

## **Supplementary Report - Getting to the Root of the Issues- January 2022 Performance Update of Urban Forestry Contractors and City Crews and Consolidated Summary and Analysis of 2021 Forestry Operations Related Complaints**

**Date:** March 30, 2022

**To:** City Council

**From:** City Solicitor and the Chief of Procurement Officer

**Wards:** All

### **REASON FOR CONFIDENTIAL INFORMATION**

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The attachment to this report contains advice or communications that are subject to solicitor-client privilege.

### **SUMMARY**

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This report supplements the report from the General Manager, Parks, Forestry and Recreation "Getting to the Root of the Issues: January 2022 Performance Update of Urban Forestry Contractors and City Crews and Consolidated Summary and Analysis of 2021 Forestry Operations Related Complaints", being Item AU11.8, which was considered by Audit Committee on February 18, 2022.

This Supplementary Report responds to a request by the Audit Committee for the City Solicitor and the Chief Procurement Officer, in consultation with the Auditor General, to report directly to the April 6 and 7, 2022 meeting of City Council on whether tree maintenance contract violations found through spot checks can be extrapolated to allow greater cost recovery.

## RECOMMENDATIONS

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The City Solicitor and the Chief Procurement Officer recommends that:

1. City Council direct that Confidential Attachment 1 remain confidential in its entirety, as it contains advice which is subject to solicitor-client privilege.

## FINANCIAL IMPACT

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There is no financial impact associated with this report.

## DECISION HISTORY

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On February 18, 2022, the Audit Committee considered a submitted Item AU11.8 - Getting to the Root of the Issues - January 2022 Performance Update of Urban Forestry Contractors and City Crews and Consolidated Summary and Analysis of 2021 Forestry Operations Related Complaints, being a report from the General Manager, PFR, to City Council, without recommendation and requested the City Solicitor and Chief Procurement Officer, in consultation with the Auditor General, to report directly to the April 6 and 7, 2022 meeting of City Council on whether tree maintenance contract violations found through spot checks can be extrapolated to allow greater cost recovery.

[Agenda Item History - 2022.AU11.8 \(toronto.ca\)](#)

At the July 7, 2021 Audit Committee meeting, PFR presented its 90-day action update and first performance update report, as directed by the Audit Committee.

<https://www.toronto.ca/legdocs/mmis/2021/au/bgrd/backgroundfile-167068.pdf>

At the May 5 and 6, 2021 City Council meeting, PFR presented its 60-day action update report, as directed by the Audit Committee.

<https://www.toronto.ca/legdocs/mmis/2021/cc/bgrd/backgroundfile-166196.pdf>

At the May 5 and 6, 2021 City Council meeting, City Council adopted "Award of Negotiated Request for Proposal Ariba Document 2305234907 to Various Suppliers for the Provision of Arboricultural Services at various City of Toronto locations".

<http://www.toronto.ca/legdocs/mmis/2021/cc/bgrd/backgroundfile-166407.pdf>

At the April 7 and 8, 2021 City Council meeting, PFR presented its 30-day action update report, as directed by the Audit Committee.

<https://www.toronto.ca/legdocs/mmis/2021/cc/bgrd/backgroundfile-165385.pdf>

At the February 16, 2021 Audit Committee meeting, the Auditor General tabled the report "Getting to the Root of the Issues: A Follow-Up to the 2019 Tree Maintenance Services Audit".

<http://www.toronto.ca/legdocs/mmis/2021/au/bgrd/backgroundfile-163322.pdf>

On July 9, 2020, the City Solicitor and the General Manager, Parks, Forestry and Recreation reported to the Infrastructure and Environment Committee on PFR's review of work performed by tree maintenance Contractors and provided related legal advice. A supplementary report was presented when the matter was considered by City Council on July 28 and 29, 2020.

<http://www.toronto.ca/legdocs/mmis/2020/cc/bgrd/backgroundfile-153676.pdf>

On October 25, 2019, the Audit Committee considered a report from the General Manager, Parks, Forestry and Recreation outlining the division's progress in responding to the May 2019 Council direction.

<http://www.toronto.ca/legdocs/mmis/2019/au/bgrd/backgroundfile-138849.pdf>

On May 14 and 15, 2019, City Council considered the Auditor General's audit, "Review of Urban Forestry - Ensuring Value for Money for Tree Maintenance Services", focused on tree planting and maintenance services.

<http://www.toronto.ca/legdocs/mmis/2019/au/bgrd/backgroundfile-132434.pdf>

## COMMENTS

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The City Solicitor and Chief Procurement Officer have reviewed the General Manager, Park, Forestry & Recreation's Report, "Getting to the Root of the Issues- January 2022 Performance Update of Urban Forestry Contractors and City Crews and Consolidated Summary and Analysis of 2021 Forestry Operations Related Complaints", the Audit Committee's decision AU11.8 which requested the City Solicitor and the Chief Procurement Officer, in consultation with the Auditor General, to report directly to the April 6 and 7, 2022 meeting of City Council on whether tree maintenance contract violations found through spot checks can be extrapolated to allow greater cost recovery, and consulted with the Auditor General.

Confidential Attachment 1 provides legal advice and is subject to solicitor-client privilege.

## **CONTACT**

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## **SIGNATURE**

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Wendy Walberg  
City Solicitor  
Legal Services

Michael Pacholok  
Chief Procurement Officer  
Purchasing & Material Management Division

## **ATTACHMENTS**

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Confidential Attachment 1 - Confidential Information