



Media Release: Immediate

Regional Municipality of Waterloo

Special Council Agenda

Tuesday, December 16, 2014

Special Council Meeting Immediately following Administration & Finance Committee Meeting

Regional Council Chamber

150 Frederick Street, Kitchener, ON

*Denotes Item(s) Not Part of Original Agenda

The purpose of the meeting is to deal with matters listed below.

- 1. Moment of Silence**
- 2. Roll Call**
- 3. Declaration of Pecuniary Interest Under The Municipal Conflict of Interest Act**
- 4. Delegations**
- 5. Communications**
- 6. Motion To Go Into Committee Of The Whole To Consider Reports**
- 7. Reports**

Finance Reports

- a) [COR-TRY-14-125](#), Sole Source Procurement for the Refurbishment of Two Caterpillar D8T Bulldozers 1

- | | | |
|----|---|----|
| b) | COR-TRY-14-126 , T2014-156 Operation of the Material Recycling Centre (MRC) at 925 Erb Street West, Waterloo | 4 |
| c) | COR-14-127 , Waterloo Region Housing's 2014/15 General Insurance Program | 6 |
| d) | COR-TRY-14-128 , T2014-162 Make-up Air Unit Replacements, 74 Church Street, Kitchener, Ontario and 95 Concession Street, Cambridge, Ontario | 8 |
| e) | COR-TRY-14-129 , P2014-03 Housing Software | 10 |
| f) | COR-TRY-14-130 , T2014-187 Closed Circuit Cooling Tower Replacement Project | 13 |
| g) | COR-TRY-14-131 , P2014-37 Supply and Maintenance of Defibrillators | 15 |

Committee Reports

- * a) Administration & Finance - [Distributed at Meeting](#)

Chief Administrative Officer

Regional Chair

Regional Clerk

8. Other Matters Under Committee Of The Whole

- | | | |
|------|---|----|
| a) | PDL-LEG-14-096 , Authorization to Expropriate Lands (2 nd Report) In The Cities Of Kitchener and Waterloo Designated As Phase V of Stage 1 of the Rapid Transit Project Relating To Property And Interests Located At Various Locations Along The Light Rail Transit Alignment | 17 |
| * b) | Closed Summary - Distributed at Meeting | |

9. Motion For Committee Of The Whole To Rise And Council Resume

10. Motion To Adopt Proceedings Of Committee Of The Whole

11. Other Business

12. Enactment Of By-laws – First, Second & Third Readings

- a) A By-law to Appoint a Commissioner of Human Resources and Citizen Service

Explanatory Note: This By-law appoints Jane Albright as the

Region's Commissioner of Human Resources and Citizen Service.

- b) A By-law to Repeal By-law Number 06-014, A By-law to Appoint a Commissioner of Corporate Resources

Explanatory Note: This By-law repeals By-law 06-014 which appointed a Commissioner of Corporate Resources (now retired) and this Commissioner position was eliminated as part of the new organizational structure approved by Council on June 25, 2014 pursuant to Report CA-14-007.

- c) A By-law to Appoint a Deputy Treasurer

Explanatory Note: This By-law appoints Angela Hinchberger as Deputy Treasurer as part of the implementation of the new organizational structure approved by Council on June 25, 2014 pursuant to Report CA-14-007.

- d) A By-law to Amend By-law Number 12-017, as Amended, Being a By-law Authorizing and Governing the Execution of Documents on Behalf of The Regional Municipality of Waterloo

* Explanatory Note: This is a further housekeeping by-law to change the delegated signing authorities referenced in By-law 12-017 regarding the Airport to reflect the new Regional Organizational Structure which was effective November 3, 2014 as well as to provide for the delegated execution of Airport-related marketing, promotional and advertising agreements which are "routine" in nature in order to improve operational effectiveness and efficiency.

- e) A By-law to Expropriate Certain Lands for the Purpose of Phase V of Stage 1 of the Rapid Transit Project for Property and Interests Relating to Lands that are Necessary at Various Locations along the Light Rail Transit Alignment in the Cities of Kitchener and Waterloo, all in the Regional Municipality of Waterloo

- f) A By-law to Confirm the Actions of Council – December 16, 2014

13. Adjourn



Report: COR-TRY-14-125

Region of Waterloo
Corporate Services Department
Treasury Services Division (Procurement)

To: Regional Chair Ken Seiling and Members of Regional Council

Date: December 16, 2014 **File Code:** F18-01

Subject: Sole Source Procurement for the Refurbishment of Two Caterpillar D8T Bulldozers

Recommendation:

That the Regional Municipality of Waterloo approve the sole source procurement from Toromont CAT to completely refurbish two Caterpillar D8T bulldozers in the estimated amount of \$976,320.00 including all applicable taxes.

Summary: Nil

Report:

The Region of Waterloo Waste Management Division operates two Caterpillar D8T bulldozers at the Waterloo landfill tipping face. The two bulldozers are scheduled for replacement in 2015 and the expenditure received pre-budget approval on August 20, 2014. Since that time, and as part of the 2015 procurement review process, Fleet Services, in consultation with Waste Management, evaluated the option to refurbish the units in lieu of new replacements. The findings of this evaluation concluded that the best option for the Region would be to refurbish both units.

The overall cost to refurbish both units, after the HST rebate, is less than the purchase price of one new bulldozer which is estimated at \$970,000. The Caterpillar Certified Rebuild program recertifies the units to new condition with full equipment warranty. The refurbishment requires the use of Genuine CAT ® parts, purchased directly by the authorized Caterpillar dealer, through Caterpillar located in the United States. The refurbished bulldozers will be equipped with updated technologies that are equivalent to new units and will improve operational efficiencies including reductions in emissions, fuel consumption, and maintenance costs. The life cycle of the refurbished units is

expected to be equivalent to new units.

Section 21(1) (a) of the Purchasing Bylaw allows for acquisition of goods or services by negotiation where there is only one known source of supply.

The refurbishment can only be carried out by an authorized Caterpillar dealer, which is Toromont CAT in Ontario. Toromont CAT has provided a quote locking in labour rates for both units. The first unit is scheduled to be refurbished in the early part of 2015 at the rates quoted for parts and labour. The second unit will be rebuilt in late 2015 or early 2016. The parts component of the second unit would be quoted 30 days before it is scheduled for refurbishment as the parts costs are subject to exchange rate fluctuations. By refurbishing both bulldozers at the 2014 labour rates, the Region will benefit from savings of approximately \$24,000 in labour costs. The refurbishment of the two bulldozers from Toromont CAT ensures continuity with the existing services agreements for maintenance and repairs of the equipment.

