

Clause embodied in Report No. 3 of the Works Committee, as adopted by the Council of the City of Toronto at its meeting held on March 6, 7 and 8, 2001.

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**Prince Edward Viaduct - Don Section
Funding Proposal for Safety Barrier
(Toronto Centre-Rosedale and Toronto-Danforth)**

(City Council at its meeting held on March 6, 7 and 8, 2001, adopted this Clause, subject to the following:

- (1) *deleting Recommendation No. (1)(vii) of the Works Committee and inserting in lieu thereof the following:*

“(1)(vii) funding be provided from the project budget for firstly, a pre-installation human factors evaluation and secondly, a post-installation evaluation to quantitatively measure the effects on traffic safety of the new signs on the Don Valley Parkway and that the Commissioner of Works and Emergency Services be requested to report back to the Works Committee on the results within 18 months;”;

- (2) *amending Recommendation No. (1)(ix) of the Works Committee by deleting the words “appropriate Community Council” and inserting in lieu thereof the words “Planning and Transportation Committee”, so that such Recommendation shall now read as follows:*

“(1)(ix) the planning report and draft by-law be forwarded to the Planning and Transportation Committee for the holding of a public meeting in accordance with the provisions of the Planning Act.”;

- (3) *the Commissioner of Works and Emergency Services being requested to explore further the signage issue along the Don River Corridor, or other locations so as to help defray the cost of the project, with the appropriate Committee of Council and other interested parties; and*

- (4) *the Commissioner of Works and Emergency Services, representatives from Tribar Industries Inc. and the Implementation Committee being requested to explore and report on possible alternative locations for signage which could meet the requirements of the contribution proposal; and*

- (5) *adopting the joint report dated March 5, 2001, from the Commissioner of Works and Emergency Services and the City Solicitor, subject to:*

- (a) *amending Recommendation No. (1) by deleting the reference to condition (1)(vii) and by deleting from Part (b), the words “Midtown Community Council” and*

*inserting in lieu thereof the words “Planning and Transportation Committee”;
and*

- (b) *deleting Recommendation No. (2) embodied therein and inserting in lieu thereof the following new Recommendation No. (2):*

“(2) the Commissioner of Works and Emergency Services, in consultation with the City Solicitor, be directed to enter into negotiations, and finalize an agreement with Bridgecon, the low bidder on the tender in the year 1999.”;

so that the recommendations embodied in the joint report dated March 5, 2001, from the Commissioner of Works and Emergency Services and the City Solicitor shall now read as follows:

“It is recommended that:

- (1) *Council delete condition (1)(viii) contained in the recommendations of the Works Committee, such conditions being applicable to lands outside the road allowance of the Don Valley Parkway, and instead authorize:*
- (a) *pursuant to section 308 of the Municipal Act, an agreement to lease with Tribar Industries Inc. for the location of two signs within the untravelled portion of the Don Valley Parkway in or about the locations identified on the sketch attached to this report, for the monetary consideration set out in the recommendations from the Works Committee and for a term not to exceed 15 years and otherwise upon terms and conditions, including provisions for insurance, indemnity and removal of the signs, to the satisfaction of the Commissioner of Works and Emergency Services and the City Solicitor, in consultation with the Implementation Committee, and that the signs comply with North York Sign By-law 30788; and*
- (b) *the Commissioner of Urban Development Services to prepare a report, together with a draft by-law amendment to North York Sign By-law 30788 to permit the proposed signs, and that the report and draft by-law be forwarded to the Planning and Transportation Committee for the holding of a public meeting in accordance with the provisions of the Municipal Act; and*
- (2) *the Commissioner of Works and Emergency Services, in consultation with the City Solicitor, be directed to enter into negotiations, and finalize an agreement with Bridgecon, the low bidder on the tender in the year 1999.”*

In addition, Council directed that:

- (1) *the City Solicitor, in consultation with the Commissioner of Urban Development Services, be requested to submit a report to the Planning and Transportation Committee on the status of the CPR application and the effect of the Tribar proposal thereon; and*
- (2) *the City extend its thanks to all the volunteers and people who worked with the Bloor Viaduct Project Steering Committee and express its condolences to the bereaved families on their loss.”)*

The Works Committee recommends:

- (1) **the approval of the proposal by Tribar Industries Incorporated for the installation and operation of electronic animation signs on or adjacent to the Don Valley Parkway, subject to the following:**
 - (i) **approval be contingent upon the placement of the signs as shown in the staff presentation, and that the Commissioner of Works and Emergency Services prepare and forward to Council for its meeting on March 6, 2001, a rendering and precise location site plan;**
 - (ii) **an Implementation Committee be established comprised of the Chair of the Works Committee or her designate, Councillor Jack Layton and any other interested Councillors, such Committee to submit periodic reports to the Works Committee as required;**
 - (iii) **approval be granted to enter into an agreement with Tribar Industries Incorporated with terms and conditions satisfactory to the Commissioner of Works and Emergency Services and the City Solicitor, in consultation with the Implementation Committee;**
 - (iv) **the said agreement define the contribution from Tribar Industries Incorporated as the greater of a guaranteed minimum amount (\$3.5 million) or 27 percent of gross revenues, similar to the recently concluded “Transit Shelter” agreement, and include a minimum of 10 percent time allocation for public service announcements;**
 - (v) **the operational issues listed in the report dated February 6, 2001, from the Commissioner of Works and Emergency Services be referred to the Implementation Committee for refining and presentation back to the Works Committee, if necessary, with the exception of the following items (1)(i) and (1)(ii):**

“(1)(i) animated video (TV like images) should not be permitted; and

(1)(ii) rapid changing animated graphic displays (more than one change every two seconds) should not be permitted;”

and that the foregoing items (1)(i) and (1)(ii) be deleted at this time from the conditions;

(vi) the following Recommendation No. (4)(ii) embodied in the report dated February 6, 2001, be referred to the Implementation Committee:

“(ii) the operational guidelines for these signs and any future signs, as outlined in this report, be adopted as an interim City-wide standard and included in the agreement mentioned in Recommendation No. (4)(i)”;

(vii) the following Recommendation No. (4)(iii) embodied in the report dated February 6, 2001, be deleted:

“(iii) funds up to maximum of \$150,000.00 be set aside from Tribar Industries Incorporated’s contribution for, firstly, a pre-installation human factors evaluation and secondly, a post-installation evaluation to quantitatively measure the effects on traffic safety of the new signs on the Don Valley Parkway”;

(viii) the Commissioner of Urban Development Services be requested to prepare a planning report together with a draft by-law amendment to By-law No. 211-79 of the former Municipality of Metropolitan Toronto, which prohibits and regulates signage on lands within 45 metres of the Don Valley Parkway, in respect of the subject proposal; and

(ix) the planning report and draft by-law be forwarded to the appropriate Community Council for the holding of a public meeting in accordance with the provisions of the Planning Act;

(2) that the appropriate staff be requested to assist Tribar Industries Incorporated in the preparation and timely submission of any appropriate applications; and

(3) that after 13 years, the City assess the need for continuation of the proposed signs.

