

TORONTO TRANSIT COMMISSION REPORT NO.

MEETING DATE: MAY 11, 2011

SUBJECT: WHEEL-TRANS ACCESSIBLE TAXI CONTRACTS

ACTION ITEM

REASON FOR CONFIDENTIAL INFORMATION:

This report contains advice or communications that are subject to solicitor-client privilege

RECOMMENDATION

It is recommended:

1. That the Commission approve the recommendations as set out in the Confidential Attachment; and
2. That the Commission not authorize the public release of the information in the Confidential Attachment as it remains subject to solicitor-client privilege.

BACKGROUND

In July 2008, the TTC awarded three contracts (to three companies) for accessible taxi services as part of the TTC's Wheel-Trans program with service to commence January 4, 2009.

Prior to finalizing the final Request for Proposal document that ultimately led to the awarding of three contracts there was discussion as between the Commission and staff with respect to eligibility requirements for this contract. In May 2007, former Vice-Chair Mihevc moved the following motions, which were adopted by the Commission, establishing eligibility criteria for the TTC Wheel-Trans Accessible Taxi Service Contracts:

- In order to be considered for the provision of accessible taxi services under contract to Wheel-Trans operations, be it resolved that individuals must have an ambassador taxi license and successfully complete the "w" training provided by the City of Toronto;
- Noting that Accessible Taxi drivers currently under contract to Wheel-Trans operations were required to purchase an accessible vehicle at considerable cost, be it further resolved that accessible taxi owners/operators with vehicles scheduled for

retirement after December 31, 2007 be allowed to continue serving Wheel-Trans customers under the following conditions:

- They comply with any other qualification or recruitments stipulated by the Contractor awarded this work;
 - For the purpose of the Wheel-Trans Accessible Taxi Contract, successfully complete training equivalent to the ambassador course which will be provided to the City of Toronto licensing and standards;
 - Agree that only the accessible taxi owner will be permitted to operate these vehicles in the provision of service under this contract.
- Be it further resolved that this report be forwarded to the City of Toronto licensing and Standards Committee for information and appropriate action and by-law amendments.

Commission staff prepared the Request for Proposal documents based on the approved Commission motions. In the opinion of staff, the approved motions permitted service under the Wheel-Trans Accessible taxi contracts to be performed by, (a) individuals operating vehicles with an ambassador taxi license, or (b) taxi owners/operators currently under contract to Wheel-Trans operations whose vehicles were scheduled for retirement after December 31, 2007, provided certain training requirements were met.

Both prior to and after award of the three contracts the TTC received complaints regarding the RFP process and contractual compliance and in order to address some of the issues arising from the complaints an audit of the RFP process and the subsequent award of the three contracts was requested. An audit was conducted by the TTC Internal Audit Department in early 2010 and its findings were reported to the Commission's Audit Committee in July 2010. At the July 2010 Audit Committee, the Committee approved, in part, the following motions:

- 1) That the TTC Chief General Manager meet with the City Auditor General to review the subject audit;
- 2) That the TTC Chief General Manager and City Auditor General discuss an appropriate course of action to deal with this audit, as required;

Based on the approved Audit Committee motions, the TTC Chief General Manager and the City's Auditor General met and agreed to retain a third party external law firm to review the TTC Wheel-Trans Accessible Taxi Contracts and to provide an opinion and advice with respect to the interpretation of specific clauses contained within the Wheel-Trans Accessible Taxi Contracts for the purpose of determining compliance with the Contract.

The City's Auditor General's Office on behalf of the Commission retained the law firm of Davis LLP as the external law firm.

May 11, 2011

45-5

Attachments - Confidential Attachment