Corporate Strategic Plan:

Award of this contract meets the Corporate Strategic Plan objective to reduce greenhouse gas emissions and work to improve air quality under Strategic Focus Area 1 Environmental Sustainability and Focus Area 2 – Growth Management and Prosperity to develop, optimize and maintain infrastructure to meet current and projected needs.

Financial Implications:

Refurbishment of Two Caterpillar D8T Bulldozers	\$976,320
Less: Municipal Rebate of 86.46% of HST (11.24%)	<u>(97,114)</u>
Total	<u>\$879,206</u>

The 2014 Waste Management Capital Program includes a budget of \$3,768,000 in 2015 for equipment and vehicle replacements (Project #01007) of which \$950,000 was provided for each of the bulldozers for a total budget provision of \$1,900,000. The preliminary 2015 Waste Management Capital program has been revised to reflect the estimated cost to refurbish the two bulldozers. The savings realized as a result of the rebuilds instead of the purchase of new bulldozers will remain in the Division's equipment reserve to assist with future vehicle and equipment replacements.

Other Department Consultations/Concurrence:

Corporate Services and Transportation and Environmental Services were involved in the review of the proposal.

The final date of acceptance for this contract is December 20, 2014.

Attachments: Nil

Prepared By: Lisa Buitenhuis, Manager, Procurement

Approved By: Craig Dyer, Commissioner of Corporate Services/Chief Financial Officer



Report: COR-TRY-14-126

Region of Waterloo
Corporate Services Department
Treasury Services Division (Procurement)

To: Regional Chair Ken Seiling and Members of Regional Council
Date: December 16, 2014 **File Code:** F18-30
Subject: T2014-156 Operation of the Material Recycling Centre (MRC) at 925 Erb Street West, Waterloo

Recommendation:

That the Regional Municipality of Waterloo accept the tender of GFL Environmental Inc. for T2014-156 Operation of the Material Recycling Centre (MRC) at 925 Erb Street West, Waterloo for a five (5) year term commencing March 28, 2015 until March 27, 2020, with the option to renew for two (2) additional one (1) year terms (until March 27, 2022) in the amount of \$5,939,385.09 including all applicable taxes.

Summary: Nil

Report:

Tenders were called for T2014-156 Operation of the Material Recycling Centre (MRC) at 925 Erb Street West, Waterloo and were advertised in the Record, the Ontario Public Buyer's Association, the Ontario Waste Management Association and on the Region's website. The tenders were opened in the presence of M. Palmer-Novakovic, M. Ursu and J. Cardoso.

The following tenders were received:

GFL Environmental Inc.	Vaughan, ON	\$5,939,385.09
HGC Management Inc.	Brantford, ON	\$6,001,712.50
Canada Fibers Ltd.	Toronto, ON	\$6,714,957.20
Miller Waste Systems Inc.	Markham, ON	\$7,533,119.91

The Material Recycling Center (MRC) located at 925 Erb St. West Waterloo receives all blue box material collected by the Region's Blue Box Program. The blue box material is collected and processed in 2 streams. One stream contains fiber and plastic film and the other is made up of mixed containers. The fiber and plastic film includes newspaper, corrugated cardboard, boxboard and plastic film and bags. The mixed containers include aluminum and steel cans, glass, gable top, and plastic containers types 1 to 7. The material is further sorted by material type at the MRC and shipped to markets secured by the Region. Annually, 36,000 metric tonnes of material are collected, sorted and recycled by the Region's blue box program.

GFL Environmental Inc., the recommended contractor is responsible for supplying all labour, mobile equipment, tools and supplies to receive, sort, and prepare material for shipment. GFL Environmental Inc. is also responsible for the maintenance and cleaning of the container line sorting equipment, baler, as well as general housekeeping, cleaning and litter control in and around the facility.

The work of this contract is for the operation of the Materials Recycling Centre for a five (5) year term including all staff and equipment necessary to accept delivered recyclables, process them into marketable materials and load them for shipment. The Region will provide the building, the processing equipment, ensure material (recyclables) delivery, and market all the processed recyclables.

Corporate Strategic Plan:

Award of this contract meets the Corporate Strategic Plan objective to reduce the amount of waste going to the landfill under Strategic Focus Area 1 Environmental Sustainability.

Financial Implications:

T2014-156 (annual cost)	\$1,187,877
Less: Full rebate of HST due to exemption	<u>(136,658)</u>
	Total <u>\$1,051,219</u>

The preliminary 2015 Waste Management Operating Budget includes \$1.096 million which will cover the final 3 months (approximately) of the existing contract and the first 9 months (approximately) of the recommended contract. The 2014 budget amount was \$1.14 million.

The final date of acceptance for this tender is December 31, 2014.

Other Department Consultations/Concurrence: Nil

Attachments: Nil

Prepared By: Lisa Buitenhuis, Manager, Procurement

Approved By: Craig Dyer, Commissioner of Corporate Services/Chief Financial Officer
1734716



Report: COR-14-127

Region of Waterloo
Corporate Services Department
Commissioner's Office

To: Regional Chair Ken Seiling and Members of Regional Council

Date: December 16, 2014 **File Code:** F28-30

Subject: **Waterloo Region Housing's 2014/15 General Insurance Program**

Recommendation:

That the Regional Municipality of Waterloo accept the bid from the Frank Cowan Company Limited for the 2014/15 General Insurance Program for Waterloo Region Housing in the amount of \$410,432.63 inclusive of the Housing Services Corporation fee and all applicable taxes;

And that the Chief Financial Officer be authorized to sign all documentation required by the Housing Services Corporation pertaining to such insurance coverage.

Summary: Nil

Report:

The Waterloo Region Housing's General Insurance Program is outside the Region of Waterloo's Municipal Insurance Pool's Program due to the coverage requirements set by the Housing Services Corporation (HSC). This insurance program renewed on November 1, 2014 and coverage has been bound subject to Council's approval. This program covers the 2,690 housing units owned by the Region.

Staff obtained the required bid for the HSC's Group Insurance Program administered by Marsh Canada and a bid from the Frank Cowan Company Limited, the only other competitor able to meet the HSC's Insurance Program requirements for the Region of Waterloo. The quotes including applicable taxes and HSC fees are as follows:

Frank Cowan Company Limited	\$410,432.63
Marsh Canada	\$416,471.11

HSC charges a service fee of 2.5% on the premium quoted under an alternative broker program. This charge will be \$9,258.58, plus HST, and it is included in the Cowan quote above. The HSC service fee is not charged on the Marsh Canada program as coverage, if acquired through Marsh, would be placed through HSC's insurance affiliate (SOHO Insurance Inc.) which would receive a commission that off-sets this service fee. The cost of the Cowan program is \$7,079.12 or 1.73% lower than the cost of the Marsh program. As such staff recommends proceeding with the General Insurance Program offered by the Frank Cowan Company Limited.