The Works Committee reports, for the information of Council, having:

(i) requested the Chief of Police to submit a report directly to City Council for its meeting on March 6, 2001, addressing any traffic safety concerns the Police Service may have regarding the installation and operation of the proposed signs, and on the Police Service’s views regarding the desirability of the suicide prevention proposal;

(ii) requested the City Solicitor to submit a report directly to City Council assessing the need for the City of Toronto to be protected from any and all claims that may arise from the installation and operation of the proposed signs, including appropriate indemnifying recommendations; and

- (iii) requested the Commissioner of Works and Emergency Services and the City Solicitor to report directly to City Council on a process that would expedite the approval of the award of tender for the construction of the safety barrier following conclusion of negotiations with Tribar Industries Incorporated.

The Work Committee submits the following communication (January 18, 2001) from the City Clerk:

The Policy and Finance Committee on January 18, 2001:

- (1) referred the issue of the Bloor Viaduct Barrier to the Works Committee for consideration at its meeting scheduled to be held on February 7, 2001;
- (2) requested the Commissioner of Works and Emergency Services:
 - (i) to submit a report to the aforementioned meeting of the Works Committee, respecting the safety aspect of the proposal; and
 - (ii) to complete this project in an expeditious manner; and
- (3) conveyed its appreciation to:
 - (a) Ms. Ellis Kirkland for her work and commitment and success in finding a solution to this issue; and
 - (b) staff in the Works and Emergency Services Department especially Mr. Dave Kaufman, General Manager, Transportation Services and Mr. Tom Denes, Executive Director of Technical Services, for their work respecting this project.

Background:

The Policy and Finance Committee on January 18, 2001, had before it a communication (January 16, 2001) from Councillor Betty Disero, Davenport, requesting that the Chair of the Bloor Viaduct Safety Committee be provided with an opportunity to make a presentation to the Policy and Finance Committee respecting the Committee's fundraising efforts.

The following persons appeared before the Policy and Finance Committee in connection with the foregoing matter:

- Ms. Ellis Kirkland, Chair, Project Steering Committee of the Bloor Viaduct Safety Committee, delivered a presentation to the Policy and Finance Committee outlining various projects to raise funds for the installation of a suicide barrier at the Bloor Viaduct; and submitted a proposal outlining a commitment of funds for this project in the amount of \$2.5 million dollars; and
- Dr. Isaac Sakinofsky, Centre for Addiction and Mental Health.

The following Members of Council appeared before the Policy and Finance Committee in connection with the foregoing matter:

- Councillor Betty Disero, Davenport; and
- Councillor Jack Layton, Toronto-Danforth.

(Communication dated January 16, 2001, addressed to the
Policy and Finance Committee from
Councillor Betty Disero, Ward 17 – Davenport)

I have contacted the Mayor's Office and, I believe, have his permission to request that an item be placed on the agenda for 11:00 a.m.

There will be one speaker, Ms. Ellis Kirkland, Chair of the Bloor Viaduct Safety Committee, making a presentation to the Policy and Finance Committee and a request for a report to the Works Committee.

Thank you very much for your assistance in this matter.

(Communication dated December 7, 2000, addressed to
Mayor Mel Lastman from
Ms. Ellis Galea Kirkland, Chair, Bloor Viaduct Steering Committee)

The challenge put to we of the Bloor Viaduct Steering Committee has been met. Please be advised that a pledge of \$3.5 million has been received in conformance with City Council's resolution of February 2, 2000 (copy of highlights attached), which invited our committee to raise funds sufficient to construct the "Luminous Veil" suicide prevention barrier on the Bloor Street Viaduct Bridge, an award-winning design. With that motion, Council embarked on a unique Public Sector-Private Sector endeavour to raise the much-needed funds to make this project a reality.

It is with great pleasure that I forward the pledge received (copy attached) from Tribar Industries, a firm based within the City of Toronto.

As Council's request has now been met, we suggest that a report on the probability of raising funds is no longer needed at this time. Please note that a copy of this proposal is also being submitted to the Chair of the Works Committee, Councillor Betty Disero.

Attached enclosures describe our fundraising criteria as unanimously adopted by our committee (names and positions of members attached). Also please find the promotional material that we have generated about the bridge design and its purpose.

Our committee will be honoured to, in future, assist this process in such a manner as you deem helpful, and we are able.

On behalf of the Bloor Viaduct Steering Committee, I thank you for the opportunity to transform this landmark structure into a symbol of our City of which all Torontonians can take pride.

(Submission Respecting the Prince Edward Viaduct Project
dated December 7, 2000, from Mr. John Chiappetta, President,
Tribar Industries Incorporated)

Tribar Industries Inc. (“Tribar”) proposes to contribute, via a letter of credit, to the City of Toronto, a maximum of \$3.5 million and a minimum of \$2.5 million, that is to be used towards the construction of the suicide prevention structure, known as the “Luminous Veil”, on the Bloor Street Viaduct Bridge.

Rough Project Financials (based upon last construction tender):

Lowest bidding contractor, Bridgecon Construction Ltd. (Contract No. T-71-99, October 6, 1999)	\$5.56 million
City of Toronto Council – approved budget	\$2.50 million
Tribar’s Maximum Contribution (via L. C.)	<u>\$3.50 million</u>
Total Available for Luminous Veil Construction	\$6.00 million

In exchange, Tribar, requests official permission from the City to install two of its LumatronX electronic animation signs with corresponding vinyl signs on to this bridge, within view of the Don Valley Parkway. The design of the signs will be pre-approved by Heritage Toronto and the City.

These signs are to be utilized by Tribar for the purpose of conducting third party advertising and by the City of Toronto for public service announcements.

Other Key Points of Agreement Requested:

- The City of Toronto to agree to a long-term signage lease to the exclusive benefit of Tribar. The term of the lease to be pro-rated as:

<u>Tribar Contributes:</u>	<u>Site Lease Term:</u>
\$3.5 million	15 years
\$3.0 million	13 years
\$2.5 million	10 years

- This site lease to start the day that the electronic signs are installed, commissioned and recorded by the City. The time of the sign’s installation is to be mutually agreed upon between Tribar and the City.
- At the end of the initial lease, Tribar will have the first right of refusal to renew this lease by matching the highest bidder on a then issued tender respecting the future rental of these sign sites.

