



April 21, 2025

Confidential

City of Toronto
Purchasing & Materials Management
City Hall
18th Floor, West Tower
Toronto, Ontario

Attention: Genevieve Sharkey
Chief Procurement officer
Purchasing & Materials Management

RE: General Government Committee Direction – GG20.12 (“GG20.12”)

Dear Ms. Sharkey,

On behalf of WSP Canada Inc. (“WSP”), I write to acknowledge your April 16, 2025, notice letter advising us that the General Government Committee (the “GCC”) has requested a report to City Council with a recommendation as to whether WSP should be suspended from being eligible to bid on or be awarded any City contracts and, if so, for how long. You have advised that any response to the GCC’s motion requesting the aforesaid report should be provided to your attention by April 22, 2025. We further understand that this matter will be considered by the full City Council on either April 23, 24, or 25, 2025. Please accept this letter as WSP’s response to your notice letter, and to the GCC’s request for a report on a possible suspension.

WSP currently has approximately 190 ongoing projects with the City encompassing a wide spectrum of project types, sizes and values, as reflected in the attached project list attached as Schedule ‘A’ to this letter. We have several hundred members of WSP working on these projects and living in the Greater Toronto area. We have also highlighted some examples of our successful projects with the City in Schedule ‘B’ to this letter.

We greatly respect and value our business relationship with the City as an ongoing service provider of engineering and consulting services. We believe we have a demonstrated track record over many years of successfully delivering projects on



time and on budget while interacting in a professional, collegial and productive manner with the City. We submit that we consistently achieve and maintain performance ratings that meet or exceed the City's expectations and requirements.

Any litigation which could occur between WSP and the City would be in the normal course of business, considering the number and scale of projects and number of parties involved in same. In any case, any litigation would not affect our capacity to complete our ongoing projects nor should they affect our longstanding relationship and collaboration together.

We understand that the request for this report arises from the civil action commenced by the City against WSP arising from the rehabilitation of Section 1 of the Gardiner Expressway running from Jarvis St. to Cherry St (the "Gardiner Project"), so some commentary on this Gardiner Project claim is required.

We note that in GG20.12, it is acknowledged that any alleged design errors were "...fully addressed during construction for purposes of completing the Project." This Project has successfully been completed. The only issue in the litigation is to address the delay claim presented by the Contractor.

We submit that WSP has been responsibly addressing the City's Gardiner Project claims in a good faith manner to the best of our ability, recognizing that WSP is limited in how it can respond. We are engaged in a pre-litigation cooperative Information exchange process and remain committed to finding an amicable resolution to this matter.

We note that the City has a formal published Supplier Suspension Procedure (the "SSP") which indicates it is intended to provide guidance on suspension issues. It notes that a suspension shall not be exercised for the purpose of punishing a Supplier, but rather, should be based on a balanced review of whether a Supplier's conduct presents a risk to the City's valid commercial or business interests. It is noted that the scope and duration of any suspension should be consistent with what is necessary to ensure that the City's commercial interests are adequately protected. Finally, there is reference to the economic or financial well-being of the City being a factor that would allow for a contract to be awarded to an ineligible or suspended Supplier.

We submit that the City's commercial or business interests are not at risk from WSP based on a fair review of the extensive body of work that WSP has successfully delivered and is currently delivering for the City. If the Gardiner Project is viewed in isolation, we submit that the City's commercial or business interests are still not at risk, as that claim is being responsibly addressed and there is insurance in place to respond to any successful claim. With respect to the



economic or financial well-being of the City, we submit that it is in the best interests of the City to maintain price competition between the large engineering firms who bid on the City's largest projects. It is in the City's best interests to maintain WSP as a supplier considering our long history of delivering high quality services and our extensive technical knowledge to support the City's projects.

In closing, we would ask that WSP be judged on its entire body of past and present work for the City, for which we have consistently achieved and maintained performance ratings that meet or exceed the City's expectations and requirements. We have at all times, over many years and projects, worked very hard to deliver professional services on time and on budget to the City. The Gardiner Project claim is an uncharacteristic example of a City claim against WSP, and it is being responsibly addressed by WSP and its insurers. We submit that this one claim does not create a need for the City to suspend WSP from performing further work for the City in order to protect the City's interests.

Thank you for your consideration. We would be pleased to respond to any outstanding questions or concerns that you might have,

Regards,

A handwritten signature in black ink, appearing to be 'A. Halim', written over a horizontal line.

Amir Abd El Halim, Ph.D., P.Eng.
Executive Vice-President, Ontario & Atlantic Regional Leader

cc: Gary Gibbs, Gibbs Law LLP

Encl.