

January 18, 2010

To: The Board of Governors of Exhibition Place

ACTION REQUIRED

From: Dianne Young, Chief Executive Officer

Subject: **Agreement with Sypher & Associates Field Engineering**

Summary:

This report seeks approval of the terms and conditions for an agreement to provide Safety Engineering Services to Exhibition Place. Following a competitive process through the City of Toronto Purchasing, this report recommends the Board enter into three-year agreement with Sypher & Associates Field Engineering.

Financial Implications:

The projected annual expenditure for services related to Safety Engineering is \$250,000 of which \$50,000 is recoverable from clients of the Board. The remaining \$200,000 is provided for in the 2010 Operating Budget.

Recommendation:

It is recommended that the Board enter into agreement with Sypher & Associates Field Engineering (“SAFE”) for the provision of Safety Engineering Services to Exhibition Place on such terms and conditions as contained in this report, the Request for Quotations or as required by the Chief Executive Officer and the City Solicitor.

Background:

In December, 2007, a request for proposal (RFP) for Safety Engineering services was awarded by the Board to RCM Technologies Canada Corporation for a term of three years ending March 31, 2010.

Comments:

In December 2009, Exhibition Place through the City of Toronto Finance Department, Purchasing and Materials Management Division (PMMD) issued an RFQ for the provision Safety Engineering services which was listed of the City of Toronto website.

The RFQ was structured in a manner that clearly detailed the scope of services, vendor qualifications and specific expertise required for both the Canadian National Exhibition and Exhibition Place. Bidders were required to submit hourly rates for the various levels of professional and engineering services called.

The RFQ closed on January 5, 2010, with two responses, one of which was a “no bid” from RCM Technologies Canada Corporation. The result, based on projected service requirements over the three-year term of the agreement are as follows:

Safety engineering services have been provided to Exhibition Place and the Canadian National Exhibition since 1987. These services are required as part of due diligence by the Board to ensure that the grounds and on site events meet safety standards and comply with the prevailing Codes respecting fire safety, occupancy and exiting, structural integrity, environmental hazards, outdoor/indoor displays and setup, fuel handling, storage and use, children's play spaces and equipment, protection of public (physical acts of others) and amusement devices (ride safety).

SAFE is a Professional Engineering company formed in 2009, specializing in risk management/safety engineering services. It's President, Cindy Sypher, P.Eng, M.Eng. was affiliated with the Board's previous Safety Engineering supplier, RCM. SAFE has a compliment of 8 experienced professionals. While Ms. Sypher was with RCM, safety engineering services have been provided to the Board since 2001. The City of Toronto Fair Wage and Labour Trades Office confirms that SAFE is in compliance with the Fair Wage and Labour Trades requirements for this work.

The substantial terms of the agreement will be as follows:

- (a) Term: Three years commencing April 1, 2010 until March 31, 2013.
- (b) Fees: Fees be fixed during the term of the Agreement.
- (c) Union Agreements: SAFE shall comply with all agreements in force between the Board and any union or association with respect to Exhibition Place.
- (d) Assignment: The agreement between the Board and SAFE shall not be assigned SAFE without the consent of the Board.
- (e) Insurance/Indemnity: SAFE shall provide proof of insurance in a form and amount satisfactory to the Board and containing provisions including the Board, CNEA and the City of Toronto as additional insured with a cross liability/severability of interest clause of standard wording. Insurance shall be primary before any insurance held by the additional insured and the Board shall be entitled to thirty days notice of any intention to cancel or not to renew the policy. United shall indemnify the Board, the CNEA and the City of Toronto with respect to any and all liability arising from any damage or injury as a result of the negligent acts or omissions of SAFE, or its employees or any other person for whom it is in law responsible, in the supply and quality of the equipment.
- (f) Other Terms: Such other terms and conditions as contained in the Request for Quotations or as required by the Chief Executive Officer and the City Solicitor.

At its meeting of March 4, 2010, the Board of Directors of the CNEA will consider a report from the General Manager requesting that it ratify the determination by the Board to award agreement to provide Safety Engineering Services for the CNEA as part of the Sypher & Associates Field Engineering agreement.

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