



Exhibition Place

ACTION REQUIRED

Item No. 13

March 23, 2012

To: The Board of Governors of Exhibition Place

From: Dianne Young, Chief Executive Officer

Subject: **CNEA Agreement – Whispering Brook Yorkshires**

Summary:

This report recommends the Board enter into an agreement with Whispering Brook Yorkshires commencing with the 2012 Canadian National Exhibition (CNE), with an option to renew for an additional three-year periods, to provide CNE Farm Superintendent Services and Farm Animals

A Request for Quotation (RFQ) process was issued through the City of Toronto, Finance Department, Purchasing and Material Management Division (PMMD) for the non-exclusive provision of Farm Superintendent duties and farm animals for the Canadian National Exhibition.

Recommendation

Subject to the approval of the CNEA Board, it is recommended that the Board authorize a one year agreement for the 2012 CNE (with the option to extend for an additional three one-year periods) with Whispering Brook Yorkshires, based on the terms and conditions as outlined in this report and any such other terms and conditions satisfactory to the CEO and City Solicitor.

Financial Impact:

Funding for this agreement is provided for in the 2012 CNEA Operating Budget, and will be provided for in the 2013, 2014, and 2015 CNEA Operating Budgets.

Decision History:

The Exhibition Place 2009-2012 had a Financial Goal to *seek additional revenue opportunities* and as a Strategy to support this Goal we will *foster long-term partnerships and alliances with public and private sector organizations.*

This report will be considered by the CNEA Board of Directors at its meeting being held on April 4, 2012, and the recommendation of the CNEA Board will be reported to the Board at its meeting of April 5, 2012.

Issue Background:

On February 12, 2012, Exhibition Place through the services of PMMD issued a Request for Quotation for the provision of Farm Superintendent duties and farm animals commencing with the 2012 CNE.

Comments:

The RFQ closed on March 15, 2012 and only one quote was received from Whispering Brook Yorkshires in the amount of \$64,805.00 for 2012 with an additional 2% increase for each of the option years – 2013, 2014 and 2015.

Whispering Brook Yorkshires has provided services to the CNEA since 2004 and have worked cooperatively with all CNE staff and have proven to be diligent and reliable.

The City of Toronto Fair Wage and Labour Trades Office confirms that Whispering Brook Yorkshires is in compliance with the Fair Wage and Labour Trades requirements.

The CNEA is sole party to this agreement and given the direction for the CNEA to become independent as of April 1, 2013, the terms provided below allows the CNEA to withdraw from an extension of the agreement in Year 2.

The agreement with Whispering Brook Yorkshires is based on the following terms and conditions:

- (a) Term: One year commencing with the 2012 CNE, on an as required basis, with the option to extend for three additional one-year periods subject to satisfactory performance review, budget availability and the rights of the CNEA, as one party to the agreement, to not proceed with the option to extend.
- (b) Pricing: Pricing is to be fixed during the term of the Agreement in accordance with the terms of the RFQ
- (c) Assignment: The agreement shall not be assigned by Whispering Brook Yorkshires without written consent of the Board.
- (d) Indemnity/Insurance: Whispering Brook Yorkshires shall provide proof of insurance in a form and amount satisfactory to the Board and containing provisions including the Board and the City of Toronto as additional insured with a cross liability/severability of interest clause of standard wording.
- (e) Union Obligations: Whispering Brook Yorkshires shall comply with all trade union/association agreements affecting work done on the grounds.
- (f) Other Commercial Terms: The agreement shall include other standard commercial terms respecting termination and other matters in a form satisfactory to the City Solicitor and the CEO.

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