal and Administrative Service and City Solicitor, dated February 21, 2012.	07	3	Committee of the Whole (Working Session)
C7. Memorandum from the Commissioner of Finance & City Treasurer and the Commissioner of Legal and Administrative Service and City Solicitor, dated February 21, 2012.	02	6	Finance and Administration Committee

Distributed at the February 21, 2012 Council Meeting

C8. Memorandum from the Commissioner of Legal and Administrative Service and City Solicitor, dated February 21, 2012.	04	13	Committee of the Whole
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Please note there may be further Communications.

HUMPHRIES PLANNING GROUP INC.

February 7, 2012

City of Vaughan
Mayor and Members of Council
2141 Major Mackenzie Drive
Vaughan, Ontario
L6A 1T1

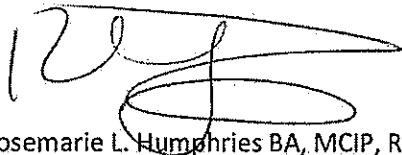
C	1
Item #	11
Report No.	4 (cw)
Council - Feb. 21 / 12	

Re: Committee of Whole Meeting – February 7 2012
Item 11, Z.10.002, DA.11.086
2109179 Ontario Inc.

Further to this afternoon's Committee of the Whole Meeting wherein the matter of whether the MNR was consulted with respect to the application. We confirm that such is the case per the attached communications from the MNR dated August 30 2010 and copied to the TRCA.

We trust that the enclosed correspondence addresses the concern of Regional Councillor Shulte and respectfully request that the motion to defer the application to a future meeting of Committee of the Whole in April be reconsidered by Council so as to allow for consideration of the matter at the next Committee of the Whole meeting scheduled for February 28th.

Yours truly,
HUMPHRIES PLANNING GROUP INC.



Rosemarie L. Humphries BA, MCIP, RPP
President

Encl.

cc. Jeffry Abrams, City of Vaughan Clerk
John Mackenzie, Planning Commissioner
2109179 Ontario Inc.

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Ministry of
Natural Resources

Ministère des
Richesses Naturelles

Southern Region
Aurora District Office
50 Bloomington Road
Aurora, ON L4G 0L8

August 30, 2010

Al Shaw, *Senior Aquatic Ecologist / Principal*
RiverStone Environmental Solutions Inc.
1-310 Taylor Road
Bracebridge ON P1L 1K1

RE: Concrete Batching Plant, 3501 King Vaughan Road, City of Vaughan

Dear Mr. Shaw,

The Ministry of Natural Resources (MNR) has reviewed the information you provided by email on July 30, 2010 regarding the proposed works at 3501 King Vaughan Road to assess the potential impacts of the proposal on Redside Dace. From the information provided, it is MNR's understanding that:

- The work will take place at an existing crossing on an unnamed tributary of the East Humber River
- The project will involve the removal of eroded road materials (gravel and concrete) in the valleylands and hand excavation of a new channel
- The works will be conducted in the dry, upstream of an occupied Redside Dace stream
- A permit will be issued by the Toronto and Region Conservation Authority (TRCA) pursuant to its regulatory powers under section 28 of the *Conservation Authorities Act*, authorizing the proposed works

Based on a review of the information provided, MNR has determined that the North Oakville Monitoring Stations **will not adversely affect** Redside Dace provided the following conditions are implemented:

- Appropriate erosion and sediment controls shall be installed prior to beginning work and maintained in working order until the areas have naturally stabilized in order to prevent adverse impacts to the Redside Dace habitat downstream
- A native non-invasive seed mix shall be used to stabilize and revegetate all disturbed lands post-construction
- All work within the valleylands shall be conducted in the dry during the Ministry's recommended timing window for Redside Dace (July 1 to September 15)

The Redside Dace construction timing window is recommended for occupied and non-occupied reaches to help protect and restore species on a subwatershed scale. There is potential for flexibility on the construction timing window however, this is dependent upon the potential risk



Ministry of
Natural Resources

Ministère des
Richesses Naturelles

Southern Region
Aurora District Office
50 Bloomington Road
Aurora, ON L4G 0L8

imposed by the project on the known occupied reach of the species. TRCA will be the agency evaluating these risks and issuing permits for the work. TRCA consults with MNR on timing windows and timing window extension requests as they relate to Redside Dace streams or reaches.

Please be advised that it is your responsibility to comply with all other relevant provincial or federal legislation, municipal by-laws, other MNR approvals or required approvals from other agencies. Your project has **not** been screened for any other Species at Risk and therefore there may be additional requirements under the *ESA 2007* related to other listed species.

Should any of the project parameters change, please notify the MNR Aurora District office immediately to obtain advice on whether the changes may require authorization under the *ESA 2007*. Failure to carry out these projects as described above could result in contravention of the *ESA 2007*.