Corporate Strategic Plan:

Award of this contract meets Focus Area 5 of the Region's Corporate Strategic Plan in that we ensure all Regional programs and services are efficient and effective and demonstrate accountability to the public.

Financial Implications:

Frank Cowan Company Limited	\$370,343.00
Retail Sales Tax	29,627.44
HSC Fee including HST	<u>10,462.19</u>
Sub-total	\$410,432.63
Less: Municipal Rebate of 86.46% of HST on HSC Fee	<u>(1,040.64)</u>
Total	<u>\$409,391.99</u>

Total net cost for the 2014/15 General Insurance Program for Waterloo Region Housing will be \$409,391.99. Sufficient funds for this expense are included in the preliminary 2015 Housing Services Operating Budget.

The 2014/15 annual insurance premium cost of \$409,391.99 when compared to the 2013/14 annual insurance premium cost of \$411,359.67 is a decrease of almost \$2,000.

Other Department Consultations/Concurrence:

Planning, Housing and Community Services staff have assisted with the documents submitted to market and are in agreement with the recommendation proposed.

Attachments: Nil

Prepared By: Craig Smith, Risk Manager

Approved By: Craig Dyer, Commissioner of Corporate Services/Chief Financial Officer



Report: COR-TRY-14-128

Region of Waterloo
Corporate Services Department
Treasury Services Division (Procurement)

To: Regional Chair Ken Seiling and Members of Regional Council
Date: December 16, 2014 **File Code:** F18-30
Subject: T2014-162 Make-up Air Unit Replacements, 74 Church Street, Kitchener, Ontario and 95 Concession Street, Cambridge, Ontario

Recommendation:

That the Regional Municipality of Waterloo accept the tender of Velocity Mechanical Inc. for T2014-162 Make-up Air Unit Replacements at 74 Church Street, Kitchener, Ontario and 95 Concession Street, Cambridge, Ontario in the amount of \$123,396.00 including all applicable taxes.

Summary: Nil

Report:

Tenders were called for Make-up Air Unit Replacements at 74 Church Street, Kitchener and 95 Concession Street, Cambridge and were advertised in the Record, on the Ontario Public Buyers Association website and on the Region's website. Tenders were opened in the presence of L. Ballantyne, J. Henhoeffler and T. Lumgair.

The following tenders were received:

Velocity Mechanical Inc.	Kitchener, ON	\$123,396.00
Rainbow Mechanical Services Ltd.	Concord, ON	\$132,092.48

This contract is to replace make-up air units at the Waterloo Region Housing sites at 74 Church St, Kitchener and 95 Concession St, Cambridge as they have reached the end of their expected service life. The work will provide more energy efficient units in both buildings and is expected to be complete by April 2015. The work will not affect tenant's accommodation as the units are located on the rooftops of the apartment buildings.

Corporate Strategic Plan:

Award of this contract meets the Corporate Strategic Plan objective to develop, optimize and maintain infrastructure to meet current and projected needs under Strategic Focus Area 2 Growth Management and Prosperity.

Financial Implications:

T2014-162		\$123,396
Engineering - Consulting		<u>28,250</u>
	Sub-total	\$151,646
Less: Municipal Rebate of 86.46% of HST (11.24%)		<u>(15,084)</u>
	Total	<u>\$136,562</u>

The approved 2014 Waterloo Region Housing (WRH) Capital budget includes \$195,900 for make-up air unit replacements at 74 Church Street, Kitchener and 95 Concession Street, Cambridge. This project is funded through a combination of federal grants, revenue (taxation) and the Housing Reserve Fund. The budget amount is sufficient to cover the costs leaving a balance of \$59,338 available for other WRH capital work.

The final date of acceptance for this tender is December 27, 2014.

Other Department Consultations/Concurrence: Nil

Attachments: Nil

Prepared By: Lisa Buitenhuis, Manager, Procurement

Approved By: Craig Dyer, Commissioner of Corporate Services/Chief Financial Officer



Report: COR-TRY-14-129

Region of Waterloo
Corporate Services Department
Treasury Services Division (Procurement)

To: Regional Chair Ken Seiling and Members of Regional Council

Date: December 16, 2014 **File Code:** F18-40

Subject: P2014-03 Housing Software

Recommendation:

That the Regional Municipality of Waterloo accept the joint venture proposal of Arcori Inc. and Iserve Technology Consulting Ltd. (o/a istcl) for the provision of Housing Software in the amount of \$218,694.86 including all applicable taxes (representing 11.1% of total development and operating costs);

And that the Region's Chief Purchasing Officer be authorized to execute the negotiated purchase agreement which shall be satisfactory in technical content to the Chief Purchasing Officer, the Director of Housing Services and the Director of Information Technology Services and in a form satisfactory to the Regional Solicitor.

Summary: Nil

Report:

In 2014, the Region of Waterloo issued a co-operative Request for Proposal for a Housing Software System on behalf of the Housing Collaborative Initiative (HCI) Governing Group. The HCI is a project to develop information technology solutions for housing service managers and the Governing Group is comprised of eight municipalities including the Cities of Windsor, London, Hamilton and Ottawa, the Regions of Waterloo, Halton and York and the Municipality of Chatham-Kent. Regional Council approved the Region of Waterloo's participation in the HCI and the HCI Consortium Agreement to fund, develop and implement a service manager housing information system through report P-13-038.

A pre-qualification process for this project was conducted in April 2013 (PQ2013-04) with four proponents qualifying for the request for proposal process. The Region received three proposals from the four qualified proponents. The proposals were evaluated on technical merit using pre-determined criteria with a minimum score

required in each category as set out in the request for proposal prior to the pricing envelopes being opened. The scoring criteria consisted of Application, Hosting, Support, Work Plan and System Demonstration. One submission did not achieve an overall passing score and their pricing envelope was not opened. The following two pricing proposals were opened in the presence of M. Palmer-Novakovic, T. Lumgair, J. Murdoch, and A. Michelucci.

