

Contract Amendment to settle legal dispute with Innotex Inc. concerning the provision of Firefighter's Structural Bunker Suits

Date: May 28, 2025

To: General Government Committee

From: City Solicitor; Fire Chief and General Manager, Toronto Fire Services; Chief
Procurement Officer

Wards: All

REASON FOR CONFIDENTIAL INFORMATION

This report is about litigation or potential litigation that affects the City. This report contains advice or communications that are subject to solicitor-client privilege.

SUMMARY

The purpose of this report is to provide information and make recommendations about negotiations between Innotex Inc. ("Innotex") and the City of Toronto with respect to litigation or potential litigation related to the City's formal legal agreement with Innotex for the supply and delivery of firefighter Structural Bunker Suits, details of which are set out in the Confidential Attachment 1.

RECOMMENDATIONS

The City Solicitor; Fire Chief and General Manager, Toronto Fire Services; and Chief Procurement Officer recommend that:

1. City Council adopt the confidential recommendations in Confidential Attachment 1 to this report;
2. City Council authorize the public release of the confidential recommendations, if adopted, in Confidential Attachment 1 to this report.
3. City Council direct that the balance of Confidential Attachment 1 to this report remain confidential as it relates to litigation or potential litigation and contains advice or communications that are subject to solicitor-client privilege.

FINANCIAL IMPACT

The relevant financial information is addressed in Confidential Attachment 1.

The Chief Financial Officer and Treasurer has reviewed this report and agrees with information included in the Financial Impact section.

DECISION HISTORY

At its meeting on October 27, 2020, City Council authorized the Fire Chief and General Manager, Toronto Fire Services, to exercise the additional optional five separate one-year renewal terms with Innotex for the supply and delivery of firefighter Structural Bunker Suits. <https://secure.toronto.ca/council/agenda-item.do?item=2020.EC16.5>

At its meeting on January 31 2017, City Council authorized the Fire Chief and General Manager, Toronto Fire Services, to negotiate and enter into an agreement with Innotex as the highest scoring proponent meeting the requirements of RFP 3806-15-0012 for the supply and delivery of firefighter's Structural Bunker Suits for a period of 5 years, with the option to renew the contract, at the discretion of the Community Development and Recreation Committee for a further 5 one year option years. <https://secure.toronto.ca/council/agenda-item.do?item=2017.CD17.4>

COMMENTS

Background

Structural Firefighting Bunker Suits, also referred to as 'bunker suits', are an integral part of the Personal Protection Equipment used by firefighters. They consist of a jacket and pant ensemble that provides primary protection for firefighters during firefighting operations from extreme heat, smoke, chemical and substance exposure and the many products of combustion.

Each firefighter at Toronto Fire Services ("TFS") is assigned two bunker suits; a new one is purchased every five years. Each bunker suit is in service for five years as a primary bunker suit and, once five years from date of manufacture has elapsed, the bunker suit is transitioned so it is used for a further five years as a secondary bunker suit. Secondary bunker suits are deployed when the primary bunker suit is contaminated, damaged, or is out of service for cleaning or repairs. In accordance with Ontario Ministry of Labour regulations, once the bunker suit reaches ten years of age, it must be replaced (the "10-year Replacement Obligation").

In 2017, as authorized by City Council, the Fire Chief and General Manager, TFS entered into a formal legal agreement with Innotex for the supply and delivery of bunker suits, (the "Bunker Suit Contract") with an initial term of March, 2017, to December 31, 2021, with the option to renew the contract for an additional five (5) separate one (1) year periods, all in accordance with the requirements of the Request for Proposal (RFP) no. 3806-15-0012. If all options were fully exercised under the Bunker Suit Contract, this

would represent the 10-year lifecycle of bunker suits. TFS has a scheduled roll-out process for fulfilling the 10-year Replacement Obligation, where bunker suits are replaced over a multi-year process.

TFS managed the Bunker Suit Contract during the initial five (5) year term and exercised the additional option renewal terms starting in January 1, 2022, with the approval of the Economic and Community Development Committee. The final two option years of the Bunker Suit Contract (2025 and 2026) represent the multi-year period in which replacement of bunker suits is undertaken for all firefighters as part of fulfilling the 10-year Replacement Obligation. TFS' scheduled process anticipates requiring 1,000 bunker suits in 2025 and an additional 2,200 in 2026.

Current Situation

Disputes with respect to the operation of the Bunker Suit Contract have arisen between Innotex and the City, which are addressed in Confidential Attachment 1.

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SIGNATURE

Wendy Walberg
City Solicitor

Jim Jessop
Fire Chief and General Manager, Fire Services

Geneviève Sharkey
Chief Procurement Officer

ATTACHMENTS

Confidential Attachment 1 - Recommended Amendments to Contract with Innotex Inc.,
for Bunker Suits.