



## STAFF REPORT ACTION REQUIRED

### Contract with Lands and Forests Consulting to Carry Out the Prescribed Burn Program

<b>Date:</b>	February 10, 2015
<b>To:</b>	Parks and Environment Committee
<b>From:</b>	General Manager, Parks, Forestry and Recreation; and Director, Purchasing and Materials Management
<b>Wards:</b>	Ward 5 Etobicoke-Lakeshore Ward 13 Parkdale-High Park
<b>Reference Number:</b>	P:\2015\Cluster A\PFR\PE02-022515-AFS#20685

### SUMMARY

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The purpose of this report is to request authority to enter into a Sole Source Contract with 1313135 Ontario Inc., carrying on business as "Lands and Forests Consulting" for the provision of planning and implementing the prescribed burn program for a period of five (5) years from the effective date of the signed agreement and for the amount of \$73,703.00 net of all applicable taxes and charges (\$75,000.00 net of HST recoveries). Lands and Forests Consulting have worked with the City to plan and implement a total of 19 prescribed park burns since 2001.

Lands and Forests Consulting has extensive experience both planning and executing various high complexity burns in southern Ontario. No other vendors will be able to match the qualifications required for high complexity burning, and it is for that reason that Urban Forestry is requesting support to continue to enter into a sole source contract with Lands and Forests Consulting to carry out prescribed burns in select Toronto parks.

City Council approval is required in accordance with City of Toronto, Municipal Code Chapter 195, Purchasing, where the current request has exceeded the Chief Purchasing Official's authority of the cumulative five (5) year commitment limit under Section 1 of the Purchasing By-Law.

## RECOMMENDATIONS

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**The General Manager of Parks, Forestry and Recreation and the Director of Purchasing and Materials Management recommend that:**

1. City Council grant authority for the issuance of a Sole Source Contract to 1313135 Ontario Inc., carrying on business as "Lands and Forests Consulting" in the total amount of \$73,703.00, net of all applicable taxes and charges (\$75,000.00 Net of HST recoveries) for services provided from March 1, 2015 to December 1, 2015, with the option to renew the contract for up to four additional one-year terms at the sole discretion of, and on terms and conditions (including price), satisfactory to the General Manager, Parks, Forestry and Recreation and the City Solicitor, and subject to budget approval.

### Financial Impact

Funding in the amount of \$14,741.00 net of all applicable taxes and charges, \$15,000.00 net of HST recoveries, is available in the 2015 Recommended Operating Budget for Parks, Forestry and Recreation.

Should the City choose to exercise its option to renew for an additional four (4) separate one (1) year periods, then appropriate additional funding, if needed, will be included in the 2016 to 2019 annual Operating Budget Submissions for Parks, Forestry and Recreation.

Year	Cost Centre	Cost Element	Net of all Taxes and Charges	Including all Applicable Taxes and Charges	Net of HST Recoveries
2015	P00016	4409	\$ 14,741	\$ 16,657	\$ 15,000
2016*	P00016	4409	\$ 14,741	\$ 16,657	\$ 15,000
2017*	P00016	4409	\$ 14,741	\$ 16,657	\$ 15,000
2018*	P00016	4409	\$ 14,741	\$ 16,657	\$ 15,000
2019*	P00016	4409	\$ 14,741	\$ 16,657	\$ 15,000
<b>TOTAL</b>			<b>\$ 73,703</b>	<b>\$ 83,284</b>	<b>\$ 75,000</b>

*\*Funding for 2016-2019 will be included in future years' Operating Budget Submissions*

The Deputy City Manager and Chief Financial Officer has reviewed this report and agrees with the financial impact information.

### DECISION HISTORY

At its meeting of February 29, March 1 and 2, 2000, City Council authorized the City Forester of Economic Development, Culture and Tourism, Parks and Recreation Division to approve the Operational Prescribed Burn Plan, prepared by the Burn Boss and reviewed by the Ministry of Natural Resources and Forestry Fire Supervisor.

<http://www.toronto.ca/legdocs/2000/agendas/council/cc/cc000229/to4rpt/cl016.pdf>

At its meeting of February 4-7 and 10-11, 2003, City Council adopted the report “High Park and South Humber Park – Proposed Prescribed Burns”

<http://www.toronto.ca/legdocs/2003/agendas/committees/edp/edp030107/it005.pdf>

At its meeting of March 1, 2 and 3, 2004, City Council adopted Economic Development and Parks Committee Report 2, Clause 4, titled “High Park Proposed Prescribed Burn Spring 2004”

<http://www.toronto.ca/legdocs/2004/agendas/council/cc040301/edp2rpt/cl004.pdf>

At its meeting of January 31, February 1 and 2, 2006, City Council adopted Economic Development and Parks Committee Report 1, Clause 12, titled "High Park, Proposed Prescribed Burn, Spring 2006," approving the prescribed burn program and provided the Director, Urban Forestry, in future years to proceed with the implementation of prescribed burns in appropriate areas following consultation with local Councillors.

