



**STAFF REPORT
ACTION REQUIRED**
with Confidential Attachment

Supplementary Report to Contract Award of Tender 209-2013 – Humber Treatment Plant Odour Control and Processes Upgrade

Date:	December 9, 2013
To:	City Council
From:	City Solicitor Executive Director, Engineering and Construction Services Director, Purchasing and Materials Management Division
Wards:	All
Reason for Confidential Information:	This report is about litigation or potential litigation that affects the City or one of its agencies, boards, and commissions and contains advice or communications that are subject to solicitor-client privilege.
Reference Number:	

SUMMARY

This report has been written at the request of the Public Works and Infrastructure Committee to address the matters that were raised in closed session on PW27.3 – Contract Award of Tender 209-2013 – Humber Treatment Plant Odour Control and Processes Upgrade.

RECOMMENDATIONS

The City Solicitor, the Executive Director, Engineering and Construction Services and the Director, Purchasing and Materials Management Division recommends:

1. City Council receive this report for information; and
2. That City Council direct that the confidential information in Attachment 1 shall remain confidential in its entirety as it relates to litigation or potential litigation affecting the City of Toronto and contains advice or communications that are subject to solicitor-client privilege.

FINANCIAL IMPACT

There is no financial impact arising from the recommendations in this report.

DECISION HISTORY

Public Works and Infrastructure Committee at its November 20, 2013 meeting considered PW27.3 – Award of Tender 209-2013 – Humber Treatment Plant Odour and Process Control Upgrade and requested the Director, Purchasing and Materials Management, and the Executive Director, Engineering and Construction Services, to report directly to City Council on the issues raised during its consideration of this matter in closed session.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.PW27.3>

ISSUE BACKGROUND

The Director, Purchasing and Materials Management Division and the Executive Director, Engineering and Construction Services recommended the award of Tender 209-2013 to WCC Construction Canada, ULC, being the lowest compliant bidder. A material written objection was received from Bondfield Construction Company Limited which was summarized in PW27.3. As a result of the material written objection, the award of Tender 209-2013 must be done by City Council pursuant to the Purchasing By-law.

COMMENTS

At the November 20, 2013 Public Works and Infrastructure Committee, a closed session discussion was had with respect to PW27.3. The Committee recommended in public session that a report be written to address the issues raised in closed session. The confidential attachment discusses the legal issues as it relates to the issues raised.

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ATTACHMENTS

Confidential Attachment 1 from the City Solicitor – Issues raised during PWI closed session