



Minutes

Toronto Transit Commission Board

Meeting No.: 2004

Meeting Date: Wednesday, November 30, 2016

A meeting of the TTC Board was held in Council Chamber, Toronto City Hall, 100 Queen Street West, Toronto, Ontario, on Wednesday, November 30, 2016 commencing at 10:05 a.m. The meeting recessed at 10:07 a.m. to meet as the Committee of the Whole. The Board reconvened the public session at 1:05 p.m. and met again as the Committee of the Whole at 3:15 p.m. for further discussion on Item No. 8.

Present at Committee of the Whole

J. Colle (Chair), A. Heisey, Q.C. (Vice-Chair), R. Byers, J. Campbell, S. Carroll, V. Crisanti, J. De Laurentiis, R. Lalonde, J. Mihevc and D. Minnan-Wong (Members), A. Byford, C. Upfold, V. Rodo, R. Leary, S. Reed Tanaka, B. Ross, J. Taylor, M. Palmer, G. Piemontese, B. Leck, K. Watson, M. Atlas, T. Bal, R. Wong, P. Kraft, M. MacRae, P. Bartz, A. Yoannis, M. Stevenson, V. Dabrus, K. Lee, and D. McDonald.

A. Heisey, Q.C. (Vice-Chair) was absent for Item 9 and declared a conflict of interest on Item 11 (see Declarations of Interest).

K. Lillyman (Chair's Office) and D. Magisano (Mayor's Office) were also present.

J. Colle was in the Chair.

Present at Public Session

J. Colle (Chair), A. Heisey, Q.C. (Vice-Chair), R. Byers, J. Campbell, S. Carroll, V. Crisanti, J. De Laurentiis, R. Lalonde, J. Mihevc and D. Minnan-Wong (Members), A. Byford, (Chief Executive Officer), V. Rodo (Chief Financial & Administration Officer), C. Upfold (Deputy CEO & Chief Customer Officer), R. Leary (Chief Service Officer), S. Reed Tanaka (Chief Capital Officer), G. Piemontese (Chief People Officer), J. O'Grady (Chief Safety Officer), M. Palmer (Chief Operating Officer), B. Ross (Executive Director of Corporate Communications), J. Taylor (Chief of Staff), K. Watson (Deputy Chief Service Officer), M. Atlas (Senior Solicitor), T. Bal (Head of Audit), R. Wong (Head of Bus Maintenance), P. Kraft (Head of Property, Planning & Development), C. Thoun (Head of Customer Communications), E. Wiggins (Head of Wheel-Trans), Mike Piemontese (Acting Head of Materials & Procurement), M. MacRae (Director – Employee Relations), P. Bartz (Program Lead – Human Resources), K. Lee (Head

of Commission Services) D. McDonald (Co-ordinator – Secretariat Services) and M. Balanco (Administrator – Secretariat Services) were present.

Declaration of Interest - Municipal Conflict of Interest Act

Item No. 11 – Potential Property Acquisition (Line 2 Modernization Plan)

Vice-Chair Heisey declared a conflict of interest on this item as his law firm is involved in an unrelated matter with the subject party.

Minutes of the Previous Meeting

Vice-Chair Heisey moved that the Board approve the minutes of the meetings held on Thursday, October 27, 2016 and Monday, November 21, 2016.

The motion by Vice-Chair Heisey carried.

Business Arising Out of the Minutes

Nil

Public Presentations

Item No. 8. Random Drug and Alcohol Testing Implementation

Bob Kinnear
President – Amalgamated Transit Union, Local 113

The Board received the deputation for information.
(See Item No. 8 for minute).

Presentations/Reports/Other Business

1. Award Presentation: Order of Excellence for Quality – Awarded by Excellence Canada

Allan Ebedes, President & Chief Executive Officer, Excellence Canada presented the Order of Excellence Award for Quality to Anthony Iannucci, Head of ITS, and his Information Technology Services group.

Excellence Canada is the custodian and adjudicator for the Canada Awards for Excellence program under the patronage of His Excellency, The Right Honourable David Johnston, Governor General of Canada.

The Order of Excellence Award is the highest honour bestowed on organizations who have demonstrated excellence in leadership, planning, customer focus, people focus, process management and supplier/partner relations.

2. Award Presentation: Best Diversity Program National Award by HR Canadian Reporter and Thompson Reuters Canada Limited

Todd Humber from Canadian HR Reporter and Sally Benn from Venngo presented the Best Diversity Program, 2016 award to Valerie Albanese, Head of Diversity and Human Rights, Karen Kuzmowich, Diversity Manager and Marika Fraser, Diversity and Outreach Specialist.

The Best Diversity Program, 2016 recognizes the TTC's diversity and inclusion plan which supports all diverse groups and makes TTC programs and services more accessible and equitable for all. TTC has developed and launched over twenty new initiatives to support diversity and inclusion for its customers and employees.

