



Finance  
Joseph Pennachetti  
Chief Financial Officer And Treasurer

Purchasing and Materials Management Division  
City Hall, 17<sup>th</sup> Floor, West Tower  
100 Queen Street West  
Toronto, Ontario M5H 2N2

Andrea Della-Rossa, Manager  
Professional Services

May 30, 2003

**NOTICE TO POTENTIAL VENDORS**

**REQUEST FOR EXPRESSIONS OF INTEREST (REOI) NO. 9155-03-7283  
PROVISION OF NEW AND EMERGING TECHNOLOGY  
FOR MANAGEMENT OF RESIDUAL MUNICIPAL SOLID WASTE**

Attached is the REOI document for the provision of new and emerging technologies for the management of residual municipal solid waste to the City of Toronto (City) Solid Waste Management Services Division.

Please review the document and submit your Expression of Interest (EOI) to the address noted below by **12:00 noon (local time) on July 14, 2003.**

**Expressions of Interest submissions must be:**

1. Received by the date and time specified above; and
2. Received at the address specified below; and should
3. Contain the signed EXPRESSION OF INTEREST SUBMISSION FORM.

**Submissions that meet the requirements above will be reviewed and summarized in a report to City Council in September 2003.**

**Secondly, EOI submissions that meet the submission requirements noted above may be invited (at the City's sole discretion) to participate in a forum to present their technologies to staff, politicians and the Citizen and Expert Advisory Group (Advisory Group) assisting the City to recommend technologies for managing the City's residual waste. Participation in such a forum will be open ONLY to respondents submitting an EOI, which meets the requirements above.**

The envelope used to submit your Expression of Interest must be clearly marked as follows:

**COMPANY NAME:** \_\_\_\_\_

**EOI NO.** 9155-03-7283

**CLOSING DATE:** 12:00 Noon, (local time), July 14, 2003

**DELIVER TO:** Chief Financial Officer and Treasurer  
Finance Department  
Purchasing and Materials Management Division  
18th Floor, West Tower, City Hall  
100 Queen Street West  
Toronto, Ontario M5H 2N2

If respondents require further information or have inquiries related to the content and technical nature of this REOI, please contact:

**Technical Information:**

Name: Guy Perry  
Title: Sr. Engineer, Systems Analysis  
Phone: 416-397-0206  
E-mail: gperry@toronto.ca

**Purchasing & Administrative Information:**

Name: Marni French  
Title: Senior Buyer  
Phone: 416-397-4804  
E-mail: mfrench2@toronto.ca

All official correspondence must be directed to the appropriate individual identified above. Information obtained from any other source is not office any may be inaccurate.

For general information about the City of Toronto and its waste management system and services, please consult the City's web site at <http://www.city.toronto.on.ca/wes/techservices/involved/swm/net/>

**NOTES:**

- 1) EOI submissions by facsimile or email are not acceptable.
- 2) The respondent has the opportunity to submit its EOI in an electronic and/or digital format in addition to the hard copy format required by the City. For greater clarity, the hard copy submission will be recorded as the bona fide submission in response to this REOI.
- 3) Competitive bid calls including Tenders, RFQ, RFP, RFS and REOI's are advertised on the City of Toronto Website at <http://www.toronto.ca>.
- 4) The City **is not requesting any commercially sensitive information** through this REOI. The City **intends to make public the information** submitted in response to this REOI. Therefore, if a respondent considers requested information to be commercially sensitive, the respondent should consider withholding the information and indicate this in the applicable section of the submission.
- 5) Other municipalities in the region have indicated they are monitoring the City's investigation of new and emerging technologies, policies and practices for residual waste management, including this REOI. Therefore, the City intends to share the information from REOI submissions with these municipalities.
- 6) A respondent/proponent is required to ensure that no communication is made by the respondent/proponent or its representatives, including a third party representative employed or retained by it to promote its proposal or oppose any competing proposal ("**lobbying**") unless such communication, relating to all meetings, written correspondence and telephone discussions that the respondent/proponent or its representatives have had with any Member of Council, City employee, appointed member of any City board, agency, commission, task force, or related organization, is disclosed to the City Clerk. A communication for the purpose of this requirement does not include a communication to the authorized City project contact person.

For the purpose of meeting this requirement, the form entitled "**Lobbying Disclosure Form**" included in **Appendix A – City of Toronto Purchasing Policies** should be completed and submitted to the City Clerk prior to award. In the event the respondent/proponent does not submit the form, the respondent/proponent will be deemed to represent that no lobbying has been carried out by the respondent/proponent or its representatives. Respondents/proponents are advised that non-compliance with this requirement may affect the award of future contracts. In particular, City Council has adopted a policy, which provides in part, as follows:

Where a Respondent or Proponent has not fully disclosed Lobbying in accordance with this policy, or made false or misleading statements in any disclosure form filed with the City Clerk, any Proposal or Bid received from the Respondent or Proponent, as the case may be, shall not be considered for award in any further Request or Call for a period of one year from the time of such non-disclosure or false disclosure coming to the attention of the Purchasing Agent, unless such Proposal or Bid is approved by Council pursuant to a report from the Purchasing Agent setting out the extent and nature of any non-disclosure or false or misleading disclosure.

Respondents/proponents are also advised that the City Clerk will provide the disclosure information contained in the form upon request to any members of Council, City staff or the public and will post the disclosure information on the City's Web site.

City Council reserves the right to invoke a "prohibition" requirement or "no lobbying" provision to the effect that a respondent/proponent and representatives employed or retained by it can only make representations and present their arguments advancing or opposing a proposal in a public deputation to Committee or Council under the provisions of the City's Procedural By-law, or to the media, and any contact party identified in an REOI/RFP.

- 7) Confidentiality of records and information relating to this work must be maintained at all times. All correspondence, documentation and information provided by City staff to any respondent in connection with, or arising out of this REOI or the acceptance of any response to this REOI:
  - (a) remains the property of the City;
  - (b) must be treated as confidential.

All correspondence, documentation and information provided to staff of the City by any respondent in connection with, or arising out of this REOI, and the submission of any response to this REOI will become the property of the City, and as such, subject to the Municipal Freedom of Information and Privacy Protection Act (MFIPPA), and may be released, pursuant to the Act. The respondent's name at a minimum, shall be made public on request.

Because of MFIPPA, respondents are advised to identify in their submission material of any scientific, technical, commercial, proprietary or similar confidential information, the disclosure of which could cause them injury.

Any information in the submission material which is not specifically identified as confidential will be treated as public information.

- 8) An Addendum, should one be necessary, will be issued to all companies that were issued the REOI. Only answers to issues of substance will be sent out to all respondents. The City reserves the right to revise this REOI up to the REOI Submission Date. Any revisions shall be included in Addenda to the REOI distributed to all respondents. When an Addendum is issued the City may change the date for submitting EOI's if, in its opinion, more time is necessary to enable respondents to revise their EOI. The Addendum shall state any changes to the REOI Submission Date. All respondents should acknowledge receipt of REOI documents and all Addenda in their EOI submission.
- 9) The City will not be liable for, nor reimburse any respondent for costs incurred in the preparation, submission or presentation of any EOI, for interviews, or any other activity that may be requested as part of this REOI process.
- 10) Any oral statements, instructions, or representations made by City staff shall not be binding on the City.



**EXPRESSION OF INTEREST SUBMISSION FORM**

**REOI No. 9155-03-7283**

**Provision of New and Emerging Technology for Management of Residual Municipal Solid Waste**

**CLOSING: 12:00 NOON (local time) July 14, 2003**

I/WE HEREBY SUBMIT MY/OUR EXPRESSION OF INTEREST FOR THE PROVISION OF THE GOODS AND/OR SERVICES AS DESCRIBED WITHIN THE REQUEST FOR EXPRESSION OF INTEREST DOCUMENT FOR THE ABOVE NAMED PROJECT.

I/WE HAVE CAREFULLY EXAMINED THE DOCUMENTS AND HAVE A CLEAR AND COMPREHENSIVE KNOWLEDGE OF THE REQUIREMENTS AND HAVE SUBMITTED ALL RELEVANT DATA.

ACKNOWLEDGE RECEIPT OF ADDENDA BY NUMBER AND ISSUE DATE:

ADDENDA NO. \_\_\_\_\_ DATED \_\_\_\_\_

ADDENDA NO. \_\_\_\_\_ DATED \_\_\_\_\_

ADDENDA NO. \_\_\_\_\_ DATED \_\_\_\_\_

ADDENDA NO. \_\_\_\_\_ DATED \_\_\_\_\_

**SUBMITTED BY:**

\_\_\_\_\_  
(VENDOR'S COMPLETE LEGAL NAME)

ADDRESS: \_\_\_\_\_ TELEPHONE NO. \_\_\_\_\_

\_\_\_\_\_ FAX NO. \_\_\_\_\_

\_\_\_\_\_ DATE: \_\_\_\_\_

\_\_\_\_\_  
**SIGNATURE OF AUTHORIZED SIGNING OFFICER**

\_\_\_\_\_  
**PRINTED NAME OF SIGNING OFFICER**

**THIS FORM MUST BE SIGNED AND SUBMITTED WITH YOUR EXPRESSION OF INTEREST OR YOUR SUBMISSION MAY BE DECLARED INFORMAL.**

**FOR YOUR CONVENIENCE YOU MAY AFFIX THIS ADDRESS LABEL TO THE ENVELOPE CONTAINING YOUR SUBMISSION.**

.....**CUT HERE**.....

**FIRM NAME:** \_\_\_\_\_

**REOI No. 9155-03-7283**

**PROVISION OF NEW AND EMERGING TECHNOLOGY FOR MANAGEMENT OF RESIDUAL MUNICIPAL SOLID WASTE**

**CLOSING: 12:00 Noon, (local time), July 14, 2003.**

**TO: CHIEF FINANCIAL OFFICER AND TREASURER  
FINANCE DEPARTMENT  
PURCHASING AND MATERIALS MANAGEMENT DIVISION  
18TH FLOOR, WEST TOWER, CITY HALL  
100 QUEEN STREET WEST  
TORONTO, ONTARIO M5H2 2N2  
CANADA**

.....**CUT HERE**.....