RBB Innovations Ltd.	Sault Ste. Marie, ON	\$1,909,463.44
Arcori Inc. / Iserve Technology Consulting Ltd. (o/a istcl)	Toronto, ON	\$1,970,223.92

The proposal submitted by Arcori Inc. and Iserve Technology Consulting Ltd. (o/a istcl) obtained the highest overall score. The successful bid above includes a contingency amount of \$235,524. The work under this contract requires the successful bidder to design, develop, implement, support, and host housing management software according to the business requirements outlined within the request for proposal document. This new single system will provide the eight Service Managers with the necessary financial tools needed to manage their housing programs more effectively and efficiently. Service Managers will only have access to their own data through the system. All eight municipalities in the HCI Governing Group have approved their capital contributions for the development of the software, will individually execute the agreement with the successful bidder and will be responsible for paying their share of the costs to the successful bidder in accordance with the HCI Consortium Agreement.

Corporate Strategic Plan:

Award of this contract meets the Corporate Strategic Plan objective to ensure Regional programs and services are efficient and effective and demonstrate accountability to the under Strategic Focus Area 5 Service Excellence.

Financial Implications:

The overall cost to provide a system to HCI (eight municipalities) is \$1,970,224 (\$1,774,247 net of HST rebate). This includes development, training, contingency, a five (5) year annual maintenance program and hosting and support costs. Based on the HCI share structure, the Region of Waterloo would be responsible for 11.1% or \$196,941 net of HST rebate. Service Manager shares are based on housing units under administration and the Region's costs are summarized as follows:

P2014-03 – Capital Costs	\$170,179
Less: Municipal Rebate of 11.24% HST	<u>(16,928)</u>
Total Capital Cost	<u>\$153,251</u>
P2014-03 – Operating Costs (5 Years)	\$48,516
Less: Municipal Rebate of 11.24% HST	<u>(4,826)</u>
Total Operating Cost (5 Years)	<u>\$43,690</u>

The 2014 Housing capital plan includes \$245,000 for this project to be financed from the Housing Reserve Fund. To-date a total \$9,020 has been spent and the remaining budget of \$235,980 is sufficient to cover the capital cost of \$153,251. This will leave a balance of \$82,729 for other costs associated with this project (e.g. future enhancements, other project management fees and other internal charges). The five year data hosting and maintenance/support costs of \$43,690 which equates to an annual cost of \$8,738 will be accommodated within the annual Housing Services operating budget once the system has been developed and implemented.

The final date of acceptance for this proposal is March 1, 2015. Approval from Council is requested now in order for all contract details to be put in place by the March 1, 2015 deadline.

Other Department Consultations/Concurrence: Nil

Attachments: Nil

Prepared By: Lisa Buitenhuis, Manager, Procurement

Approved By: Craig Dyer, Commissioner of Corporate Services/Chief Financial Officer



Report: COR-TRY-14-130

Region of Waterloo

Corporate Services Department

Treasury Services Division (Procurement)

To: Regional Chair Ken Seiling and Members of Regional Council

Date: December 16, 2014 **File Code:** F18-30

Subject: T2014-187 Closed Circuit Cooling Tower Replacement Project

Recommendation:

That the Regional Municipality of Waterloo accept the tender of Rainbow Mechanical Services Limited for T2014-187 Closed Circuit Cooling Tower Replacement Project in the amount of \$776,310 including all applicable taxes.

Summary: Nil

Report:

Tenders were called for T2014-187 Closed Circuit Cooling Tower Replacement Project at 150 Frederick Street in Kitchener and were advertised in the Record, on the Ontario Public Buyers Association website and on the Region's website. The tenders were opened in the presence of L. Ballantyne, P. McKinnon and L. Buitenhuis.

The following tenders were received:

Rainbow Mechanical Services Ltd.	Concord, ON	\$ 776,310.00
Trade-Mark Industrial Inc.	Cambridge, ON	\$ 835,155.88
Nutemp Mechanical Systems Ltd.	Mississauga, ON	\$ 854,280.00
Velocity Mechanical Inc.	Kitchener, ON	\$ 885,920.00
Roberts Onsite Inc.	Kitchener, ON	\$ 938,780.27
Dean-Lane Contractors Inc.	Kitchener, ON	\$1,012,474.35

The work of this contract includes the replacement of the existing closed circuit cooling tower at 150 Frederick Street, Kitchener, as it has reached the end of its expected service life. The single unit is being replaced with two units to provide back up in the event of failure of the first unit and an additional 20% more cooling to the building. The work is expected to be completed by April 2015 to be ready for the 2015 cooling season without impacting the building occupants.

Corporate Strategic Plan:

Award of this contract meets the Corporate Strategic Plan objective to develop, optimize and maintain infrastructure to meet current and projected needs under Strategic Focus Area 2 Growth Management and Prosperity.

Financial Implications:

T2014-187		\$776,310
Consulting Services (external)		<u>29,945</u>
	Sub-total	\$806,255
Less: Municipal Rebate of 86.46% of HST (11.24%)		<u>(80,197)</u>
	Total	<u>\$726,058</u>

The 2014 Facility Asset Renewal Capital Budget includes \$1,656,000 for facility lifecycle work at 150 Frederick Street (capital project 90025), funded by debentures. Within that budget amount, \$750,000 was allocated for the Closed Circuit Cooling Tower Replacement Project, which is sufficient to cover the cost of the work.

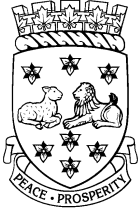
The final date of acceptance for this tender is January 26, 2015.

Other Department Consultations/Concurrence: Nil

Attachments: Nil

Prepared By: Lisa Buitenhuis, Manager, Procurement

Approved By: Craig Dyer, Commissioner of Corporate Services/Chief Financial Officer



Report: COR-TRY-14-131

Region of Waterloo
Corporate Services Department
Treasury Services Division (Procurement)

To: Regional Chair Ken Seiling and Members of Regional Council

Date: December 16, 2014 File Code: F18-40

Subject: **P2014-37 Supply and Maintenance of Defibrillators**

Recommendation:

That the Region of Waterloo accept the proposal of ZOLL Medical Canada Inc. for the Supply and Maintenance of Defibrillators in the amount of \$725,626.67 including all applicable taxes.

Summary: Nil

Report:

Proposals were called for the Supply and Maintenance of Defibrillators and were advertised in the Record, on the Ontario Public Buyers Association website and on the Region's website. Proposals were opened in the presence of S. Van Valkenburg, R. Crossan, M. Adair and T. Lumgair.

The following proposals were received:

ZOLL Medical Canada Inc.	Mississauga, ON	\$725,626.67
Physio-Control Canada Sales, Ltd.	Mississauga, ON	\$831,698.91

Proposals were evaluated using pre-determined criteria as set out in the Request for Proposal consisting of company profile and expertise, compliance with specifications, training and service, preventive maintenance and extended warranty, trial evaluation and price. ZOLL Medical Canada Inc. received the highest overall score and had the lowest price.

