

Minutes

Toronto Transit Commission

Meeting No. 1999

Tuesday, May 31, 2016

A meeting of the TTC Board was held in Committee Room 1, Toronto City Hall, 100 Queen Street West, Toronto, Ontario, on Tuesday, May 31, 2016 commencing at 1:10 p.m. On motion of the Chair, the meeting immediately recessed and reconvened at 1:15 p.m. The meeting recessed again at 3:45 p.m. on resolution to meet as the Committee of the Whole and reconvened at 5:02 p.m.

Present - Committee of the Whole

J. Colle (Chair), A. Heisey, Q.C. (Vice-Chair), R. Byers, S. Carroll, V. Crisanti, G. De Baeremaeker, R. Lalonde, and J. Mihevc (Members), A. Byford, C. Upfold, R. Leary, G. Piemontese, S. Reed Tanaka, B. Ross, G. Shortt, J. Taylor, B. Leck, M. MacRae, J. Lee, C. Leach, L. Dametto, K. Lee, D. McDonald and M. Balanco.

K. Sibley (TYSSE) was present for Item No. 10.

M. Atlas was present for Item No. 11.

K. Lillyman and E. Neuman (Chair's office), and D. Magisano (Mayor's office) were also present.

J. Colle was in the Chair.

Present – Public Session

J. Colle (Chair), A. Heisey, Q.C. (Vice-Chair), R. Byers, S. Carroll, V. Crisanti, G. De Baeremaeker, R. Lalonde, and J. Mihevc (Members), A. Byford (Chief Executive Officer), C. Upfold (Deputy CEO & Chief Customer Officer), R. Leary – (Chief Service Officer), J. O'Grady (Chief Safety Officer), G. Piemontese (Chief People Officer), S. Reed Tanaka (Chief Capital Officer), B. Ross (Executive Director - Corporate Communications), G. Shortt (Chief Operating Officer), J. Taylor (Chief of Staff), B. Leck (Head - Legal & General Counsel), J. Lee (Head – Materials & Procurement), M. MacRae (Director – Employee Relations), K. Lee (Head – Commission Services), D. McDonald (Co-ordinator – Secretariat Services) and M. Balanco (Administrator – Secretariat Services) were present.

J. Colle was in the Chair.

Declarations of Interest – Municipal Conflict of Interest Act

Nil

Minutes of Previous Meetings

Commissioner Byers moved that the Board approve the minutes from Meeting No. 1997 and that the Chair and Chief Financial & Administration Officer be authorized to sign the same.

The motion by Commissioner Byers carried.

Business Arising Out of the Minutes

Nil

Public Presentations

a) TTC as an Essential Service

Bob Kinnear, Amalgamated Transit Union, Local 113

The Board received the deputation for information.
(See Item No. 11 for minute)

b) Procurement Authorization Amendment – Purchase 97 Forty Foot Low Floor Clean Diesel City Buses

Alan Yule

The Board received the deputation for information.
(See Item No. 19 for minute)

Presentations/Reports/Other Business

1. Chief Executive Officer's Report – May 2016 Update

The Board received the Chief Executive Officer's Report – May 2016 Update for information.

2. Approved Minutes of the Advisory Committee on Accessible Transit (ACAT) General Monthly Meeting for March 31, 2016

Chair Mazin Aribi, Advisory Committee on Accessible Transit (ACAT) introduced this item.

Following the Chair's comments the Board received for information the approved minutes from the Advisory Committee on Accessible Transit (ACAT) General Monthly Meeting of March 31, 2016.

3. PricewaterhouseCoopers LLP Audit Results Report on the Toronto Transit Commission Consolidated Financial Statements for the Year Ended December 31, 2015

It is recommended that the Board:

1. Receive the report; and
2. Approve forwarding a copy of the report to the City Clerk for appropriate handling.

Approved

4. Draft Consolidated Financial Statements of Toronto Transit Commission for the Year Ended December 31, 2015

It is recommended that the Board:

1. Approve the report; and
2. Approve forwarding a copy of the approved consolidated financial statements of the TTC to the City Clerk for appropriate handling.