**NOTE:**

**SHOULD YOU DECIDE TO USE YOUR OWN RETURN ENVELOPE IN LIEU OF THE LABEL PROVIDED ABOVE, THE FRONT OF YOUR ENVELOPE SHOULD INDICATE ALL OF THE INFORMATION SHOWN ON THE ABOVE LABEL.**

**PURCHASING AND MATERIALS MANAGEMENT CANNOT BE HELD RESPONSIBLE FOR DOCUMENTS SUBMITTED IN ENVELOPES THAT ARE NOT LABELLED IN ACCORDANCE WITH THE ABOVE INSTRUCTIONS.**

**IF YOU HAVE ANY QUESTIONS PLEASE CONTACT THE PURCHASING AGENT REFERRED TO IN THE REOI DOCUMENT.**

## TABLE OF CONTENTS

Notice to Potential Vendors.....	1-3
Expression of Interest Submission Form.....	4
Return Label .....	5
Table of Contents .....	6
1.0 Introduction .....	7
1.1 Background .....	7
1.2 Purpose of REOI .....	7-8
1.3 Scope of REOI.....	8-9
1.4 Overview of Procurement Process .....	9-10
1.5 Environmental Assessment .....	10
2.0 Waste Streams to be Treated .....	11
2.1 Sources and Quantities of Residual Waste .....	11
2.2 Residual Waste Composition .....	12
3.0 EOI Submission Content.....	13-15
3.1 EOI Submission Requirements .....	15
3.1.1 Submission Copies .....	15-16
3.1.2 EOI Format – Detailed Requirements .....	17
4.0 Proposed RFQL and RFO Screening and Evaluation Criteria .....	18
4.1 Proposed RFQL Screening Criteria (For Respondent’s Comment) .....	18-20
4.2 Proposed RFP Evaluation Criteria (For Respondent’s Comment).....	20-21
4.3 Testing and Measurement Protocols for Reporting Operating Data .....	22
 <b>APPENDICES</b>	
Appendix “A” City of Toronto Purchasing Policies .....	23-42

## **1.0 INTRODUCTION**

### **1.1 Background**

In October 2, 2001, Toronto City Council adopted the staff report entitled “Implementation of a Three-Stream System and Other Recommendations of the Waste Task Force 2010”, which set forth a plan to achieve a diversion rate of 42 percent through the introduction of a source separated organics program in addition to existing diversion programs. To reach City Council’s targets for diversion from landfill of 60 percent by 2006 and 100 percent by 2010, the report advised that “new and emerging technologies to divert additional municipal solid resources will need to be implemented.”

The City of Toronto (City) currently has a range of diversion programs, including a Blue and Grey Box program for recyclable containers and paper materials, and a yard waste composting program and many other programs and initiatives. Together these programs achieve approximately 30 percent diversion. The City is in the process of rolling out a source separated organics collection program (the Green Bin) to all single-family households, which will increase diversion significantly.

An advisory group composed of Toronto’s citizens and environmental experts was established in February 2003 to guide a review of approaches to manage the 40 percent of the City’s waste stream remaining as residual waste after achieving the 60 percent diversion goal. Specifically, the Advisory Group is to consider and recommend appropriate *new and emerging technologies, policies and practices* that could divert the City’s residual waste from landfill.

In March 2003 Council directed the Commissioner of Works and Emergency Services (the Commissioner) to issue a Request for Expressions of Interest (REOI) for the provision of such new and emerging technologies. By issuing this REOI the City is seeking information to help the Advisory Group and staff to make recommendations on selecting and procuring new and emerging technology(ies) for managing its residual waste. The REOI is the first stage of a planned three-stage process and will be followed by a Request for Qualification (RFQL) and subsequent Request for Proposal (RFP). Council has directed the Commissioner to report in September 2003 on the results of the REOI and details of a forthcoming RFQL and RFP. Council also has directed the Commissioner to report on recommendations for a work-plan and timeframe for an environmental assessment (EA) of new systems for residual solid waste management.

### **1.2 Purpose of REOI**

The purpose of this REOI is fourfold:

1. To identify potential vendors of new and emerging technologies as well as proven (operating commercial scale) technologies to manage the City’s residual municipal solid waste;
2. To signal to the marketplace the intention of the City to issue requests for qualifications (RFQL) and proposals (RFP) for such technologies;
3. To solicit information from potential vendors to help define system options and goals; and
4. To provide an opportunity for potential vendors to comment on the RFQL and RFP stages of the procurement process.

This REOI is intended for information only. Firstly, it provides information about the City’s intention to issue an RFQL and subsequent RFP for the provision of new and emerging and/or proven technologies for managing residual municipal solid waste. Secondly, it seeks information on potential vendors of such technologies in order that the City can appropriately specify its requirements; provide sufficient information for vendors to prepare proposals in response to the RFP; and allow the City to effectively evaluate proposal submissions.

Therefore, **Section 4 – Proposed RFQL AND RFP Screening and Evaluation Criteria** of this REOI provides preliminary information on the screening and evaluation criteria that the City is contemplating it will apply at the RFQL and RFP stages. It is expected that based on the EOI submissions and subsequent work of the Advisory Group and staff, these criteria may be modified and refined. **The City is seeking comments from potential vendors regarding these criteria in their EOI submissions.**

### 1.3 Scope of REOI

New and emerging technologies as well as proven technologies are being sought to process the residual municipal solid waste remaining **after** source separation diversion programs. . They may incorporate a broad range of *physical, biological, chemical and/or advanced thermal processes* and must divert the majority of a mixed residual waste feed from landfill.

With this REOI the City would like to identify potential vendors of such new and emerging technologies that are currently at least at the pilot stage (small scale, experimental). The City would like to know the stage of development of the technologies and the potential for scale-up and commercialization.

The City also would like to consider proven technologies. However, it is **not** interested in either incineration technologies or landfill capacity for management of this residual solid waste stream. This is due to commitments made through an existing contract for the haulage and disposal of residual solid waste and due to Council’s stipulated policy of achieving 100 percent diversion from landfill by 2010.

By implementing such processes to manage residual municipal solid waste remaining **after** source separation diversion programs, the City is seeking to improve the environmental performance of the waste management system. It intends to evaluate alternative technologies within the waste management system with respect to lifecycle inventory.

At subsequent stages of the procurement process, the City may solicit proposals only for complete systems to process a mixed waste stream and divert it from landfill. However, at this stage, in order to identify the broad range of technologies that could potentially be implemented, the City also would entertain EOI’s about technologies that could form part of a complete system for mixed residual waste management. For example the City would be interested to know about innovative physical treatment processes that could separate market quality recyclable materials or upgrade the mixed residual waste for further biological, chemical or thermal processing.

This information will be used to help further define system options and goals that will be the basis for specifying the RFQL and the RFP. If the City decides to seek submissions for complete systems only, vendors of individual components of a system would be required to form joint ventures or consortia.

For the purpose of preparing submissions to this REOI, respondents should consider the following definitions for terms used by the City to describe what it is seeking.

**Residual Waste Management System:** Receives residual waste as collected and converts the waste into market products and emissions to the environment, such as atmospheric emissions, or to a separate environmental management system such as a landfill or municipal wastewater treatment system. Systems generally are comprised of a number of components.

**System Component:** One of a number of connected, discrete sub-systems in a residual waste management system. System components can be defined by purpose, such as environmental control, waste processing, etc., or by nature of the operation, i.e. physical, chemical or biological. System components are interconnected within a residual waste management system such that the output of one component is the input to a subsequent component. System components are comprised of technologies, grouped into unit operations.

**Technology:** The application of specific scientific or engineering principles to achieve a discrete change in the physical, chemical or biological characteristics of the material. Typically, technologies are comprised of a number of unit operations. For example a technology that converts waste by aerobic biological decomposition would include unit operations of biological conversion, aeration and mixing.

It is expected that a minimum capacity for such a system would be required as part of the RFQL and RFP. The City has been considering a capacity range for any system of between 50,000 and 200,000 tonnes per annum but any required minimum level will be assessed based on the EOI submissions received.

#### **1.4 Overview of Procurement Process**

Toronto City Council has directed staff to report in September 2003 on the results of this REOI and the proposed content, requirements and timeframe for a request for qualifications (RFQL). In addition to reporting on the REOI and RFQL, Council has directed to staff to report on a work-plan and timeframe for an environmental assessment (EA) of new systems for residual waste management.

Council also has directed staff to report in January 2004 on the results of the RFQL and the proposed content and requirements for a RFP. However, the actual timing of this will depend on the timing of an RFQL.

**There will be no screening or systematic evaluation and ranking of vendors at this stage of the procurement process. This REOI is not a pre-qualification stage. Vendors will not be restricted from submitting qualifications on the basis of submissions to this REOI. Moreover, vendors will not be restricted from submitting qualifications in response to the RFQL because they did not submit an EOI.**

However, it is anticipated that respondents submitting substantially complete the EOI by the specified deadline will be invited to participate in a forum to present their technology or process to City staff, politicians and the Citizen and Expert Advisory Group (Advisory Group). The Advisory Group is assisting staff and politicians to develop recommendations about the selection of technologies to manage the City's residual waste. The format of the forum will depend on the number and type of EOI submissions received.

Screening criteria will be applied to submissions at the RFQL stage. RFQL submissions will either meet or fail these criteria. Those that pass will be invited to submit proposals at the RFP stage. Those that fail to meet the criteria will not be considered further. Evaluation criteria will be applied to proposals submitted in response to the RFP. Proposals will be evaluated and ranked and recommendations would then be made to City Council regarding award of contracts. This two-step RFQL/RFP process may be modified or refined based on the EOI submissions and subsequent work of the Advisory Group and staff. This process is summarized in **Table 1**. Please note that the project steps and schedule may be affected by Council direction regarding the EA and subsequent planning process.

**Table 1 - Proposed Procurement Process**

<b>Stage</b>	<b>Date</b>	<b>Requirements</b>	<b>Outcome</b>
REOI	May 2003	<ul style="list-style-type: none"> <li>- Information only</li> <li>- Vendors of complete systems or individual components may submit EOI</li> <li>- Vendors provide technology descriptions</li> <li>- Vendors can comment on RFQL/RFP stages</li> </ul>	<ul style="list-style-type: none"> <li>- No Screening or Evaluation</li> <li>- Report to Council in September 2003 on results of REOI and recommendations re RFQL</li> </ul>
RFQL	To be determined. Recommendations to Council in Sept. 2003	<ul style="list-style-type: none"> <li>- Vendors provide detailed vendor capabilities</li> <li>- Vendors provide technology descriptions</li> <li>- Complete systems likely required</li> </ul>	<ul style="list-style-type: none"> <li>- Screening of submissions</li> <li>- Pass/Fail</li> <li>- Submissions which pass invited to participate in the RFP process</li> <li>- Submissions which fail not considered further</li> <li>- Report to Council on results and recommendations re RFP</li> </ul>
RFP	To be determined	<ul style="list-style-type: none"> <li>- Proponents provide detailed proposals</li> <li>- Proponents provide detailed operating data, certified</li> <li>- Likely proponents of complete systems only – joint venture or consortia if necessary</li> <li>- To be confirmed whether complete systems required</li> </ul>	<ul style="list-style-type: none"> <li>- Screening of submissions</li> <li>- Pass/Fail*</li> <li>- Submissions which pass will be evaluated</li> <li>- Ranking of submissions</li> <li>- Report to Council on results and recommendations re award</li> </ul>

\* Note: The City will also re-verify the information provided by respondents at the RFQL stage to ensure that the pre-qualification criteria were/are satisfied.

