

Amendment to Schedule A Financial Control By-law Chapter 71 - Authority for Solid Waste Management Services Research Initiatives or Projects

Date: July 3, 2018

To: Executive Committee

From: Interim Chief Financial Officer

Wards: All

SUMMARY

This report requests an amendment to Schedule 'A' of the City's Financial Control By-law Chapter 71 (Schedule 'A') such that Section 21, Toronto Water Research Initiatives or Projects, be extended to Solid Waste Management Services. The amended section will delegate authority to the General Manager, Solid Waste Management Services, to negotiate, partner and enter into agreements with post-secondary institutions, other municipalities, governmental agencies and non-for-profit professional organizations, for work performed including:

- undertaking specialized research initiatives and projects;
- advancing policy research and development;
- pilot testing innovative; and
- alternative service delivery approaches.

This report also establishes criteria, which are in line with those existing in Section 21 of Schedule 'A', to be used by the General Manager, Solid Waste Management Services, for the above-mentioned projects and initiatives.

This matter is being brought forward at this time due to pending contracts. A more fulsome review of the Financial Control By-law will be brought forward in 2019.

RECOMMENDATIONS

The Interim Chief Financial Officer recommends that:

1. City Council authorize the General Manager, Solid Waste Management Services, to negotiate and enter into any and all agreements and amending agreements necessary, subject to available funding, to participate in research initiatives or projects with post-secondary educational institutions, other municipalities or governmental agencies and non-profit organizations, on terms and conditions satisfactory to the General Manager, Solid Waste Management Services, and in a form satisfactory to the City Solicitor.
2. City Council amend section 21 of Schedule 'A' of Chapter 71, Financial Control, of the Municipal Code, to include Solid Waste Management, thereby authorizing the General Manager, Solid Waste Management Services, to negotiate and enter into agreements and participate in research initiatives or projects with post-secondary educational institutions, other municipalities or governmental agencies and non-profit organizations, subject to criteria already outlined in section 21.

FINANCIAL IMPACT

There is no financial impact resulting from the adoption of the recommendations in this report.

Funds for the provision of goods or services meeting the criteria of Schedule 'A' will be provided for in Solid Waste Management Services Operating or Capital Budgets of the relevant fiscal year.

DECISION HISTORY

At its meeting on October 22 and 23, 2007, City Council adopted PW9.6 entitled "Research Partnerships with Toronto Water", and under Recommendation 1, granted authority to the General Manager, Toronto Water, to enter into agreements with post-secondary educational institutions, governmental agencies and/or non-profit professional organizations. Under Recommendation 2, City Council authorized City Staff to amend Schedule 'A' to include payments to post-secondary educational institutions, other municipalities or governmental agencies and/or non-profit professional organizations related to Toronto Water Research Initiatives or Projects.

The City Council Decision document can be viewed at Pages 55 and 56:
<https://www.toronto.ca/legdocs/mmis/2007/cc/decisions/2007-10-22-cc13-dd.pdf>

At its meeting on May 6, 7, and 8, 2014, City Council adopted item PW30.6 entitled "Framework for External Research Collaborations for Transportation Services", and under Recommendation 1, granted the authority to the General Manager, Transportation Services, to enter into and execute agreements to fund and participate in

research initiatives or projects related to road and sidewalk management, transportation safety and operations, and permits and applications with post-secondary educational institutions, governmental agencies and/or non-governmental professional organizations. Under Recommendation 2, City Staff were authorized to amend Schedule 'A' to include payments to post-secondary educational institutions, other municipalities or governmental agencies and/or non-profit professional organizations in relation to research initiatives or projects which directly contribute to achieving the mission of Transportation Services.

The City Council Decision document can be viewed at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.PW30.6>

At its meeting on June 10, 11, and 12, 2015, City Council adopted item PW5.4 entitled "Authority to Negotiate and Enter into Agreements for Waste Diversion Processing Capacity, Initiatives and Funding".

Included in the decisions adopted in PW5.4, Recommendation 3 authorizes the General Manager, Solid Waste Management Services, to negotiate and enter into agreements with contractors to support waste diversion initiatives to test the feasibility of implementing new diversion initiatives for terms up to one (1) year on the terms and conditions satisfactory to the General Manager, Solid Waste Management Services, Deputy City Manager and Chief Financial Officer and in a form satisfactory to the City Solicitor, provided that the total cost does not exceed the upper limit identified in Confidential Attachment 1 to the report dated April 22, 2015, from the General Manager, Solid Waste Management Services, and the Director, Purchasing and Materials Management Division.

The City Council Decision document can be viewed at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.PW5.4>

At its meeting on July 12, 13, 14, and 15, 2016, City Council adopted item PW14.2 entitled "Final Long Term Waste Management Strategy", and requested that the General Manager, Solid Waste Management Services report back in 2021 on its implementation, the impact of new Provincial waste legislation, the rate structure, and a plan for the next five years.

Included in the decisions adopted in PW14.2, Recommendation 2 authorizes the General Manager, Solid Waste Management Services, to negotiate and enter into any and all agreements and amending agreements necessary, subject to available funding, to implement the first five years of the Long Term Waste Management Strategy, as adopted by City Council, on terms and conditions satisfactory to the General Manager, Solid Waste Management Services, and in a form satisfactory to the City Solicitor.

The City Council Decision document can be viewed at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.PW14.2>

At its meeting on March 26 and 27, 2018, City Council referred Item EX32.3 to the City Manager and the Chief Financial Officer and requested the City Manager and the Chief Financial Officer to submit an updated Financial Control By-law for consideration with the long-term financial plan.

The City Council Decision document can be viewed at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.EX32.3>

COMMENTS

The City's Financial Control By-law, Chapter 71, requires that Chapter 195, Purchasing, be followed when procuring goods and services. However, Schedule 'A' of the By-law contains a list of items and types of purchases that can be processed without a Purchase Order or approved Sole Source request form. Section 21 of Schedule 'A' authorizes Toronto Water to make payments to post-secondary education institutions, other municipalities, government agencies and/or not for profit professional organizations in respect to the funding, participation or procurement of services related to research initiatives or projects which directly contribute to achieving the Goals and Objectives stated in Toronto Water's Business Plan, subject to the following criteria:

- A. The research initiative or project is of a scientific or technical nature utilizing specialized academic or professional expertise at competitive rates;
- B. Toronto Water's contribution to each research initiative prior project does not exceed a value of \$500,000 (exclusive of taxes) per year; and
- C. An agreement is entered into among all participants involved in the research initiative or project on terms and conditions satisfactory to the City Solicitor.

The General Manager of Solid Waste Management Services currently has delegated authority to enter into agreements in order to implement the first five years of the Long Term Waste Management Strategy (i.e. until 2021). The requirements, criteria, and project value approved for Toronto Water in Section 21 of Schedule 'A' meet the current needs of Solid Waste Management Services to achieve the goals, objectives and recommendations outlined in the Long Term Waste Management Strategy or the mission of Solid Waste Management Services.

The recommendations in this Report are consistent with the authority delegated to the General Manager of Toronto Water and the General Manager of Transportation Services to enter into agreements for research initiatives and pilot projects. Solid Waste Management Services is now asking for the same authority.

In the case of undertakings and initiatives led by private enterprises, which inherently stand to benefit financially from any research and development financially supported by the City, the normal competitive procurement process will be followed. The policy for unsolicited quotations and proposals may also apply.

CONTACT

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SIGNATURE

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