- Each advertising sign would consist of 50 percent electronic animation and 50 percent tri-vision vinyl advertising. This is similar to the signage Tribar has on the Gardiner Expressway. See proposed signage on bridge pylon in the concept picture attached hereto.
- Approximate size of each electronic animated sign = 8.3 m W x 7.4 m H
- Approximate size of each tri-vision, vinyl sign = 8.3 m W x 7.3 m H
- Approximate size of total signage per each side of bridge = 8.3 m W x 14.7 m H
- Tribar will add a header piece that will match the bridge's architecture and will have the wording (in raised letters on two lines): "Prince Edward Viaduct 1919".
- City of Toronto is allotted a ten percent free advertising spot on each of the electronic animation signs to advertise city events, public messages, tourist attractions, etc.
- Tribar will install these signs, at its own expense and pay ongoing electrical services, phone line charges and maintenance.
- Tribar will have 100 percent ownership of all of the signs.
- City of Toronto would appoint a project manager to oversee this Luminous Veil construction, to keep it within budget and time frame.
- Over budget costs associated with the completion of the Luminous Veil are to be born by the City of Toronto and not by Tribar.
- If feasible, \$2.0 million of Tribar's contribution is to be associated with site lease charges and \$1.5 million (or a similar ratio thereof) is to be considered to be a charitable donation and subject to a tax receipt issued to Tribar.
- Construction of the Luminous Veil is to start as soon as it is practically possible. Time will be of the essence in order to prevent future suicides.
- After any further required discussions and agreements, a formal written agreement is to be drawn up between the City of Toronto and Tribar to consummate this arrangement.

The suicide prevention Luminous Veil for the Bloor Viaduct will soon be a reality, should Tribar and the City of Toronto arrive at an agreement on this mutually beneficial proposal.

We trust this proposal will meet with your approval and thank you for your time and consideration of it.

Sketch of Existing Architecture
and Proposed Architecture
Prince Edward Viaduct

The Works Committee also submits the following report (February 7, 2001) from the Commissioner of Works and Emergency Services:

Purpose:

The purpose of this report is to provide further information concerning this project as requested by City Council at its meeting held on February 1, 2 and 3, 2000, and to provide further information concerning the fundraising proposal presented to the Policy and Finance Committee on January 18, 2001.

Financial Implications and Impact Statement:

There are no financial impacts associated with this report.

Recommendations:

It is recommended that:

- (1) this report be received and forwarded to City Council for its meeting on March 6, 2001; and
- (2) in the event that City Council supports in principle the proposal submitted by Tribar Industries Incorporated for the installation and operation of electronic animation signs on or adjacent to the Don Valley Parkway:
 - (i) that approval be granted to enter into an agreement with Tribar Industries Incorporated with terms and conditions satisfactory to the Commissioner of Works and Emergency Services and the City Solicitor;
 - (ii) that the said agreement define the contribution from Tribar Industries Incorporated as the greater of a guaranteed minimum amount (\$3.5 million) or a percentage of gross revenues, similar to the recently concluded "Transit Shelter" agreement, and include a minimum of six percent time allocation for public service announcements; and
 - (iii) that the sign control by-law, that prohibits the placement of advertising signs within 45 metres of the centreline of controlled access highways, be amended to allow the placement of the proposed signs, or that an exemption from the by-law be granted.

Council Reference/Background:

On July 8, 9 and 10, 1998, Council adopted Report No. 8 of The Urban Environment and Development Committee, Clause No. 2, and authorized the Works and Emergency Services Department (WES) to solicit proposals for design concepts and full architectural services for the installation of safety barriers on the Viaduct with a budget set at \$1.5 million. The amount of \$1.5 million was included in the terms of reference informing competitors of the parameters of the project.

On October 1 and 2, 1998, Council adopted Report No. 11 of The Urban Environment and Development Committee, Clause No. 1, recommending that the preferred design by Dereck Revington Studios/Yolles Partnership (DRS) be adopted and that they be retained to prepare the detailed design and tender documents and to provide project management and site supervision services.

Subsequent to Council's endorsement of the design, it was apparent that the design, as selected, could not be constructed within the original budgeted amount of \$1.5 million.

On May 11, 12 and 13, 1999, Council adopted the recommendation of the Urban Environment and Development Committee (Report No. 7, Clause No. 2) which directed WES to proceed with the design by DRS, to prepare the detailed design and tender documents for the construction and to increase the funding for the project by \$1.0 million to \$2.5 million.

On October 6, 1999, the Bid Committee opened the three tenders received for Contract No. T-71-99, for the structure modification and the installation of a safety fence on the Prince Edward Viaduct – Don Section. The low bid price was \$5,558,405.92. The other two bid prices were \$7,029,900.00 and \$8,325.873.84.

At its meeting on November 3, 1999, the Works Committee referred the report dated October 20, 1999, from the Commissioner of Works and Emergency Services to Council without recommendation and requested staff to enter into negotiations with the three bidders to reduce the bid prices, if possible, and to meet with the Project Steering Committee to solicit private sector sponsorship.

On December 3, 1999, Council deferred this item to the next meeting of Council in February 2000.

At its meeting on January 12, 2000, the Works Committee requested the Commissioner of Works and Emergency Services to report to City Council directly on the suggested cost efficiencies proposed by some of the bidders and DRS.

At its meeting on February 1, 2 and 3, 2000, Council had before it a report (January 26, 2000) from the Commissioner of the Works and Emergency Services commenting on the proposed cost efficiencies. The report concluded that none of the suggested cost efficiencies would result in substantial savings, since they all have additional cost to implement or require the City to assume additional risk.

At its meeting on February 1, 2 and 3, 2000, Council amended the January 12, 2000, Works Committee Report No. 1, Clause No. 2, as follows:

- (1) Contract No. T-71-99, Tender Call No. 222-1999, for the installation of a safety fence on the Prince Edward Viaduct, be cancelled;
- (2) Toronto City Council support the proposed 'Luminous Veil' design for the Prince Edward Viaduct;

- (3) Toronto City Council provide funding support to a maximum of \$2.5 million, including GST/PST, to assist in the construction of the project;
- (4) the Project Steering Committee undertake a fundraising initiative to raise the additional funds required to meet the project budget, and that construction commence after the project is fully funded; and the Commissioner of Works and Emergency Services be requested to submit a report to the Works Committee in six months time, providing an update on the success of the fundraising campaign to date, and an analysis of the probability of the required funds being raised within a reasonable period of time; and
- (5) the City of Toronto support the Project Steering Committee through the creation of an interdepartmental staff team from the Departments of Works and Emergency Services, Community and Neighbourhood Services, Urban Development Services and the Toronto Transit Commission.

Comments/Discussions:

Subsequent to the February 1, 2 and 3, 2000, Council Meeting, staff from Works and Emergency Services convened a meeting of the Project Steering Committee (PSC) on March 10, 2000, to discuss Council's directives and fundraising initiatives. At the meeting, it was decided to make changes to the structure of the PSC, since the primary function was now as a fundraising group. Al Birney of the Schizophrenia Society of Ontario (SSO) stepped down as chairman of the PSC as he felt that the SSO should not be associated with the fundraising initiative. It was suggested that Heritage Toronto and the Arts Community should take a more visible role in the project. Ellis Kirkland, who represents the Arts Community, was elected chairperson with Michael McCamus of the SSO as vice chairperson.

At the meeting, the City clarified that its role will be limited to facilitating meetings of the PSC and to provide support as requested, but the PSC will be responsible for all fundraising activities. The PSC also concluded that, based on preliminary discussions with fundraising agencies, the six months timeframe may not be long enough to raise the additional funds in the order of \$3,000,000.00.