## **1.5 Environmental Assessment**

City staff has been advised by the staff of the Ministry of the Environment (MOE) that due to the fact that the City of Toronto is considering “new and emerging” technologies, the planning process should proceed under the Province of Ontario’s Environmental Assessment Act as an individual EA. Ministry staff have also advised that an individual EA will be required whether the City itself, the project proponent or a private sector firm(s) has responsibility for acquiring approvals under the Environmental Assessment Act. In September 2003, the Commissioner has been requested to submit a report to Council on the results of the REOI and the proposed content and requirements of the RFQL and on a work-plan and timeframe for the EA process.

The direction provided by City Council as a result of its consideration of that report may affect the project schedule and the steps identified in **Section 1.4 - Overview of Procurement Process**, and the subsequent planning process and associated requirements.

## 2.0 WASTE STREAMS TO BE TREATED

### 2.1 Sources and Quantities of Residual Waste

New and emerging technologies are being sought for the management of the City's residual municipal solid waste remaining after source separation diversion programs, which are targeted to achieve 60 percent diversion by the year 2006. Diversion programs include:

- Blue and Grey Box programs for recyclable containers and paper materials
- on site organics management such as grasscycling and backyard composting
- yard waste composting
- source separated household organics (primarily food and low grade paper) to all single-family households
- source separated organics from apartment buildings
- household hazardous waste (HHW) diversion programs
- white goods collection, and
- other diversion programs currently implemented and to be implemented between 2003 and 2006.

Only residual waste managed by the City will be treated by technologies secured through this process. The City manages residual waste from the following sources:

- single-family households and multi-family buildings, e.g. apartments
- the City's agencies, boards, commissions and departments (ABC&Ds), and
- small commercial businesses (restaurants, green grocers and retail stores) collected by the City.

The estimated quantities of residual solid waste to be managed are shown in **Table 2**. These quantities are estimates and actual quantities will depend on future waste generation rates and the success of new and existing diversion programs. The quantity of residual mixed waste requiring management may be lower if diversion programs, policies and practices exceed the 60 percent diversion target.

Moreover, it is important to note that the amount of waste that would be delivered to a facility on a given day varies significantly according to seasonal affects, and in the longer term due to changing waste generation patterns. Any facility will have to cope with such variation. Projections of residual waste quantities in years beyond 2010 will be provided at the RFQL and RFP stage.

Generally, both large apartments and the small commercial waste are collected separately. At this time, waste from single-family households, some of the waste from the City's ABC&Ds and some smaller apartments are generally collected together.

**Table 2** - Estimated Quantities and Sources of the City of Toronto's Residual Solid Waste, Net of 60% Diversion (tonnes per annum)

Source	Year	2007	2010	2012
Residential Single-Family households		209,000	212,000	214,000
Residential Multi-Family households (e.g. apartments)		170,000	175,000	179,000
ABC&D		30,000	30,000	30,000
Small Commercial		10,000	10,000	10,000
	<b>Total</b>	<b>419,000</b>	<b>427,000</b>	<b>433,000</b>

## 2.2 Residual Waste Composition

**Table 3** shows the estimated composition of the residential residual waste stream. These estimates are based on recent waste audits conducted by the City. Additional waste audits may be conducted prior to issuing an RFP in order to confirm and refine these figures. Additional material categories may be provided at that time. The actual composition of the waste stream may be different than shown in **Table 3** and will depend on the nature and success of diversion initiatives. It also will vary throughout the year and over time according to seasonal affects and evolving patterns of waste generation.

The composition of single-family household and apartment residual waste streams may differ particularly in the proportion of organic materials. The proportion of organic material in apartment residual waste may be greater than in that of single-family households if apartment organic diversion programs are less successful than similar programs for single-family households.

ABC&D and small commercial waste may be somewhat different in composition to residential waste, but the affect on the overall waste composition when collected together would be negligible since they represent relatively small quantities and since they contain similar waste materials and have access to similar diversion programs. Currently, most ABC&D waste is collected together with the residential waste stream.

**Table 3** - Estimated Proportion of Materials in the City of Toronto’s Residential Waste Stream

Material Category	Material in Residential Waste (weight %)
Paper Fibre	30 - 40
Plastic	10 – 17
Glass	4 – 5
Metal	3 – 4
HSW (household special waste)	<1
Organics (incl. food & yard waste)	20 – 33
Other (incl. items below)	10 – 17
Textiles	2 – 3
Building & Renovation	5 – 8
Diapers & Sanitary Products	2 – 4
Furniture & Bulky Goods	<2

In addition to material waste audits, the City will conduct a series of lab tests to determine physical and chemical properties of the residual waste stream. These tests might include the following:

- elemental – carbon, oxygen, hydrogen, nitrogen, sulfur, metals and halogens
- moisture, volatiles, fixed carbon and ash content
- energy content, and
- ash analysis – major oxides content

In the EOI submissions respondents are encouraged to outline what additional specific information about waste composition would be helpful for the purpose of preparing proposals in response to the RFP.

### 3.0 EOI SUBMISSION CONTENT

The City is looking for information about new and emerging technologies and proven technologies to identify system options and goals. Therefore, at this stage the City is looking only for information of a general nature and is not intending to solicit proprietary or otherwise commercially sensitive information. Detailed quantitative information is not required in the EOI. The information submitted in response to this REOI will be made public.

Respondents are asked to provide information in the following 10 areas:

#### 1. Description of Technology

For the purpose of this REOI, systems or system components are to be identified by the technology that achieves the most significant change in the waste stream. For example, a system that is comprised of a front-end physical separation process to remove recyclables followed by a gasification process would be categorized as a gasification system.

Respondents also should categorize the major component(s) of the proposed system as physical, biological, chemical or advanced thermal. They should indicate whether the proposed process would be a component in a system or whether it represents a complete system for residual waste management.

If a respondent is proposing a component of a system, the respondent should describe how the system might be incorporated into a complete system to divert a stream of mixed solid waste stream from landfill. The respondent should describe the requirements for preparing the waste prior to the proposed process as well as the requirements for processing after the proposed process.

The respondent should provide a comprehensive description of the system or system component, covering all of:

- The major components and unit operations, indicating the status of development of each component
- A general process flow diagram, showing each system component
- All consumables required, e.g. energy, amendment materials, oxygen, etc. at each stage
- Key process conditions<sup>1</sup> at each stage, e.g. pressure, temperature, moisture content, etc.
- Environmental controls, and
- For thermal processes, a description of how the process is different from incineration.

#### 2. Feedstock Specifications

Recognizing that the City is seeking processing capacity for *mixed municipal residual solid waste* with a composition profile as defined in **Section 2 - Waste Streams to be Managed**, respondents should describe the specifications for the feed waste stream, addressing:

- In what form must the feed waste be delivered, e.g. particle size, manageable variation, moisture content and any limits on specific materials;
- Whether the process can receive raw unprocessed residual solid waste delivered loose or compacted, and;
- Whether additional preprocessing would be required to prepare waste prior to delivery.

---

<sup>1</sup> The City is looking for general information, i.e.; the City is not looking for a mass and energy balance at this REOI stage.

### **3. Products, Markets and Emissions**

#### ***Products***

List all products of the proposed process, including both material and energy. Identify the proposed market for each product. Indicate the status of the market for Toronto's waste, for example:

- Well-developed market readily available for Toronto;
- Proven market, but availability in Toronto uncertain, or;
- Early stages of market development; market research and development required for Toronto.

#### ***Emissions***

List all emissions, including gaseous, liquid and solid emissions. Include solid residuals for which no markets exist. Consider all system components, including pre-processing, processing, product preparation and environmental controls, etc.

Respondents should note that subsequent to the release of the REOI and prior to the release of the RFQL, the City intends to post on its website the types of testing and measurement protocols that will be required for reporting of products, emissions and other operating data as part of qualifications and proposal submissions.

### **4. Existing Applications of the Proposed Technology**

Respondents should identify any current applications of the proposed technology. For each case identified please provide:

- The scale, e.g., bench, pilot, demonstration, commercial
- Design and actual operating throughput (tonnes per hour, tonnes per day, etc.)
- Source and type of feedstock
- Status, i.e., whether plant is operating or under construction
- Operating history, i.e., date commissioned, period of operation
- Location of each application, and
- A list of any partners in each project, indicating whether they are providing equipment, financing, expertise or markets.

### **5. Commercialization Plans**

Respondents should describe plans for commercialization of pilot technology. Identify any planned facilities for waste other than that of the City of Toronto, describing the status of the plans. Identify any partners in these projects, indicating whether they are providing equipment, financing, expertise or markets. Comment on how the City's requirements for residual waste processing would be compatible with the respondent's plans for commercialization.

### **6. Proposed Capacity**

Recognizing the quantity of mixed residual waste requiring management, respondents are requested to indicate the preferred capacity or range of capacity for the proposed system or system component. Indicate whether the potential exists for modular expansion of the capacity. If so, indicate the minimum modular expansion capacity.

If the technology represents a part of a system to manage mixed residual waste, indicate the range of design throughput for the proposed technology. State the preferred capacity or range of capacity of the technology and the requirements for pre-processing of the waste and for processing after the proposed operation.

The respondent should indicate the approximate **footprint** of the proposed system, and if there is potential for modular expansion, the footprint of the minimum modular expansion unit.

## **7. Preferred Approach to Implementation**

The City would be interested in knowing any preferred model for implementing the proposed process, with regards to:

- Ownership of the facility
- Operation of the facility, and
- Responsibility for approvals

Depending on the approach to the environmental assessment (EA) and approvals processes adopted by the City, siting may be considered either after selection of a system or sites may be considered in the initial evaluation of proposals. The City may offer sites at that time and may consider sites proposed by vendors. However, **the City does NOT want respondents to identify any sites at this REOI stage.**

## **8. Corporate Information**

Please provide the following corporate information:

- Company and parent company names
- Country of incorporation
- Technology/process name and any patents and their status
- Contact information – names, address, phone, fax, e-mail, etc.