Approved

5. Auditor General's Report – Audit of Toronto Transit Commission Materials and Procurement Department, Phase One: Improving Controls to Safeguard Inventory

The Board:

- i) Received the report;
- ii) Endorsed the recommendations of the Auditor General; and
- iii) Approved the management responses and timelines as set out in Appendix 2 of the report.

6. Auditor General's Report – Toronto Transit Commission – Results of 2016 Follow-up of Previous Audit Recommendations

The Board received this report for information.

7. Auditor General's Report – Toronto Transit Commission - Updated Audit Work Plan for 2016 and 2017

The Auditor General recommends that:

1. The Board receive the report for information and forward to the City of Toronto Audit Committee.

Approved

8. TTC Pension Fund Society and TTC Sick Benefit Association Bylaw Amendments

It is recommended that the Board approve:

1. The TTC PFS Bylaw amendments, attached to this report as Appendix A.

Approved

9. TTC Pension Fund Society 2016 Annual General Meeting Newsletter

The Board received the 2016 Annual General Meeting Newsletter for information.

10. Toronto-York Spadina Subway Extension (TYSSE) Claims Settlement Update

It is recommended that the Board:

1. Receive a confidential update related to the status of YYSSE claims settlement.
2. Authorize that the information provided in the confidential update is to remain confidential in its entirety as it contains information or communication that is subject to solicitor-client privilege.

Approved

11. TTC as an Essential Service

The Board approved the recommendation in the staff report, as follows:

“It is recommended that:

1. The Board receive the confidential information contained in Attachment 1;
2. The information contained in the confidential attachment remain confidential in its entirety as it contains information or communication that is subject to solicitor-client privilege; and
3. The Board instruct staff to take steps to contact the Ministry of Labour in an effort to participate as appropriate in a review of the Toronto Transit Commission Labour Disputes Resolution Act, 2011, S.O. 2011, c. 2”.

Commissioner Mihevc moved the following ancillary motion:

- i) That staff be requested to report back to the Board after discussions with the Province.

The motion by Commissioner Mihevc carried.

12. Yorkdale Station Commuter Parking

It is recommended that the Board:

1. Receive the information as set out in the Confidential Attachment;
2. That the City, on behalf of the TTC, continue with the current lease arrangement, as amended, with Oxford Properties Group providing for the continued commuter parking at Yorkdale Shopping Centre;
3. Forward a copy of this report to City of Toronto staff; and

4. The information as set out in the Confidential Attachment is to remain confidential until conclusion of discussions with Oxford Properties Group.

Approved

13. Purchase Order Amendment Authority for the Supply of Fare Media Cards

It is recommended that the Board:

1. Approve the recommendation as outlined in the Confidential Attachment (Attachment 1); and
2. Authorize the information provided in the Confidential Attachment remain confidential in its entirety as it contains information related to the security of property belonging to the TTC.

Approved

14. Update – Improvements to TTC’s Procurement and Project Management Process for Construction Contracts

Chair Colle moved the following motion:

That the Board approve the establishment of a Procurement Working Group consisting of 3 Board members to work with staff to review the existing TTC approved procurement policy with a view to comparing it to other public agencies, such as the City of Toronto, Metrolinx, the Province and others to ensure that it is efficient and effective; that it promotes competition for TTC procurements; that it builds on the work staff have been undertaking with the construction and engineering community in Ontario; and that this review culminate in an updated Procurement Policy being submitted to the Board for approval by the Fall of this year.

The motion by Chair Colle carried.

The report was adopted as amended.

15. Procurement Authorization Amendment – Supply, Installation and Maintenance of Fare gates for PRESTO

It is recommended that the Board:

1. Approve the issuance of a contract amendment up to a maximum value of \$20.6 million for the purchase of up to an additional 600 fare gates from Scheidt & Bachmann GmbH (S&B), including associated implementation work and maintenance, in accordance with Metrolinx’s Master Agreement with Scheidt & Bachmann for “The Supply and Delivery of Hardware Only Solution for Validator Devices”.

Approved

16. Procurement Authorization Greenwood Complex – Track & Structure Building Renovation and DC Pendent Power Supply System Retrofit – Contract GR1-51

It is recommended that the Board authorize:

1. Award of Contract GR1-51, Greenwood Complex – Track & Structures Building Renovation and DC Pendent Power Supply System Retrofit to Bondfield Construction Company Limited in the amount of \$14,677,570.00 inclusive of all taxes on the basis of lowest total bid price.