At the next meeting of the PSC on June 16, 2000, various fundraising initiatives were discussed, but no firm direction on how to proceed was established. The PSC was investigating possible interest from private donor sources and some form of advertising or sponsorship to generate the funds. At that time, the PSC intended to report back to the Works Committee in the fall of 2000, prior to the municipal election.

At the next meeting of the PSC on September 15, 2000, the PSC concluded that a traditional competition fundraising campaign, as used by most charitable organizations, was not likely to be a viable option, since this project would be in competition with many other charitable organizations that already have well established fundraising campaigns. It was also reported that the search for a private donor(s) had met with little success. The PSC decided to pursue a proposal for some form of corporate sponsorship or advertising as a means of generating the funds for the project.

The PSC also indicated at the September 15, 2000 meeting that it had contacted several advertising firms and had apparently received positive feedback regarding potential for advertising on the bridge. The PSC was advised that any proposal involving corporate sponsorship or advertising on the bridge would have to be reviewed by the various City Departments for compliance with the City's policies and would require approval by City Council. A target date of February 2001 was established for the PSC to report back to the Works Committee.

At the January 18, 2001, meeting of the Policy and Finance Committee, Ellis Kirkland, chair of the PSC, presented a proposal that if approved by Council would raise \$3.5 million from Tribar Industries Incorporated (Tribar) for the construction of the 'Luminous Veil' safety barrier. The proposal involves an up-front donation/payment of \$3.5 million (\$1.5 million charitable donation/\$2.0 million lease payment) to the City for the construction of the safety barrier in exchange for the rights to place advertising at two locations either on the bridge or at alternate locations along the Don Valley Parkway. The advertising medium would be in the form of electronic animation signs with corresponding vinyl signs to be located at mutually agreed upon locations within the City road allowance.

Following the January 18, 2001, Policy and Finance Committee meeting, a copy of the Tribar proposal was forwarded to the General Manager of Transportation Services for review and comments. The review focuses on the safety aspect of the proposal and appears on the February 21, 2001, agenda of the Works Committee.

Technical Services staff have reviewed the proposal and the potential impact on future maintenance of the bridge if the signs are to be mounted on the concrete bridge piers as proposed. It is imperative that the design of the proposed signs and supports allow the City to gain access to all the bridge components in order to inspect and repair as needed. There would be no such concerns if the advertising signs were located away from the bridge.

The installation of a third party sign at the bridge location or at any alternate location within 45 metres of the centreline is prohibited by Metro By-law No. 211-79. That by-law is a zoning by-law. Accordingly, if the proposal is accepted, there will have to be an amendment to the by-law under the provisions of the Planning Act. Any approval would therefore have to be subject to the process for an appropriate zoning by-law amendment. This requires that City Council give notice of its intention to amend the by-law and hold a public hearing before the Community Council before passing an amendment to permit the sign. This also provides a right of appeal to the OMB for any person objecting to the by-law amendment. The detailed sign provisions of the Municipal Code would also apply.

Subject to the identification of suitable locations, Council's approval to proceed, and approval of the necessary by-law amendments, it will be necessary for the City to enter into a formal agreement with Tribar. Retendering of the contract should await execution of this agreement.

Recently, the City signed a Transit Shelter agreement with Mediacom. In the agreement, Mediacom is committed to paying the City an annual license fee for each contract year equal to the greater of the guaranteed minimum payment (listed in the agreement) or 27 percent of the gross revenues for the contract year. Mediacom is legally obliged to provide an audited accounting statement in a form and detail satisfactory to the City, acting reasonably, certified by

an independent Chartered Accountant. It is recommended that any agreement with Tribar be based on the same principles.

Currently, \$172,000.00 of the \$2.5 million approved by Council has been expended on the design, testing and contract preparation for the DRS design. In a separate report on this agenda addressing traffic safety issues associated with the Tribar proposal; it is recommended that an amount of \$150,000.00 be set aside from Tribar's contribution for an independent evaluation to quantitatively measure the effects on traffic safety of the new signs on the Don Valley Parkway. This recommendation if accepted would reduce the total amount available to fund the project to \$5,678,000.00.

Subject to and following Council's approval of the funding proposal presented to the Policy and Finance Committee, signing of an agreement with Tribar and receipt of the funds, it will take approximately two months to retender the project and approximately six to eight months for construction, for a total project duration of approximately eight to ten months.

Conclusion:

If City Council elects to enter into an agreement with Tribar to install and operate electronic animation signs on the Don Valley Parkway, the contribution from Tribar should be the greater of a guaranteed minimum amount (\$3.5 million) or a percentage of gross revenues, similar to the recently concluded Transit Shelter agreement.

Upon receipt of the additional \$3.5 million in funds from Tribar, execution of an agreement between the City and Tribar and Council's direction to proceed, staff will proceed to retender the project. In the event that the tendered prices exceed the available remaining funding, staff will report to the Works Committee and Council for further direction.

The agreement should also reflect the conditions as outlined in the companion report on providing a safe roadway environment.

Contact:

W. G. Crowther, P. Eng. Director
Works Facilities and Structures, Technical Services Division
Tel. (416) 392-8256; Fax (416) 392-4594
E-mail: WCrowth@city.toronto.on.ca

List of Attachments:

Proposal from Tribar Industries Incorporated

The Works Committee also submits the following report (February 6, 2001) from the Commissioner of Works and Emergency Services:

Purpose:

This report addresses traffic safety issues for Don Valley Parkway drivers/travellers that will arise from the proposed installation of electronic animation signs on the Prince Edward Viaduct (Bloor Street bridge), (or any alternative location that may be proposed), adjacent to the Don Valley Parkway.

Financial Implications and Impact Statement:

The financial status of this project is outlined in a report to the Works Committee also on this agenda, titled "Prince Edward Viaduct – Don Section: Measures to Deter Suicide Attempts".

Recommendations:

It is recommended that:

- (1) this report be received and forwarded to City Council for its meeting on March 6, 2001, for information;
- (2) the Chief of Police be requested to submit a report directly to City Council for its meeting on March 6, 2001, addressing any traffic safety concerns the Police Service may have regarding the installation and operation of the proposed signs;
- (3) the City Solicitor be requested to submit a report directly to City Council for its meeting on March 6, 2001, assessing the need for the City of Toronto to be protected from any and all claims that may arise from the installation and operation of the proposed signs; and
- (4) in the event that City Council approves the installation and operation of electronic animation signs on or adjacent to the Don Valley Parkway:
 - (i) approval be granted to enter into an agreement with Tribar Industries Incorporated with terms and conditions satisfactory to the Commissioner of Works and Emergency Services and the City Solicitor;
 - (ii) the operational guidelines for these signs and any future signs, as outlined in this report, be adopted as an interim City-wide standard and included in the agreement mentioned in (i); and
 - (iii) funds up to a maximum of \$150,000.00 be set aside from Tribar Industries Incorporated's contribution for, firstly, a pre-installation human factors evaluation and secondly, a post-installation evaluation to quantitatively measure the effects on traffic safety of the new signs on the Don Valley Parkway.