## **9. Comments on Screening and Evaluation Criteria for the RFQL and RFP**

The City is offering respondents an opportunity to comment on the City's anticipated requirements for the subsequent procurement stages, i.e., RFQL and RFP. Specifically, **Section 4 – Proposed RFQL and RFP Screening and Evaluation Criteria** of this REOI presents the proposed screening and evaluation criteria by which the City intends to qualify RFQL submissions and evaluate RFP submissions. These criteria are presented for comment only. There will be no screening and formal evaluation of REOI submissions. The City would like respondents' comments on any of the proposed criteria described in **Section 4.**

## **10. Additional Information Required to Prepare Proposals in Response to the RFP**

Please provide specific information not addressed in this REOI that would help respondents to prepare detailed proposals for the provision of new and emerging technologies to manage the City's residual mixed municipal solid waste. The City, at its sole discretion, will consider whether the information will be provided as part of the RFQL and/or RFP documents.

### **3.1 EOI Submission Requirements**

#### **3.1.1 Submission Copies**

Respondents should submit **1 Original and 9 Copies** of their EOI in a sealed envelope displaying the return address supplied with this REOI. The original copy of your EOI should contain the signed Expression of Interest Submission Form. Deliver the completed package prior to 12:00 noon on July 14, 2003 to:

Chief Financial Officer and Treasurer  
Finance Department  
Purchasing and Materials Management Division  
18<sup>th</sup> Floor, West Tower, City Hall  
100 Queen Street West  
Toronto, ON M5H 2N2

EOI Submissions should include the following:

1. Signed **Expression of Interest Submission Form** with original signature(s)
2. Covering letter with original signature(s)
3. Any additional documentation considered applicable and highly relevant by the respondent

EOI submissions will be opened immediately after 12:00 noon in the Public Bid Opening Room on the 18<sup>th</sup> Floor, West Tower, City Hall, Toronto. Only the names of respondents that submitted EOI's will be read out.

### **3.1.2 EOI Format – Detailed Requirements<sup>2</sup>**

Using **Section 3.0 – EOI Submission Content** as a guide for the information that is required by the City, EOI submissions should be prepared according to the following headings:

#### **1. Description of Technology**

- 1.1 Category of System and of major System Component(s) (physical, biological, chemical or advanced thermal)
- 1.2 Complete System or Individual Component of a System
  - How Incorporated into a Full System (if a component of a system) - Pre-processing Required and Post-processing Required
- 1.3 General Description (identifying all stages, conditions, etc.)
- 1.4 Consumables Required (e.g. fuel, oxygen, water, etc.)
- 1.5 Environmental Controls
- 1.6 Difference from Incineration (if process is in thermal category)

#### **2. Feedstock Specifications**

#### **3. Products, Markets and Emissions**

- 3.1 Products
- 3.2 Status of Markets
- 3.3 Emissions

#### **4. Existing Applications of the Proposed Technology**

Current Applications, showing in each case:

- Scale (e.g. bench, pilot, demonstration, commercial)
- Throughput - design and actual operating throughput (tonnes per hour, tonnes per day, etc.)
- Feedstock - Source and Type
- Status (e.g. operating, under construction, etc.)
- Operating History - date commissioned, period of operation, etc.
- Location
- Partners (indicating whether they are providing equipment, financing, expertise or markets, etc.)

#### **5. Commercialization Plans**

#### **6. Proposed Capacity**

- 6.1 Proposed Capacity – Mixed Solid Waste (of system, or if component of a system, range of design throughput)
- 6.2 Potential for Modular Expansion (indicating minimum capacity of expansion module)
- 6.3 Footprint of facility – proposed & modular unit (if applicable)

#### **7. Preferred Approach to Implementation**

- 7.1 Ownership
- 7.2 Operation
- 7.3 Approvals

#### **8. Corporate Information**

- 8.1 Company Name (Include parent company if applicable)
- 8.2 Country of Incorporation
- 8.3 Technology Name & Patent Information (if applicable)
- 8.4 Contact Information – names, address, phone, fax, e-mail, etc.

#### **9. Comments on Proposed Screening & Evaluation Criteria**

#### **10. Additional Information Required to Prepare Proposals**

---

<sup>2</sup> All text should be in English, the font size of all text must be a minimum 10-point and all tables, figures and diagrams should be referenced in the text of the EOI submission.

## 4.0 PROPOSED RFQL AND RFP SCREENING AND EVALUATION CRITERIA

This REOI is intended for information only. There will be no screening or systematic evaluation and ranking of vendors at this stage of the procurement process.

Screening criteria will be applied to submissions at the RFQL stage. RFQL submissions will either meet or fail these criteria. Only respondents that have satisfied ALL the screening criteria at the RFQL stage will be invited to submit proposals in response to the RFP.. Those that fail to meet the criteria will not be considered further. Proposals will not be accepted from respondents that have not successfully passed the RFQL stage.

The evaluation criteria will be applied to proposals submitted in response to the RFP. Proposals will be evaluated and ranked and recommendations would then be made regarding award of contracts.

This two-step RFQL/RFP process may be modified or refined based on the EOI submissions and subsequent work of the Advisory Group and staff.

**The City is seeking comments from potential vendors regarding these proposed screening and evaluation criteria.**

### 4.1 Proposed RFQL Screening Criteria (For Respondent's Comment)

Proposed screening criteria cover two broad areas:

1. Technical and Operational Capability, and
2. Respondent Capability to Execute Project.

The City invites comments from potential vendors about the following proposed RFQL screening criteria:

<b>1. Technical and Operational Capability</b>
<ol style="list-style-type: none"><li>1. Experience operating at pilot scale under following conditions<ul style="list-style-type: none"><li>- <b>Scale</b> - Minimum design throughput of about 40 kg/hr or equivalent to about 1 tonne per day</li><li>- <b>Operating Period</b> - At least 1 year of operation, demonstrating ability to operate at up to 75 percent of design capacity, with</li><li>- <b>Feedstock</b> - Residual municipal solid waste feedstock similar in composition to that shown in <b>Table 3</b> for Toronto</li></ul></li></ol> <p><b>Respondent will have to provide:</b></p> <ul style="list-style-type: none"><li>- operating data demonstrating operation under stated conditions</li><li>- independent verification of operating data by a 3<sup>rd</sup> party engineering firm</li><li>- comments by a 3<sup>rd</sup> party engineering firm on scalability and commercialization to capacity proposed in submission</li></ul>
<b>2. Proposed Capacity</b>
<ul style="list-style-type: none"><li>- <b>Contract Capacity</b> - Proposed processing capacity between some minimum likely to be specified and 400,000 tonnes per year of mixed municipal residual solid waste of similar composition to that of Toronto, <b>Table 3</b>.</li><li>- <b>Minimum Facility Capacity</b> – City will likely specify a minimum design capacity (tonnes per annum) for each facility handling mixed residual waste feedstock</li><li>- <b>Maximum Facility Capacity</b> - Design capacity of each facility handling mixed residual waste feedstock to be no more than 200,000 tonnes per annum</li></ul> <p><b>Note:</b></p> <ul style="list-style-type: none"><li>- In this REOI the City is looking for EOIs about technologies that are either complete systems or that could form part of a system to manage mixed residual waste.</li><li>- The City will subsequently decide whether it will be seeking complete systems for managing a mixed waste</li></ul>

feed in its RFQL and RFP.

- If the City at its sole discretion decides to specify complete systems only, vendors of individual components of a system will at their option be required to form joint ventures or consortia.
- The City has been considering a minimum capacity of 50,000 tonnes per annum, but the requirement for a minimum capacity will be reassessed based on the results of this REOI.

### 3. Meet Ontario Regulations

- **Compliance with Regulations** - The process must meet all applicable environmental compliance and waste management regulations in Ontario. This would include for example but not be limited to:
- **Environmental Protection Act (EPA)**
  - General – Waste Management O.Reg.347/90
  - Recycling and Composting of Municipal Waste, O. Reg. 101/94
  - Waste Disposal Sites and Waste Management Systems Subject to Approval Under the Environmental Assessment Act, O.Reg. 206/97
  - General - Air Pollution, O.Reg. 346/90
  - Airborne Contaminant Discharge Monitoring and Reporting, O.Reg. 127/01
  - Ambient Air Quality Criteria O.Reg. 337/90
- **Environmental Assessment Act (EAA)**
  - Electricity Projects, O.Reg. 116/01
- **Ontario Water Resource Act (OWRA)** [Applicable only if discharging directly into a receiving water.]

**Note:**

Respondent will have to provide operating data demonstrating ability or potential to comply and an assessment by a 3<sup>rd</sup> party engineering firm verifying that their process would be able to meet regulations on scale-up to the proposed capacity.

### 4. Not Incineration

- Specific criteria will be developed to define incineration technologies to meet the City's requirements

**Note:**

- In this REOI the City is not interested in incineration technologies due in part to commitments made through an existing contract for the haulage and the disposal of residual solid waste.
- The following definition is taken from current disposal contract which was approved by Council in 2000: "An engineered process that uses combustion (i.e. thermal oxidative degradation), of the organic matter in solid waste where the molecular integrity of solid waste is broken down into volatile gases and such gases are destroyed through a process of rapid exothermic chemical reaction between an organic substance and oxygen under high temperature conditions in the presence of excess oxygen such that the end-products of the carbon and hydrogen present in the solid waste are in the form of carbon dioxide and water."

### 5. Not Landfill

- Specific criteria will be developed to define landfill to meet the City's requirements

**Note:**

- In this REOI the City is not interested in the provision of landfill capacity for the solid residual waste, due to commitments made through an existing contract for the haulage and disposal of residual solid waste and due to Council's stipulated policy of achieving 100 percent diversion from landfill by 2010.
- This applies even to solid residual that might remain after processing.