3. Presentation: 40, 45 & 50 Years Long Service Acknowledgements for 2016

Chair Colle was joined by Andy Byford, CEO and Cheryn Thoun, Head of Customer Communications in presenting the following employees with framed certificates for achieving 40 years of service at the TTC:

Douglas Chappell
Patrick Friel
Gino Di Paolo
David Tice

Gianpiero Galeazza
Robert Patterson
Wayne Ferreira
Rudolph Wilson

The following employee was presented with a framed certificate for achieving 45 years of service at the TTC:

Bruce Wilkinson

The following employee was presented with a framed certificate for achieving 50 years of service at the TTC:

Tom Kaskiw

Chair Colle also acknowledged the following employees for achieving 40 years of service at the TTC who were unfortunately unable to attend the meeting:

Anees Peshimam
Robert McMeekin

Sandra Drysdale

Chair Colle also acknowledged the following employees for achieving 45 years of service at the TTC who were unfortunately unable to attend the meeting:

Constantin Kouroumalos

Robert Kernoghan

On behalf of the TTC Board, Chair Colle thanked the recipients for their dedication and commitment to the TTC for so many years.

4. Chief Executive Officer's Report – November 2016 Update

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

5. Approved Minutes of the Advisory Committee on Accessible Transit (ACAT) General Monthly Meeting for September 29, 2016

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

Following the ACAT Chair's comments the Board received for information the approved minutes from the Advisory Committee on Accessible Transit (ACAT) General Monthly Meeting of September 29, 2016.

6. Amendment to the Terms of Reference for the Advisory Committee on Accessible Transit (ACAT)

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

"It is recommended that the Board:

1. Approve the revisions to the ACAT Terms of Reference, which address:

- a. Updating ACAT's membership requirements in accordance with the Ontario Human Rights Code definition of "disability",
- b. Increasing the maximum number of advocates for people with disabilities,
- c. Adjusting attendance requirements of ACAT members,
- d. AODA and accessibility standards knowledge, and
- e. Various minor wording and technical updates".

7. Toronto-York Spadina Subway Extension Claims Settlement Update

The Board:

1. Received a confidential update related to the status of TYSSE claims settlement.
2. Authorized 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.

8. Random Drug and Alcohol Testing Implementation

Commissioner Mihevc moved that the Board recess as the Committee of the Whole for further discussion on this item.

The motion by Commissioner Mihevc carried and the Board met as the Committee of the Whole from 3:15 p.m. – 3:57 p.m.

The Board resumed the public portion of the meeting at 3:57 p.m. and took the following action:

1. Approved the recommendations as set out in the Confidential Attachment, as amended.
2. Authorized the release of the information in the Confidential Attachment that is subject to labour-relations confidentiality upon staff communicating to the various TTC unions the program design; and
3. Not release the information as set out in the Confidential Attachment that is subject to solicitor-client privilege as that information remains privileged.

9. Large Litigation Matters

The Board:

1. Received the confidential information as set out in Confidential Attachment 1; and
2. Authorized that the information provided in the Confidential Attachment 1 remain confidential in its entirety as it contains advice which is subject to solicitor-client privilege.

10. Proposed Acquisition of Property for TTC Bus Operations

The Board:

1. Approved the confidential recommendations contained in Attachment 1 to this report; and
2. Authorized the public release of the confidential information and recommendations contained in Attachment 1 once the transaction, which is the subject of this report, has closed.

11. Potential Property Acquisition (Line 2 Modernization Plan)

The Board:

1. Received a confidential verbal update related to the Line 2 Modernization Plan for potential property acquisition.
2. Authorized that the information provided in the confidential verbal update is to remain confidential in its entirety as it contains information or communications that are subject to solicitor-client privilege.

(Vice-Chair Heisey declared a conflict of interest on this item as his law firm has dealings on an unrelated matter with one of the parties).

12. Procurement Authorization Amendment – Purchase 285 Forty Foot Low Floor Clean Diesel City Buses

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 \$185,602,800.97, as follows:

1. \$170,505,800.97 inclusive of all applicable taxes for the purchase of 285 additional 40 foot buses for delivery in 2017 and 2018, which includes options, alternatives, and changes already incorporated into the previous bus deliveries.
2. \$12,241,000.00 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 all buses to be delivered in 2017 including the 97 buses previously ordered and the 245 additional buses for delivery in 2017 of which:
 - i. \$8,200,000 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. \$2,676,000.00 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 40 additional buses for delivery in 2018 of which:
 - i. \$1,860,000.00 has been included in the above upset limit amount as an allowance for escalation costs applicable for the 2018 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).
4. The procurement authorization amendment for the purchase of 285 forty foot low floor clean diesel city buses is subject to City Council approval.