Approved

17. Procurement Authorization – Geotechnical & Geoenvironmental Triennial Services Contract G85-343

It is recommended that the Board:

1. Authorize award of Contract G85-343 for Geotechnical & Geoenvironmental Triennial Services for various capital projects to the following three firms, in the noted upset limit amounts, in Canadian funds, each for a three year duration from Notification of Award, on the basis of lowest total evaluated price of the qualified proponents:

Firm	Upset Limit
Englobe Corp.	\$5 million
Golder Associates Ltd	\$5 million
WSP Canada Inc.	\$5 million

Approved

18. Purchase Order Amendment Authority – PNR Railworks Inc. – Toronto-York Spadina Subway Extension

It is recommended that the board:

1. Approve a single source contract amendment to PNR in the amount of \$2,000,000, bringing the total upset limit to \$2,500,000 inclusive of taxes.

Approved

19. Procurement Authorization Amendment – Purchase 97 Forty Foot Low Floor Clean Diesel City Buses

The Board approved the recommendation in the staff report, as follows:

“It is recommended that the Board:

Authorize the amendment to Contract C32PM13774 (Supply of Forty Foot Low Floor Clean Diesel City Buses) with Nova in the amount of \$65,203,067.68, as follows:

1. \$58,010,227.68 inclusive of all applicable taxes for the purchase of 97 additional 40 foot buses for delivery in 2017, which includes options, alternatives, and changes already incorporated into the previous bus deliveries.
2. \$6,643,830.00 inclusive of all applicable taxes as an upset limit change allowance for potential contract amendments, escalation costs, special tools and maintenance spare parts pertaining to the 97 additional buses to be delivered in 2017 out of which;
 - i. \$3,255,000.00 has been included in the above upset limit amount as an allowance for escalation costs applicable for the 2017 bus deliveries. The escalation adjustment will be calculated in accordance with the formula set out in the contract which is based on the percent change in the Bus and Truck Body Producer Price Index 1413 (as established by the United States Department of Labour).
3. \$286,000.00 inclusive of all applicable taxes as an upset limit change allowance to purchase the remaining contract spares and manuals pertaining to the 105 buses delivered in 2015.
4. 263,010.00 inclusive of all applicable taxes as an upset limit change allowance to cover the costs associated with the installation of the external annunciation system on 78 of the 108 buses to be delivered in 2016. TTC will retrofit the external annunciation system on the 30 buses already delivered to TTC.
5. Establish a delivery schedule with Nova to allow for the delivery of 97 buses in 2017 as detailed in Appendix A. Late deliveries compared to the agreed schedule will be subject to the assessment of liquidated damages by TTC”.

Vice-Chair Heisey moved the following ancillary motion:

- i) That staff consider modifications to future bus and streetcar purchases to reflect the needs of our users, such as those travelling with strollers.

The motion by Vice-Chair Heisey carried.

20. Renewal of Warehouse Space Lease – 40 Carl Hall Road

It is recommended that the Board:

1. Authorize the execution of the lease amendment agreement to extend the lease between Parc Downsview Park and the Toronto Transit Commission for the lease of the premises located at 40 Carl Hall Road, Toronto, for a term of four years, in accordance with the terms and conditions summarized in this report, Toronto Transit Commission’s policies, and any other documents or agreements arising as a result of entry into the lease, in a form acceptable to the TTC’s Head – Legal and General Counsel.
2. Approve the expenditure of \$4,385,833 plus HST for rent payments for the premises (including utilities) for a four year term, subject to change from current projections due to the escalation of additional rent, and in accordance with the terms and conditions of the lease.

Approved

21. Metrolinx Kipling Inter-Regional Bus Terminal Project Response to Member Motions

The Board received the Metrolinx Kipling Inter-Regional Bus Terminal Project Response for information.

22. New Business – Accessible Parking Spaces at the Downsview Subway Station

Submitted by Chair Colle on behalf of Councillor Pasternak:

(Item was added to the agenda on a majority vote of the members present in accordance with Section 41(b) of the By-Law to Govern Commission Proceedings).

The Board referred the item to staff.

The meeting adjourned at 5:07 p.m.