## 2. Respondent Capability

### 1. Financial Strength

- **Financial Record** – Good financial records demonstrated by audited financial statements
  - The respondent will have to provide audited financial statements or equivalent for previous 3 years or, if the respondent has not been operating this long, then the lead member of the consortia or team will have to provide such records
- **Capability to Execute Project** – Letter from respondent's financial institution stating that respondent has the financial capability to execute project
- **Ability to obtain Surety** – letter from bank or surety stating that respondent can obtain a letter of credit or bid bond
  - \$50,000 for capacity < 100,000 tonnes per year
  - \$100,000 for capacity > 100,000 tonnes per year
- **Ability to obtain Surety** – letter from bank or surety stating that respondent can obtain

<ul style="list-style-type: none"> <li>- an irrevocable letter of credit 20% of estimated contract value, or</li> <li>- a performance bond for 40% of estimated contract value</li> </ul>
<b>2. Insurability</b> <ul style="list-style-type: none"> <li>- <b>Insurability</b> – a letter from a recognized insurance company incorporated in Ontario stating that the respondent has ability to obtain liability insurance to a minimum of \$5 million if a contract is awarded</li> </ul>
<b>3. Incorporation in Ontario</b> <ul style="list-style-type: none"> <li>- <b>Incorporation in Ontario</b> – Respondent will have to provide proof that it is incorporated in Ontario</li> </ul>
<b>4. Signatures</b> <ul style="list-style-type: none"> <li>- <b>Signatures of Signing officers</b></li> <li>- Signing officer of each company participating in the submission must sign RFQL</li> </ul>

#### 4.2 Proposed RFP Evaluation Criteria (For Respondent’s Comment)

Several criteria will be used to evaluate and rank submissions to the RFP. Proposed evaluation criteria cover the following broad areas:

1. Technological Viability
2. Environmental Performance
3. Cost
4. Public Acceptability
5. Business and Environmental Practice, and
6. Risk and Uncertainty.

**The City invites comments from potential vendors about the following proposed evaluation criteria.**

<b>1. Technological Viability</b> <ul style="list-style-type: none"> <li>- <b>Development Status</b> – the stage of development of the technology, its potential for successful scale-up and commercialization within the City’s required timeframe</li> <li>- <b>Reliability</b> – the consistency of the operation, quality of products and compliance with environmental regulations, how the system responds to upsets</li> <li>- <b>Flexibility</b> – Ability of the process to handle varying composition and quantity on a daily and seasonal basis and in the long-term, how the system might be modified to accommodate changes to the waste stream</li> </ul> <p><b>Note:</b></p> <ul style="list-style-type: none"> <li>- Proponent will have to provide independently verified operating data including an evaluation of the scalability, the potential for commercialization, the performance of the environmental controls under upset conditions and comments about the flexibility of the system and how it might be modified to accommodate future feed changes</li> <li>- City staff must be able to visit any facilities, and</li> <li>- The proponent must be willing to test Toronto’s residual waste.</li> </ul>
<b>2. Environmental Performance</b> <ul style="list-style-type: none"> <li>- <b>Products</b> – demonstrated potential markets or agreements with end markets identified</li> <li>- <b>Emissions</b> – gaseous, liquid and solid emissions, odour, dust, noise and other nuisances as well as mitigation measures to be implemented</li> <li>- <b>Beyond compliance and in support of environmental agreements, including:</b> <ul style="list-style-type: none"> <li>- Great Lakes Water Quality Agreement (<a href="http://www.on.ec.gc.ca/glwqa">www.on.ec.gc.ca/glwqa</a>)</li> <li>- Stockholm Convention on Persistent Organic Pollutants (<a href="http://www.pops.int">www.pops.int</a>)</li> <li>- Statements may be required about compatibility and support of these agreements</li> </ul> </li> </ul> <p><b>Note:</b></p> <ul style="list-style-type: none"> <li>- The City intends to evaluate the proposed system within the waste management system as a whole with respect to lifecycle inventory.</li> <li>- Independently verified operating data will be required that identifies and quantifies, products and emissions, and the measurement methods</li> <li>- The City likely will require specific 3<sup>rd</sup> party assessments as to the ability of the system to exceed</li> </ul>

environmental regulations and support various environmental agreements.

### 3. Cost

- **Net Cost per tonne of raw feed** – includes capital, labour and operating cost less revenues for the sale of material and energy products
- **Requirements of City** – City resources required to implement project; implementation model and approvals required

**Note:**

- The City may specify different options for submissions, which would require different levels of information according to ownership and operation of the facility, e.g.:
- **For City-owned option**
  - **Capital Cost** – Capital cost of entire plant and all major components, if proposing City ownership
- **For City-operated option**
  - **Operating Cost and Revenues** – Labour and operating cost and revenues per tonne of raw feed if proposing a City operation
- **For private operation**
  - Minimum acceptable price for heat and power

### 4. Public Acceptability

- **Likelihood of public acceptability** – Specific criteria would be developed to assess the likelihood for public acceptability

### 5. Business and Environmental Practice

- **Track record of business practice with municipal and other clients**
- **Track record of environmental practice with environmental regulators**
- Specific criteria would be developed to define the City's measure of business and environmental track record

**Proponent likely will have to provide:**

- Letters from municipal clients stating that proponent has a track record of good business practice and that proponent has met commitments to any agreements
- Letters from environmental regulators stating that proponent has a track record of good environmental practice and that it is complying with all applicable environmental compliance and waste management regulations.

**Note:**

- These will be verified through the City's due diligence.

### 6. Risk and Uncertainty

- **Risk and uncertainty** with respect to
  - **Viable operation**
  - **Cost & City resources**
  - **Environmental performance, particularly compliance**
  - Specific criteria will be developed to assess the risk to the City and uncertainty in the performance of the technology

### **Siting**

Depending on the approach to the environmental assessment (EA) and approvals processes adopted by the City, siting may be considered either after selection of systems and technology or sites may be considered in the initial evaluation of proposals. The City may offer sites at that time and may consider sites proposed by vendors.

Notwithstanding that specific sites may not be considered in the initial evaluation of proposals it is anticipated that the footprint of proposed facilities will be considered in the evaluation of proposals.

**The City does NOT want respondents to identify sites at this REOI stage.**

### **4.3 Testing and Measurement Protocols for Reporting Operating Data**

The City intends to specify the types of testing and measurement protocols that will be required for reporting operating data, including products and emissions, etc. for the preparation of submissions in response to the RFQL and RFP. These protocols will be developed and posted prior to the call for RFQL and RFP. Potential vendors that are planning tests for the purpose of responding to the City of Toronto's RFQL and RFP should consult the City's website or contact the City to confirm the planned tests meet the City's requirements.



## City of Toronto Purchasing Policies

---

1. Re-employment of Former Employees after Reorganization (2 pages)
2. Declaration of a Non-Discrimination Policy (2 pages)
3. Environmentally Responsible Procurement Statement (1 page)
4. Fair Wage and Labour Trades Policies (4 pages)
5. Occupational Health and Safety Statutory Declarations (3 pages)
6. Municipal Freedom of Information and Protection of Privacy Act (1/2 page)
7. Conflict of Interest Policy (1/2 page)
8. Former Metropolitan Toronto or Area Municipality Senior Management Employees Working For Firms Bidding on City Contracts Policy (1 page)
9. Interprovincial Fairness Legislation (2 pages)
10. Lobbying Disclosure Form (2 pages)
11. Notice of No Submission Form (1 page)

**NOTE: Proponent's Responsibility**

It is the Proponent's responsibility to become familiar with and comply with City Purchasing policies respecting non-discrimination, Canadian Content, Workers' Rights, MFIPPA, and other policies that are attached to this EOI.



## Re-Employment of Former Employees after Reorganizing

---

### Policy Statement

From time to time the City of Toronto may implement special programmes to meet downsizing and reorganizing objectives. The intent of these programmes is to permanently reduce the size of the workforce. The City therefore restricts the rehiring of former employees who have taken advantage of these programmes.

### Application

This policy applies to all former employees who have left under a voluntary or position termination separation programme or with any form of retirement incentive.

### Definitions

**Separation Programme:** A special programme offering financial incentives that is introduced to meet downsizing or reorganizing objectives.

**Retirement Incentive.,** Any financial incentive that facilitates early retirement.

**Former Employees:** All employees who have left any of the predecessor municipalities or their agencies, boards or commissions. All employees who leave the present City of Toronto or any of its special-purpose bodies.

### Conditions

Former employees who have taken part in a separation programme or received a retirement incentive cannot be rehired by the City or any of its special-purpose bodies, for a period of Two (2) Years starting from an employee's separation date. Any employee who is rehired after the two-year period is considered a "new" employee in terms of salary, benefits and seniority.

Former employees who have taken part in a separation programme or received a retirement package and subsequently *work* as consultants are also prohibited from participating in projects directly or indirectly related to the City or its special-purpose bodies for a period of two years.

For example, such a former employee may not work in the following consulting roles:

- an individual working as an independent consultant,
- an individual working for a consulting firm-, i. e., the firm may bid on City contracts but may not involve a former employee on the project,
- an individual working for a firm that has been subcontracted by another consulting firm to perform a specific component of a contract.

An individual may be rehired under extenuating circumstances *before the two-year period expires*, for example, when a former employee with specialized skills and/or experience is required to work on a special project. The individual would be hired on a short-term basis for not more than Six (6) Months.

Any rehiring must be recommended by the Chief Administrative Officer and requires the approval of City Council.

## **Implementation**

When former employees apply for positions at the City or at its special-purpose bodies, recruiters should check employment records to determine if they left the City or a special-purpose body with separation packages or retirement incentives.

A standard clause should be inserted in all consulting contracts awarded by the City and its special purpose bodies to ensure compliance with the rehiring policy. This clause would prohibit any consulting company from utilizing former employees who received a separation package from working on any project related to the City, within two years of their terminations- Requests for Proposals should include this information so that consulting *companies are* informed of this condition, before submitting their Proposals.

In exceptional circumstances when a manager wishes to rehire a former employee who took part in separation programme, he/she must submit a memo to the Executive Director of Human Resources.

This memo should include the following information.,

- an outline of the work to be done,
- the duration of the project,
- the particulars of the individual's separation,
- the rationale for rehiring the individual before the end of the two-year period.

A copy of the memo and approval should be sent to the Staffing Unit in Employment Services.

Any former employee who is rehired within two years is employed under the following terms:

- on a contract basis if in a management or excluded position,
- on a temporary or casual status if in a bargaining-unit position.

**Content Approved by:** Senior Management Team

Date: June 1999

**Related Information:** Strategic Policies and Priorities Committee (Report No- 2 Clause 2), February 1998



Rosanna Scotti  
Director

Chief Administrator's Office  
Shirley Hoy, Chief Administrative Officer

Strategic and Corporate Policy  
Metro Hall, 6<sup>th</sup> Floor stn. 1050  
55 John Street  
Toronto, Ontario M5V 3C6

Access and Equity Unit  
Tel: 416-392-4990  
Fax: 416-397-0888  
TTY: 416-392-0083

## Declaration of a Non-Discrimination Policy

The City of Toronto requires all firms or organizations who supply goods and services to the City and its Agencies, Boards, Commissions and Special Purpose Bodies, to adopt and to post the following NonDiscrimination Policy.