If you have any concerns or questions please contact me at 905-713-7425 or at melinda.thompson-black@ontario.ca

Sincerely,

Melinda Thompson-Black

Melinda Thompson-Black, Species at Risk Biologist,
Aurora District, Ontario Ministry of Natural Resources

CC:

Mark Heaton, Management Biologist, MNR
Chloe Stuart, A/Manager, Permits & Agreements, MNR
Andy Baxter, Coordinator, Permits and Agreements, MNR
Maria Parish, Planning Ecology Supervisor, TRCA

From: Abrams, Jeffrey
Sent: Tuesday, February 07, 2012 7:49 PM
To: Bellisario, Adelina
Subject: FW: FEb 7 2012, Committee of the Whole Item 11
Importance: High
Attachments: DOC996.PDF

for council

Jeffrey A. Abrams
City Clerk
City of Vaughan
2141 Major Mackenzie Drive
Vaughan, ON L6A 1T1
Tel: (905) 832-8585 Ext. 8281
Fax: (905) 832-8535
jeffrey.abrams@vaughan.ca



From: Rosemarie Humphries [mailto:rhumphries@humphriesplanning.com]
Sent: Tuesday, February 07, 2012 2:43 PM
To: Abrams, Jeffrey; Bevilacqua, Maurizio; Rosati, Gino; Shefman, Alan; Racco, Sandra; deb.shulte@vaughan.ca; Di Biase, Michael; DeFrancesca, Rosanna; Iafrate, Marilyn; Carella, Tony
Cc: MacKenzie, John; Uyeyama, Grant; Joe Nuosci
Subject: FEb 7 2012, Committee of the Whole Item 11
Importance: High

Please find attached correspondence respecting the above noted matter.

Regards,

Rosemarie L. Humphries BA, MCIP, RPP
President

HUMPHRIES PLANNING GROUP INC.
216 Chrislea Road, Suite 103. Vaughan L4L 8S5
t: 905.264.7678 ext 244 f: 905.264.8073

~DO SOMETHING GOOD EVERY DAY! ~

2/8/2012



memorandum

TO: MAYOR & MEMBERS OF COUNCIL
FROM: JOHN MACKENZIE, COMMISSIONER OF PLANNING
DATE: FEBRUARY 16, 2012
SUBJECT: COMMUNICATION
COUNCIL MEETING - FEBRUARY 21, 2012

Handwritten notes in a box: C 2, Item # 12, Report No. 4 (CW), Council - Feb. 21/12

ITEM #12, COMMITTEE OF THE WHOLE - FEBRUARY 7, 2012
OZNER CORPORATION (SOUTH)
ZONING BY-LAW AMENDMENT Z.11.012
SITE DEVELOPMENT APPLICATION DA.11.036
WARD 3

Background

On February 7, 2012, the Committee of the Whole recommended approval to permit the development of 66 townhouse units within 12 townhouse blocks with elevations that did not include a stone apron base, as shown on Attachments #7 and #8 in the report.

Since the Committee of the Whole meeting, the Owner has revised the proposed elevations as shown on Attachment #1 and #2, to now include a stone base on the front elevations of all townhouse units, including a half stone base for interior end units and a full stone base for exterior end units that are adjacent to a road or walkway block.

The Development Planning Department has reviewed the revised elevations and are satisfied with the inclusion of the stone base, which will form the basis of the final drawings to be approved. The recommendation of the Committee of the Whole included a condition that the final elevations be approved by the Development Planning Department, and therefore the recommendation in the staff report does not need to be amended.