<http://www.toronto.ca/legdocs/2006/agendas/council/cc060131/edp1rpt/cl012.pdf>

## **ISSUE BACKGROUND**

The City of Toronto is home to the globally rare plant community known as black oak savannah. There are currently less than 2% of previously existing savannah communities left in southern Ontario. The largest remaining remnant in the GTA is in High Park, with smaller communities in Lambton and South Humber Parks.

The Ontario Ministry of Natural Resources and Forestry (MNRF), Toronto and Region Conservation Authority (TRCA) and the City of Toronto recognize the need to protect and restore these natural areas. In 1982, TRCA recognized the natural areas of High Park as Environmentally Sensitive Areas (ESA) and in 1989 the MNRF recognized the High Park black oak woodlands as an Area of Natural and Scientific Interest (ANSI).

At its meeting of March 3, 1993, City Council recognized that High Park contains some of the most significant natural areas in the Regions of York and Metropolitan Toronto in terms of its vegetation communities, including the rare black oak savannah, and approved in principle, the retention of significant features of High Park’s natural areas.

The “[High Park Woodland and Savannah Management Plan](#)” was developed for the management of the natural areas in High Park. This document is a long term management plan that identifies goals and objectives for the management of the natural areas in High Park, as well as the methods and tools required to achieve them. Prescribed burning is identified as an important management tool in that document.

Traditional methods of park management along with the pressures caused by increased urbanization and associated pollution, caused past decline of black oak savannah and woodland vegetation communities in High Park and surrounding areas. An important mandate of Urban Forestry is working to protect and restore these ecological

communities. Prescribed burning is an important management tool used in the control of invasive species and the restoration and maintenance of fire dependent plant communities such as black oak savannah.

Prescribed burning is the deliberate application of controlled fire, and is an important management tool required to restore and maintain rare, disturbance dependant habitats like the globally rare black oak savannah. Urban Forestry has been using prescribed burns as a management tool to restore and maintain these savannah habitats in High Park, Lambton Park, and South Humber Park since 2001. Densely urbanized centres such as Toronto are highly complex areas in which to burn, and it is crucial to have skilled staff to perform these burns effectively and safely.

Prescribed burns can only be conducted by qualified professionals with training to perform complex controlled burns. Prescribed burns within a densely populated urban landscape such as Toronto require even more specialized training and experience.

City of Toronto staff recognize that prescribed burns can be dangerous if not managed properly and thus have put great importance on the ability to hire qualified experienced staff to conduct prescribed burns on City of Toronto property.

Lands and Forests Consulting have worked with the City to plan and implement a total of 19 prescribed burns. As determined by previous informal call processes, and in consultation with the MNRF fire advisor for the province, no other contractor has been found to have the qualifications necessary to carry out high complexity prescribed burns in southern Ontario.

From 2001 to 2010 Lands and Forests Consulting was hired by sole source because no other vendors were found that provided the same services to participate in a competitive bid process. Urban Forestry did send out two informal competitive calls in 2011 and 2012. Lands Forest and Consulting was awarded the contract both years. The call in 2011 resulted in only one bid submission, from Lands and Forests Consulting. The call in 2012 resulted in two bid submissions; however, Lands and Forests Consulting submitted the one bid submission that met all the requirements of the call. In 2013 a sole source was issued once more following a meeting with the MNRF Fire Advisor for the province and with a research scientist from the University of Toronto Fire Management Systems Laboratory, who provided clarification with respect to the available training and qualifications. The advice of these two experts confirmed that Lands and Forests Consulting was the only vendor with qualifications required to perform a high complexity burn in Ontario.

Since 2001, the City of Toronto has worked with Lands and Forests Consulting to plan and implement a total of 19 prescribed burns, 11 prescribed burns in High Park, four (4) prescribed burns in Lambton Park and four (4) prescribed burns in South Humber Park. The total cost for planning implementing prescribed burns with Lands and Forests Consulting is \$107,210.40, including all applicable taxes and charges. Below is a full

history of all Purchase Orders (POs) and Divisional Purchase Orders (DPOs) associated with Prescribed Burns:

<b>Year</b>	<b>PO#</b>	<b>Cost (including taxes)</b>
2000	EA055785	\$ 2,407.50
2001	PR088567	\$ 1,926.00
2002	PRS212277	\$ 428.00
2002	PRS212313	\$ 321.00
2003	PRS249987	\$ 1,284.00
2003	PRS254662	\$ 267.50
2003	PRS254673	\$ 2,782.00
2004	PRS249991	\$ 428.00
2004	PRS283953	\$ 267.50
2004	PRS285282	\$ 642.00
2004	PRS285283	\$ 6,955.00
2004	PRS285357	\$ 856.00
2004	PRS285388	\$ 428.00
2005	PRS379450	\$ 856.00
2005	6016003	\$ 16,745.50
2006	6019463	\$ 9,702.25
2007	6022187	\$ 8,559.50
2007	PRS455326	\$ 477.00
2008	3388690	\$ 945.00
2009	3394942	\$ 7,218.75
2009	3396658	\$ 5,712.00
2010	3451916	\$ 1,751.50
2011	3459763	\$ 15,639.20
2012	3476734	\$ 9,701.05
2013	3493645	\$ 10,062.65
2014	3518335	\$ 847.50
<b>TOTAL</b>		<b>\$ 107,210.40</b>

## COMMENTS

### Prescribed Burning Regulation in Ontario

The Federal Forest Fires Prevention Act designates a fire region and governs any fire activities that take place within that region. It includes some of central Ontario and all of northern Ontario. The MNRF regulates all prescribed burns inside this fire region, and on crown land in any areas outside of the fire region.

Southern Ontario is outside of the legislated fire region, and the MNRF does not undertake the coordination or management of prescribed burns in this region unless on crown land. There is no regulation or enforcement of prescribed burn programs in this part of the province. Prescribed burning on municipal land is governed predominantly by local fire department rules and regulations. However, in order to ensure that individuals

carrying out prescribed burning are properly trained, the MNRF developed the Low Complexity Prescribed Burning Program as a response to landowners in southern Ontario who desired the use of prescribed burning as a management tool. The course provides basic training for individuals to be able to carry out their own small scale prescribed burns in low complexity situations and is mainly geared to rural settings.

### **High Park, Lambton Park, and South Humber Park are Highly Complex Burn sites**

Based on the prescribed burn complexity assessment key commonly used by MNRF and other land managers, urban sites in the City of Toronto (including High Park, Lambton Park, and South Humber Park) do not classify as low complexity, and instead fall within the high complexity criteria. This is due to the potential impacts fire can have on public and private structures, as well as the risk of human impacts from smoke.

Carrying out prescribed burns in urban sites such as Toronto, requires a much more specialized set of skills that cannot be obtained through the low complexity program. The training required to be qualified to carry out high complexity burns is currently only available to MNRF employees and there are no other organizations that offer the same qualifications to individuals not employed by the government. The last training course was offered over 10 years ago, so there are a very limited number of people in the province who are adequately trained to plan and implement high complex burns. Lands and Forests Consulting has one former MNRF staff member who received the training and is confirmed by industry experts to qualify as a high complexity burn boss.

Toronto benefited greatly from the expertise of this individual as chief Burn Boss in establishing reporting and planning protocols that ensured fires initiated within a park in the heart of Toronto would be safely contained. Additionally, the burns have been planned such that implementation is timed when safe conditions are most ideal and the best ecological results can be achieved.

### **Prescribed Burn Implementation and Monitoring**

City Council adopted staff reports seeking approval to proceed with prescribed burns in 2001, 2002, 2004 and 2006. In 2006, authority for future prescribed burns was provided to the Director of Urban Forestry, the Toronto Fire Chief and the local Councillor (to sign off on the communication plan). Urban Forestry works closely with High Park community members and the Volunteer Stewardship Program on preparing for, and assessing the results of prescribed burns in High Park. As part of the planning process, a technical advisory group that consists of professionals from MNRF, TRCA, City staff, and interested members of the local community meet near the end of every summer to evaluate the results of the previous spring's burn, and to review and identify the areas for the following year's prescribed burn. The contracted Burn Boss prepares a prescribed burn plan taking into consideration site goals and safety concerns. The plan is circulated for approval and sign off. The prescribed burns are typically proposed for early spring

implementation. This is done to ensure minimal impact to surrounding vegetation, and is at a time when park users are not yet at peak numbers.

In High Park, an additional comprehensive monitoring program is being conducted during each season following the burn to collect data that will help evaluate the success of the prescribed burn program. A 14-year photo monitoring database is already developed and is being used in assessing the results.

A review of historic costs for services associated with prescribed burns found that the vendor is providing fair pricing for the services requested by the City, including plan preparation, onsite review and burn implementation. Over the past ten years prices charged have not increased significantly. A one day site visit in one or two parks have varied in cost between \$400 and \$750. The written plans cost between \$400 and \$500 per park. And the burn implementation has varied based on the area and complexity of the burn, and on the number of parks. In High Park, the price to burn in 2006 was \$7875, and in 2015 it is \$7850.

The Fair Wage Office has reported that Lands and Forests Consulting has indicated that it has reviewed and understands the Fair Wage Policy and Labour Trades requirements and has agreed to comply fully.

## CONTACT

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## SIGNATURE

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