This Non-Discrimination Policy Declaration Form must be completed and submitted once the policy has been formally adopted.

On behalf of and with the authority of the firm/organization named below, I hereby declare that this organization/firm upholds policies which prohibit discrimination and which protect the right to be free of hate activity based on race, ancestry, place of origin, colour, ethnic origin, disability, citizenship, creed, sex, sexual orientation, gender identity, age, marital status, family status, receipt of public assistance, political affiliation, religious affiliation, record of offences level of literacy or any other personal characteristics by or within the organization.

Please type or print where applicable

Date

Company/Organization Name

Supplier Number

<b>Legal Firm Name</b>		<b>Common or Business Name (if different)</b>	
<b>Address of Principal Place of Business;</b>		<b>Mailing Address (if different)</b>	
<b>Tel. No.</b>	<b>Fax No.</b>	<b>Tel. No.</b>	<b>Fax No.</b>
<b>Name of Chief Executive Officer/President</b>		<b>Name of Employment Equity Official:</b>	
<b>Position Title:</b>		<b>Position Title:</b>	
<b>Signature of Authorized Official:</b>		<b>Date:</b>	

Check if Firm is more than 50% owned by\* (check all that apply):

- Aboriginal Peoples/First Nations Of Canada     People with Disabilities     Racial Minorities     Women     Not Applicable

\* Please see Reverse for explanation of definitions

The information requested on this form is, collected pursuant to Clause 6 of Corporate Services Committee Report 11, adopted by Council on July 29,30 and 31, 1998 and Clause 2 of Corporate Services Committee Report 19 adopted by Council on December 16 and 17,1998. Its purpose is to verify that your firm has adopted the Non-Discrimination Policy and to compile statistics for the purpose of monitoring the equal opportunity designated group status of the ownership of firms- If you have any questions about this declaration, please contact the Interim Manager, Access and Equity at 416-392-4990.

Text Telephony (TTY) 416-392-0083 C4-123 (White) (R 03/00)  
Please return to the address shown above

(Private Sector Firms) January, 2000

**Definitions:**

**Aboriginal/  
First Nations  
of Canada:**

A person is an Aboriginal person if he or she is a member of the Indian, Inuit or Metis peoples of Canada.

**Disability:**

A person is a "person with a disability" if the person has a persistent physical, mental psychiatric, sensory or learning impairment and,

- (i) the person considers himself or herself to be disadvantaged in employment by reason of that impairment, or -
- (ii) the person believes that an employer or potential employer is likely to consider the person to be disadvantaged in employment by reason of that impairment.

**Race:**

A person is a member of a racial minority if the person is, because of his or her race or colour, in a visible minority in Canada. The fact that a person is an Aboriginal person does not make him or her a member of a racial minority

## **Environmentally Responsible Procurement Statement**

The City of Toronto Environmentally Responsible Procurement Policy encourages bidders to also offer products/services that are environmentally preferred. Environmentally preferred.

Environmentally preferred products/services offered must be competitive in cost, conform to specifications, performance requirements and, be suitable for the intended application as determined by the using department(s)

Environmentally preferred products/services are those such as durable products, reusable products, energy efficient products, low pollution products/services, products (including those used in services) containing maximum levels of post-consumer waste and/or recyclable content, and products which provide minimal impact to the environment.

An environmentally preferred product is one that is less harmful to the environment than the next best alternative having characteristics including, but not limited to the following:

1. Reduce waste and make efficient use of resources: An Environmentally Preferred Product would be a product that is more energy, fuel, or water efficient, or that uses less paper, ink, or other resources. For example, energy-efficient lighting, and photocopiers capable of double-sided photocopying.
2. A re reusable or contain reusable parts: These products such as rechargeable batteries, reusable building partitions, and laser printers with refillable toner cartridges.
3. Are recyclable: A product will be considered to be an Environmentally Preferred Product if local facilities exist capable of recycling the product at the end of its useful life.
4. Contain recycled materials: An Environmentally Preferred Product contains post-consumer recycled content. An example is paper products made from recycled post-consumer fibre.
5. Produce fewer polluting by-products and/or safety hazards during manufacture, use or disposal: An EPP product would be a non-hazardous product that replaces a hazardous product.
6. Have a long service-life and/or can be economically and effectively repaired to upgraded.

Bidders shall if requested, provide written verification of any environmental claims made in their bid/proposal satisfactory to the City of Toronto within five (5) working days of request at no cost to the City. Verification may include, but not be limited to, certification to recognized environmental program (e.g., Environmental Choice Program [ECP]), independent laboratory tests or manufacturer's certified tests, Only proven environmentally preferred products/services shall be offered. Experimental or prototype products/services will not be considered.

For a copy of *the* City of Toronto Environmentally Responsible Procurement Policy, contact the Finance Department Purchasing and Materials Management Division at (416) 392-7303 or (416) 392-1302.

State if environmentally preferred products/service is being offered:      YES\_\_\_\_\_      NO\_\_\_\_\_

State briefly the environmental benefit of the product/service offered:

---

---

## Fair Wage Policy

### (A) The Purpose of Fair Wage Policy:

The Fair Wage Policy has as a central principle the prohibition of the City doing business with contractors and suppliers who discriminate against their workers. Originally implemented in 1893 to ensure that contractors for the City paid their workers the union rates or, for non-union workers, the prevailing wages and benefits in their field, the Fair Wage Policy has expanded over the years to other non-construction classifications such as clerical workers. The Policy also requires compliance with acceptable number of working hours and conditions of work in order to protect the rights of workers.

The intent of the Fair Wage Policy can be summarized as follows:

- to produce stable labour relations with minimal disruption;
- to compromise between the wage differentials of organized and unorganized labour;
- to create a level playing field in competitions for City work;
- to protect the public; and
- to enhance the reputation of the City for ethical and fair business dealings.

Establishing fair wage rates and schedules are intended to minimize potential conflicts between organized and unorganized labour in the tendering and awarding of civic contracts. Fair Wage rates are established through discussion with employee and employer groups and associations (having both union and non-union members). These rates are voted on by the above-noted groups and are recommended to Council for approval every three years. Certain designated construction related rates are based on the lowest rate established by collective bargaining, while the wage rates for other classifications are based on market and industrial surveys in accordance with the prevailing wages for non-union workers in the geographic area. Similarly, the City encourages contractors to hire and train apprentices under approved programs. In this regard, guidance on appropriate fair wage rates will be sought from employee and employer groups as pan of establishing Fair Wage Schedules.

The fair wage rates do not apply to small businesses, typically those with owner-operators, or partnerships, or principals of company's as long as they undertake the work themselves.

### (B) City of Toronto Council Reference:

The City of Toronto Council on October 1 and 2,1998, adopted the recommendation of The Corporate Services Committee (Report 13, Clause 1) which states: "the Fair Wage Policy be adopted for all City Departments, Agencies, Boards and Commissions and replace all existing fair wage policies of the former local municipalities".

It should be noted that. under the above authority, the conditions of the Fair Wage Policy cannot be waived, unless authorized by Council to do so.

### (C) Fair Wage Definitions:

1. Field Work: "field work" shall mean all work in performance of the Contract that is not shop work;
2. Shop Work. "shop work" shall mean any work in performance of the Contract that is done in or at any factory, foundry, shop or place of manufacture not located at or upon the Workers.
3. Workers: "workers" shall include mechanics, workers, labourers, owners and drivers of a truck or other vehicle employed in the execution of the Contract by the Contractor or by any subcontractor under them and clerical staff.
4. Fair Wage Schedule: "Fair Wage Schedule" shall mean stipulated rates of pay for different classifications of work produced and obtainable from the Fair Wage and labour Trades Office.
5. Fringe Benefits: "Fringe Benefits" shall include such benefits as company pension plans, extended health care benefits, dental and prescription plans, etc. It does NOT include payroll burden deductions such as C.P.P., E.H.T., W.S.I.B. or E.I.C.

**(D) Fair Wage Policy and Provisions:**

- 1) The Contractor shall not discriminate against workers or applicants for employment as workers because of race, creed, colour national origin, political or religious affiliation, sex, sexual orientation, age, marital status, family relationship, and disability.
- 2) The contractor shall at all times comply with the Occupational Health and Safety Act and its regulations and take every precaution reasonable in the circumstances for the protection of workers, If the Contractor sub-contracts any or all of the work or services to be performed, the Contractor will ensure the sub-contractors are qualified to perform the work or services and comply with the Occupational Health and Safety Act and its regulations.
- 3) The Contractor shall or biweekly to pay or cause to be paid weekly every worker employed in the execution of the Contract (and shall see that every owner of a truck or other vehicle employed by the Contractor or by any subcontractor in the execution of the Contract shall pay, or cause to be paid, weekly or biweekly to each of the owner's drivers) wages at the following rates, namely:
  - a) for workers employed in shop work, the Union rate of wages in the particular district or locality in which the work is undertaken for any class of work in respect of which there is such Union rate, and for any class of work for which there is no such Union rate, the rate of wages shall be the rate of wages prevailing in the particular district or locality in which the work is undertaken;
  - b) for workers employed in field work:
    - i) where the Contractor is in contractual relationship with a Union recognized by the Ontario Labour Relations Board as the bargaining agent for the relevant workers, the applicable rate of wages set out in the collective agreement, and
    - ii) where there is no such contractual relationship, a rate not less than that set out for such work in the Schedule of Wage Rates filed by the Manager, Fair Wage and Labour Trades Office, with the City Clerk of the Corporation after being first approved by Toronto Council (hereinafter called "the Fair Wage Schedule"),

and for the purpose of this paragraph, "wages' or "rate of wages" shall include any applicable amount for fringe benefits shown in the current Fair Wage Schedule, to be paid to the worker as part of the workers wages or for the worker's benefit as provided in any collective agreement as aforesaid applicable to such worker.