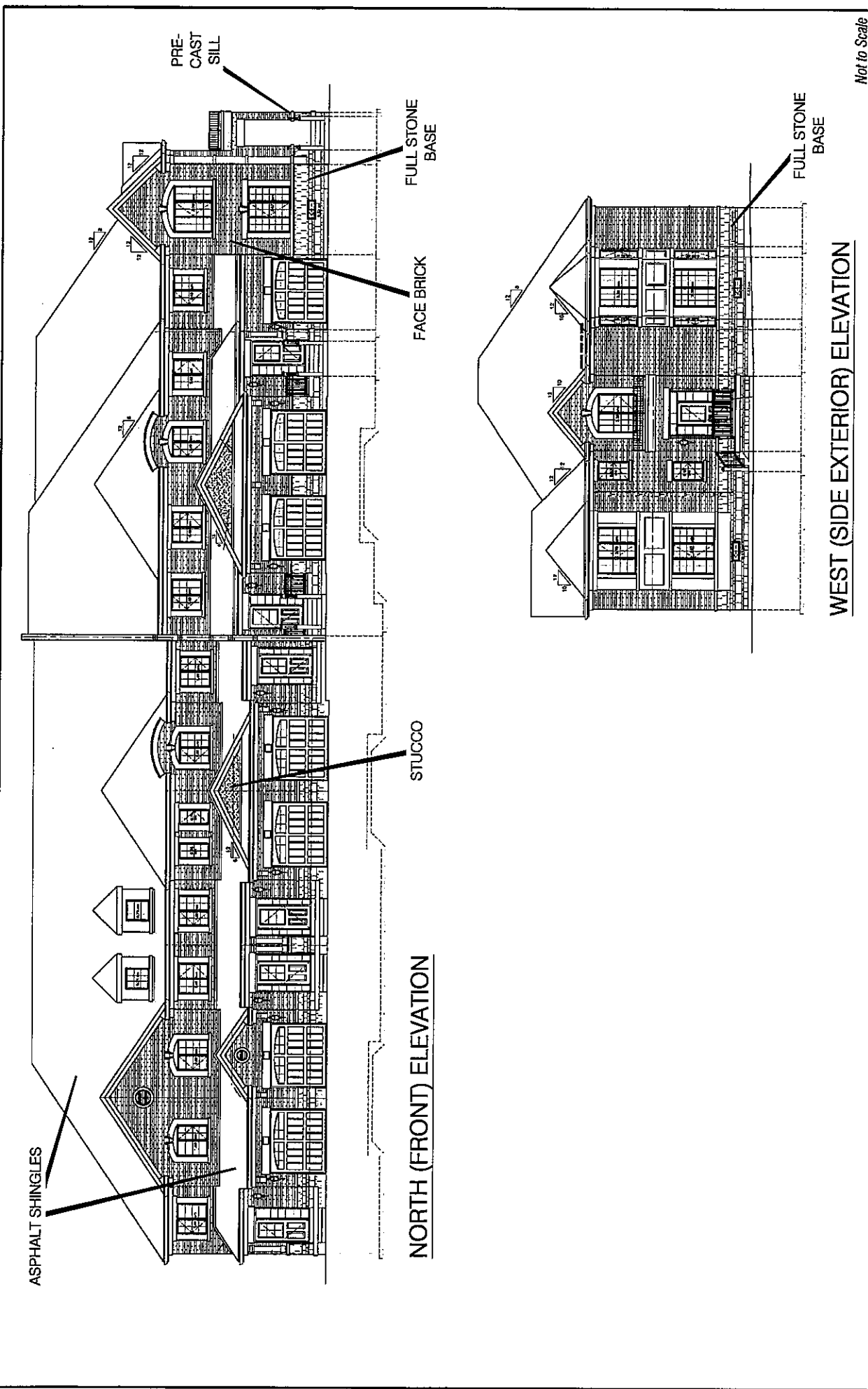
Respectfully submitted,

JOHN MACKENZIE
Commissioner of Planning

Attachments

- 1. Revised Elevations - North & West Block 9 (Typical)
2. Revised Elevations - South & East Block 9 (Typical)

Copy to: Clayton Harris, City Manager
Jeffrey A. Abrams, City Clerk
Grant Uyeyama, Director of Development Planning



Revised Elevations-North & West Block 9 (Typical)

APPLICANT:
Ozner Corporation (South)

