

**City Council****Motion without Notice**

MM24.36	ACTION			Ward: All
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**Amendment to Non-Competitive Bridge Contract with Kodiak Group Holdings Co. Operating as Work Authority for Various Safety Footwear - by Councillor Jon Burnside, seconded by Councillor James Pasternak**

*\* This Motion has been deemed urgent by the Chair.  
\* This Motion is not subject to a vote to waive referral. This Motion has been added to the agenda and is before Council for debate.*

**Recommendations**

Councillor Jon Burnside, seconded by Councillor James Pasternak, recommends that:

1. City Council in accordance with Section 71-11.1C of the City of Toronto Municipal Code Chapter 71, Financial Control, grant authority for the Fire Chief and General Manager, Toronto Fire Services to negotiate and enter into an amending agreement concerning the existing agreement with Kodiak Group Holdings Co. o/a Work Authority, (the Agreement) for the non-exclusive supply and fitting of Various Safety Footwear, Occupational Footwear, and Galoshes for employees for the approximately 30 separate City of Toronto Divisions as specified in Table 1 in the May 15, 2023, Report, of the Fire Chief and General Manager, Toronto Fire Services and Chief Procurement Officer, (the Deliverables) as previously authorized by Item GG4.14, and Item MM19.40, to amend this Agreement, to reflect a twenty-four (24) month term of July 1, 2023 to June 30, 2025, rather than the previously authorized eighteen (18) month term of July 1, 2023 to December 31, 2024, and a corresponding increase of \$1,067,411 to the maximum value of the Deliverables provided under the agreement, resulting in a change the cumulative maximum value of Agreement from \$2,245,855 to \$3,313,265, net of HST recoveries.

**Summary**

The City has previously had a contract with Kodiak Group Holdings Co. operating as (o/a) Work Authority, arising from Request for Quotation No. 0114- 18-008 (RFQ No. 0114-18-0008) for the non-exclusive supply of various safety footwear, occupational footwear, and galoshes for male and female employees of various City of Toronto Divisions (the Deliverables). This agreement was set to expire on June 30, 2023, and the supply of this footwear was required to continue to meet the City’s legislated health and safety obligations. Due to delays with preparing and issuing a new corporate competitive solicitation, the Chief Procurement Officer reported to General Government Committee, which adopted at its meeting of May 30, 2023, Item GG4.14 - Non-Competitive Bridge Contract with Kodiak Group Holdings Co. Operating as Work Authority for Various Safety Footwear, which provided the authority for the Fire Chief and General Manager, Toronto Fire Services, to enter into a 12 month bridging contract with Work Authority to continue the supply of the Deliverables.

Due to the complexity of preparing and issuing the corporate competitive solicitation, and to ensure the supply of this footwear was required to continue to meet the City's legislated health and safety obligations, on June 26, 2024, City Council approved Item MM.19.40 - Non-Competitive Bridge Contract with Kodiak Group Holdings Co. Operating as Work Authority for Various Safety Footwear, to authorize the extension of the term of the bridging contract with Work Authority to continue the supply of the Deliverables for a further period and the necessary adjustments to the cumulative maximum value of the agreement to reflect the extended term. Pursuant to this authority, the City executed an amending agreement. Purchasing and Materials Management Division continued to undertake sustained efforts in completing the evaluation of the ongoing corporate competitive solicitation, along with participating divisions.

However, the bridging contract as previously amended is now set to expire as December 31, 2024; and due to further delays arising from unforeseeable complications in the evaluation of bids and awarding the contract; it is no longer possible to conclude the current Request for Quotation process, prior to the expiry date of December 31, 2024 of the existing agreement.

Therefore, it is now the opinion that a bridging contract for a 24-month versus 18-month period, and with the maximum total value adjusted by \$1,067,411 to bring the maximum value of the Agreement as amended to \$3,313,265, net of HST recoveries is now required to ensure that continued supply of this footwear as required to meet the City's legislated health and safety obligations, while the issue of the long-term supply of these Deliverables are addressed in light of the current proposed competitive procurement process.

### **Background Information (City Council)**

Member Motion MM24.36