Meeting No. 1891

A special meeting of the Toronto Transit Commission was held in Committee Room 2, Toronto City Hall, 100 Queen Street West, Toronto, Ontario on Tuesday, December 18, 2007 commencing at 4:15 p.m.

A. Giambrone (Chair), J. Mihevc (Vice-Chair), B. Saunercook, G. De Baeremaeker, P. Milczyn, S. Hall, M. Thompson, S. Bussin and A. Perruzza (Commissioners), G. Webster (Chief General Manager), V. Rodo (General Manager – Executive & General Secretary), R. Cornacchia (General Manager – Operations), J. Sepulis (General Manager – Engineering & Construction), B. Leck (General Counsel), A. Chocorlan (Manager – Materials & Procurement), M. Stambler (Manager – Service Planning), W. Buffett (Assistant General Secretary) and F. Stanois (Coordinator – Secretariat Services) were present.

A. Giambrone was in the Chair.

S. Lam, Superintendent, Streetcar Engineering and J. Lee, Chief Project Procurement were also present.
DECLARATION OF INTEREST – MUNICIPAL CONFLICT OF INTEREST ACT – NIL

COMMITTEE OF THE WHOLE

a) Committee of the Whole Agenda – December 18, 2007


PRESENTATION

1. Low Floor Light Rail Vehicles – Request for Proposal

S. Lam, Superintendent, Vehicle Engineering and J. Lee, Chief Project Procurement gave a PowerPoint presentation entitled, “Low Floor Light Rail Vehicle Procurement.”

THE COMMISSION RECEIVED THE PRESENTATION.

CHAIR GIAMBRONE MOVED THAT THE COMMISSION WAIVE SECTION 13A OF ITS PROCEDURAL BY-LAW IN ORDER THAT PUBLIC PRESENTATIONS COULD BE MADE BY THOSE INDIVIDUALS WHO DID NOT MEET THE REGISTRATION DEADLINE OF 12:00 NOON THE DAY PRIOR TO THE MEETING.

THE MOTION BY CHAIR GIAMBRONE CARRIED, WITH TWO-THIRDS OF THE MEMBERS PRESENT VOTING IN FAVOUR.

The Commission heard public presentations from the following individuals:

John Cartwright
President, Toronto & York Region Labour Council

John Humphrey
United Steel Workers

Peggy Nash
MP (Federal NDP Industry Critic)

David Fisher

Jenny Ahnn
National Representative, Canadian Auto Workers
(Submitted brief)

Daniel Hammond
Past President
Transport 2000 & Resident of Toronto
THE COMMISSION RECEIVED THE PUBLIC PRESENTATIONS.

CHAIR GIAMBRONE MOVED THE STAFF REPORT, REPLACING THE RECOMMENDATIONS CONTAINED THEREIN WITH THE FOLLOWING:

1) THE RFP DOCUMENTS REQUIRE THE Provision OF 25% CANADIAN CONTENT;

2) RECOGNIZING THAT THROUGH NATIONAL AND PROVINCIAL POLICY, HIGHER LEVELS OF DOMESTIC CONTENT WOULD BE POSSIBLE, DIRECT STAFF TO INCLUDE A REQUEST FOR THE HIGHEST POSSIBLE CANADIAN CONTENT IN THEIR DISCUSSIONS WITH FEDERAL AND PROVINCIAL FUNDING PARTNERS, AND THESE FEDERAL AND PROVINCIAL POLICIES GUIDE THE LEVELS OF CANADIAN CONTENT REQUIRED IN FUTURE VEHICLES WHEN THE RFP OPTIONS ARE EXERCISED;

3) THE RFP DOCUMENTS BE AMENDED TO INDICATE THAT CANADIAN CONTENT LEVELS WILL BE INCREASED FOR SUBSEQUENT CARS WHEN THE OPTIONS ARE EXERCISED;

4) THAT BIDDERS BE REQUESTED TO IDENTIFY WAYS CANADIAN CONTENT COULD BE INCREASED;

5) THE RFP DOCUMENT INCLUDE LANGUAGE WHICH ALLOWS TTC TO PERIODICALLY AUDIT THE ACTUAL PERCENTAGE OF THE CANADIAN CONTENT OF THE NEW LRV’S AND THAT THE CONTRACT BE STRUCTURED SUCH THAT HOLDBACK AND/OR LIQUIDATED DAMAGES MAY BE APPLIED IF THE SUCCESSFUL PROPONENT DOES NOT PROVIDE THE CONTRACTUAL AMOUNT OF CANADIAN CONTENT;

6) THAT THE CHAIR AND MAYOR BE REQUESTED TO WRITE TO:

   A. THE PRIME MINISTER AND THE FEDERAL MINISTER OF TRANSPORTATION REQUESTING A COMMITMENT TO A SPECIFIC LEVEL OF CANADIAN CONTENT IN TRANSIT PURCHASES AS PART OF A NATIONAL TRANSIT STRATEGY,


7) A FAIRNESS COMMISSIONER BE APPOINTED TO OVERSEE THAT THE PROCUREMENT PROCESS PROCEEDS IN ACCORDANCE WITH THE PRE-ESTABLISHED RULES SET OUT IN THE PROCUREMENT DOCUMENTS;

8) THAT STAFF INITIATE A FORMAL BLACKOUT PERIOD, WHICH WOULD TAKE EFFECT IMMEDIATELY UPON THE ISSUANCE OF THE RFP AND WILL APPLY TO ALL MEMBERS OF TORONTO CITY COUNCIL AND THAT THIS BLACKOUT PERIOD BE COMMUNICATED TO MEMBERS OF COUNCIL WITHOUT DELAY;

9) STAFF REPORT BACK REGULARLY ON THE STATUS OF FUNDING FROM THE FEDERAL AND PROVINCIAL GOVERNMENTS.