Background:

At its meeting on January 18, 2001, the City of Toronto Policy and Finance Committee was presented with a proposal from Tribar Industries Incorporated to install two electronic animation signs, with corresponding tri-vision (three messages) vinyl signs on the Prince Edward Viaduct. In exchange for a 15-year lease agreement, Tribar Industries Incorporated would contribute

\$3,500,000.00 towards the construction of the suicide prevention structure on the Prince Edward Viaduct.

The sizes of the signs would be as follows:

- each electronic animated sign is 8.3 m wide and 7.4 m high;
- each tri-vision, vinyl sign is 8.3 m wide and 7.4 m high; and
- total sign size is 8.3 m wide and 14.8 m high.

At its meeting, the Policy and Finance Committee requested the City of Toronto Works and Emergency Services Department to submit a report to the Works Committee respecting “the safety aspects of the proposal”.

Comments:

The purpose of advertising is to attract the attention of all those whose field of vision embraces the advertising medium. However, case studies of crashes show that inattention is the most frequent human error contribution to collisions. Therefore, it is prudent to limit distractions to drivers, particularly in areas where the driving task is particularly demanding, and a second or two lapse in attention could have serious consequences.

The following comments outline some of the operational issues that should be taken into account in developing an agreement with Tribar Industries Incorporated if City Council approves the proposal to install electronic animation signs on the Don Valley Parkway. The comments are categorized as follows:

- (1) Sign Conspicuity and Brightness;
- (2) Sign Location;
- (3) Sign Legibility/Content;
- (4) Sign Evaluation; and
- (5) Legal Issues.

Sign Conspicuity and Brightness:

The conspicuity of advertising displays is a key issue for the advertising industry, which assesses many human factors issues to ensure that advertising signs are conspicuous and legible for the target audiences. Signs are most conspicuous if placed in simple backgrounds without other competing displays nearby. This would be the situation on the Don Valley Parkway which today is a “sign-free” zone. Sign brightness increases conspicuity and can overcome the problems of a visually complex background. Signs with high internal contrast, bold graphics and unique messages increase the likelihood of detection. Since all of these factors contribute to conspicuity, and therefore the likelihood of attracting driver attention, they should all be considered in setting policy on advertising signs.

Eye movement studies indicate that during highway driving there is a need to check roadway information frequently, at least once every two seconds. Drivers also need to spend time looking at the road ahead, in addition to looking at specific guidance targets such as lane markers, signs, and other vehicles. This suggests that glances at an advertising display should not be a problem as

long as three conditions are met. The first is that the driver keeps the road ahead in view, and does not follow the sign with his or her eyes beyond an angle of 10 degrees off the road path. This allows the driver to continue to detect changes on the road ahead. The second condition is that glances at advertising signs are short and timed to occur at non-critical points. The third condition is that the driver's attention is not drawn so strongly to the sign that he or she misses critical events that are in view ahead.

Moving displays or signs should be limited in the extent of movement and the brightness of the sign. This is also valid for signs off to the side of the road, as movement makes targets seen in peripheral vision more conspicuous.

In view of concerns expressed recently by the Chief of Police with respect to driver attentiveness, the Chief should be requested to submit a report directly to City Council for its meeting on March 6, 2001, addressing any traffic safety concerns the Police Service may have regarding the installation and operation of the proposed signs.

Sign Location:

On freeways including the Don Valley Parkway, the driving task is most demanding in areas where the number of lanes changes, and at merge areas, exit ramps and construction zones; that is where drivers may be changing lanes and/or slowing. A high degree of attentiveness is also required during stop and go traffic conditions, a frequent occurrence on the Don Valley Parkway. Drivers must be particularly attentive to these changes in speed because headways are often short, on the order of two seconds or less. The time to begin braking in response to the slowing of a vehicle ahead is on the order of one to two seconds. A delay of even one second at a critical moment can result in a rear end collision. This means that advertising displays and signage should be particularly limited around interchanges and intersections, where speed variances increase.

Sign Legibility/Content:

Guidance on information processing time requirements comes from research on dynamic message signs, where drivers are reading unfamiliar messages. A study (conducted by Mast and Ballas in 1976) was carried out with drivers who were driving on a low density highway, and it showed that 85 percent of them were able to read signs with word messages only at a rate of one major word per second or better. This means that under perfect conditions, a driver with 20/20 vision travelling during the day at 100 km/h on a freeway reading 35.6 cm (14 inch) letters has about nine seconds during which the sign text is legible, and therefore could cope with about nine words and/or symbols. At the other extreme, a driver with 20/40 vision, the minimum requirement for licensing, travelling at 80 km/h at night on a major highway reading 15.2 cm (6 inch) letters could cope with only one word and/or symbol.

Other factors that affect the time taken to read any message is the driver workload (i.e., the number of tasks the driver must perform simultaneously), the message familiarity and display format. For driver workload, it is important that the message must be legible at a distance that allows sufficient exposure time for drivers to attend to the complex driving situation and glance at the sign a sufficient number of times to read and comprehend the message. All of the above principles have been applied in the installation and operation of the overhead changeable message signs on the F.G. Gardiner Expressway and the Don Valley Parkway that are part of the City's RESCU system.

Sign Evaluation:

It is not surprising that there are few good studies which assess the impact of advertising signs. Collisions are rare events with multiple causes. There is a large month-to-month variability in the numbers that occur. Given that a particular sign is only visible for approximately one or two kilometres, few collisions would be expected in any given period. For this reason, a study of the impact of advertising signs would require numerous sites with before and after measures of collisions. Approximately one hundred or more collisions would be required to make statistical comparisons.

Changes in collision rates due to advertising would have to be compared with changes that took place at control sites upstream of the advertising sites. Because collision rates change over time due to changes in traffic volume, road geometry, enforcement, reporting practices (e.g., self-reports) and so on, it is important to use control sites which are as similar as possible to the advertising sites. Such a study could be done but would be costly. Identification of appropriate sites would be the most time consuming aspect.

If City Council accepts the proposal to install and operate electronic animation signs, it will be important to closely monitor the impacts on traffic safety on the Don Valley Parkway. Specifically, funds up to a maximum of \$150,000.00 should be set aside from Tribar Industries Inc.'s contribution for, firstly, a pre-installation human factors evaluation and secondly, a post-installation evaluation to quantitatively measure the effects on traffic safety of the new signs on the Don Valley Parkway. The two evaluations will provide a basis for developing the operational parameters for any future signs.

Legal Issues:

Road authorities are consistent in their concern over dynamic or flashing displays.

To gather information on experiences with "billboard" signs in other jurisdictions, staff contacted all members of the Freeway Operations Committee of the U.S. Transportation Research Board (National Academy of Sciences). This international group is comprised of operators of freeway systems, academics and consultants and represents close to 1,000 person-years of operational knowledge about safe operating practices on freeways, motorways, and highways.

To date, we have received 15 responses that are summarized in Appendix 1, which is attached. It is interesting to note that four states have actually prohibited the use of such signs, namely Minnesota, Texas, Virginia, and Washington. Whilst the table indicates that there are many safety and liability concerns, these concerns are primarily based on qualitative rather than quantitative data. Only in Dallas and Milwaukee is there documentation relating to an increase in collisions.