Corporate Strategic Plan:

Award of this contract meets the Corporate Strategic Plan objective to enhance local health service delivery by optimizing Paramedic Services delivery and collaborating with health care partners to support system change under Strategic Focus Area 4 Healthy and Inclusive Communities.

Financial Implications:

P2014-37	\$725,627
Less: Municipal Rebate of 86.46% of HST (11.24%)	<u>(72,176)</u>
	Total <u>\$653,451</u>

The approved 2014 Capital Budget includes \$864,000 for the defibrillators (project 82006) to be funded from the Ambulance Equipment Reserve. The budget amount is sufficient to cover the costs with a balance of \$210,549 remaining.

The final date of acceptance for this proposal is December 28, 2014.

Other Department Consultations/Concurrence: Nil

Attachments: Nil

Prepared By: Lisa Buitenhuis, Manager, Procurement

Approved By: Craig Dyer, Commissioner of Corporate Services/Chief Financial Officer

The Regional Municipality of Waterloo
Administration and Finance Committee
Summary of Recommendations to Council

The Administration and Finance Committee recommends as follows:

1. That the Regional Municipality of Waterloo endorse the overall approach to develop the 2015-2018 Strategic Plan as presented in CAO-SPL-15-001, dated December 16, 2014 and appoint Councillors Jowett, Mitchell, Strickland and Wettlaufer to the Strategic Plan Steering Committee.
2. That the Regional Municipality of Waterloo approve the 2015 budget timetable as set out in Appendix A to report COR-FSD-14-132, dated December 16, 2014.
3. That the Regional Municipality of Waterloo authorize the Chief Financial Officer to provide 2015 grant advances for the core arts and cultural organizations, K-W Symphony, The Museum, Grand Philharmonic Choir and Creative Enterprise Initiative, up to 80% of each organization's approved 2014 grant.

December 16, 2014



Report: PDL-LEG-14-096

Region of Waterloo

Planning, Development and Legislative Services

Legal Services

To: Chair Ken Seiling and Members of Regional Council

Date: December 16, 2014 **File Code:** L07-90

Subject: **Authorization to Expropriate Lands (2nd Report) In The Cities Of Kitchener and Waterloo designated as Phase V of Stage 1 of the Rapid Transit Project relating to Property and Interests located at various locations along the Light Rail Transit Alignment**

Recommendation :

That The Regional Municipality of Waterloo approve the expropriation of lands for the construction of part of Phase V of Stage 1 of the Rapid Transit Project comprised of property and interests located at various locations along the Light Rail Transit alignment in the Cities of Kitchener and Waterloo, in the Regional Municipality of Waterloo as detailed in Report PDL-LEG-14-096 dated December 16, 2014 and more specifically listed below:

Fee Simple Partial Takings:

LRT

1. Part of Lot 9, G.C.T., being Part 1 on 58R18065, Part of PIN 22282-0157, City of Waterloo (Part of 600 King Street North, Waterloo ON);
2. Part of Lot 11, G.C.T., being Part 8 on 58R18061, Part of PIN 22280-0145, City of Waterloo (Part of 125 Northfield Drive West, Waterloo ON);
3. Part of Lot 11, G.C.T., being Parts 2, 3, 4 & 5 on 58R18059, Part of PIN 22280-0297, City of Waterloo (Part of 139 Northfield Drive West, Waterloo ON);
4. Part of Lot 11, G.C.T., being Part 1 on 58R18059, Part of PIN 22280-0300, City of Waterloo (Part of 141 Northfield Drive West, Waterloo ON);

5. Part of Lot 7 between Young and Ontario Streets, Plan 401, being Parts 1 and 2 on 58R18011, Part of PIN 22316-0217, City of Kitchener (Part of 56 Duke Street, Kitchener ON);
6. Part of Lot 39, Plan 394, being Part 1 on 58R18012, Part of PIN 22501-0023, City of Kitchener (Part of 33 Benton Street, Kitchener ON);
7. Part of Park Lot 25, Plan 404, being Parts 1 and 2 on 58R18049, Part of PIN 22506-0261, City of Kitchener (Part of 50 Borden Avenue, Kitchener ON);
8. Part of Lot 1, Plan 242, being Part 1 on 58R18004, Part of PIN 22505-0112, City of Kitchener (Part of 443 Courtland Avenue East, Kitchener ON);
9. Part of Lot 77, Plan 242, being Part 2 on 58R18004, Part of PIN 22505-0111, City of Kitchener (Part of 246 Ottawa Street South, Kitchener ON);
10. Part of Block 'F', Plan 1206 and Part of Block 'F', Plan 1221, being Parts 1, 2 and 3 on 58R18055, Part of PIN 22595-0095, City of Kitchener (Part of Courtland between Block Line and Hayward);
11. Part Lot 9, M.C.P. 791, being Part 4 on 58R18078, Part of PIN 22599-0069, City of Kitchener (Part of 39-51 Overland Drive, Kitchener, ON);
12. Part Lot 9, M.C.P. 791, being Part 5 on 58R18078, Part of PIN 22599-0081, City of Kitchener (Part of 55 Overland Drive, Kitchener, ON).

Easements

1. Part of Lot 11, G.C.T., being Parts 1, 2, 3, 4, 5, 6, 7, 9, 10 and 11 on 58R18061, Part of PIN 22280-0145, City of Waterloo (Part of 125 Northfield Drive West, Waterloo ON);
2. Part of Park Lot 25, Plan 404, being Part 3 on 58R18049, Part of PIN 22506-0261, City of Kitchener (Part of 50 Borden Avenue, Kitchener ON);
3. Part of Lots 3 and 4, M.C.P., Plan 962, being Part 1 on 58R18060, Part of PIN 22593-0262, City of Kitchener (Part of 310 Fairway Road South, Kitchener ON);
4. Part of Block 'F', Plan 1206 and Part of Block 'F', Plan 1221, being Parts 4, 5 and 6 on 58R18055, Part of PIN 22595-0095, City of Kitchener (Part of Courtland between Block Line and Hayward);

And that staff be instructed to register a Plan of Expropriation with respect to the said properties, or such lesser portions or interests of any of the said properties as may be determined through the design process, within three months of the granting of approval to expropriate said properties, in accordance with the "Expropriations Act" (Ontario) (the

“Act”);

And that the registered owners be served with a Notice of Expropriation and a Notice of Possession with respect to the said properties after the registration of the Plan of Expropriation and the Regional Solicitor is authorized to take any and all actions required to enforce such Notices including but not limited to any application pursuant to Section 40 of the Expropriations Act;

And that if no agreement as to compensation is made with an owner, the statutory Offer of Compensation and payment be served upon the registered owners of applicable properties in the amount of the market value of the interests in such lands as estimated by the Region’s appraiser in accordance with the Act;

And that all above-referenced lands situated adjacent to an existing Regional public highway shall be acquired for road widening purposes and shall be deemed to form part of the adjacent public highway in accordance with subsection 31(6) of the Municipal Act, 2001, S. O. 2001, c.25;

And further that the Regional Solicitor be authorized to discontinue expropriation proceedings or any part thereof, in respect of the above described lands, or any part thereof, upon the registration on title of the required documentation to complete the transaction or if determined by the Commissioner of Transportation and Environmental Services that such lands, or any part thereof, are not required for the subject Project.