Approved

13. Hillcrest Complex Property Study

The Board opted to forego the staff presentation on this item and approved the recommendation in the staff report, as follows:

“It is recommended:

1. That staff report back to the Board with the results of the Hillcrest Complex Property Study by the end of 2017”.

Correspondence was received on this item from Philip Webb, Cities Centre, University of Toronto

14. Procurement Authorization – Hillcrest Complex – Streetcar Way Facility Replacement and Harvey Shop Loading Dock Contract M7-2

It is recommended that the Board authorize:

1. Award of Contract M7-2, Hillcrest Complex – Streetcar Way Facility Replacement and Harvey Shop Loading Dock to Buttcon in the amount of \$27,747,150.00 inclusive of all taxes on the basis of lowest total bid price.

Approved

15. Procurement Authorization – Duncan Shop Ventilation Upgrade, Supply and Install Monorail Crane, and Bus Hoist Replacement Phase 1 – Contract M1-115

It is recommended that the Board authorize:

1. Award of Contract M1-115, Duncan Shop Ventilation Upgrade, Supply and Install Monorail Crane, and Bus Hoist Replacement Phase 1, to Black and McDonald Limited in the amount of \$36,725,000.00, inclusive of all taxes on the basis of lowest total bid price. Refer to Appendix D.

The total bid price for Contract M1-115 is comprised of all labour, equipment and materials to undertake the work for Construction Package M1-94, Duncan Shop Ventilation Upgrade, and M35-2, Duncan Shop Supply and Install Monorail Crane.

2. Award of Specified Option for Construction Package M60-78, Bus Hoist Replacement Phase 1, to Black and McDonald Limited in the amount of \$4,842,050.00, inclusive of all taxes.

Approved

16. Procurement Authorization Easier Access Phase III St. Patrick Station – Contract U45-4

It is recommended that the Board authorize:

1. Award of Contract U45-4 Easier Access Phase III St. Patrick Station to Aplus in the amount of \$7,699,425.63 inclusive of all taxes on the basis of lowest total bid price.

Approved

17. Procurement Authorization – Lakeshore Garage – Bus Hoist Replacement - Contract WT60-8

It is recommended that the Board authorize:

1. Award of Contract WT60-8, Lakeshore Garage Bus Hoist Replacement to Maystar General Contractors Inc. in the amount of \$7,119,000.00 inclusive of all taxes on the basis of lowest total bid price. Refer to Appendix A.

Approved

18. Procurement Authorization – Davisville Carhouse – Carhouse Expansion Contract S5-59

It is recommended that the Board authorize:

1. Award of Contract S5-59, Davisville Carhouse – Carhouse Expansion to Bondfield Construction Company Limited in the amount of \$9,360,920.00, inclusive of all taxes on the basis of lowest compliant total bid price.

Approved

19. Procurement Authorization – Supply of Genuine OEM Cummins Parts for Buses

It is recommended that the Board authorize the award of inventory supplier blanket contracts for the supply of genuine OEM Cummins parts for the period of approximately December 2016 to December 2019 in the following upset limit amounts (including applicable taxes and a 20% contingency) to the following companies:

1. Ashcon International Inc. for the supply of 7 parts in the total upset limit amount of \$237,700 USD (which is equivalent to approximately \$314,000 CDN, based on the exchange rate of 1.3209 dated October 20, 2016).
2. The Aftermarket Parts Canada, LLC DBA New Flyer Parts for the supply of 10 parts in the total upset limit amount of \$155,500
3. Elreg Distributors Ltd. for the supply of 1 part in the total upset limit amount of \$24,700
4. Wajax Power Systems for the supply of 4 parts in the total upset limit amount of \$275,400

5. Cummins Eastern Canada LP for the supply of 478 parts in the total upset limit amount of \$23,331,300
6. Mohawk Mfg. & Supply Co. for the supply of 1 part in the total upset limit amount of \$262,500
7. CBM N.A. Inc. for the supply of 73 parts in the total upset limit amount of \$1,053,600
8. City View Bus Sales & Services Ltd for the supply of 5 parts in the total upset limit amount of \$455,400

Approved

20. Procurement Authorization – Supply of Knorr Brake Parts for up to a 3 Year Term

It is recommended that the Board authorize:

1. The award of an inventory supplier blanket contract to various Knorr Brake parts for a period of three (3) years (approximately December 2016 to December 2019) to Knorr in the total upset limit amount of \$6,080,000 CDN including applicable taxes on the basis of sole source.

Approved

21. Procurement Authorization – Supply of Westcode HVAC Parts for T1 Subway Cars

It is recommended that the Board:

1. Authorize the award of a contract to Westcode on the basis of Sole Source in the total amount of \$4,869,081.13 USD including applicable taxes (which is equivalent to approximately \$6,380,930.81 CDN, based on the exchange rate of 1.3105 dated September 29, 2016). Westcode is the original equipment manufacturer (OEM) and the only source of supply for these items.

Approved

22. Outstanding Board Items

The Board received this report for information.

The meeting adjourned at 4:00 p.m.