

## **Non-Competitive Contract with A.J. Stone Company Ltd. for the supply and delivery of Fire Fighting Foam, FireBull AB Concentrate**

**Date:** January 30, 2024

**To:** General Government Committee

**From:** Fire Chief and General Manager, Toronto Fire Services and Chief Procurement Officer

**Wards:** All

### **SUMMARY**

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The purpose of this report is to request City Council authority to enter into a new non-competitive contract with A.J. Stone Company Ltd. for the supply and delivery of Fire Fighting Foam, FireBull AB Concentrate. The term of the contract will be from the date of award to January 31, 2025, with the option to renew for four (4) one-year periods, in the total amount of \$771,586 net of all taxes and charges (\$785,166 net of Harmonized Sales Tax recoveries).

The new contract is required to procure the specific Fire Fighting Foam, which is known as FireBull AB Concentrate, produced by *Enforcer One, LLC*. A.J. Stone Company Ltd. is the exclusive Ontario distributor of FireBull AB Concentrate and other related products produced by *Enforcer One, LLC*.

FireBull AB replaces the previous generation of fire fighting foam, known as FireAde AB, and is GreenScreen Certified. GreenScreen Certified products are independent non-profit certified, free of Per- and Polyfluoroalkyl Substances (PFAS) and thousands of other chemicals of concern.

FireBull AB fire fighting foam concentrate can be placed into service without having to fully drain and flush the on-board foam tanks on Toronto Fire Services fire apparatus, thereby preventing Toronto Fire Services from incurring the significant costs and out-of-service impacts that would occur if a different, non-compatible fire fighting foam concentrate were to be used, as all existing foam concentrate would have to be removed and flushed from each truck before replacement foam could be used.

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 for each supplier, 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

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The Fire Chief and General Manager, Toronto Fire Services and the Chief Procurement Officer recommend that:

City Council authorize the Fire Chief and General Manager, Toronto Fire Services to negotiate and execute a non-competitive agreement with A.J. Stone Company Ltd. with an initial term starting on the date of award up to and including January 31, 2025, with the option, in the sole discretion of the Fire Chief and General Manager, Toronto Fire Services to renew the agreement for four (4) additional one (1) year periods, in the total amount (including all Option Years) of \$771,586 net of all taxes and charges (\$785,166 net of Harmonized Sales Tax recoveries), on terms and conditions satisfactory to the Chief Procurement Officer, in a form satisfactory to the City Solicitor.

## FINANCIAL IMPACT

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The total potential contract value identified in this report is \$771,586, net of all taxes and charges, \$871,893 including all applicable taxes and charges. The total potential cost to the City including the optional periods is \$785,166, net of Harmonized Sales Tax Recoveries.

Funding will be included in the 2024 Staff Prepared Operating Budget for Toronto Fire Services. Should the City exercise the optional periods, additional funding, if needed, will be included in the 2025-2029 Operating Budget Submissions for Toronto Fire Services. Funding requirements are provided in Table 1.

Table 1: Financial Impact Summary of Recommended Contract (Net of HST Recoveries)

	Initial Period	Option Period 1	Option Period 2	Option Period 3	Option Period 4	Total
Cost Centre/ Cost Element	Date of award to January 31, 2025	February 1, 2025, to January 31, 2026	February 1, 2026, to January 31, 2027	February 1, 2027, to January 31, 2028	February 1, 2028, to January 31, 2029	

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FR0024 C/E2590 FR0046 C/E2590	\$149,435	\$136,982	\$150,680	\$165,748	\$182,321	\$785,166
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The Chief Financial Officer and Treasurer has reviewed this report and agrees with the financial impact information.

## **DECISION HISTORY**

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There is no previous decision history.

## **COMMENTS**

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A.J. Stone Company Ltd. is the exclusive distributor for FireBull AB Concentrate Fire Fighting Foam in Ontario, Canada as acknowledged by the manufacturer, *Enforcer One LLC*. FireBull AB fire fighting foam concentrate is 98% organic, and is GreenScreen Certified, free of Per- and Polyfluoroalkyl Substances (PFAS) and thousands of other chemicals of concern.

A.J. Stone Company Ltd. was initially awarded non-competitive contract 47021590 for Exclusive Rights in 2018 as they have the exclusive distribution rights for fire fighting foam manufactured by *Enforcer One LLC*, in Ontario.

This report requests a non competitive contract as FireBull AB fire fighting foam concentrate can be placed into service without having to fully drain and flush the on-board foam tanks on Toronto Fire Services fire apparatus, thereby preventing Toronto Fire Services from incurring the significant costs and out-of-service impacts that would occur if a different, non-compatible fire fighting foam concentrate were to be used, as all existing foam concentrate would have to be removed and flushed from each truck before introducing the replacement foam.

Additionally, as the exclusive supplier for Ontario, A.J. Stone Company Ltd. maintains a minimum inventory of 480 containers of FireBull AB fire fighting foam concentrate, in a GTA-located warehouse, thereby ensuring availability to Toronto Fire Services on demand.

Fair Wage Office has reported that A.J. Stone Company Ltd. has indicated that they have reviewed and understand the Fair Wage Policy and Labour Trades requirements and have agreed to comply fully.

## **CONTACT**

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## **SIGNATURE**

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Matthew Pegg  
Fire Chief & General Manager  
Toronto Fire Services

Genevieve Sharkey  
Chief Procurement Officer