LOCATION:
Part of Lot 22, Concession 5

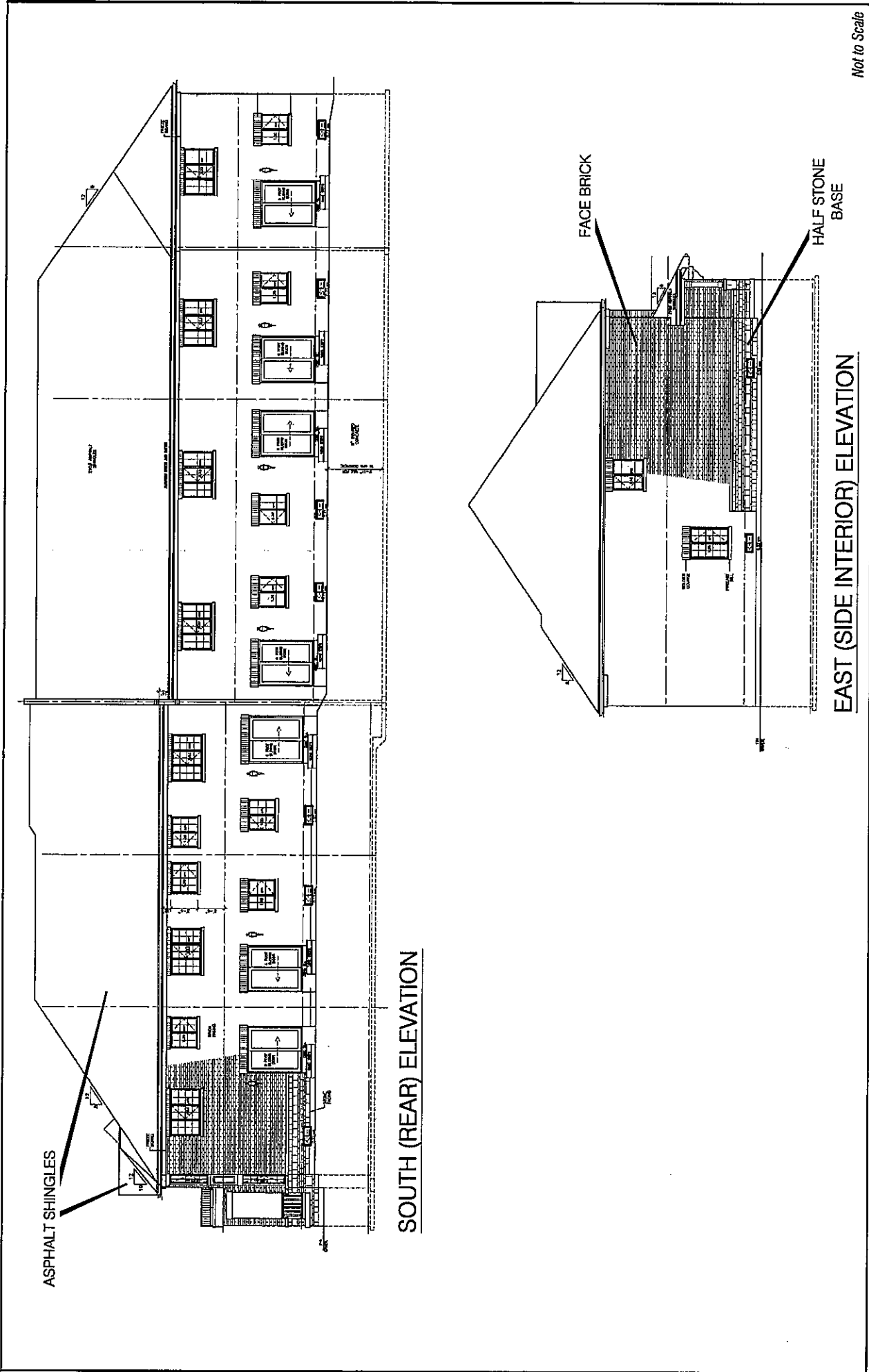


Attachment

FILES:
Z:11.012, DA:11.036

DATE:
January 16, 2012

1



SOUTH (REAR) ELEVATION

EAST (SIDE INTERIOR) ELEVATION

Not to Scale

Revised Elevations-South & East Block 9 (Typical)



Attachment 2

FILES: Z:11.012, DA.11.036
 DATE: January 16, 2012

APPLICANT: Ozner Corporation (South)
 LOCATION: Part of Lot 22, Concession 5

DATE: February 17, 2012
TO: Mayor and Members of Council
RE: **COUNCIL MEETING – FEBRUARY 21, 2012**
DRAINAGE ISSUES ON ANTHONY LANE
WARD 5

C	<u>3</u>
Item #	<u>13</u>
Report No.	<u>4 (CW)</u>
<u>Council - Feb 21/12</u>	

Recommendation

The Commissioner of Engineering and Public Works recommends:

1. That Council request the Minister of Infrastructure:
 - to work with the City to develop the Terms of Reference for a Request For Proposal for a joint hydrogeological study to assess causes of high groundwater elevation in the vicinity of the mutual property line between lands owned by the Ontario Infrastructure and Lands Corporation, the Ontario Hydro corridor, and homes on Anthony Lane;
 - to participate and to share in the findings of this study; and
 - to respond to the City's request by April 15, 2012;
2. That Council direct staff to follow-up with the Ministry of Infrastructure staff to attempt to negotiate the Terms of Reference and cost-sharing of such a hydrogeological study, and if successful, to solicit proposals for professional services to complete such a study;
3. That staff report back on the status or completion of the negotiations and study costs by July, 2012; and
4. That recommendation #1 of the February 7, 2012, Committee of the Whole meeting be deferred at this time, and that the staff continue to maintain the municipal boulevard and sidewalk fronting 110 Anthony Lane, using current practices.

During Committee's deliberation of item 13 at the Committee of the Whole meeting of February 7, 2012, staff was questioned with respect to the findings of the earlier drainage reports prepared by GENIVAR Consultants LP (GENIVAR), retained by provincial representatives, to assess storm water conditions on, and in the vicinity of, the provincially owned lands at the rear of properties fronting Anthony Lane.

GENIVAR's findings were summarized within two reports, dated November 1, 2010 and March 28, 2011. Provincial representatives have declared the reports to be privileged and confidential. As a result, the GENIVAR reports cannot be attached to this communication, however, City staff has reviewed the findings.

As indicated in the February 7, 2012 Committee report, the GENIVAR reports concluded that *"run-off from the provincial property is not physically able to drain surface water directly onto the adjacent residential properties on Anthony Lane,"* but further hypothesized that the source of the flooding may be a ground water issue that could not be confirmed in the absence of a hydrogeological assessment which was beyond the scope of their investigation.

Staff has identified that the City's infrastructure is operating within defined parameters, and therefore is not causing the drainage issues on the properties on Anthony Lane. The drainage issues do not present a known threat to the City infrastructure in the surrounding area. Staff will continue to monitor the condition of the City's infrastructure to ensure that it operates as designed.

The direction provided to staff at the February 7, 2012 Committee of the Whole was:

"that staff continue to explore the causes of the flooding and any threats to the City's infrastructure, up to and including, if necessary, a comprehensive hydrogeological study."

