



**STAFF REPORT  
ACTION REQUIRED  
with Confidential Attachment**

## **Update on Cogeco Contract Status**

<b>Date:</b>	August 26, 2015
<b>To:</b>	Government Management Committee
<b>From:</b>	City Solicitor
<b>Wards:</b>	All
<b>Reason for Confidential Information:</b>	This report concerns litigation or potential litigation that affects the City or one of its agencies, boards, and commissions.
<b>Reference Number:</b>	

## **SUMMARY**

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This report has been prepared as requested by the Government Management Committee at its meeting of April 8, 2015, to review the outstanding issues respecting the City's current contract with Cogeco Data Services Inc. and report to the Government Management Committee on August 31, 2015 (subsequently rescheduled to September 17, 2015).

The Committee also requested that representatives of Toronto Hydro attend the meeting of Committee. That request has been forwarded by the Clerk to Toronto Hydro.

## **RECOMMENDATIONS**

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The City Solicitor recommends that:

1. City Council receive this report for information.
2. City Council direct that the information in Confidential Attachment 1 remain confidential as it relates to litigation or potential litigation affecting the City or one of its agencies, boards or commissions.

### **Financial Impact**

There is no financial impact beyond what has already been approved in the current year's budget.

### **DECISION HISTORY**

At its meeting of April 8, 2015 Government Management Committee referred Item GM3.15 ("Bell Canada Integrated Telecommunications Infrastructure Contract Amendment and Extension") to the Chief Information Officer, Director, Purchasing and Materials Management and City Solicitor, with the request that they review the outstanding issues and report to the Government Management Committee on August 31, 2015.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.GM3.15>

### **ISSUE BACKGROUND**

At its meeting of July 15, 2008, City Council approved on a confidential basis the terms of a lit fibre data services agreement with Toronto Hydro Telecom Inc. ("THTI") in anticipation that the agreement would be assumed and performed by Cogeco Data Services Inc. ("CDSI") as the purchaser of THTI's assets.

As previously reported by the Chief Information Officer, delays to the completion of the build out of the Cogeco high speed WAN network have resulted in the City maintaining more of its data communications service requirements with Bell Canada than originally planned.

## **COMMENTS**

The City of Toronto, the Toronto District School Board and the Toronto Catholic District School Board have taken action under their contracts with Cogeco to address the delays in completion. Further details respecting this matter are contained in Confidential Attachment 1 to this report as information relating to litigation or potential litigation affecting the City.

## **CONTACT**

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## **SIGNATURE**

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Anna Kinastowski  
City Solicitor

## **ATTACHMENTS**

Confidential Attachment 1 – Confidential Update on Cogeco Contract