

November 9, 2010

To: The Board of Governors of Exhibition Place

**ACTION REQUIRED**

From: Dianne Young, Chief Executive Officer

Subject: **Automated Teller Machines Agreement**

Summary:

This report recommends the Board extend the agreement with Gab Ezee ATM (Gab), commencing February 1, 2011, on a month to month basis as the “Official Supplier” for the provision of Automated Teller Machines at Exhibition Place in order to allow staff to explore sponsorship opportunities. However, if a sponsorship agreement is not finalized then Exhibition Place will issue a public tender for an ATM supplier.

**Recommendation:**

**It is recommended that the Board approve extending the agreement between the Board and the CNEA with Gab Ezee ATM on a month to month basis, not to exceed six months, all in accordance with the existing terms and conditions.**

Financial Impact:

Approval of this extension will result in the continuation of a positive income stream which annually for both Exhibition Place and CNEA programs amounts to approximately \$250,000, which is included in the 2011 operating budget.

Decision History:

In January 2008, a Request for Proposals was issued and awarded by the Board to Gab Ezee ATM for provision of ATM services for Exhibition Place and the CNEA Programs for a term of three years commencing February 1, 2008 and expiring January 31, 2010.

Issue Background:

At its meeting of January 25, 2008, the Board approved of three-year contract for an official supplier of Automated Teller Machines Services for Exhibition Place and CNEA Programs. The term of this contract is set to expire January 31, 2011.

Comments:

In advance of issuing a new RFP to establish a new agreement for provision of ATM services for Exhibition Place and CNEA Programs, staff have been approached by one of the current CNE Sponsors, seeking to explore a major sponsorship opportunity in providing ATM services on a year round basis. These negotiations are currently ongoing and given the time lines and

discussions involved, a final outcome will not allow sufficient time for the process to establish a new agreement by the current agreement expiry date. Accordingly, staff are recommending the extension of the existing agreement with Gab on the following terms and conditions:

- (a) Term: Month to month, commencing February 1, 2011 and expiring no later than July 31, 2011, with a 30-day notice of cancellation.
- (b) Fees: The Board will continue to receive fees based on monthly transactions volume as per the existing agreement.
- (c) Reporting /Auditing Requirements: As required to allow the Board to determine and confirm amounts payable under the agreement.
- (d) Taxes: Gab shall be responsible for payment of all taxes, rates and assessments levied with respect to its activities and presence on the grounds.
- (e) Equipment/Expenses: Gab shall provide and maintain all equipment and materials required for its purposes and are solely responsible for the payment of all expenses and costs associated with its operations, including telecom costs.
- (f) Rates: The per transaction service fee rate for machines in the DEC will be \$2.00, or a higher negotiated surcharge.
- (g) Assignment: The agreement shall not be assigned by Gab Ezee without written consent of the Board.
- (h) Indemnity/Insurance: Gab shall indemnify the Board and the City of Toronto with respect to any and all expenses, costs or claims as a result of Gab exercise of its rights under the agreement of use of the grounds. Gab shall provide sufficient insurance in such for and amount as required by the CEO, in consultation with the City's Insurance & Risk Management Group.
- (i) Union Obligations: Gab shall comply with all trade union/association agreements affecting work done on the grounds.
- (j) Staffing: Gab will be required to have on-site personnel during high volume events at Exhibition Place as determined in conjunction with Exhibition Place Show Management as outlined in the operational requirements of the RFP.
- (k) 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.

#### Contact

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Submitted:

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Dianne Young, CEO