To assist in the assessment of this situation, such a hydrogeological study should, in staff's opinion, include at least the three following phases of work:

1. Assessment of causes of elevated groundwater or surface water in the vicinity of the mutual property limit. This would include the review of the hydrogeological history of the area, supplemented with potentially extensive hydrogeological investigations, including the drilling of boreholes, and installation of meters to measure groundwater levels, pressures, and aquifer recharge rates on both provincially owned land, and privately owned lands.
2. The development of potential remediation strategies and evaluation of remediation options in consultation with affected property owners.
3. The preliminary design of preferred remediation options, and estimation of costs, for the purposes of determining cost responsibilities and negotiation of implementation agreements.

At this point, it is difficult to estimate the cost of such a hydrogeological study without further consultation and agreement of the affected landowners.

In reflection of Committee's direction of February 7, 2012 staff recommend that Council request the Minister of Infrastructure to partner with the City in undertaking such a hydrogeological study and to direct staff to initiate discussions with Ministry staff, to develop the Terms of Reference of such a study. This would allow a Request for Proposals to be issued, cost to be estimated/apportioned, and funding sources to be ascertained.

Staff propose to report back before the summer of 2012.

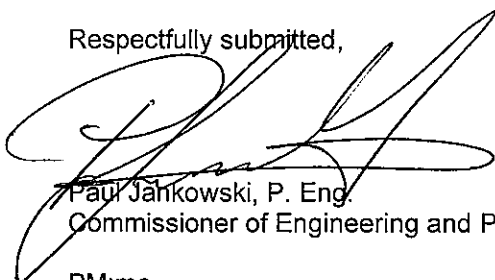
Attachments

1. Location Map.

Report prepared by:

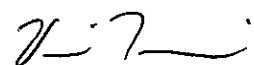
Paolo Masaro, P. Eng., Design Engineer, ext. 8446
Jack Graziosi, P. Eng., Director of Engineering Services, ext. 8201

Respectfully submitted,



Paul Jankowski, P. Eng.
Commissioner of Engineering and Public Works

PM:mc



For: Jack Graziosi, P. Eng.
Director of Engineering Services

ATTACHMENT 1: LOCATION MAP



ANTHONY LANE

LOCATION : Part of Lot 5, Concession 3



NOT TO SCALE



C	<u>4</u>
Item #	<u>15</u>
Report No.	<u>CW 4</u>
<u>Council - Feb. 21/12</u>	

Date: February 21, 2012

To: Mayor & Members of Council

Re: **Communication - to Deferred Item 15 from the Committee of the Whole Meeting of February 7, 2012.**

A recommendation from the Pierre Berton Task Force came forward for consideration at the Committee of the Whole meeting of February 7, 2012, as follows:

1. *That the Pierre Berton Artifacts and Memorabilia Task Force Project be added to the City of Vaughan's website; and that Berton Woodward forward information for the website:*
2. *That the following three (3) events be planned:*
 1. *Street Party-Spring;*
 2. *Bindertwine exhibit- Summer;*
 3. *Gala – Fall;*
3. *That a Reserve fund be established by the City to collect public donations to go towards the construction and operation of the Pierre Berton Discovery Centre; and that tax receipts be issued by the City for donations made towards the funding of the Centre; and,*
4. *That staff investigate sites for storage of Pierre Berton memorabilia to be given to the City by the Berton family for the Pierre by the Berton family for the Pierre Berton Discovery Centre and request Council approval for this storage area.*

At this meeting, Council deferred this item to the February 21, 2012 Council meeting and requested that the Pierre Berton Task Force review its mandate in order to advise Council whether the Task Force mandate is in keeping with its recommendation to Council.

The Berton Task Force met on February 17, 2012 and reviewed its mandate as directed and made the following recommendations:

1. ***That Items 1, 3 and 4 be approved;***
2. ***That Item 2 be deferred until the findings report is completed; and***
3. ***That the Task Force's Terms of Reference be amended under "Mandate/Objectives" to include the follows:***

To promote the concept of the Discovery Centre throughout the community, the GTA, the Province and the Country.

Respectfully submitted,

Regional Councillor Michael Di Biase
Chair, Pierre Berton Artifacts and Memorabilia Task Force

Copy: Clayton Harris, City Manager
Jeffrey Abrams, City Clerk



memorandum

C	<u>5</u>
Item #	<u>3</u>
Report No.	<u>7 (WS)</u>
<u>Council - Feb. 21/12</u>	

February 21, 2012

To: Honourable Maurizio Bevilacqua, Mayor and Members of Council

Re: **Additional Information – Item #3 Pre-Qualification of Landscape General Contractors, Committee of the Whole Working Session February 14, 2012**

On February 14, 2012, The Committee of the Whole Working Session received a presentation “Landscape General Contractor Pre-qualification” from Parks Development staff. Slide 8 of the presentation illustrated the estimated timelines for the pre-qualification process, leading to the item being considered at the Committee of the Whole meeting of June 5, 2012.