It is interesting to note that the collision rate on the F.G. Gardiner Expressway (Jameson Avenue to Sherbourne Street) is almost double that of the Don Valley Parkway (Eglinton Avenue to Bloor Viaduct). The F.G. Gardiner Expressway 1995 – 2000 annual rate is 2.51 collisions per million vehicle-kilometres whereas the Don Valley Parkway for the same period is 1.30 collisions per million vehicle-kilometres.

It is not possible to attribute the F.G. Gardiner Expressway's poorer collision record to any one factor. However, it cannot be ruled out at this time that the advertising environment that surrounds the F.G. Gardiner Expressway is in some way contributing to this poor safety record.

In view of these concerns, the City Solicitor should be requested to submit a report directly to City Council for its meeting on March 6, 2001, assessing the need for the City of Toronto to be protected from any and all claims that may arise from the installation and operation of the proposed signs.

Conclusion:

If City Council accepts the proposal from Tribar Industries Inc. to install and operate electronic animation signs on the Don Valley Parkway, the operating and protection guidelines, to be included in the agreement, should be based on the following:

(1) Sign Conspicuity and Brightness:

- (i) Animated video (TV like images) should not be permitted;
- (ii) rapid changing animated graphic displays (more than one change every two seconds) should not be permitted;
- (iii) graphic displays containing moving elements may be permitted;
- (iv) word displays must remain visible to permit the entire message to be read (one word per second, minimum five seconds); and
- (v) brightness guidelines, as developed by the City, must be complied with.

(2) Sign Location:

- (i) The sign location must not be within an interchange area in which merging, weaving, and frequent braking movements occur.

(3) Sign Legibility:

- (i) Images must stay on the screen for sufficient time to permit the entire message to be read without the driver having to brake or turn his/her head to look at the sign;
- (ii) the sign will not be permitted to simulate traffic control devices;
- (iii) messages must use fonts that meet acceptable legibility standards;
- (iv) all messages must be sufficiently brief such they can be read easily by drivers; and
- (v) all messages must be in accordance with the regulations and standards set by the Advertising Standards Council of Canada, in accordance with good taste, and must not include any content, including and not limited to tobacco and alcohol products, which are prohibited by the policies of City Council. In addition, advertising is not permitted which is, in the opinion of the Commissioner, offensive to the public on religious, racial or other grounds.

(4) Sign Evaluation:

- (i) The sign proposal in its final version must be evaluated by an independent Human Factors Specialist to be selected by the Commissioner, Works and Emergency Services Department, prior to installation; and
 - (ii) the independent Human Factors Specialist should conduct studies to quantitatively measure the effects on traffic safety following the installation and operation of the new signs.
- (5) Legal Issues:
- (i) Comments pertaining to the need to protect the City of Toronto from all claims related to the installation and operation of the sign will be provided by the City Solicitor in a report to be submitted directly to City Council.

In the preparation of this report, staff were assisted by Dr. Alison Smiley of Human Factors North Inc., Toronto.

Contact:

Les Kelman, P.Eng.
Director, Transportation Systems
Phone: 392-5372
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List of Attachments:

Appendix 1: Animated Video Changeable Message Sign (AVCMS) Experience; Feedback from Transportation Research Board – Freeway Operations Committee

The Works Committee reports, for the information of Council, having also had before it during consideration of the foregoing matter the following communications:

- (i) (January 16, 2001) from Ms. Vee Ledson, Toronto, Ontario, strongly recommending the completion of the Luminous Veil suicide prevention barrier without further delays;
- (ii) (January 18, 2001) from Mr. Ken Stagg, Toronto, Ontario, forwarding correspondence with respect to concerns about the proposed safety barrier on the Prince Edward Viaduct;
- (iii) (January 23, 2001) from Mr. Ronald G. Barr, Executive Director, Government and Community Relations, Pattison Outdoor Advertising, respecting the proposal by Tribar Industries to erect electronic message signs on the Bloor Street Viaduct; and advising that if the City should recommend this type of proposal for signs on the bridge, the sign project should be tendered by the City;
- (iv) (February 1, 2001) from Superintendent Aidan Maher, No. 52 Division, Toronto Police Service, outlining concerns with respect to the Prince Edward Viaduct, and expressing strong support for the erection of a safety barrier;

- (v) (February 7, 2001) from Ms. Jacqueline Corrigan, Toronto, Ontario, urgently recommending that the Luminous Veil suicide prevention barrier begin construction at once;
- (vi) (Undated) from Mr. Ken Magill, Scarborough, Ontario, expressing concern with respect to the length of time in completing the Prince Edward Viaduct safety barrier;
- (vii) (February 9, 2001) from A. Stokes, President, Brampton Chapter, Schizophrenia Society of Ontario, strongly recommending the installation of the proposed safety barrier on the Prince Edward Viaduct;
- (viii) (February 12, 2001) from Ms. Laura Bedard, Schizophrenia Society of Ontario, Windsor-Essex Chapter, urging the construction of the safety barrier on the Prince Edward Viaduct;
- (ix) (February 13, 2001) from Mr. James Weber, Chapter President, East York Chapter, Schizophrenia Society of Ontario, expressing strong support for the construction of a suicide barrier along the Prince Edward Viaduct, and submitting a petition from 21 persons;
- (x) (February 6, 2001) from Dr. D. Blake Woodside, Past President, Ontario Psychiatric Association, expressing his personal view and the view of the Association that the expense of the safety barrier is most certainly worth while, given the number of deaths that occur annually at the site, and urging Council to move forward with this project as quickly as possible;
- (xi) (February 21, 2001) from Mr. Richard Renaud, President, Schizophrenia Society of Ontario, reaffirming the Society's support for the construction of the Luminous Veil suicide barrier; and expressing appreciation to the volunteers and professionals who have worked on the project, in particular to Al Birney and Michael McCamus;
- (xii) (February 16, 2001) from Councillor Norm Kelly, Scarborough Agincourt, forwarding a communication (February 21, 2001) from Mrs. Mary Doucette, Toronto, Ontario urging that the construction of the suicide prevention barrier be constructed by the end of the year, and expressing support for the Luminous Veil project;
- (xiii) (February 20, 2001) from Ms. Tanny Wells, Chair, Task Force to Bring Back the Don, advising that the Task Force requests that the Don Valley be protected from the proposed intrusion of commercial advertising;
- (xiv) (February 21, 2001) from Mr. Dereck Revington, Dereck Revington Studio, urging the Committee to support the proposal for additional funding for the suicide deterrent for the Prince Edward Viaduct;
- (xv) (February 21, 2001) from Dr. Sylvia Geist, Psychologist, Geist Family Centre, urging that the Luminous Veil barrier for the Bloor Viaduct be completed without any further delay;

- (xvi) (February 20, 2001) from Ms. Gail Littlejohn, Toronto, Ontario, in opposition to the proposal to allow advertising billboards in the Don Valley;
- (xvii) (February 20, 2001) from Ms. Catherine Nasmith, Chair, Toronto Preservation Board, advising of the support of the Preservation Board for the Luminous Veil project;
- (xviii) (February 20, 2001) from Ms. Mary E.E. Boyce, Barrister and Solicitor, in opposition to the placement of billboards in the Don Valley; and
- (xix) (February 12, 2001) from Mr. Dave Meslin, Toronto Public Space Committee, expressing concern with respect to the placement of billboards in the Don Valley, and the lack of public consultation.