- 4) The Contractor shall:
  - a) at all times keep a list of the names of all workers employed in the Work and a record of the amounts paid to each;
  - b) from time to time, if demanded by the Manager, Fair Wage and Labour Trades Office, furnish a certified copy of all paysheets, lists, records and books relating to the work and keep the originals thereof open at all times for examination by the Manager; and
  - c) at all times furnish and disclose to the said Manager any other information respecting wages of workers that may be desired by the Manager in connection with the Work.
- 5) In case of a jurisdictional dispute or dispute as to rate of wages to be paid under the Contract or as to the amount to be paid to any worker, the decision of the Manager, Fair Wage and Labour Trades Office, shall be final and binding upon all parties
- 6) The Contractor shall not compel or permit any worker engaged for the Work to work more than the number of hours per day and the number of hours per week set out in the Fair Wage Schedule for the particular type of work involved except in case of emergency, and then only with the written permission of the Commissioner or head of the Department having charge of the Work or the person then acting as such.
- 7) If the Contractor fails to pay any worker (or if any owner of a truck or other vehicle fails to pay any driver) wages at the rate called for in paragraph (D), the Corporation may pay the balance necessary to make up the amount that should have been paid and may charge such balance, together with an administrative fee not in excess of ten per cent of such balance, to the Contractor.
- 8) If the Contract is to be for the purchase of supplies or materials to which the provisions in paragraph (D) respecting the rates of wages to be paid to workers engaged in shop work and field work do not apply, Toronto Council will, before awarding same, cause to be secured from the Manager, Fair Wage and Labour Trades Office, a report as to whether or not the Tenderer or Bidder maintains a fair wage level.
- 9) Workers engaged in clerical office work are to be paid a rate of wages no less than the surveyed standard for each classification of worker for *the* particular industry at the time of tendering,
- 10) The Contractor MUST display legible copies of this "Fair Wage Policy" in a prominent position in his/her workshop(s), accessible to all employees.
- 11) The contractor shall attach to all accounts rendered for payment of money upon the contract, a statutory declaration affirming that the requirements of the foregoing paragraphs have been fully complied with.

## Labour Trades Contractual Obligations in the Construction Industry

### (A) Legislative Applicability of Labour Trades Obligations:

The mandatory Labour Trades provisions for municipalities bound by province-wide collective agreements are separate from Fair Wage Policy established, monitored and enforced by the City. Central to any understanding of municipal obligations to Labour Trades, is that the City has *no* discretion in setting wage rates or in using union labour for certain trades performing work for the City, This is by virtue of the Province-wide collective agreements applicable to trades in the Industrial, Commercial and Institutional (ICI) and Residential sectors and other negotiated collective agreements in other sectors of the construction industry.

The Province-wide collective agreements are binding on all employers in the sector. The former City of Toronto was first considered an "employer" when the relevant unions obtained bargaining rights beginning in 1978. As a result, subject to the jurisdiction of the collective agreements, union workers must be used for contracted-out work- The use of union sub-contractors for municipal building projects is also required in most cases.

### (B) Current Labour Trades Contractual Obligations in the Construction Industry:

- 1) ***The City of Toronto is bound by the current province-wide collective agreements with respect to the Industrial, Commercial and Institutional sectors of the construction industry between..***
  - i) The Carpenters' Employer Bargaining Agency and the Ontario Provincial Council, United Brotherhood of Carpenters and Joiners of America;
  - ii) The Mechanical Contractors Association of Ontario and the Ontario Pipe Trades Council of the United Association of Journey-men and Apprentices of the Plumbing and Pipe-Fitting industry of the United States and Canada;
  - iii) The Electrical Trade Bargaining Agency of the Electrical Contractors Association of Ontario and The International Brotherhood of Electrical Workers and the IBEW Construction Council of Ontario;
  - iv) The International Union of Bricklayers and Allied Craftsmen and the Ontario Provincial Conference of the International Union of Bricklayers and Allied Craftsmen, and The Masonry Industry Employers Council of Ontario,
  - v) The International Association of Heat and Frost Insulators and Asbestos Workers and The Master Insulators' Association of Ontario Inc.;
  - vi) The International Brotherhood of Painters and Allied Trades and The Ontario Painting Contractors Association;
  - vii) The Ontario Glazier Agreement between The Architectural Glass and Metal Contractors Association and The International Brotherhood of Painters and Allied Trades; and
  - viii) The Environmental Sheet Metal Association Toronto and the Sheet Metal Workers' International Association and the Ontario Sheet Metal Workers' Conference.
- (2) ***Exhibition Place is bound by collective agreements in all sectors of the construction industry between..***
  - (i) (a) The Carpenters' Employer Bargaining Agency and The Ontario Provincial Council. United Brotherhood of Carpenters and Joiners of America;
  - (b) The Mechanical Contractors Association of Ontario and The Ontario Pipe Trades Council of the United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada;
  - (c) The Electrical Trade Bargaining Agency of the Electrical Contractors Association of Ontario and The International Brotherhood of Electrical Workers and the IBEW Construction Council of Ontario; and
  - (ii) Letters of Understanding between the Board and, respectively, Local 506 of the Labourers international Union of North America and The International Brotherhood of Painters and Allied Trades.

Any non-maintenance part(s) of the Work that is the work of Union members for whom the said Council, Brotherhood, Association or Local is the collective representative under the provisions of any one of the said collective agreements or the said Letters shall in each case be performed only by an employer owing contractual obligations to such representative, unless such obligations do not prohibit performance of such part(s) of the Work by others.

**(C) Guidelines for Prospective Bidders:**

This summary is an overview of the current status of trades' certifications and the relevant construction sectors for which firms and workers with the appropriate union affiliations must be used when performing the following work for the **City of Toronto and Exhibition Place**.

Type of Work	City of Toronto	Exhibition Place
	*I.C.I.	
Asbestos/ Insulation	<input checked="" type="checkbox"/>	
Bricklaying/ Masonry	<input checked="" type="checkbox"/>	
Carpentry	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Electrical	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Glazing	<input checked="" type="checkbox"/>	
Labourers		<input checked="" type="checkbox"/>
Mechanical	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Painting	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Sheet Metal	<input checked="" type="checkbox"/>	

\* (industrial, Commercial, Institutional sector)

**The Fair Wage and Labour Trades Office will make final decisions With respect to:**

- work jurisdictions
- type of work involved
- whether or not union firms/workers must be used, and
- if LabourTrades Contractual Obligations apply.

## SUPPLEMENTARY SPECIFICATION - OCCUPATIONAL HEALTH & SAFETY

In addition to the other requirements of this Tender (Quotation/Request for Proposals) with respect to satisfying the requirements of the Occupational Health and Safety Act, Bidders are required to submit as part of their Tender (Quotation/Request for Proposals) submission, a **properly commissioned (\*\*)** **Occupational Health and Safety Statutory Declaration (“OHSa Declaration”)** in the form attached to this Tender (Quotation/Request for Proposals).

Failure to submit a properly commissioned OHSa Declaration with your Tender (Quotation/Request for Proposals) submission may result in the rejection of your Tender (Quotation/Request For Proposals). However, the Commissioner may, in his or her discretion provide Bidders with an opportunity to submit the required OHSa Declaration within five (5) working days of such written request. Failure to submit the OHSa Declaration in response to that written request or the inability of the Bidder to satisfy the requirements set out in the OHSa Declaration are grounds for the Tender (Quotation/Request for Proposals) to be rejected. The City may consider previous OHSa violations as grounds for rejection and the City may terminate any contract arising from this Tender (Quotation/Request for Proposals) if the Bidder is continuously in violation of OHSa requirements.

In the event that a Bidder is unable to satisfy the OHSa Declarations requirements, Bidders are advised Occupational Health and Safety training is available to Ontario contractors through the Construction Safety Association. That training should enable Bidders to identify whether further training is necessary to satisfy the requirements of the OHSa Declaration on future Tender/Quotation/Request for Proposal submissions.

(\*\*) The following persons, by virtue of their office, are **Commissioners** for taking affidavits in Ontario: Members of the Legislative Assembly, Provincial judges and justices of the peace, and barristers and solicitors entitled to practise law in Ontario.

**STATUTORY DECLARATION (2 pages)**  
(Occupational Health & Safety)

PROVINCE OF ONTARIO )  
JUDICIAL DISTRICT OF YORK )

IN THE MATTER OF CONTRACT NO. \_\_\_\_\_ AND ANY ENSUING AGREEMENT BETWEEN

\_\_\_\_\_  
(Company Name)

- AND -

City of Toronto

I, \_\_\_\_\_ of the City/Town/Village of \_\_\_\_\_ in the Province  
(Name)

of \_\_\_\_\_, do solemnly declare the following:  
(Name of Province)

1. I am the \_\_\_\_\_ of the \_\_\_\_\_ and as such  
(Insert Title) (Insert Company Name)

have knowledge of the matters herein stated.

2. \_\_\_\_\_ is a sole proprietorship/partnership/corporation with its head office  
(Company Name)  
located at \_\_\_\_\_ and has carried on business as a \_\_\_\_\_  
(contractor/state other type of business)  
since on or about \_\_\_\_\_.  
(Insert Date)

3. \_\_\_\_\_ since \_\_\_\_\_ had in place a Health and Safety Policy  
(Company Name) (Insert Date)

under Section 25(2)(j) of the Occupational Health and Safety Act, R.S.O. 1990, c. 0.1 as amended, (the "Act") and has/have developed and maintain(s) on an annual basis a program to implement the written Occupational Health and Safety Policy. A copy of the policy and program for \_\_\_\_\_ (Insert Company Name) will be delivered to the City of Toronto upon request by the City and will be available for inspection at the City of Toronto, solely for the purposes of the above noted contract.

4. \_\_\_\_\_ (Insert Company Name) will employ for this project a supervisor or supervisors who are competent persons as defined by section 1(1) of the Act, and specifically a person or persons who:

- (a) are qualified because of knowledge, training and experience to organize the project work and its performance;
- (b) are familiar with the Act and the Regulations for Construction Projects that apply to the project work; and
- (c) have knowledge of any potential or actual danger to health and safety at the project.

1. \_\_\_\_\_ **(Insert Company Name)** will employ for the purpose of this project the following competent supervisors: \_\_\_\_\_  
**(Insert name of supervisors)**

No supervisors other than those named shall work on the project.

2. \_\_\_\_\_ **(Insert Company Name)** will employ for the purpose of this project the following subcontractor: \_\_\_\_\_  
**(Insert name of subcontractors)**

3. All subcontractors employed by \_\_\_\_\_ **(Insert Company Name)** for this project will employ as a supervisor or supervisors a “competent person” as defined by section 1(1) of the Act, and specifically a person or persons who

- (a) are qualified because of knowledge, training and experience to organize the project work and its performance;
- (b) are familiar with the Act and the Regulations for Construction Projects that apply to the project work; and
- (c) have knowledge of any potential or actual danger to health and safety at the project.

4. The supervisors employed by \_\_\_\_\_ **(Insert Company Name)** and subcontractors have successfully completed the necessary health and safety courses to be considered a competent person to undertake work described in the contract.

AND I/We make this solemn Declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of “The Canada Evidence Act”.