Based on discussion with staff, the following is an update on the timelines presented:

- Council February 21, 2012
- Release by Purchasing Services in March
 - **Update** - Purchasing can release the RFP one week after receiving the **final** Terms of Reference from the Department.
- RFPQ period: 3 weeks:
 - **Update** – This timeline is reasonable. The “Province of Ontario Supply Chain Guideline (April 2009)” and the Province of Ontario “Broader Public Sector Procurement Directive (April 2011)” both use a standard of a minimum of 15 calendar days for posting competitive procurements. The City of Vaughan’s procedures are roughly equivalent as bids and proposals for over \$100,000 are posted for a minimum of 11 working days.
- Purchasing Services review: 2 weeks
 - **Update** - Purchasing can review the submitted bids for compliance and prepare packages for distribution to the evaluation committee members within one week of bid closing. However, if there are issues with the bids requiring legal or other review, this timeline can extend to 2 weeks.

- Evaluation Committee review and reference checks: 4 weeks
 - **Update** – The time required for the evaluation is dependent on the availability of the members of the evaluation committee. Purchasing distributes the proposals and generally allows a minimum of 3 days for the evaluation committee members to review the proposals before the first committee meeting. Once the committee has met, evaluated and scored the proposals, a member of the committee is assigned responsibility for the reference checks, which is done in the presence of the purchasing staff facilitator or another member of the evaluation committee. There is an opportunity for the 4 week timeline to be significantly shorter.

- Purchasing Services to finalize pre-qualification: 2 weeks
 - **Update** – Once the evaluation committee review is complete and a decision is made, the report to Committee of the Whole is prepared by the issuing department. Purchasing does not require two weeks added to the timeline at this point, as any additional work can be done as the report is being prepared for Committee of the Whole.

- Item to be taken to Committee of Whole on June 5, 2012 (leading to a June 26th Council approval.)
 - **Update** – The earlier potential Committee of the Whole date is May 15th, leading to a May 29th Council approval. The May 15th date is realistic in the event that the **final** Terms of Reference have been provided to the Purchasing Department by March 2nd and that the Evaluation Committee can complete its task of reviewing the bids and completing the reference checks within a maximum of a two week period.

Respectfully submitted,



Barbara Cribbett, CMA
Commissioner of Finance & City Treasurer



memorandum

February 21, 2012

To: Honourable Maurizio Bevilacqua, Mayor
And Members of Council

C	6
Item #	3
Report No.	7 (WS)
Council - Feb. 21/12	

Re: **Communications**
ITEM #3 COMMITTEE OF THE WHOLE (WORKING SESSION)
FEBRUARY 14, 2012 - PERFORMANCE NON-COMPLIANCE OF
PRE-QUALIFIED BIDDERS

Recommendation

The Commissioner of Finance & City Treasurer and the Commissioner of Legal and Administrative Services and City Solicitor, in consultation with the Director of Purchasing Services, recommend:

1. THAT Clause 17, Document 1 of the City's approved standard Bid Document (Policy No: 05.2.02) be amended to the following:

EVALUATION OF PERFORMANCE

Upon completion of, **or at any time during** the Contract, the Owner may complete an evaluation of the Contractors' performance. A copy of this evaluation may be given to the Contractor. The evaluation shall be placed on file. This information may be made available to persons requesting Owner references for the Contract and also may be reviewed and may form part of the criteria when awarding future bids by the Owner.

2. THAT the Terms of Reference for all pre-qualification requests for proposal (RFP) include the following clause:

The City reserves the right to remove a Contractor from the pre-qualification list if performance evaluations are not satisfactory, based on the City of Vaughan's sole discretion.

Economic Impact

Not applicable

Communications Plan

Not applicable

Purpose

To obtain approval to amend the City's standard Bid/Proposal Form to advise bidders that performance evaluations may occur at any time during the contract, not just upon completion, and to add a standard clause to the terms of reference for all pre-qualification RFPs advising bidders that the City reserves the right to remove bidders from the pre-qualification list if performance evaluations are not satisfactory.

Background - Analysis and Options

The February 14, 2012 Committee of the Whole passed the following resolution.

The Committee of the Whole (Working Session) recommends:

- 1) That the recommendation contained in the following report of the Commissioner of Community Services, dated February 14, 2012, be approved;***
- 2) That all outstanding new parks approved in 2011 and prior years be given priority for the issuance of bids;***
- 3) That staff provide a methodology for the removal of a pre-qualified contractor from the list due to poor performance; and***
- 4) That the presentation material, C3, entitled "Landscape General Contractor Pre-qualification – Questions and Answers", dated February 14, 2012, be received.***

Recommendation

The Commissioner of Community Services in consultation with the Directors of Legal Services and Purchasing Services, recommends:

- 1. That Council approve the revised criteria for pre-qualification of landscape general contractors for the construction and renovation of various parks and open spaces in the City of Vaughan.***

In response to recommendation #2, staff reviewed the City's standard bid documents and samples of clauses used by other municipalities to remove bidders from prequalification lists in the circumstance of unsatisfactory performance.

