

March 10, 2016

ACTION REQUIRED

To: The Board of Governors of Exhibition Place

From: Dianne Young, Chief Executive Officer

Subject: **Agreement for Asphalt Contractor Services**

Summary:

This report recommends that the Board enter into non-exclusive agreement with Tony Battista Paving Inc. for one year, commencing on June 1, 2016, with an option to extend for three separate one-year periods, for the supply of all labour, material and equipment necessary for the provision of Asphalt Contractor Services and related work at Exhibition Place.

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 supply of Asphalt Contractor Services and related work at Exhibition Place. The lowest qualified bidder is being recommended in this report.

Recommendation:

It is recommended that the Board approve an agreement with Tony Battista Paving Inc., for a period of one (1) year commencing June 1, 2016, with the option to extend for an additional three (3) separate one (1) year periods, on the terms and conditions outlined in this report and other such terms and conditions satisfactory to the CEO and City Solicitor.

Financial Impact:

The projected annual expenditure for Asphalt patching, paving and associated work, related to Hard Landscaping repairs and alterations, installations and related work services is \$13,701.25 and is provided for in the 2016 Operating Budget, and will be provided for in the 2017, 2018, and 2019 Operating Budgets.

Decision History:

The Exhibition Place 2014 - 2016 Strategic Plan had an Infrastructure Goal to *Sustain our public assets and rolling equipment* and a Strategy to support this Goal *we will upgrade our preventative maintenance program systems*.

At its meeting of May 25, 2012, the Board awarded a one year agreement with the option to extend for a further three year term, for the non-exclusive supply of all labour, material and equipment necessary for the provision of Asphalt Contractor Services and related work at Exhibition Place. The term of the option year is set to expire on May 31, 2016.

[http://www.explace.on.ca/database/rte/files/Item%2012-Asphalt\(1\).pdf](http://www.explace.on.ca/database/rte/files/Item%2012-Asphalt(1).pdf)

Issue Background:

Exhibition Place uses the services of one contractor for the non-exclusive for the supply of all labour, material and equipment necessary for the provision of minor Asphalt Contractor Services and related work at Exhibition Place. The existing agreement for these services expired on May 31, 2016.

Comments:

On February 11, 2016, Exhibition Place through the services of PMMD issued a Request for Quotation to establish a new agreement commencing June 1, 2016.

The RFQ specified the Board's requirements and service expectations and was accordingly structured in a manner that required bidders to list metric rates for various types of asphalt work for comparison purposes, these rates quoted were applied to projected annual requirements resulting in Total Lump Sum Prices. Firm prices were quoted for the first year with percentage increases for each of the three option years.

The RFQ closed on February 26, 2016 with 9 quotations received. The results exclusive of HST were as follows:

Bidder	June 1, 2016 to May 31, 2017	Percentage Increase Optional Year 1	Percentage Increase Optional Year 2	Percentage Increase Optional Year 3
Tony Battista Paving Inc.	\$13,701.25	2.5%	2.5%	2.5%
Four Seasons Site Development Ltd	\$16,480.00	10%	10%	10%
Diamond Earthworks Corporation	\$18,069.00	2.1%	2.1%	2.1%
Bond Paving & Construction Inc.	\$18,850.00	0%	0%	0%
D & A Road Services	\$19,875.00	5%	5%	5%
Vaughan Paving Ltd.	\$20,300.00	2%	2%	2%
Mopal Construction Ltd.	\$23,625.00	3%	4%	5%
Gazzola Paving Ltd.	\$32,010.00	3%	6%	10%
Aqua Tech Solutions	\$47,530.00	3%	3%	3%

The Tony Battista Paving Inc. quotation is the overall lowest acceptable bid received in compliance with all requirements.

Staff report favourably on the past performance of Tony Battista Paving Inc. at Exhibition Place. The City of Toronto Fair Wage and Labour Trades Office confirms that Tony Battista Paving Inc. is in compliance with the Fair Wage and Labour Trades requirements for this work

Tony Battista Paving Inc. is a family owned and operated paving company with offices in Etobicoke and Mississauga Ontario. The company was founded in 1953 and specializes in asphalt, concrete, interlock, retaining walls, crack filling, asphalt sealer and excavation at municipal, industrial, commercial, private industry and residential levels. Tony Battista Paving Inc. owner is Tony Battista.

Staff are recommending the approval of an agreement with Tony Battista Paving Inc. on the following terms and conditions:

- (a) Term: One year commencing June 1, 2016, on an as required non-exclusive basis, with the option to extend for three separate one-year periods subject to satisfactory performance review and budget availability.
- (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 Tony Battista Paving Inc. without written consent of the Board.
- (d) Indemnity/Insurance: Tony Battista Paving Inc. 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: Tony Battista Paving Inc. 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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