

**REPORT FOR ACTION****Non-Competitive Contract for Essential Medical Services - Toronto Fire Services**

Date: March 6, 2019

To: General Government and Licensing Committee

From: Fire Chief and General Manager, Toronto Fire Services; Chief Purchasing Officer, Purchasing and Materials Management Division

Wards: All

SUMMARY

This report requests the authorization to enter into a new non-competitive contract to allow for the continued supply of essential medical services to Toronto Fire Services (TFS). The proposed supplier of essential medical services has specific expertise in emergency medicine, specialized knowledge of the needs of TFS and the physical demands related to firefighting and other functions at TFS. The specific expertise and specialized knowledge is of paramount importance to TFS as it plays a key role in the operation of numerous TFS programs. Provision of these services permits TFS to both continue with, and expand the operation of various health and safety, attendance management, and return to work programs.

This is being executed as a non-competitive contract due to the highly specialized nature of the Chief Medical Officer role within TFS. This includes expertise in firefighting operations, technical operations, incident command support, and supporting both HUSAR and CBRNE operations.

City Council approval is required in accordance with Municipal Code Chapter 195, Purchasing, where the current request exceeds the Chief Purchasing Officer's authority of the cumulative five year commitment limit for each vendor under Article 7, Section 195-7.3(D) of the Purchasing By-law or exceeds the threshold of \$500,000 net of HST allowed under staff authority as per the Toronto Municipal Code, Chapter 71, Financial Control, Section 71-11a.

RECOMMENDATIONS

The Fire Chief and General Manager, Toronto Fire Services and the Chief Purchasing Officer, Purchasing and Materials Management Division recommend that:

1. City Council authorize the Fire Chief and General Manager, Toronto Fire Services, to negotiate and execute a non-competitive contract with Dr. Noah Forman for the provision of the specified medical services indicated in this report for a one-year term commencing October 1, 2019 to September 30, 2020 in the amount of \$136,820.43 plus HST with an option to renew for an additional four (4) separate one (1) year terms, at the discretion of the Fire Chief and General Manager, in a total amount including all options years of \$712,019.01 plus HST, all on terms and conditions satisfactory to the Fire Chief and General Manager and in a form satisfactory to the City Solicitor.

FINANCIAL IMPACT

The total value of the contract and all renewal years will not exceed \$712,019.01 plus HST.

Funding for the 2019 contract period is included in the 2019 Approved Operating Budget for Toronto Fire Services (TFS). Future-year funding requirements will be included in the 2020 Operating Budget Submission, with required funding for the option years included in the appropriate operating budget submissions for consideration during the future-year budget review processes.

The funding for this contract is routinely provided in the base operating budget for TFS included in cost element 4025, cost centre FROO43.

The first contract year is October 1, 2019 to September 30, 2020, with a total value of \$136,820.43 plus HST, with the Fire Chief and General Manager being authorized to extend the contract for an additional four one-year periods. The contract will be subject to annual increases of no more than 2 percent, for a maximum annual fixed amount of \$139,556.84 for the period of October 1, 2020 to September 30, 2021; \$142,347.98 for the period of October 1, 2021 to September 30, 2022; \$145,194.93 for the period of October 1, 2022 to September 30, 2023; and, a maximum annual fixed amount of \$148,098.83 for the period of October 1, 2023 to September 30, 2024.

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

DECISION HISTORY

In 2014, City Council authorized a sole source contract for the supply of essential medical services as required by TFS for a period not to exceed 5 years ending September 2019:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.CD31.5>

In 2009, City Council authorized a sole source contract for the supply of essential medical services as required by TFS for a period not to exceed 5 years ending September 2014:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2009.CD25.1>

COMMENTS

TFS has selected Dr. Noah Forman as the essential medical services provider. Dr. Forman has extensive experience in providing essential medical services since 1986 to Toronto-area fire services including TFS and pre-amalgamation fire departments. Previous TFS experience has illustrated that Dr. Forman, has expert knowledge of providing essential medical services, meeting the needs and requirements of employees related to firefighting and other functions in TFS. This is also the case with any additional staff selected by Dr. Forman, to supply such essential medical services. Dr. Forman has also previously participated in numerous committees for TFS policy development. The loss of the experience and background of this service provider would be a great disadvantage to TFS and would cause significant disruption to numerous programs within TFS.