Staff recommend the following in order to implement Committee of the Whole (Working Session) objective;

- Amend the City's standard Bid/Proposal document (Policy No: 05.2.02). Clause 17 "Evaluation of Performance" of Document 1 (page 8) advises bidders that an evaluation of performance may be completed **upon completion of the contract**. Staff recommends that this clause be broadened to advise bidders that an evaluation of performance may take place **at any time** during the contract. This amendment is important when considered in the context of the following recommended clause that can be utilized to remove poor performing bidders (contractors) from the pre-qualification list.

- Include as a mandatory clause in the terms of reference for all pre-qualification RFPs that “The City reserves the right to remove a Contractor from the pre-qualification list if performance evaluations are not satisfactory, based on the City of Vaughan’s sole discretion”. This clause relies on Clause 17, Document 1 of the standard Bid/Proposal document to set out the performance evaluation terms. By amending Clause 17 to advise that performance evaluations may be undertaken **at any time** during the contract, the City has the ability to evaluate poor performance in a more timely fashion during the contract, rather than just upon completion of the contract. A more timely evaluation would prevent a pre-qualified bidder who may not have completed a contract but whose performance is non-compliant from bidding on the next tender.

Relationship to Vaughan Vision 2020

Not applicable

Regional Implications

No Implications

Conclusion

To obtain approval to amend the City’s standard Bid/Proposal Form to advise bidders that performance evaluations may occur at any time during the contract, not just upon completion, and to add a standard clause to the terms of reference for all pre-qualification RFPs advising bidders that the City reserves the right to remove bidders from the pre-qualification list if performance evaluations are not satisfactory.

Attachments

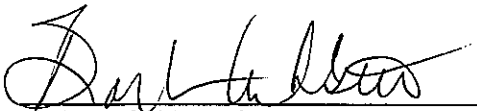
Attachment 1 - City of Vaughan Standard Bid/Proposal Document – Document 1 page 8

Report prepared by:

Barbara Cribbett
Commissioner of Finance/City Treasurer
Ext. 8475

Janice Atwood-Petkovski
Commissioner of Legal & Administrative Services/City Solicitor
Ext. 8382

Respectfully submitted,



Barbara Cribbett, CMA
Commissioner of Finance & City Treasurer



Janice Atwood-Petkovski
Commissioner of Legal and Administrative Services/City Solicitor

Work, as described under this contract shall not commence until (1) all of the required documents have been submitted to Purchasing Services and (2) the agreement has been executed by the contractor. For Payment purposes a Purchase Order will be generated and issued to the Contractor. The terms and conditions of this contract supersede those of the Purchase Order issued.

16. CANCELLATION

16.1 Non-Compliance

- i. In the event the Contractor does not comply with the specifications, terms and conditions, and scope of the document, at any time throughout the duration of the Contract, the contract may be cancelled by the Owner in accordance with the terms contained herein.
- ii. The Contract may be cancelled by the Owner upon non-performance of the Contract terms; however, in doing so, the Owner does not waive its right to rely upon any obligations or commitments agreed to by the Contractor as part of their contractor document submission, including without limiting the generality of the foregoing, liability for the difference between its bid and next acceptable contractor document submission.
- iii. Where there is a question of non-performance, payment in whole or in part may be withheld at the discretion of the Owner. This action shall not prevent the Owner from taking early payment discounts otherwise applicable.
- iv. If the work/service is incomplete the Owner reserves the right to draw from the surety to complete the said work/service to the Owner's specifications.

16.2 Disqualification

The Owner reserves the right to remove from future eligibility, to submit bids to the Owner any contractor which is in breach of its obligations.

17. EVALUATION OF PERFORMANCE

Upon completion of the Contract, the Owner may complete an evaluation of the Contractors' performance. A copy of this evaluation may be given to the Contractor. The evaluation shall be placed on file. This information may be made available to persons requesting Owner references for the Contract and also may be reviewed and may form part of the criteria when awarding future bids by the Owner.

The Contractor hereby authorizes the maintenance and release of this information.

18. INSURANCE

The Contractor shall maintain and pay for Comprehensive General Liability Insurance with an insurer acceptable to the Owner. The coverage shall include premises and all operations liability to be performed by the bidder. This insurance coverage shall be subject to limits of not less than _____ Million Dollars (\$,000,000.00) inclusive per occurrence for bodily injury, death and damage to property including loss of use thereof for any one occurrence.

- 18.1 The policy shall include _____ as an additional insured in respect of all operations performed by or on behalf of the bidder.
- 18.2 The Contractor will be entirely responsible for the cost of any deductible which is maintained in any insurance document.



memorandum

C	7
Item #	6
Report No.	2 (F+A)
Council - Feb .21/12	

February 21, 2012

To: Honourable Maurizio Bevilacqua, Mayor
Members of Council

Re: **Communications**

**ITEM # 6 FINANCE AND ADMINISTRATION COMMITTEE FEBRUARY 13, 2012 –
AMENDMENT TO POLICY NO. 05.2.02 TENDERING POLICY –
BIDDER COMPLIANCE WITH CITY ZONING, PROPERTY STANDARDS BY-LAWS**

Recommendation

The Commissioner of Finance & City Treasurer and the Commissioner of Legal and Administrative Services and City Solicitor, in consultation with the Director of Purchasing Services, recommend:

That the following be added to Policy No. 05.2.02 Tendering Policy Tender - Document VI Bid/Proposal Form as clause 17, a Declaration requirement by bidder, and clause 18 respectively:

THAT:

- a) each of the Bidder and its subcontractor and suppliers is not currently the subject of legal proceedings by the City of Vaughan in respect of Vaughan's Property Standards By-law or Zoning By-laws in relation to its business operations.
- b) neither the Bidder nor any of its subcontractors and suppliers has been convicted of such a matter where the contravention remains unchanged
- c) neither the Bidder nor any of its subcontractors or suppliers is involved in litigation, judicial or arbitral proceedings or any legal claim against or by the City with respect to any other contract or business transaction

THAT the Bidder agrees that if any statement contained in Clause # 17 is untrue or incorrect, the municipality shall be entitled at its sole discretion to reject this bid or, if such untruth or incorrectness comes to light after the bid is accepted, or after the contract has been entered into, to refuse to enter into any Contract, to treat the Contract as at an end and to pursue any other legal recourse the municipality deems appropriate.

Economic Impact

Not applicable

Communications Plan

Not applicable

Purpose

To amend the City's standard Bid/Proposal Form by adding a provision to the declaration by the bidder attesting to their compliance with specific City by-laws in respect of the operation of its business.

Background - Analysis and Options

On February 13, 2012, the report "Amendment to Standard Bid/Proposal Form – Bidder Compliance With City By-Laws" was provided to Finance and Administration Committee. The purpose of the report was to obtain direction from Council with respect to a potential amendment to the City's standard Bid/Proposal Form to add a declaration by the bidder attesting to their compliance with City by-laws in respect of the operation of their business.

As a result, the Committee passed the following resolution:

The Finance and Administration Committee recommends that consideration of this matter be deferred to the Council meeting of February 21, 2012 for staff to provide a report with recommendations.

Staff have reviewed Example #1 to incorporate aspects into the City's standard Bid/Proposal document. The recommended provision effectively disqualifies only those bidders whose business operations are in contravention of the City's Property Standards and Zoning By-laws. By naming these specific by-laws in the declaration, the bidder is clear on what they are attesting to, and therefore not seeking further clarification from staff, and staff are not faced with making arbitrary decisions regarding which by-laws are significant non-compliance issues, and which ones are not. It is also necessary to include subcontractors and suppliers in the declaration of compliance, because it precludes a company from putting forward a bid, as a Bidder, where the work will essentially be performed by the subcontractor. Information about companies in litigation and in legal proceedings in respect of the City's by-laws is readily ascertainable.

Contractors whose business operations become non-compliant during the term of the contract will not be removed from the contract, but rather the matter will be dealt with in the normal course, through enforcement of the contravention. They would however be precluded from bidding on other work until the contravention is remedied.

Relationship to Vaughan Vision 2020

Not applicable

Regional Implications

No Implications

Conclusion

Staff recommend that Council approve the amendment to the City's standard Bid/Proposal Form to add the recommended declarations by the bidder attesting to their compliance with City by-laws in respect of the operation of its business.


Attachments

None

Report prepared by:

Barbara Cribbett
Commissioner of Finance/City Treasurer
Ext. 8475

Respectfully submitted,


Barbara Cribbett, CMA
Commissioner of Finance & City Treasurer


Janice Atwood-Petkovski
Commissioner of Legal and Administrative Services and City Solicitor



memorandum

DATE: February 21, 2012
TO: Mayor and Members of Council
FROM: Janice Atwood-Petkovski
RE: **Council Meeting – February 21, 2012**
Drainage Issues on Anthony Lane
Ward 5
Questions Regarding Study for Anthony Lane Residents

C	8
Item #	13
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Council - Feb. 21/12	

In response to further questions contained in a memorandum from Councillor Iafrate in relation to the Study for Anthony Lane residents, Communication 3 provides information regarding the questions related to the potential sources of the drainage and threats to City infrastructure. With respect to the concern about establishing a precedent for future requests on similar matters, staff are unaware of a similar study being approved in the past for a similar circumstance. It is difficult to determine that any precedent would be established, given the apparent uniqueness of the situation.

A handwritten signature in black ink, appearing to read 'Janice Atwood-Petkovski', written in a cursive style.

Janice Atwood-Petkovski
Commissioner of Legal & Administrative Services
& City Solicitor

c Clayton D. Harris
City Manager

Jeffrey A. Abrams
City Clerk