The following persons appeared before the Committee in connection with the foregoing matter:

- Mr. Ronald G. Barr, Executive Director, Government and Community Relations, Pattison Outdoor Advertising;
- Mr. Paul Blackwell, Bridge Safety Systems, and submitted material with respect thereto;
- Mr. Dave Meslin, Toronto Public Space Committee;
- Ms. Tanny Wells, Chair, Task Force to Bring Back the Don;
- Ms. Karen Letofsky, Executive Director, Distress Centre One and Suicide Survivor Support Program, and member of City's Bloor Viaduct Project Steering Committee;
- Mr. Ernie Buchner, Executive Director, Heritage Toronto, and interim member of Bloor Viaduct Project Steering Committee;
- Ms. Catherine Nasmith, Chair, Toronto Preservation Board (Local Architecture Conservancy Advisory Committee/LACAC);
- Ms. Vee Ledson, bereaved partner of Hargurchet Singh Bhabra, award-winning Canadian novelist (deceased June 1, 2000);
- Ms. Jacqueline Corrigan, citizen of Toronto who saved a 20-year old man from a suicide attempt at the Viaduct on September 2, 2000;
- Police Constable Bruce Bennett, 55 Division, Toronto Police Service;
- Dr. T. Mark Quigg, family physician, emergency room doctor, Collingwood, Ontario, former resident staff of Wellesley Hospital, Toronto;
- Dr. Sylvia Geist, psychologist, Geist Family Centre, Past President of the Schizophrenia Society of Canada and Past Chair of the Canadian Alliance on Mental Illness and Mental Health;
- Mr. Marco Polo, Editor of Canadian Architect;

- Mr. Gary and Mrs. Teresa Kruze, bereaved brother and sister-in-law of Martin Kruze (deceased October 30, 1997);
- Mr. J.A. (Al) Birney, Chairman of the Schizophrenia Society of Ontario Bridge Committee, Past Chair of Bloor Viaduct Project Steering Committee, and Past President of East York Chapter of the Schizophrenia Society of Ontario;
- Mr. Ken Magill, Toronto Fire Department (retired), who attended to several suicides at the Viaduct during his 37-year career;
- Mr. Michael McCamus, Vice-Chair, Bloor Viaduct Project Steering Committee;
- Mrs. Ellis Kirkland, Chair, Bloor Viaduct Project Steering Committee, Past President of the Ontario Association of Architects, past co-president of Kirkland Partnership Inc. architectural firm, and the City's Urban Planning and Development representative on the Barrier Design Selection Committee; and
- Mr. John Chiappetta, President, and Mr. Bruce Maschmeyer, General Manager, Tribar Industries Incorporated.

The following Members of Council appeared before the Works Committee in connection with the foregoing matter:

- Councillor Douglas Holyday, Ward 3 – Etobicoke North; and
- Councillor George Mammoliti, Ward 7 – York West.

(A copy of the attachment to the proposal by Tribar Industries Incorporated and of Appendix I referred to in the foregoing report dated February 6, 2001, has been forwarded to all Members of Council with the agenda for the Works Committee meeting of February 21, 2001, and a copy thereof is on file in the office of the City Clerk.)

(City Council on March 6, 7 and 8, 2001, had before it, during consideration of the foregoing Clause, the following joint report (March 5, 2001) from the Commissioner of Works and Emergency Services and the City Solicitor:

Purpose:

The purpose of this report is to report, as requested by the Works Committee at its meeting on February 21, 2001 on a process that would expedite the approval of the award of tender for the construction of the Bloor Viaduct safety barrier. In addition, this report presents recommendations on the by-laws applicable to the installation of the signage required by the Tribar proposal given Tribar's intent to locate the signs near the intersection of Wynford Drive and the Don Valley Parkway as stated in its deputation to Works Committee.

Financial Implications and Impact Statement:

Council has previously authorized the expenditure of \$2.5 million for this project. Approximately \$2.3 million is still available to complete the work. The financial contribution of \$3.5 million by Tribar Industries Incorporated will enable the project to proceed to tender call.

Recommendations:

It is recommended that, should Council accept the proposal from Tribar Industries Inc. for the location of signage within the road allowance of the Don Valley Parkway,

- (1) Council delete conditions (1)(vii) and (1)(viii) contained in the recommendations of the Works Committee, such conditions being applicable to lands outside the road allowance of the Don Valley Parkway, and instead authorize:*
 - (a) pursuant to section 308 of the Municipal Act, an agreement to lease with Tribar Industries Inc. for the location of two signs within the untravelled portion of the Don Valley Parkway in or about the locations identified on the sketch attached to this report, for the monetary consideration set out in the recommendations from the Works Committee and for a term not to exceed 15 years and otherwise upon terms and conditions, including provisions for insurance, indemnity and removal of the signs, to the satisfaction of the Commissioner of Works and Emergency Services and the City Solicitor, in consultation with the Implementation Committee, and that the signs comply with North York Sign By-law 30788;*
 - (b) that the Commissioner of Urban Development Services be requested to prepare a report, together with a draft by-law amendment to North York Sign By-law 30788 to permit the proposed signs, and that the report and draft by-law be forwarded to Midtown Community Council for the holding of a public meeting in accordance with the provisions of the Municipal Act;*

and, should Council, in addition, desire to expedite the award of tender for the construction of the safety barrier,

- (2) the Bid Committee be authorized to exercise the power of Council to make the award if the conditions applicable to the delegated authority of the Bid Committee contained in Chapter 195 (Purchasing) are met with the exception of the Bid Committee's monetary limit.*

Background:

At its meeting on February 21st 2001, the Works Committee considered the issue of the commitment of funds for the installation of the suicide barrier at the Bloor Viaduct and, in particular, a proposal by Tribar Industries Inc. ("Tribar") for the commitment of funds in consideration of permitting the installation of signage along the Don Valley Parkway. The Committee recommended to Council the approval of the proposal by Tribar Industries Inc. subject to certain conditions and requested the Commissioner of Works and Emergency Services and the City Solicitor to report directly to Council on a process that would expedite the approval

of the award of tender for the construction of the safety barrier following conclusion of negotiations with Tribar Industries Inc..

The proposal as contained in the report, dated February 7, 2001, from the Commissioner of Works showed the location of the proposed signage as being on or adjacent to the Bloor Viaduct. In the deputation by Tribar, the location was then shown as generally in the area of the Don Valley Parkway and Wynford Drive. More explicitly, Tribar has proposed locations within the dedicated road allowance of the Don Valley Parkway.