Summary:

Nil

Report:

A. Project Authorizations

On June 15, 2011 Regional Council approved light rail transit (“LRT”) as the preferred rapid transit technology from Conestoga Mall in the City of Waterloo through the City of Kitchener to the Ainslie Street Terminal in the City of Cambridge (the “Rapid Transit Project”). Stage 1 of the Rapid Transit Project will include LRT service from Conestoga Mall in the City of Waterloo to Fairview Park Mall in the City of Kitchener, as well as, Adapted Bus Rapid Transit (“aBRT”) service from Fairview Park Mall in the City of Kitchener to the Ainslie Street Terminal in the City of Cambridge.

B. Project Details

The Region initiated a Transit Project Assessment (“TPA”) with respect to Stage 1 of the Rapid Transit Project (“Stage 1”) in November of 2011, which has been completed and has provided results that are permissive of the construction and operation of Rapid

Transit within the approved rapid transit corridor.

Three proponents (the “Shortlisted Proponents”) were short listed through a competitive Request for Qualifications process issued in late 2012 to bid on the Design/Build/Finance/Operate/Maintain concession (the “DBFOM Concession”) that has been approved for the delivery of the LRT component of Stage 1. The Shortlisted Proponents submitted bids as part of the Region’s Request for Proposals (“RFP”) in connection with the DBFOM Concession in late 2013. Grandlinq GP (“Grandlinq”) was selected as the preferred proponent for the DBFOM Concession and a Project Agreement was signed between Grandlinq and the Region on May 6, 2014. Grandlinq has now commenced construction of LRT and associated works.

The Region completed a separate procurement for the construction of aBRT. Construction of aBRT and associated works has also commenced.

The land acquisition/expropriation process for the Rapid Transit Project has been divided into several separate and distinct phases. At this time, all lands that form part of Phases 1, 2, 3 and 4 of the land acquisition/expropriation process for the Rapid Transit Project have either been acquired or expropriated with the exception of lands owned by the City of Kitchener and the University of Waterloo which are the subject of ongoing negotiation.

The Region has also commenced the expropriation process in connection with Phases 5 and 6 of the land acquisition/expropriation process for the Rapid Transit Project. Regional Real Estate Services staff are currently engaged in negotiations with all land owners that are affected by Phases 5 and 6. It is to be noted that the expropriation of Phase 5 lands required for aBRT has been fast tracked in order to meet aBRT construction timelines. Phases 5 has, therefore, been bifurcated into separate aBRT and LRT streams.

C. Phase 5 LRT Properties

The land requirements identified in this Report have been designated as part of Phase 5 (“Phase 5”) of the land acquisition/expropriation process for the Rapid Transit Project. For clarity, the property list that is contained in the Recommendation to this Report only includes Phase 5 properties that are required for LRT. Phase 5 aBRT properties formed the subject of an earlier report in order to accommodate earlier aBRT construction timelines.

The commencement of the expropriation process for the properties that are the subject of this Report was approved by Regional Council on February 11, 2014 pursuant to Report CR-RS-14-001. The appropriate forms were served to initiate formal proceedings under the Act for these properties. All of the affected property owners were previously contacted by Legal Services staff and informed of the project, as well

as, the Region's intention to commence the expropriation process and the Region's Expropriation Information Sheet was provided to each of them. The Region did not receive any Notices for a Hearing of Necessity for properties that are the subject matter of this Report and, therefore, no Hearings of Necessity were held.

Legal Services staff contacted all property owners that are affected by this Report and informed them of the Region's intention to continue with the expropriation process including this Report PDL-LEG-14-096 in order to ensure that the construction timeline is maintained. Legal Services staff will continue to correspond with all property owners affected by LRT in order to reach a negotiated settlement with as many as possible.

The next step in the expropriation process for the above-listed properties is for Council to approve the expropriation of those property interests. This approval will ultimately be endorsed upon a certificate of approval on one or more Plans of Expropriation (the "Plans") for those properties not acquired under agreement. The Plans must then be registered within three months of Regional Council's approval. Ownership of affected properties vests with the Region upon the registration of the Plans. Notices of Expropriation are then served upon all registered owners, including tenants as shown on the assessment roll.

Once ownership by the Region is secured through the registration of the Plans, it is possible to service Notices of Possession upon affected parties. The date for possession can be no sooner than three months following the date of service of the Notices of Possession. The Notices of Expropriation and Notices of Possession may be served at the same time. In order to meet the construction time line, possession of all the lands that are the subject of this Report will be secured by the end of April, 2015. Accordingly, Legal Services staff will be proceeding expeditiously to register the Plans and serve the Notices of Expropriation and Notices of Possession following approval by Regional Council.

After registration of the Plans and prior to the taking of possession of affected properties, the expropriating authority is required to serve the registered owners with an offer in full compensation for their expropriated interests in land. The offer must be accompanied by the immediate payment of one hundred percent (100%) of the appraised market value of the land to the registered owners as estimated by the Region's appraiser. The registered owners are also to be served with a report appraising the market value of the property which forms the basis for the offer of compensation.

It is to be noted that the expropriation of land is on an "as is" basis and upon the registration of the Plans, the Region assumes responsibility for the lands.

The subject lands are shown on the maps attached as Appendix "A" hereto. The fee simple owners of the subject properties are set out in Appendix "B" hereto. Regional

staff have conducted recent corporate profile searches of affected corporate fee simple property owners, as applicable, the results of which are also included in Appendix “B” hereto. It is to be noted that Appendix “B” does not include a list of affected mortgagees, tenants, execution creditors, guardians of property, or persons with a limited estate or interest in said lands such as easement holders.