COMMISSIONER THOMPSON MOVED THAT RECOMMENDATION NO. 3 CONTAINED IN CHAIR GIAMBRONE’S MOTION BE AMENDED TO ENSURE THAT IN THE DEVELOPMENT OF NEW SUPPLIERS TO ALLOW THE PERCENTAGE CANADIAN CONTENT TO BE INCREASED FOR
OPTIONAL CAR ORDERS, AND THAT CONSIDERATION BE GIVEN TO SOME OF THESE NEW SUPPLIERS BEING LOCATED IN THE TORONTO/GTA AREA.

COMMISSIONER SAUNDERCOOK MOVED THAT RECOMMENDATION NO. 1 CONTAINED IN CHAIR GIAMBRONE’S MOTION BE AMENDED BY REPLACING “25%” WITH “30%”, SO SUCH RECOMMENDATION READS AS FOLLOWS:

“1. THE RFP DOCUMENTS REQUIRE THE PROVISION OF 30% CANADIAN CONTENT.”

COMMISSIONER DE BAEREMAEKER MOVED THAT THE TTC SOLE SOURCE THE LOW FLOOR LIGHT RAIL VEHICLES TO BOMBARDIER AND THAT STAFF REPORT BACK TO THE TTC ON TERMS AND CONDITIONS THE TTC COULD ADOPT TO ENSURE CANADIAN CONTENT IS MAXIMIZED.

COMMISSIONER DE BAEREMAEKER MOVED THAT IF THE TTC CONDUCTS AN RFP THAT A BONUS OF AN ADDITIONAL FIVE POINTS BE AVAILABLE TO ANY MANUFACTURER THAT UNDERTAKES ACTUAL CANADIAN MANUFACTURING (METAL FABRICATION) AND REACHES OR EXCEEDS 50% CANADIAN CONTENT.

COMMISSIONER BUSSIN MOVED THAT RECOMMENDATION NO. 8 CONTAINED IN CHAIR GIAMBRONE’S MOTION BE AMENDED BY ADDING THE WORDS “BIDDERS WITH RESPECT TO ALL”, SO SUCH RECOMMENDATION READS AS FOLLOWS:

“8. THAT STAFF INITIATE A FORMAL BLACKOUT PERIOD, WHICH WOULD TAKE EFFECT IMMEDIATELY UPON THE ISSUANCE OF THE RFP AND WILL APPLY TO ALL BIDDERS WITH RESPECT TO ALL MEMBERS OF TORONTO CITY COUNCIL AND THAT THIS BLACKOUT PERIOD BE COMMUNICATED TO MEMBERS OF COUNCIL WITHOUT DELAY.”

RECORDED VOTE:

ADOPTION OF COMMISSIONER DE BAEREMAEKER’S SOLE SOURCE MOTION.

YES – 1
COMMISSIONER DE BAEREMAEKER

NO – 8
CHAIR GIAMBRONE, VICE-CHAIR MIHEVC, COMMISSIONER MILCZYN, COMMISSIONER BUSSIN, COMMISSIONER SAUNDERCOOK, COMMISSIONER THOMPSON, COMMISSIONER HALL, COMMISSIONER PERRUZZA

LOST ON A MAJORITY OF 7.

ADOPTION OF COMMISSIONER DE BAEREMAEKER’S BONUS POINTS MOTION.

YES – 2
COMMISSIONER DE BAEREMAEKER, COMMISSIONER SAUNDERCOOK
NO – 7
CHAIR GIAMBRONE, VICE-CHAIR MIHEVC, COMMISSIONER MILCZYN, COMMISSIONER BUSSIN, COMMISSIONER THOMPSON, COMMISSIONER HALL, COMMISSIONER PERRUZZA

LOST ON A MAJORITY OF 5.

ADOPTION OF COMMISSIONER SAUNDERCOOK’S MOTION.

YES – 2
COMMISSIONER SAUNDERCOOK, COMMISSIONER DE BAEREMAEKER

NO – 7
CHAIR GIAMBRONE, VICE-CHAIR MIHEVC, COMMISSIONER MILCZYN, COMMISSIONER BUSSIN, COMMISSIONER THOMPSON, COMMISSIONER HALL, COMMISSIONER PERRUZZA

LOST ON A MAJORITY OF 5.

ADOPTION OF COMMISSIONER THOMPSON’S MOTION, COMMISSIONER BUSSIN’S MOTION AND CHAIR GIAMBRONE’S MOTION, AS AMENDED.

YES – 9
CHAIR GIAMBRONE, VICE-CHAIR MIHEVC, COMMISSIONER MILCZYN, COMMISSIONER BUSSIN, COMMISSIONER THOMPSON, COMMISSIONER HALL, COMMISSIONER PERRUZZA, COMMISSIONER DE BAEREMAEKER, COMMISSIONER SAUNDERCOOK

NO – 0

CARRIED UNANIMOUSLY.

2. CORRESPONDENCE

C-1 Aman Hayer, dated December 15, 2007, forwarding comments regarding light rail vehicle procurement.

THE COMMISSION RECEIVED THE COMMUNICATION.

C-2 Kristian Abell, dated December 17, 2007, forwarding concerns with respect to the staff recommendation that Toronto’s new streetcar be 100% low floor.

THE COMMISSION RECEIVED THE COMMUNICATION.

The meeting adjourned at 6:55 p.m.