Comments:

(1) Applicable By-laws and Process for Approval

The current proposal by Tribar is for the location of two signs to the north of the intersection of the Don Valley Parkway and Wynford Drive within the untravelled portion of the Don Valley Parkway road allowance. A site plan showing the proposed locations is attached to this report. Accordingly, the provisions of Metro By-law 211-79, the zoning by-law applicable to lands 45 metres from the limits of the former Metro roads, would not be applicable and, in particular, a planning process for amending a zoning by-law would not have to be followed.

Instead, it would be open to Council to enter into an agreement with Tribar to permit the placement of these signs under the provisions of section 308 of the Municipal Act. Should Council wish to accept the proposal of Tribar for signage placement at these locations, certain exemptions would be required from the provisions of By-law 30788 of the former City of North York. Specifically, section 2.9.6 prohibits the installation of any animated sign, sections 2.9.11 and 3.7.1 prohibit signs on public property and section 2.9.15 prohibits any off-premise signs. All other provisions of the by-law should continue to apply, including the requirement that an application be made and a permit be obtained from the Chief Building Official after approval of the plans and specifications for the signage.

In order to exempt Tribar from the provisions outlined above, it will be necessary to amend By-law 30788 on a site-specific basis. Before proceeding with an amendment to a sign by-law, the Municipal Act requires that a public meeting be held and that notice of this meeting be published in the newspaper at least 14 days in advance. In this case, the public meeting would be held at a meeting of Midtown Community Council, the next meeting of which is scheduled for April 3, 2001. The notice would have to be published no later than March 21, 2001.

Until Council has amended By-law 30788 to provide the necessary exemptions, the City will not be in a position to issue a permit to authorize the erection of the proposed signs.

(2) Expediting Approval of the Installation of the Suicide Barrier

At its meeting on February 1, 2 and 3, 2000, City Council cancelled Contract No. T. 71-99, Tender Call No. 222-1999 for the installation of the safety barrier. In doing so, City Council also provided funding support to maximum of \$2.5 million to assist in the construction of the project and directed that the Project Steering Committee undertake a fundraising initiative to raise the additional funds (\$3.5 million) required to meet the project budget of approximately \$6 million.

Should Council approve the proposal by Tribar Industries Inc., it would be expected that a tender call would be reissued for the construction of the safety barrier. Assuming that the tender submissions would be within the project budget of \$6 million but in excess of \$5 million, any award of tender would have to be made by Council.

Under the provisions of Chapter 195 (Purchasing) of the Municipal Code, Council has delegated to the Bid Committee and to the standing committees the ability to make an award in respect of those bids which meet the specifications of the tender call, are otherwise regular, within the funding approval of Council and where there is no objection made to the award. In keeping with the principles established under the Purchasing chapter of the Code, Council could delegate to either the Bid Committee or the relevant standing committee (the Works Committee) the ability to make an award in this one instance even though the funding would be in excess of the normal \$5 million limit of the delegated authority under the Purchasing Chapter of the Code.

Given that the Bid Committee meets on a weekly basis, the most expeditious way of commencing construction is to delegate the award in this instance to the Bid Committee. In the event that there was an objection to the award or that the low bid was not regular, the normal process would apply in requiring that the award be made by Council.

The Works and Emergency Services Department (“WES”) is also in receipt of a letter from Bridgecon Construction Limited, dated February 26, 2001. That letter points out that Bridgecon submitted the low price of \$5,558,405.92 on the original tender in 1999. Bridgecon is recommending that the City not reissue the tender but to negotiate and award the contract to Bridgecon. Bridgecon is recommending this on the basis that the specifications and the details of the project are virtually the same as was bid in 1999 and that Bridgecon is willing to honour the price as last submitted for the project. Bridgecon believes that this would be an obvious benefit to the City financially as it states that material and labour costs on the whole have increased since October 1999.

WES staff have contacted a number of steel suppliers regarding the possible changes in steel prices since the original tender was issued back in November 1999. From our review it is inconclusive that prices have risen or fallen since November 1999. The majority of steel suppliers indicated that prices have remained fairly stable over this period of time.

Therefore, based on the review of prices for steel work, there does not appear to be any conclusive advantage to procure the work outside the City’s normal tendering process as suggested by Bridgecon. It is acknowledged, however, that sole-sourcing the work to Bridgecon would reduce the project schedule by about 2 months.

Conclusions:

Should Council wish to accept the proposal from Tribar for the location of signage within the untravelled portion of the Don Valley Parkway road allowance, there would be no need to follow a planning process for amendment of former Metro By-law 211-79. Council may simply authorize an agreement to lease under the provisions of section 308 of the Municipal Act. However, it would be necessary to amend the North York Sign By-law 30788, which would require that a public meeting be held to comply with the Municipal Act.

Should Council wish to expedite the award of tender for the suicide barrier, Council could delegate the award authority to the Bid Committee for the low tender in compliance with the terms and conditions of the tender call.

Contact:

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List of Attachments:

Sketch No. PS-2001-015 showing Proposed Animated Sign Location)

include sketch

(City Council also had before it, during consideration of the foregoing Clause, a confidential report (March 6, 2001) from the City Solicitor, such report to remain confidential, in its entirety, in accordance with the provisions of the Municipal Act, given that it is subject to solicitor/client privilege.)

(City Council also had before it, during consideration of the foregoing Clause, the following communications respecting the Prince Edward Viaduct – Don Section Funding Proposal for Safety Barrier:

- (i) (March 5, 2001) from Ms. Patricia Teskey, Toronto;*
- (ii) (March 5, 2001) from Mr. Tony DiGiovanni, Executive Director, Landscape Ontario Horticultural Trades Association;*
- (iii) (March 6, 2001) from Mr. Michael McCamus, Vice-Chair, Bloor Viaduct Project Steering Committee and Member, East York Chapter Schizophrenia Society of Ontario;*
- (iv) (March 7, 2001) from the Schizophrenia Society of Ontario;*
- (v) (March 5, 2001) from Mr. Macklin L. Hancock, Hancock Woodlands Limited;*
- (vi) (March 5, 2001) from Ms. Ruth A. Malloy, Toronto;*
- (vii) (February 21, 2001) from F. Alonzi, President, Bridgecon Construction Ltd.;*
- (viii) (February 19, 2001) from Ms. Lisa Fitzgibbons, Director Les pleureuses, National Film Board of Canada;*
- (ix) (February 28, 2001) from Mr. Kevin Paul, Sales Manager, Canadian Pacific Railway;*
- (x) (March 6, 2001) from Mr. Imants E. Kruze, submitted by Councillor Howard Moscoe;*
- (xi) (March 2, 2001) from Sada Sane, President, O'Connor Hills Ratepayers' Association, submitted by Councillor Denzil Minnan-Wong;*
- (xii) (undated) petition signed by 60 Toronto residents, submitted by Councillor Denzil Minnan-Wong; and*
- (xiii) (February 1, 2001) from Mr. Aidan Maher, Superintendent, No. 52 Division, Toronto Police Service, submitted by Councillor Jack Layton.)*