

City Council**Motion Without Notice**

MM21.32	ACTION			Ward:All
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Inclusion of a Limitation of Liability Clause in the Contract with Moore Canada Corporation for the Provision of Renewal Forms and Parking Permits - by Councillor Mary-Margaret McMahon, seconded by Councillor Frank Di Giorgio

** This Motion has been deemed urgent by the Chair.*

** This Motion is subject to a re-opening of Item GM7.7. A two-thirds vote is required to re-open that Item. If re-opened, the previous Council decision remains in force unless Council decides otherwise.*

** This Motion has been added to the agenda and is before Council for debate.*

Recommendations

Councillor Mary-Margaret McMahon, seconded by Councillor Frank Di Giorgio, recommends that:

1. City Council amend its decision on Item GM7.7 to authorize the General Manager, Transportation Services to include a limitation of liability clause satisfactory to the General Manager, Transportation Services and in a form satisfactory to the Interim City Solicitor providing that Moore Canada shall only be liable under the indemnity provisions of the agreement for a total amount of \$240,000.00 (net of HST) for the previously-authorized non-competitive contract with Moore Canada for the supply and delivery of the "speedimailer" renewal forms and permits, printing and sealing services for the On-Street Permit Parking Program for the period of November 3, 2015 to June 30, 2017.

Summary

At its meeting of November 3 and 4, 2015, City Council considered and adopted Item GM7.7 to authorize the General Manager, Transportation Services to negotiate and enter into a non-competitive contract with Moore Canada for the supply and delivery of the "speedimailer" renewal forms and permits, printing and sealing services for the On-Street Permit Parking Program in the amount of \$240,000 net of HST (\$244,224 net of HST recoveries) for the period of November 3, 2015 to June 30, 2017, on terms and conditions satisfactory to the General Manager, Transportation Services and in a form satisfactory to the Interim City Solicitor.

Transportation Services has been negotiating an agreement with Moore Canada for some time and has reached consensus on many items. One outstanding item is with respect to the indemnity and liability clauses. Moore Canada is proposing a cap on the amounts it could be liable for under the indemnity clauses of the agreement in the amount of the value of the

contract, being \$240,000.00 net of HST. Transportation Services has consulted with the City's Insurance and Risk Management Unit who have confirmed that the indemnity cap of the value of the contract is acceptable for the purposes of this agreement.

The General Manager, Transportation Services seeks to clarify authority for the previously-authorized non-competitive contract with Moore Canada for the supply and delivery of the "speedimailer" renewal forms and permits, printing and sealing services for the On-Street Permit Parking Program for the period of November 3, 2015 to June 30, 2017 such that a limitation of liability clause will be included in that agreement providing that Moore Canada shall only be liable under the indemnity provisions of the agreement for the total amount of \$240,000.00 net of HST.

This Motion is brought forward on an urgent basis as residential parking permits for the current term expire on November 30, 2016 and the order for renewal notices and parking permits needs to be submitted as soon as possible in order to provide sufficient notice to permits holders to renew their permit by the November 30, 2016 expire date.

REQUIRES RE-OPENING

Item GM7.7 - November 3 and 4, 2015 City Council meeting.

Background Information (City Council)

Member Motion MM21.32