The following are the essential medical services required to be provided to TFS under the terms of the proposed agreement:

- Assistance with the readiness of Operations firefighters to meet the demands of strenuous firefighting activities and wearing breathing apparatus;
- Consultation and advice on matters related to public health issues and the impact and potential risk to firefighters and TFS operations;
- Determination of medical fitness of TFS employees to return to work, for both full duties or modified duties capacity, including determination of the type of work for which employees are medically fit, and any restrictions/limitations;
- Monitoring ongoing health and medical fitness of employees on modified duties;
- Performing pre-employment medical examinations for firefighter recruit candidates and providing medical clearance for employment;
- Consultation with, and advice to, TFS Safety Designated Officer in matters of exposure and special hazards;
- Providing medical assistance as required;
- Liaising with Critical Incident Stress (CIS) providers, as required;
- Responding to complex incidents, at the request of the Fire Chief, to make necessary assessments to ensure the continued health and welfare of TFS staff;
- Responding to HUSAR and/or CBRNE incidents on an as required basis;
- Conducting medical reviews on and providing advice to all TFS employees, as required; and,
- Providing confidential, employer-based medical expertise with respect to labour relations and human rights matters including testimony at hearings/tribunals, as required.

Dr. Noah Forman has expert knowledge of providing essential medical services, specifically around meeting the needs of employees related to firefighting and other functions at TFS. During the course of supplying the required essential medical services, Dr. Forman has received training on the TFS Incident Management System and the use of bunker gear and breathing apparatus. This extensive training allows him to respond to life-threatening situations faced by firefighters and enter into a hazardous zone if required. Dr. Forman has extensive training and experience that enables him to provide the essential medical services required by TFS.

The relevant training and experience of Dr. Forman includes:

- Certification as a Medical Review Officer (licensed by the U.S. Department of Transportation and acts as an independent and impartial "gatekeeper" and advocate for the accuracy and integrity of the drug testing process);
- Certification for occupational drug testing in the workplace;
- Experience as an Emergency physician;
- Significant training and experience in disaster planning and emergency medicine and disaster management;
- Training in Heavy Urban Search and Rescue (HUSAR) and Chemical, Biological, Radiological, Explosive and Nuclear (CBRNE) team responses such that he can respond with, and engage in, these highly specialized responses for the purposes of providing medical expertise and direction as required;
- Experience acting for other municipalities as an expert in medical and emergency issues related to firefighters;
- Training and experience with hyperbaric treatment protocols;
- Experience as an expert witness at hearings and arbitrations; and,
- Training in the use of bunker gear and Self Contained Breathing Apparatus; TFS Incident Management System; the use of specialized testing equipment for carbon monoxide poisoning at emergency sites; and, entering restricted access emergency zones.

Dr. Forman acts as a consultant on the Tiered Response Committee to coordinate TFS medical services, and on standards and fitness for Recruit testing. Dr. Forman's experience in emergency medicine provides essential medical support to the critical and dangerous tasks of firefighters.

There are significant issues of confidentiality with respect to the management of medical records maintained by the TFS Chief Medical Officer. These records are managed in accordance with the guidelines established by the College of Physicians and Surgeons and those specific records management provisions will be included in the contract renewal.

The Fair Wage Office has confirmed that Dr. Noah Forman has reviewed and understands the Fair Wage Policy and Labour Trades requirements and has agreed to comply fully.

The ongoing requirement for essential medical services will continue to be addressed by TFS on an annual basis based on current needs of the Division and the Collective Agreement requirements.

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SIGNATURE

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