Corporate Strategic Plan

The report supports Focus Area 3.1 of Council’s Strategic Focus: Implement a light rail transit system in the central transit corridor, fully integrated with an expanded conventional transit system.

Financial Implications

In June 2011, Council approved the implementation of the Rapid Transit project, including LRT and aBRT, with estimated capital costs of \$818 million, in 2014 dollars, with capital funding to be provided by the Province (up to \$300 million), the federal government (one third of eligible project costs to a maximum of \$265 million) and the Region (\$253 million). The RT project and improvements to conventional transit are financed through an annual tax rate increase.

Land acquisition is being carried out by the Region outside of the DBFOM. This has been accommodated within the overall Rapid Transit Project budget.

Other Department Consultations/Concurrence:

Rapid Transit staff and Finance staff have been consulted in the preparation of this Report.

Attachments

Appendix “A” – Maps

Appendix “B” – Corporate Profile Searches.

Prepared By: Liviu Cananau, Solicitor, Property (Rapid Transit)

Approved By: Debra Arnold, Regional Solicitor, Director of Legal Services

Appendix "A"

LRT



600 King Street North, Waterloo



125 Northfield Drive W, Waterloo
139 Northfield Drive W, Waterloo
141 Northfield Drive W, Waterloo



56 Duke Street, Kitchener

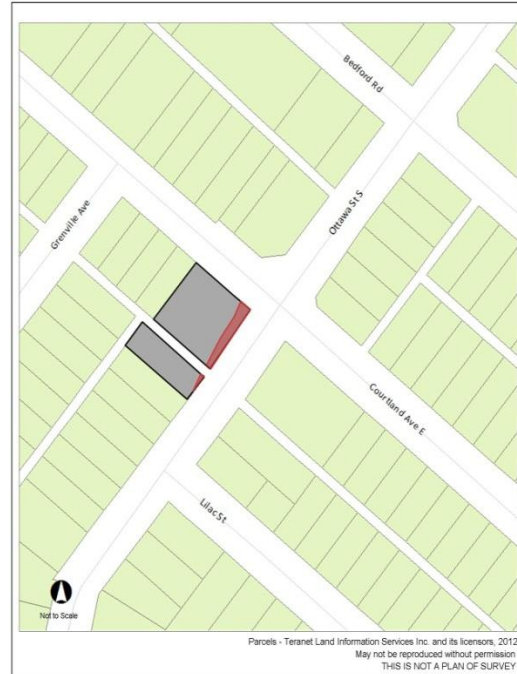


33 Benton Street, Kitchener

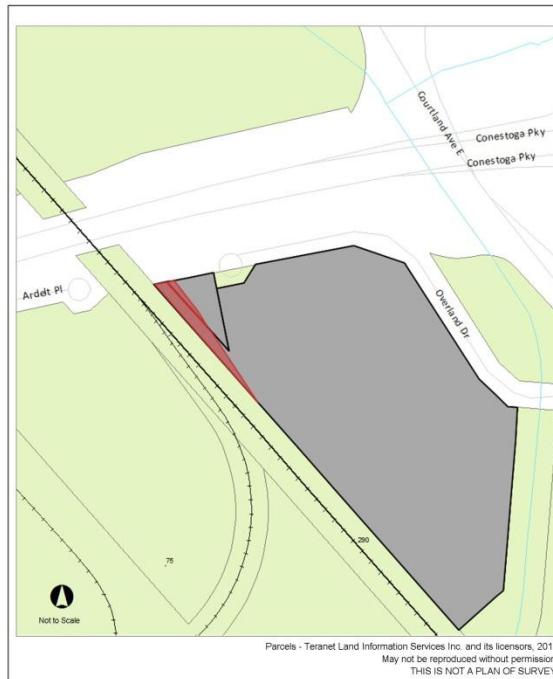
50 Borden Avenue, Kitchener



443 Courtland Avenue E, Kitchener
246 Ottawa Street S, Kitchener



Part of Courtland between Block Line and
Hayward, Kitchener

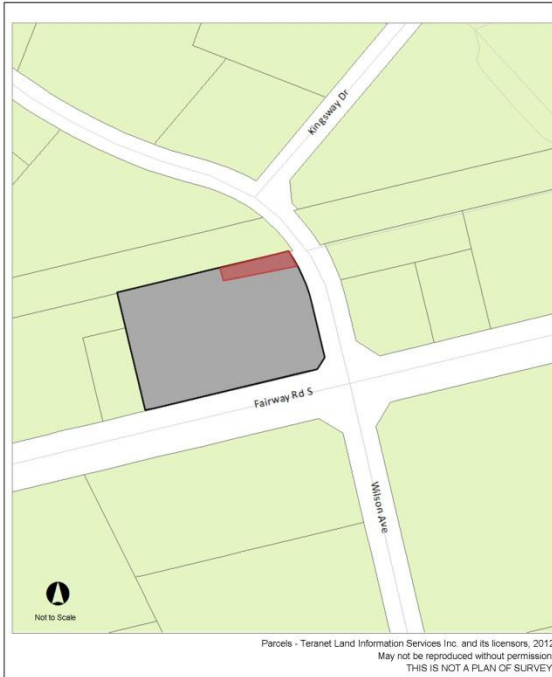
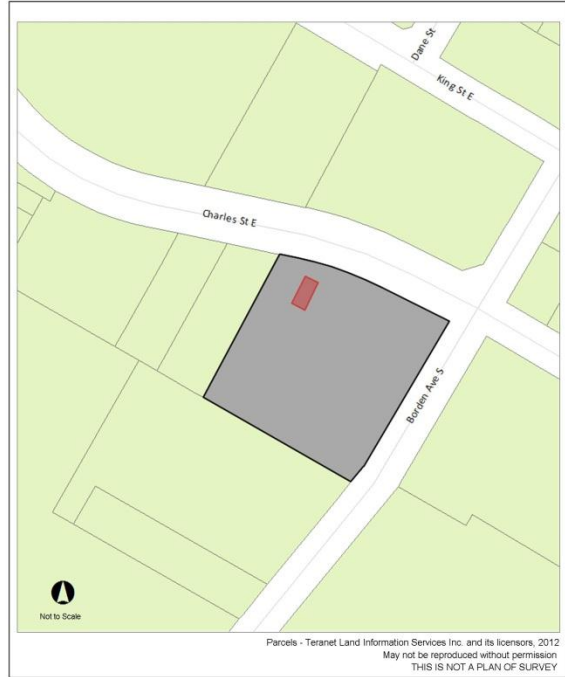


39-51 Overland Drive, Kitchener
55 Overland Drive, Kitchener

Easements:

125 Northfield Drive W, Waterloo

50 Borden Avenue, Kitchener



310 Fairway Road S, Kitchener

Part of Courtland between Block Line and Hayward

Appendix "B"

****Numbers are cross-referenced to the Property List as shown on Pages 1 – 3 on main body of report**

Fee Simple Partial Taking Lands:**LRT:**

1. 600 King Street North, Waterloo ON N2V 2J5
Owner: Home Depot Holdings Inc.
Annual Return: 2014
Directors/Officers: Michael F. Rowe; Carol B. Tome; L. Briley Brisendine Jr.
Federal Business Corporation
2. 125 Northfield Drive West, Waterloo ON N2L 6K4
Owner: Ontario Teacher's Insurance Plan Inc.
Annual Return: March 1, 2014
Directors/Officers: Dale Leckie; Randy McGlynn; Jim Spray; Francois Tisi
Ontario Business Corporation
3. 139 Northfield Drive West, Waterloo ON N2L 5A6
Owner: 2269366 Ontario Limited
Annual Return: July 5, 2014
Directors/Officers: David Gilmore Marshall; Donald Wayne Zehr; Gregory Lester
Zehr
Ontario Business Corporation
4. 141 Northfield Drive West, Waterloo ON N2L 5A6
Owner: Waterloo Properties (2009) Inc.
Annual Return: July 5, 2014
Directors/Officers: Peter Banman; Ray G. Hatherell
Ontario Business Corporation
5. 56 Duke Street, Kitchener ON N2H 3W7
Owner: The Roman Catholic Episcopal Corporation of the Diocese of
Hamilton in Ontario
Annual Return: November 12, 2014
Directors/Officers: David Douglas Crosby
Ontario Corporation Non-Share
6. 33 Benton Street, Kitchener ON N2G 3H1
Owner: Bishopric of Public, Ecumenical and Social Services (Bless Canada)
Annual Return: 2014
Directors/Officers: Bishop Serapion; Ikram A. Youssef; Maged F. Riad
Canada Not-for-profit Corporation
7. 50 Borden Avenue, Kitchener ON N2G 3R5

Owner: Woodhouse Investments Inc.
 Annual Return: May 31, 2014
 Directors/Officers: Jay Boyer; Daniel Loosemore; Douglas Barry Woodhouse;
 Kenneth John Woodhouse; Joseph Woodhouse;
 Ontario Business Corporation

8. Owned by individual (not Corporation)

9. Owned by individual (not Corporation)

10. Courtland between Block Line and Hayward

Owner: 2289238 Ontario Inc.
 Annual Return: July 11, 2011
 Directors/Officers: Sean Greene; Frank Mazzara; Ray Ross
 Ontario Business Corporation

11. 39-51 Overland Drive, Kitchener, ON N2C 2B3

Owner: 1533074 Ontario Inc.
 Annual Return: May 31, 2014
 Directors/Officers: Josiane-Melanie Langlois; Chantal Martel;
 Ontario Business Corporation

12. 55 Overland Drive, Kitchener, ON N2C 2B3

Owner: Livingston International Inc.
 Annual Return: June 23, 2014
 Directors/Officers: Wendy Archambault; John Clancey; Roy Coburn; Cora Di
 Pietro; Dennis Freeman; Peter Luit; Christopher McMullen; Robert Mellema;
 Todd Miller; Steven Preston; James Laurence Woodruff;
 Ontario Business Corporation

Easements

1. 125 Northfield Drive West, Waterloo ON N2L 6K4

Owner: Ontario Teacher's Insurance Plan Inc.
 Annual Return: March 1, 2014
 Directors/Officers: Dale Leckie; Randy McGlynn; Jim Spray; Francois Tisi
 Ontario Business Corporation

2. 50 Borden Avenue, Kitchener ON N2G 3R5

Owner: Woodhouse Investments Inc.
 Annual Return: May 31, 2014
 Directors/Officers: Jay Boyer; Daniel Loosemore; Douglas Barry Woodhouse;
 Kenneth John Woodhouse; Joseph Woodhouse;
 Ontario Business Corporation

3. 310 Fairway Road South, Kitchener ON N2C1X3
Owner: Windsor Norstar Inc.
Annual Return: May 14, 2009
Directors/Officers: Neil Brown; Gary B. Silver
Ontario Business Corporation

4. Courtland between Block Line and Hayward
Owner: 2289238 Ontario Inc.
Annual Return: July 11, 2011
Directors/Officers: Sean Greene; Frank Mazzara; Ray Ross
Ontario Business Corporation

The Regional Municipality of Waterloo

Special Council

Summary of Closed Recommendations to Council

The Special Council meeting recommends as follows:

1. That the Regional Municipality of Waterloo approve, enter into an Agreement for, and execute all documentation pursuant to Section 30 of the *Expropriations Act* for the acquisition of interests in land for the Rapid Transit Project - Stage 1 detailed as follows:
 - A. Fee simple interest with respect to Part 11, German Company Tract, designated as Parts 1 & 2 Plan 58R18402, Part 8 Plan 58R18061 together with Parts 2 & 3 on the unregistered Reference Plan attached as Appendix "A" hereto all such lands being Part of PIN 22280-0145, City of Waterloo, Regional Municipality of Waterloo; and
 - B. Easement interest with respect to Part 11, German Company Tract, designated as Parts 1, 2, 3, 4, 5, 6, 7, 11 Plan 58R18061 together with Parts 1 & 4 on the unregistered Reference Plan attached as Appendix "A" hereto all such lands being Part of PIN 22280-0145, City of Waterloo, Regional Municipality of Waterloo,being part of the lands municipally known as 125 Northfield Drive West, Waterloo from Ontario Teachers' Insurance Plan Inc. for the sum of \$53,400.00 plus associated costs, with all documentation to the satisfaction of the Regional Solicitor.
2. That the Regional Municipality of Waterloo approve, enter into a Settlement Agreement for, and execute all documentation related to the expropriation of lands for the Rapid Transit Project – Stage 1 legally described as Part Lot 1, Plan 1405 and all of 1 Foot Reserve A, Plan 1405, designated as parts 4 and 5 on Plan WR-838581, PIN 22281-0365, City of Waterloo, Regional Municipality of Waterloo being part of the lands municipally known as 583 Colby Dr., Waterloo from Lynn Forbes Investments Ltd. for the sum of \$125,850.00 as compensation for the value of the taking of land, compensation for injurious affection, disturbance damages and any and all other damages, plus associated legal and appraisal costs, with all documentation to the satisfaction of the Regional Solicitor.

December 16, 2014

1768139