

THE CITY OF TORONTO

City Clerk's Division

Minutes of the Works Committee

Meeting No. 2

Monday, February 3, 2003

A special meeting of the Works Committee was held on Monday, February 3, 2003, in Committee Room 2, 2nd Floor, City Hall, Toronto, commencing at 2:10 p.m.

Members Present:

2:10 p.m. - 3:55 p.m.
(In Camera: 2:50 p.m. - 3:45 p.m.)

Councillor Brad Duguid, Chair	x
Councillor Jane Pitfield, Vice-Chair	x
Councillor Bas Balkissoon	x
Councillor Frank Di Giorgio	x
Councillor Irene Jones	x
Councillor Peter Li Preti	x

Regrets:

Councillor Gloria Lindsay Luby

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

**2.1 Water Service Replacement at Various Locations in District 1 -
Contract No. 02D1-535WS, Tender Call No. 320-2002.
(Wards 11 and 12 - York South-Weston)**

The Works Committee had before it a communication (January 30, 2003) from the City Clerk advising that the Committee, at the portion of its meeting on January 20, 2003, recommended to Council the adoption of a joint report (January 20, 2003) from the Commissioner of Works and Emergency Services and the Chief Financial Officer and Treasurer respecting the award of Contract No. 02D1-535WS, Tender Call No. 320-2002, for water service replacement at various locations in District 1; and further advising that, in order to provide the opportunity for deputations with respect to the award of Contract No. 02D1-535WS, a special meeting of the Works Committee had been called to give further

Works Committee Minutes
Monday, February 3, 2003

consideration to this matter.

The Committee also again had before it a joint report (January 20, 2003) from the Commissioner of Works and Emergency Services and the Chief Financial Officer and Treasurer recommending that:

- (1) authority be granted to award Contract No. 02D1-535WS, Tender Call No. 320-2002, for water service replacement at various locations in District 1, to the next lowest bidder meeting specifications and requirements, OJCR Construction Ltd., in the total amount of \$1,234,352.00 including all taxes and charges;
- (2) in the best interests of the City, the lowest bid received, from Utility Force Inc., be rejected based on the plumbing supplies and equipment procurement practices allegedly engaged in by one of Utility Force Inc.'s officers with respect to its existing contracts with the City; and
- (3) the appropriate officials be authorized and directed to take the necessary actions to give effect thereto.

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

- Mr. Gus Galati, Utility Force Inc.; and
- Mr. Steven Bellissimo, Counsel for Utility Force Inc.

On motion by Councillor Di Giorgio, the Committee reopened its consideration of the aforementioned joint report (January 20, 2003).

On motion by Councillor Di Giorgio, the Committee met privately to discuss the aforementioned report having regard that the subject matter being considered relates to the security of the property of the municipality, in accordance with the Municipal Act.

The Committee:

- (1) again recommended to Council the adoption of the aforementioned joint report (January 20, 2003) from the Commissioner of Works and Emergency Services and the Chief Financial Officer and Treasurer; and

(Motion by Councillor Jones)

- (2) further recommended that upon due diligence being undertaken by Utility Force Inc. satisfactory to the Commissioner of Works and Emergency Services to address the concerns set out in this report, the circumstances underlying the action taken by this award not affect any future awards of City work involving Utility Force Inc.

(Motion by Councillor Balkissoon)

The following motion by Councillor Di Giorgio was **lost**:

“That the aforementioned joint report dated January 20, 2003, be amended by deleting Recommendation No. (2) and inserting in lieu thereof the following:

‘(2) that in the best interests of the City:

- (a) Utility Force accept a disqualification as the successful bidder under Contract No. 02D1-535WS, Tender Call No. 320-2002, on a one-time basis; and
- (b) Utility Force be permitted to complete Contract No. 02D1-500WS and Contract No. 02D1-551WS, for their dollar bid amounts.’”

(City Council; c: Commissioner of Works and Emergency Services; Chief Financial Officer and Treasurer; General Manager, Water and Wastewater Services - February 3, 2003)

(Clause No. 4, Report 2)

**2.2 Amendment to Purchase Order No. 6008252 -
Construction Services on University Avenue.**

The Works Committee had before it a report (January 24, 2003) from the Commissioner of Works and Emergency Services recommending that:

- (1) Purchase Order No. 6008252, for the resurfacing of University Avenue including sidewalk reconstruction by Warren Bitulithic Limited, be amended by \$220,000.00 from \$878,230.91 to \$1,098,230.91 excluding all taxes and charges; and
- (2) the appropriate City officials be authorized to take the necessary action to give effect thereto.

Works Committee Minutes
Monday, February 3, 2003

On motion by Councillor Balkissoon, the Committee approved the amendment to the purchase order as recommended in the aforementioned report, in accordance with City of Toronto Municipal Code Chapter 71, subsection 9(B)(2).

(Commissioner of Works and Emergency Services; c: Executive Director, Technical Services - February 3, 2003)

(Report No. 3)

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

Chair.