DECLARED BEFORE ME AT THE )  
OF )  
IN THE ) \_\_\_\_\_  
THIS DAY OF 20\_\_\_\_. ) Signing Officer for Company  
A Commissioner etc. )

Note: This Declaration applies with necessary modification to Quotation Requests and Requests for Proposals.

## ***MUNICIPAL FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT REQUIREMENTS***

The *Municipal Freedom of Information and Protection of Privacy Act* (the Act) applies to all tenders, quotations and proposals submitted to the City of Toronto.

Tenders, quotations and proposals will be received in confidence subject to the disclosure requirements of the Act,

Bidders/proponents should identify any portions of their tender/quotation/proposal which contain a trade secret, scientific, technical, financial, commercial or labour relations information supplied in confidence and which will cause harm if disclosed.

Questions about the Act should be directed to Rita Reynolds, Director of Corporate Access and Privacy Division at telephone number (416) 392-9683.

Please be aware that bidders' names and the total amount of bid are always made public.

In an effort to reduce, reuse and recycle, we encourage bidders/Proponents to minimize the packaging of their submissions. The evaluations of all bids are based on the "contents" of the submissions, not the way the submissions are packaged. Thank you for reducing!

## **CONFLICT OF INTEREST POLICY**

This is to advise you that City Council passed a new Conflict of Interest Policy in August 2000 that applies to all City of Toronto employees. This policy replaces the policies that dealt with conflicts of interest or codes of conduct in the former municipalities.

It is imperative that all suppliers be aware of the terms of the policy and understand the various situations, which are clearly a conflict of interest, to ensure that a supplier does not place any City employee in a potential conflict situation, when carrying out their respective business activities with the City of Toronto.

A copy of the policy is available on the City of Toronto's website at **[www.toronto.ca](http://www.toronto.ca)** or by the calling the Supervisor, Client Services at 416-392-1305.

**FORMER METROPOLITAN TORONTO OR AREA MUNICIPALITY SENIOR  
MANAGEMENT EMPLOYEES WORKING FOR FIRMS BIDDING ON CITY CONTRACTS  
POLICY**

The purpose of this Policy is to ensure that firms who bid on City contracts provide the names of any former senior management employee of the former Metropolitan Toronto or Area Municipal Governments hired by the firm.

Any firm that is bidding on a contract with the City of Toronto and has hired a former senior management employee of the former Metropolitan Toronto or Area Municipal governments shall be required to provide the name of that former employee to the City.

Note: Adopted by Council at their meeting of February 4, 5, & 6, 1998, Report 2, Clause 2 of the Strategic Policies and Priorities Committee.

Bidders to state name(s) of any former Senior Management employee(s) of the former Metropolitan Toronto or Area Municipal governments hired by their firm, if any.

Specify: \_\_\_\_\_

This policy will be considered in the evaluation of all bids received.

For further information contact:

Manager, Client and Support Services  
18<sup>th</sup> Floor, West Tower, City Hall, (416) 392-1302

## INTERPROVINCIAL FAIRNESS LEGISLATION

### IMPORTANT NOTE

In order to comply with legislative prohibitions against awards of municipal construction contracts (which by definition of the Act extends to consulting services, including architectural or engineering services) involving persons resident in a Designated Jurisdiction as explained in this Appendix, paragraph 4 below provides that each bid is deemed to contain a certification and warranty that neither the bidder nor any proposed subcontractor is such a resident. Prospective bidders are cautioned to read carefully the definition of “person resident in a Designation Jurisdiction” in clause 1(e), the provisions regarding prohibition, disqualification and rejection in paragraph 2 and the words of paragraph 4 before submitting a bid, and to make inquiries of the City staff contact identified in the Call/Request to which this Appendix is attached if doubts or questions exist.

1. In this Appendix:

- (a) “Construction” includes all work in or about:
  - (i) constructing, altering, decorating, repairing, demolishing, erecting or remodelling the whole or any part of a building or structure;
  - (ii) laying pipe and conduit above or below ground level;
  - (iii) excavating, tunnelling, fencing, grading, paving, land clearing and bridging;
  - (iv) building a highway, as defined in section 1 of the *Highway Traffic Act*;
  - (v) carrying out other construction activities designated by the Management Board of Cabinet, on the recommendation of the Minister of Labour; and
  - (vi) providing consulting services, including architectural or engineering services, with respect to matters set out in sub-clauses (i) to (v);
- (b) “Contractor” means a person that enters into a contract for the Construction and includes any subcontractor;
- (c) “Controlled” has the same meaning as in subsection 1(5) of the *Business Corporations Act*;
- (d) “Designated Jurisdiction” means a Province or Territory of Canada prescribed by the Lieutenant Governor in Council as a Designated Jurisdiction under the *Fairness is a Two-Way Street Act (Construction Labour Mobility), 1999*; and as of the date of the Call/Request to which this Appendix is attached the only Designated Jurisdiction is the Province of Quebec.
- (e) “Person who is resident in a Designated Jurisdiction” means:
  - (i) in the case of an individual or a sole proprietor, one who is ordinarily resident in that jurisdiction;
  - (ii) in the case of a corporation,
    - (A) one whose head office or registered office is located in that jurisdiction; or
    - (B) one controlled directly or indirectly by a person described in foregoing item (A);
  - (iii) in the case of a partnership, one that includes at least one partner who is a person resident in that jurisdiction under foregoing subclause (i) or (ii).

2. (a) The *Fairness is a Two-Way Street Act (Construction Labour Mobility), 1999*,
  - (i) prohibits municipalities such as the City, and their local boards and other emanations, from entering into a Construction contract with a person who is resident in a Designated Jurisdiction (unless the person is specifically exempted by Regulation); and
  - (ii) prohibits a contractor from engaging a subcontractor who is resident in a Designated Jurisdiction (unless similarly exempted) with respect to Construction under a contract with a municipality or any of its local boards and other emanations.
- (b) A person described in clause 2(1)(a), and a person whose bid indicates an intention to engage a subcontractor described in clause 2(1)(b), is disqualified from submitting a bid in response to the Call/Request of which this Appendix forms part, and the City intends to reject any bid submitted by such a person without further consideration.
3. If a Construction contract is awarded under the Call/Request to which this Appendix is attached, it will:
  - (a) contain a representation and warranty by the Contractor that neither the Contractor nor any subcontractor is a person who are resident in a Designated Jurisdiction;
  - (b) require any subcontracts not identified in the Contractor's bid to be subject to the approval of the City of Toronto; and
  - (c) provide that any breach of the representation and warranty described in foregoing clause (a) will constitute grounds for termination of the contract.
4. By submitting a bid form properly signed and executed, a bidder will be taken to be:
  - (a) certifying and warranting that neither the bidder nor any proposed subcontractor is a person who is resident in a Designated Jurisdiction as defined in this Appendix,
  - (b) agreeing that if the bidder becomes the Contractor for the Construction work bid on, the bidder shall be bound by the provisions of paragraph 3 of this Appendix notwithstanding the absence of any specific repetition of or reference to such provisions in any further contract documentation which comes into existence to implement bid acceptance.

**Lobbying Disclosure Form**

**1.0 Lobbying Disclosure**

A respondent/proponent is required to ensure that no communication is made by the respondent /proponent or its representatives, including a third party representative employed or retained by it to promote its EOI submission/proposal or oppose any competing EOI submission /proposal (“lobbying”) unless such communication, relating to all meetings, written correspondence and telephone discussions that the respondent/proponent or its representatives have had with any Member of Council, City Official, appointed member of any City boards, agency, commission, task force, or related organization, is disclosed to the City Clerk. A communication for the purpose of this requirement does not include a communication to the authorized City project contact person.

For the purpose of meeting this requirement, this form should be completed and submitted to the City Clerk prior to award.

**2.0 Please provide the following information:**

EOI No./Competitive Call No. (in respect of which lobbying has occurred)
Respondent/Proponent Name:
Respondent/Proponent Business Address:
Respondent/Proponent Business Telephone No.
Name of each Representative (retained or employed that was engaged in lobbying in respect of the EOI / Competitive Call)
Business Address of each Representative Named Above (if different than that of Respondent /Proponent)

Business Telephone No. of each Representative Named Above
List the names of individuals the respondent/proponent and/or his representative(s) have contacted within the awarding body (i.e. City, Agency, Board, Commission or related organization), other than the authorized project contact person, in connection with the EOI / Competitive Call named on this form. Contact within the awarding body could include but is not limited to meetings, written correspondence and telephone conversations.

- 3.0 This Disclosure Form is to be submitted up to the time of award of the competitive call.
- 4.0 The City Clerk will provide the disclosure information upon request to any members of Council, City Staff or the public.
- 5.0 The City Clerk shall post disclosure information on the City’s Website.
- 6.0 By not returning this form, it will be assumed that no lobbying has been carried out by the respondent /proponent or its representatives.

**Please return this form to: Ulli S. Watkiss, City Clerk, City Clerk's Office,  
2<sup>nd</sup> Floor, West Tower, City Hall, M5H 2N2**

**Name:** \_\_\_\_\_  
**(Please Print)**

**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_



**NOTICE OF “NO SUBMISSION”**

<b>RFP # :</b>	<b>9155-03-7283</b>	<b>MF</b>
<b>CLOSING DATE:</b>	<b>July 14, 2003</b>	

(New & Emerging Technology for Management of Residual Municipal Solid Waste)

**IMPORTANT - PLEASE READ THIS**

It is important to the City of Toronto to receive a reply from all invited Proponents. There is no obligation to submit a Proposal; however, should you choose not to submit, completion of this form will assist the City in determining the type of services you are interested in submitting a Proposal in the future.

**INSTRUCTIONS:**

If you are unable, or do not wish to submit a Proposal on this Request for Proposals, please complete the following portions of this form. State your reason for not submitting a Proposal by checking applicable box(es) or by explaining briefly in the space provided. It is not necessary to return any other Request for Proposals documents. Just return the completed form in the enclosed Proposal Submission Envelope prior to the official closing date.

1. We do not offer this service.	<input type="checkbox"/>	Other reasons or additional comments.
2. We do not offer services to these requirements.	<input type="checkbox"/>	
3. Unable to offer services competitively.	<input type="checkbox"/>	
4. Cannot handle due to present commitments.	<input type="checkbox"/>	
5. Quantity/project too large.	<input type="checkbox"/>	
6. Cannot meet delivery/completion requirements.	<input type="checkbox"/>	
7. Licensing restrictions.	<input type="checkbox"/>	

Do you wish to participate in Request for Proposals for services in the future?      YES       NO

For City's use only - Do not write in this space.

Company Name:	
Address:	
Signature of Company Representative:	
Position:	
Date:	Tel. No.:
	Fax No.: