

**THE CITY OF TORONTO**

**City Clerk's Division**

**Minutes of the Works and Utilities Committee**

**Meeting No. 4**

**Monday, April 12, 1999**

A special meeting of the Works and Utilities Committee was held on Monday, April 12, 1999, in Committee Room 2, 2nd Floor, City Hall, Toronto, commencing at 2:10 p.m.

Members Present:

2:10 p.m. - 3:55 p.m.

Councillor Betty Disero, Chair	x	
Councillor Gerry Altobello		x
Councillor Lorenzo Berardinetti	x	
Councillor Ila Bossons	x	
Councillor Sandra Bussin		x
Councillor Tom Jakobek		x
Councillor Jack Layton	x	
Councillor Bill Saundercook		x
Councillor David Shiner		x
Councillor Michael Walker		x

Regrets:

Councillor Sherene Shaw

Members were present for some or all of the time period indicated.

**4.1 Integrated Solid Waste Resource Management Process  
(Formerly Solid Waste Management Marketplace  
Engagement Process) - Request for Expressions of Interest.**

The Works and Utilities Committee again had before it a report (March 15, 1999) from the Commissioner of Works and Emergency Services recommending that:

- (1) Council endorse provisions contained in the Solid Waste Management Marketplace Engagement Process Request for Expressions of Interest regarding the inclusion of:
  - (i) options for 5, 10, 15, and 20-year timeframes for provision of disposal capacity (or an amount beyond five years which is not a multiple of 5);
  - (ii) the right of Toronto to engage in a subsequent tender for the haulage component from Toronto's transfer stations by third party haulers in order to broaden the potential marketplace response for the transport component;
  - (iii) the right of Toronto to maintain a role for its public sector employees in the haulage component of the project, based on the existing levels of staff and equipment involved in the haulage of waste from Toronto's transfer stations to the Keele Valley Landfill Site;
  - (iv) a preferred customer clause to ensure that the disposal price(s) charged to Toronto remain competitive over the contract timeframe; and
  - (v) disposal facilities that are certified to receive only solid waste from the Industrial, Commercial, and Institutional sectors in order to broaden the potential marketplace response for the City's disposal needs;

and, subject to the approval of Recommendation No. (1), further recommending that:

- (2) the attached Solid Waste Management Marketplace Engagement Process Request for Expressions of Interest be approved for issuance on April 26, 1999; and
- (3) the workplan for Proctor & Redfern Limited be amended to include the following work tasks:
  - (i) development of a separate haul tender process to be incorporated into the contracting out methodology and development of a protocol to utilize Toronto public sector employees in the haulage component;

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- (ii) project management of the preferred customer clause in the Request for Expressions of Interest and Request for Proposals;
- (iii) project management related tasks regarding the inclusion of waste disposal sites certified to accept only waste originating from the Industrial, Commercial, and Institutional sectors; and
- (iv) the approved budget for Proctor & Redfern Limited be adjusted by the addition of \$95,395.85, inclusive of GST, to fund the additional workplan items listed in Recommendation No. (3) (i), (ii) and (iii), with funds to be drawn from the contingency allowance previously approved by Council on October 2, 1998.

The Committee also had before it a report (April 9, 1999) from the Commissioner of Works and Emergency Services recommending that:

- (1) the Commissioner of Works and Emergency Services be authorized to prepare a planning process regarding the establishment of a Request for Proposals for **Approved diversion** and **New and emerging technologies**, which will be submitted for approval and subsequent issuance following the reporting out of the results of the Request for Expressions of Interest for **Approved diversion**, **Disposal capacity**, and **New and emerging technologies**;
- (2) the recommendations contained in the March 15, 1999 report from the Commissioner of Works and Emergency Services regarding the issuance of the Request for Expressions of Interest be adopted;
- (3) the amended Request for Expressions of Interest document for **Approved diversion**, **Disposal capacity** and **New and emerging technologies**, which is attached to this report at Appendix **AD**, be adopted and approved for issuance on April 26, 1999; and
- (4) the remaining balance of this report be adopted for information.

The Committee also had before it a communication (March 24, 1999) from the City Clerk outlining the action taken by the Works and Utilities Committee at its meeting on March 24, 1999, with respect to the Solid Waste Management Marketplace Engagement Process - Request for Expressions of Interest; and advising that the Committee adopted the following recommendations and tabled such recommendations until the report is again considered by the Committee:

- (i) that all terminology be changed by adding the word **Resource** after the words **Solid waste** wherever they appear in the City's waste resource management process; and

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further, that the title to be used to describe the entire process be: ~~A~~Integrated Solid Waste Resource Management Process~~@~~,

- (ii) that the overall objective of the process adopt the following mission statement:

~~A~~The City of Toronto's Integrated Solid Waste Resource Management Process be designed to be flexible enough to incorporate new, environmentally sustainable technologies that will move the City towards its ultimate goal of ~~>~~Zero Waste~~=~~, that is, a strategy based on maximizing~~@~~, and

- (iii) that in order to enhance the potential for diversion from disposal, the maximum limits on the size of proposals in the ~~A~~proven diversion capacity~~@~~ (currently limited to 250,000 tonnes/year) and the ~~A~~new and emerging technologies~~@~~ (currently limited to 100,000 tonnes/year) be increased; and that the Commissioner of Works and Emergency Services be requested to submit a further report to the Committee with options for alternative limits or no limits, with the corresponding wording for amendments which would give effect to these options.

Mr. Lawson Oates, Manager, Strategic Planning, Solid Waste Management Services, Works and Emergency Services gave a presentation to the Committee in connection with the foregoing matter, and submitted a copy of his presentation.

Mr. Michael Pratt, Proctor & Redfern Limited, was also present at the meeting of the Committee to respond to questions from the Members.

Mr. Richard Gilbert appeared before the Committee in connection with the foregoing matter.

Councillor Bossons moved that:

- (1) that part of Section 6.1 pertaining to the ~~A~~anti-lobbying~~@~~ clause be deleted from the Request for Expressions of Interest document; and
- (2) the Commissioner of Works and Emergency Services be requested to report directly to Council for its meeting on April 13, 14 and 15, 1999, on:
  - (i) a longer time period;
  - (ii) removal of the preferred customer clause; and

- (iii) removal of the requirement to identify sites at the Request for Expressions of Interest stage.

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Councillor Berardinetti moved the adoption of the aforementioned report from the Commissioner of Works and Emergency Services dated March 15, 1999, and the aforementioned report dated April 9, 1999, subject to Recommendation No. (3) being amended to read as follows:

- A(3) a Request for Expressions of Interest for ~~A~~proven diversion~~@~~, ~~A~~disposal capacity~~@~~ and ~~A~~new and emerging technologies~~@~~, be issued on April 26, 1999, substantially in accordance with the amended Request for Expressions of Interest attached to the report dated April 9, 1999, at Appendix ~~>D=~~~~@~~

Councillor Jakobek moved that the Commissioner of Works and Emergency Services be requested to submit a report directly to Council for its meeting scheduled to be held on April 13, 14 and 15, 1999, on the following:

- (1) increasing the minimum tonnage for the disposal capacity from 100,000 tonnes/year to 250,000 tonnes/year; and
- (2) a revised schedule which would bring forward the selection of applicants for consideration by Council by the end of 1999.

Councillor Layton moved that the following Mission Statement be included in the introduction section of the Request for Expressions of Interest:

~~A~~The City of Toronto's Integrated Solid Waste Resource Management Process be designed to be flexible enough to incorporate new, environmentally sustainable technologies that will move the City towards its ultimate goal of ~~>Zero Waste=~~, that is, a strategy based on maximizing diversion~~@~~.

Councillor Bossons requested the permission to withdraw part (2) of her foregoing motion, which was granted.

Upon the question of the adoption of the foregoing motions, with the exception of part (2) of the foregoing motion by Councillor Jakobek, they were **carried**.

Upon the question of the adoption of part (2) of the foregoing motion by Councillor Jakobek, it was **carried**.

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The following is the action therefore taken by the Committee:

The Committee:

- (A) recommended to Council that:
- (1) Council endorse provisions contained in the Integrated Solid Waste Resource Management Process (formerly named the Solid Waste Management Marketplace Engagement Process) Request for Expressions of Interest regarding the inclusion of:
    - (i) options for 5, 10, 15, and 20-year timeframes for provision of disposal capacity (or an amount beyond five years which is not a multiple of 5);
    - (ii) the right of Toronto to engage in a subsequent tender for the haulage component from Toronto's transfer stations by third party haulers in order to broaden the potential marketplace response for the transport component;
    - (iii) the right of Toronto to maintain a role for its public sector employees in the haulage component of the project, based on the existing levels of staff and equipment involved in the haulage of waste from Toronto's transfer stations to the Keele Valley Landfill Site;
    - (iv) a preferred customer clause to ensure that the disposal price(s) charged to Toronto remain competitive over the contract timeframe; and
    - (v) disposal facilities that are certified to receive only solid waste from the Industrial, Commercial, and Institutional sectors in order to broaden the potential marketplace response for the City's disposal needs;

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and, subject to the approval of Recommendation No. (1), further recommended that:

- (2) a Request for Expressions of Interest for **Aproven diversion@**, **Adisposal capacity@** and **Anew and emerging technologies@**, be issued on April 26, 1999, substantially in accordance with the amended Request for Expressions of Interest attached to the report dated April 9, 1999, at Appendix **AD@**, subject to:
  - (i) including the following Mission Statement in the introduction section of the Request for Expressions of Interest:

**AThe City of Toronto's Integrated Solid Waste Resource Management Process be designed to be flexible enough to incorporate new, environmentally sustainable technologies that will move the City towards its ultimate goal of >Zero Waste=, that is, a strategy based on maximizing diversion@**, and
  - (ii) deleting that part of Section 6.1 pertaining to the **Aanti-lobbying@** clause;
- (3) the workplan for Proctor & Redfern Limited be amended to include the following work tasks:
  - (i) development of a separate haul tender process to be incorporated into the contracting out methodology and development of a protocol to utilize Toronto public sector employees in the haulage component;
  - (ii) project management of the preferred customer clause in the Request for Expressions of Interest and Request for Proposals;
  - (iii) project management related tasks regarding the inclusion of waste disposal sites certified to accept only waste originating from the Industrial, Commercial, and Institutional sectors; and



- (iv) the approved budget for Proctor & Redfern Limited be adjusted by the addition of \$95,395.85, inclusive of GST, to fund the additional workplan items listed in Recommendation No. (3) (i), (ii), and (iii), with funds to be drawn from the contingency allowance previously approved by Council on October 2, 1998; and
  - (4) the Commissioner of Works and Emergency Services be authorized to prepare a planning process regarding the establishment of a Request for Proposals for **Approved diversion@** and **New and emerging technologies@**, which will be submitted for approval and subsequent issuance following the reporting out of the results of the Request for Expressions of Interest for **Approved diversion@**, **Disposal capacity@**, and **New and emerging technologies@**.
- (B) requested the Commissioner of Works and Emergency Services to submit a report directly to Council for its meeting scheduled to be held on April 13, 14 and 15, 1999, on the following:
- (i) increasing the minimum tonnage for the disposal capacity from 100,000 tonnes/year to 250,000 tonnes/year; and
  - (ii) a revised schedule which would bring forward the selection of applicants for consideration by Council by the end of 1999.

**(Clause No. 1, Report No. 5)**

**4.2 Integrated Solid Waste Resource Management Process  
(Formerly Solid Waste Management Marketplace  
Engagement Process) - Prohibition Against Lobbying.**

The Works and Utilities Committee again had before it a report (March 15, 1999) from the Commissioner of Works and Emergency Services recommending that:

- (1) the Request for Expressions of Interest in the Solid Waste Management Marketplace Engagement Process for solid waste disposal, diversion, and new and emerging technologies, contain a requirement, as set out in Appendix **AA@** attached to this report, prohibiting respondents from lobbying Council members and staff;

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- (2) the prohibition against lobbying be effective from the date of the issuance of the Request for Expressions of Interest until a contract(s) is reached at the conclusion of the subsequent Request for Proposals phase, or the process is discontinued; and
- (3) in conjunction with the implementation of the prohibition against lobbying as contained in Appendix AA, Council adopt the following protocol:
  - (i) should Members of Council wish to receive information from any respondent(s), then the request shall be made through the designated official as defined in Appendix AA, and
  - (ii) in the event of any alleged breach of the requirement against lobbying, Council shall be the arbiter of the effect of such a breach.

The Committee also had before it a report (April 7, 1999) from the Commissioner of Works and Emergency Services providing examples of anti-lobbying clauses incorporated into requests for expressions of interest and requests for proposals of other jurisdictions, as requested by the Committee on March 24, 1999; and recommending that:

- (1) this report be received for information; and
- (2) the recommendations contained in the March 15, 1999 report from the Commissioner of Works and Emergency Services regarding the establishment of a prohibition against lobbying be adopted.

The Committee also had before it a communication (April 7, 1999) from Councillor Betty Disero, Chair, Works and Utilities Committee, providing a schedule for deputations to the Works and Utilities Committee, as requested at the last meeting of the Committee.

Councillor Walker moved that the City Solicitor and the Chief Administrative Officer, in conjunction with other appropriate staff, be requested to develop a stringent lobbyist registration by-law, and submit a report thereon to the Corporate Services Committee as soon as possible.

Councillor Bossons moved that the Committee recommend to Council that that part of Section 6.1 of the Request for Expressions of Interest (REOI) in the Integrated Solid Waste Resource Management Process (formerly named the Solid Waste Management Marketplace Engagement Process) pertaining to the Anti-lobbying clause be deleted from the REOI.

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Upon the question of the adoption of the foregoing motion by Councillor Bossons, it was **lost**.

Councillor Jakobek moved that consideration of the foregoing motion by Councillor Bossons be reopened, which was **carried**

Councillor Bussin moved the adoption of the aforementioned report.

Upon the question of the adoption of the foregoing motion by Councillor Bussin, it was **lost on the following recorded vote:**

**FOR:           Bussin, Disero, Layton**

**AGAINST:   Altobello, Berardinetti, Bossons, Jakobek, Saundercook,  
Walker**

Upon the question of the adoption of the foregoing motion by Councillor Bossons, it was **carried**

Upon the question of the adoption of the foregoing motion by Councillor Walker, it was **carried**

The following is the action therefore taken by the Committee:

The Committee:

- (1) recommended to Council that that part of Section 6.1 of the Request for Expressions of Interest (REOI) in the Integrated Solid Waste Resource Management Process (formerly named the Solid Waste Management Marketplace Engagement Process) pertaining to the ~~Anti-lobbying~~ clause be deleted from the REOI; and
- (2) directed that the City Solicitor and the Chief Administrative Officer, in conjunction with other appropriate staff, be requested to develop a stringent lobbyist registration by-law, and submit a report thereon to the Corporate Services Committee as soon as possible.

**(Clause No. 2, Report No. 5)**

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#### **4.3 Works Best Practices Work Group - Status Report.**

The Works and Utilities Committee had before it a communication (April 12, 1999) from the City Clerk advising that at its meeting held on April 12, 1999, the Works Best Practices Work Group had before it Clause No. 1 embodied in Report No. 2 of the Works and Utilities Committee, headed **Works Best Practices Program and Projected Staffing Levels - Water and Wastewater Services Division**, which was adopted, as amended, by the Council of the City of Toronto at its meeting held on March 2, 3 and 4, 1999, together with a communication from Councillor Jack Layton respecting the implementation of Recommendations Nos. (8) and (9) in the aforementioned Clause; and advising that the Works Best Practices Work Group took the following action, and directed that this matter be forwarded to the Works and Utilities Committee for information and transmittal to City Council on April 13, 1999:

- (1) requested the Commissioner of Works and Emergency Services to review and offer to those employees who wish to be retrained, the necessary upgrading to allow those employees an opportunity to achieve the math and english Grade 12 educational level which will permit them to pursue and qualify for the Industrial Mechanic Millwright Apprenticeship Program;
- (2) decided to discuss in detail at its next meeting the implementation of Recommendation No. (9) noted above, as well as qualifying and defining what constitutes appropriate retraining; and
- (3) requested the Commissioner of Works and Emergency Services to report at its next meeting on the number of long term employees who may have some type of barrier that will not permit them to achieve the necessary educational level to qualify for the proposed positions; and the number of long term employees who may have been denied access to the Skills Enhancement Program.

The Committee directed that the aforementioned communication be submitted to Council for information.

**(Clause No. 3, Report No. 5)**

The Works and Utilities Committee adjourned its meeting at 3:55 p.m.

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Chair.