TO: Bert Meunier, Chief Administrative Officer

FROM: Denis Leger, Commissioner of Corporate Services

PREPARED BY: Janis Morrison, Purchasing Agent

DATE OF MEETING: 2004-11-09


RECOMMENDATION TO COUNCIL:
Not Applicable

ORIGIN/PURPOSE:
This Information Report is to advise council of tenders approved and contracts awarded that meet the established criteria of delegated authority for the month of September 2004.

OPTIONS/DISCUSSION:
Council has approved the delegation of authority to approve tenders and award contracts, to the Department Heads of the City of Kingston, when all of the following conditions have been satisfied:

- When there is sufficient approved budget;
- When all procedures for the establishment of prices in By-law 2000-134 have been followed, as amended;
- When the lowest tender is accepted;
- When at least three tenders have been received

September 2004 procurement activities that are not included in this report are as follows:
- value of the purchase, if less than $50,000 and not tendered
- tenders closing in August that were approved by council at September/October council meetings
The following information is provided with respect to tenders awarded since the last report.

<table>
<thead>
<tr>
<th>Tenders/Contracts Approved By Delegated Authority – Closing in September Awarded after the last Report to Council 04-384 on October 5, 2004</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>PART A - SCHEDULE ‘A’</strong></td>
</tr>
<tr>
<td>Request For Proposal OS-P 3-2004</td>
</tr>
<tr>
<td>To provide Janitorial Services for 211, 181 Counter Street and 1425 Midland Ave. closed September 8, 2004, awarded to Pushcar Janitorial Service for 211 Counter Street having submitted the lowest price of $66,000/year and 181 Counter Street having submitted the lowest price of $18,000/year and Midland Ave. to Quality Plus having submitted the lowest price of $27,000/year. (excluding GST).</td>
</tr>
<tr>
<td>Contract 2004-19W</td>
</tr>
<tr>
<td>To provide Cataraqui Industrial Estates Stormwater Management Pond B1S, Cataraqui North Neighbourhood, closed September 15, 2004 awarded to Taggart Construction Limited having submitted the lowest bid of $744,427.00 (excluding GST).</td>
</tr>
<tr>
<td>Contract 2004-07W</td>
</tr>
<tr>
<td>To provide Sewer, Watermain and Road Reconstruction on Division Street, closed September 22, 2004, awarded to Len Corcoran Excavating having submitted the lowest bid of $3,053,337.00 (excluding GST).</td>
</tr>
</tbody>
</table>

| **PART B – Tenders/Contracts/RFP’S Closed, Not Yet Awarded** |
| Action: To be awarded in subsequent months                   |
| NONE                                                         |

<p>| <strong>PART C – Tenders Closed</strong>                                   |
| Action: Not meeting the established criteria (Subject(s) of separate individual report) |</p>
<table>
<thead>
<tr>
<th>Contract Number</th>
<th>Description</th>
</tr>
</thead>
</table>

**EXISTING POLICY/BY-LAW:**

By-law 2000-134, *a by-law to Establish Purchasing Policies and Procedures for the City of Kingston, as amended.*

**LINK TO STRATEGIC PLAN:**

There is no link to the Priority Action Items in the Strategic Plan.
FINANCIAL CONSIDERATIONS:
Not Applicable

CONTACTS:
Janis Morrison  Purchasing Agent  546-4291  2229
Gerard Hunt    Manager of Finance    546-4291  2205

DEPARTMENTS/OTHERS CONSULTED AND AFFECTED:
The following individuals had tenders and/or contracts closing during the reporting period.

Mark Segsworth  Commissioner, Operations  546-4291  1345
Terry Willing  Commissioner, Planning & Development Services  546-4291  1233
(Actor)

NOTICE PROVISIONS:
Not Applicable

APPENDICES:
Schedule A – Tenders/Contracts Summary For This Reporting Period.

Denis Leger
Commissioner of Corporate Services

Bert Meunier
Chief Administrative Officer
**PART A - SCHEDULE A**

**TENDER/CONTRACT SUMMARY**

### RFP OS-P 3-2004 – Closing Date – September 8, 2004

#### Janitorial Services

<table>
<thead>
<tr>
<th>Supplier/Service Provider</th>
<th>Utility Building 211 Counter</th>
<th>Transit Building 181 Counter St.</th>
<th>1425 Midland Ave.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pushcar Janitorial Service</td>
<td>$3,500/month</td>
<td>$1,500/month</td>
<td>$2,300/month</td>
</tr>
<tr>
<td>Quality Plus</td>
<td>$6,600/year</td>
<td>$18,000/year</td>
<td>$27,600/year</td>
</tr>
<tr>
<td>Clean All Kingston</td>
<td>$9,800/month</td>
<td>$1,950/month</td>
<td>$3,700/month</td>
</tr>
<tr>
<td>$117,600/year</td>
<td>$23,400/year</td>
<td>$44,400/year</td>
<td>$54,360/year</td>
</tr>
<tr>
<td>Milestone Industrial Services</td>
<td>$6,585/month</td>
<td>$2,835/month</td>
<td>$4,530/month</td>
</tr>
<tr>
<td>$79,020/year</td>
<td>$34,020/year</td>
<td>$54,360/year</td>
<td>$54,360/year</td>
</tr>
<tr>
<td>Steam Plus Carpet and Janitorial</td>
<td>$8,200/month</td>
<td>$2,050/month</td>
<td>$3,875/month</td>
</tr>
<tr>
<td>$98,400/year</td>
<td>$24,600/year</td>
<td>$46,500/year</td>
<td></td>
</tr>
</tbody>
</table>

---

### Contract 2004-19W – Closing Date – September 15, 2004

To provide Cataraqui Industrial Estates Stormwater Management Pond B1S Cataraqui North Neighbourhood, Kingston

<table>
<thead>
<tr>
<th>Supplier/Service Provider</th>
<th>Bids Received (Excluding GST)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Taggart Construction Limited</td>
<td>$744,427.00</td>
</tr>
<tr>
<td>Len Corcoran Excavating Limited</td>
<td>$747,603.00</td>
</tr>
<tr>
<td>Morven Construction Limited</td>
<td>$777,608.00</td>
</tr>
<tr>
<td>Cruickshank Construction Limited</td>
<td>$866,824.32</td>
</tr>
<tr>
<td>Holsgrove Trucking &amp; Excavating Limited</td>
<td>$1,013,759.00</td>
</tr>
<tr>
<td>Bonnechere Excavating Limited</td>
<td>$1,081,786.22</td>
</tr>
<tr>
<td>O. Bettschen Construction Limited</td>
<td>$1,097,010.80</td>
</tr>
</tbody>
</table>

---

### Contract 2004-07 – Closing Date – September 22, 2004

To Provide Sewer, Watermain, Road Reconstruction on Division Street

<table>
<thead>
<tr>
<th>Supplier/Service Provider</th>
<th>Bids Received (Excluding GST)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Len Corcoran Excavating Limited</td>
<td>$3,053,337.00</td>
</tr>
<tr>
<td>Gordon Barr Construction Limited</td>
<td>$3,420,009.20</td>
</tr>
<tr>
<td>Taggart Construction Limited</td>
<td>$3,433,000.00</td>
</tr>
<tr>
<td>Clearway Construction Limited</td>
<td>$4,897,430.00</td>
</tr>
</tbody>
</table>
RECOMMENDATION TO COUNCIL:

This report is for information only.

ORIGIN/PURPOSE:

The purpose of this Report is to inform Council as to the status of the POA Court Fine Accounts Receivables, including current and past collection activities.

On March 27, 2000 the City of Kingston assumed the responsibility from the Province of Ontario for the administration and prosecution of all Provincial Offences Act matters in the City of Kingston and the County of Frontenac. At the time of transfer, the Corporation of the City of Kingston inherited $3,731,728 in outstanding Accounts Receivables from the Province. Since March 2000, the Accounts Receivables has grown, by $353K in 2000; $441K in 2001; $485K in 2002; $318K in 2003; $216K to July 2004, resulting in $1.8 million increase since 2000 amounting to total outstanding Accounts Receivables of $5.54 million as of July, 2004. Appendix “A” to this report provides an analysis of the monthly POA receivables for the calendar year 2003 and 2004 to date.

OPTIONS/DISCUSSION:

There are a number of challenges associated with the collection of POA fines that differentiate it from private sector debt collection, including that collection activity must be in compliance with the Memorandum of Understanding between the Province and the City of Kingston and must maintain
the integrity of the justice system. The POA Court is limited in the information which is collected at the time the charge is issued and without personal information such as telephone numbers and work place information it is more challenging to track a debtor. The Accounts Receivables include numerous repeat debtors, persons with “no fixed address”, out of province or out of country addresses, deceased persons and companies which may no longer be in operation. Furthermore, the individual dollar value of the majority of our Accounts Receivables is relatively small and for those small fines it is not cost effective to incur substantial costs attempting to obtain payment.

A good portion of the total dollar value of the Accounts Receivables includes fines, fees, costs and victim fine surcharge amounts payable to the Province. Between 20 to 25 percent of the over $5 million to be collected will be paid to the Province for the victim fine surcharge. In many instances, fines are paid in installments over a period of time and when that occurs the City does not obtain any funds until the provincial victim fine surcharge has been paid off. Not all Accounts Receivables are revenue for the municipality. There are a number of “dedicated fines” which are paid to the Province, for example Small Vessel Regulation, Game and Fish Act, Provincial Parks Act and Workplace and Safety Insurance Board, and for those the municipality retains only the fees and costs. A number of fines have been already deemed to be uncollectible, for reasons including death or dissolution of companies. A number of other fines may also be uncollectible; however, they will be identified as collection is attempted and failed. A collection policy which will address this issue as well as other collection strategies is being revised and updated and will be presented for review/approval by Council in a later report.

The staffing level at the time of transfer (one Court Administrator and two Court Clerk/Cashier positions) was based on the provincial estimate of what was required for the purposes of the transfer to the municipality and proved somewhat optimistic when collection activities were added to the roles and responsibilities. Insufficient staffing levels combined with an increase in volume of daily activities of the Court operation limited the ability to devote the necessary attention required for the ongoing and consistent enforcement of outstanding fine collection. To address the increase in volume of daily activities an additional Clerk/Cashier position was added in 2003.

Collection of outstanding fines is a daily collective effort by POA staff, Legal Services and Finance Division staff with each playing a vital and evolving role within the process. In 2001, the POA Court Administrator together with other East Region POA Managers formed a working group to review methods of fine collection being utilized by other larger Municipalities in order to develop consistent collection practices and procedures within the East Region. This included discussions with Information Services staff to develop our own database to assist in the tracking of overdue accounts, collection agencies and the costs involved, potential staffing requirements, office space needs and the possible purchase of computer software programs.

The most effective method of fine collection is driver’s licence suspension. Accordingly, by the end of 2002 the backlog of pending licence suspensions had been cleared and driver’s licence suspensions are now kept current. We are continuing to review our old Accounts Receivables and updating The Province’s software (ICON) with missing driver’s licence numbers not inputted by the Province when it was responsible for provincial offences. Unfortunately, many defendants with unpaid fines for which a driver’s licence may be suspended do not have a valid Ontario driver’s
licence number. As limited staff resources permitted, Final Notice letters on fines which were not enforceable by way of driver’s licence suspension were also being sent.

The payment of fines is also pursued by way of civil enforcement and has been beneficial for unpaid fines arising from Building Code Act and municipal by-law offences where driver’s licence suspension is not available. Civil enforcement includes judgment debtor examination before a judge and the registration of writs of execution which prevent a person from selling or mortgaging their real property without discharging the writ. The latter is effective where it can be identified that a defendant owns real property such as a house and that property can be located.

In April 2003 a contract position for a POA Collections Officer was advertised and filled. This initiative was part of the City’s strategy to enhance existing staff resources allocated to collect outstanding fines and to assist in implementing additional collection practices to ensure the future collection of the fines. Filling the position with contract staff provided an opportunity to review performance and make determination as to whether a full-time position would bring additional revenues to the City.

The acquisition and installation in April 2003 of computer software known as POD (Provincial Offences Database) to assist in the managing of the Outstanding Accounts Receivables was completed and is a valuable tool for tracking the collection activities by individual account. The Province’s software (ICON) only provides information related to fines. In June 2003 the Collector began to work with the receivables enhancing existing collection activities.

The POA Collections Officer and Finance Division staff produced Notice of Unpaid Fine Letters, Notice of Overdue Fine Letters and Final Notice Letters utilizing the various features of the computerized system in POD (Provincial Offences Database). A total of 13,219 notices and letters were sent from July 28th, 2003 to date to defendants with outstanding fines. These letters generated a substantial amount of activity resulting in defendants receiving Extensions of Time to Pay, monthly payment plan arrangements, partial payments of fines, as well as fines being paid in full. From January 1, 2004 to September 7, 2004 Certificates of Default were filed with the Small Claims Court totaling $233,442. From the Certificates filed, we have received full payment in the amount of approximately $22,500 to date. Where the size of the fine(s) warrants the cost, we continue to conduct Judgment Debtor Examinations and are beginning to utilize garnishment of wages.

Revenues collected from all Accounts Receivables whether they are in default or not has increased each year with the greatest increase resulting in 2003 being $700,492 compared to $574,920 in 2002, an increase of $125,552. This increase would support that with concentrated efforts being placed on in-house collections, additional revenues will be realized.
POA UNCOLLECTED FINES – ACCOUNTS RECEIVABLES

<table>
<thead>
<tr>
<th>Uncollected Fines (Past Due Date)</th>
<th>Year End 2000</th>
<th>Year End 2001</th>
<th>Year End 2002</th>
<th>Year End 2003</th>
<th>Mid – Year 2004 (Jan. 1 to July 31)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Outstanding</td>
<td>$4,085,035.33</td>
<td>$4,526,365.55</td>
<td>$5,011,478.00</td>
<td>$5,329,307.11</td>
<td>$5,543,265.11</td>
</tr>
<tr>
<td>60 days or less</td>
<td>$205,040.42</td>
<td>$129,060.00</td>
<td>$166,298.10</td>
<td>$181,125.53</td>
<td>$158,796.72</td>
</tr>
<tr>
<td>Greater than 60 days</td>
<td>$3,879,994.91</td>
<td>$4,397,305.55</td>
<td>$4,845,179.90</td>
<td>$5,148,181.58</td>
<td>$5,384,468.39</td>
</tr>
<tr>
<td>Collected During Period</td>
<td>$403,967.50</td>
<td>$520,053.03</td>
<td>$574,920.40</td>
<td>$700,491.61</td>
<td>$444,290.68</td>
</tr>
<tr>
<td>Increase/Decrease</td>
<td>$116,085.53</td>
<td>$54,867.37</td>
<td>$125,571.21</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

As noted on page 2 in the second full paragraph, a significant portion of the total dollar value of the Accounts Receivables is comprised of amounts that are payable to the Province or have been deemed to be uncollectible. It is therefore difficult to estimate an appropriate collection percentage to be achieved. The Accounts Receivables increase each month and these receivables are unplanned; there is no ability to predict the amount of fines that may be issued during any given month. Fines are dependent upon law enforcement activities, including such activities as blitzes and the decisions of the Court such as determining the amount of the fine levied in Court or decisions from a Walk in Plea of Guilty. A review of the receivables during the past year from August 1, 2003 to July 31, 2004 indicates the following changes:

<table>
<thead>
<tr>
<th>Outstanding balance at:</th>
<th>Aug 1/03</th>
<th>Jul 31/04</th>
<th>Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Highway Traffic Act</td>
<td>$ 2,142,015</td>
<td>$ 2,263,253</td>
<td>$121,238</td>
</tr>
<tr>
<td>Federal Contraventions</td>
<td>21,508</td>
<td>23,666</td>
<td>2,158</td>
</tr>
<tr>
<td>Liquor License Act</td>
<td>424,092</td>
<td>442,475</td>
<td>18,383</td>
</tr>
<tr>
<td>Provincial - Other</td>
<td>2,201,547</td>
<td>2,474,581</td>
<td>273,034</td>
</tr>
<tr>
<td>Local fines (parking &amp; Other)</td>
<td>345,142</td>
<td>339,289</td>
<td>( 5,853)</td>
</tr>
<tr>
<td>Total</td>
<td>$ 5,134,304</td>
<td>$ 5,543,264</td>
<td>$408,961</td>
</tr>
</tbody>
</table>

Despite having one additional contract resource person concentrating solely on collections, the receivables grew another $408K during the past twelve months. The number of charges filed with the Court is on average 9,500 charges per year and will doubtlessly continue to increase. This means an ever-increasing number of fine revenues to collect in addition to the over $3.7M initially downloaded from the Province four years ago.

In order to ensure greater collectibility of accounts, staff have determined that the City of Kingston will continue with in-house collection efforts and that the POA Collector position will be filled as a full-time permanent job within the City of Kingston’s staff complement. Given that the contract position is already budgeted for, the creation of the new permanent Collector position will result in only a minimal increase in staffing costs.

A collection policy which will address other collection strategies is being revised and updated and will be presented as information to Council in a later report that will be available by year end.
EXISTING POLICY/BY-LAW:
Council approval is required to create and staff new positions.

LINK TO STRATEGIC PLAN:
N/A

FINANCIAL CONSIDERATIONS:

There will be no immediate impact to the net budgetary requirement of the City in either 2004 or on an ongoing basis as the position has been funded in the past on a contractual basis and is currently an offsetting cost to net POA revenues.

CONTACTS:
Eldeen Murphy, Court Administrator, POA Court Administration, Legal Services Division
546-4291 Ext. 1615
Pat Carrol, Manager, Taxation and Revenue, Finance Division, 546-4291 Ext.2468
Hal Linscott, Director of Legal Services and City Solicitor, 546-4291 Ext. 1296

DEPARTMENTS/OTHERS CONSULTED AND AFFECTED:
Finance Division

NOTICE PROVISIONS:
N/A

APPENDICES:
Provincial Offences Act Fines – Monthly Accounts Receivables

Denis Leger
Commissioner of Corporate Services

Bert Meunier
Chief Administrative Officer
## Provincial Offences Act Fines - Monthly Accounts Receivable

<table>
<thead>
<tr>
<th>Year</th>
<th>January</th>
<th>February</th>
<th>March</th>
<th>April</th>
<th>May</th>
<th>June</th>
<th>July</th>
<th>August</th>
<th>September</th>
<th>October</th>
<th>November</th>
<th>December</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>2003</td>
<td>5,011,478.00</td>
<td>5,029,500.28</td>
<td>5,025,683.43</td>
<td>5,018,568.73</td>
<td>5,037,944.38</td>
<td>5,067,622.73</td>
<td>5,108,805.56</td>
<td>5,134,198.83</td>
<td>5,147,668.58</td>
<td>5,158,575.12</td>
<td>5,209,470.02</td>
<td>5,242,591.17</td>
<td>5,011,478.00</td>
</tr>
<tr>
<td>Tickets issued:</td>
<td>129,189.80</td>
<td>101,628.75</td>
<td>116,130.00</td>
<td>147,113.00</td>
<td>146,225.76</td>
<td>163,147.95</td>
<td>155,236.09</td>
<td>168,909.79</td>
<td>170,870.53</td>
<td>218,903.50</td>
<td>116,597.75</td>
<td>188,718.25</td>
<td>1,822,671.17</td>
</tr>
<tr>
<td>Payments received:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Current issued + paid</td>
<td>50,484.30</td>
<td>41,917.00</td>
<td>65,978.75</td>
<td>67,968.25</td>
<td>69,149.50</td>
<td>55,005.20</td>
<td>69,568.84</td>
<td>81,559.79</td>
<td>77,665.00</td>
<td>69,114.50</td>
<td>50,392.75</td>
<td>51,092.75</td>
<td>749,906.63</td>
</tr>
<tr>
<td>AR</td>
<td>48,952.72</td>
<td>49,050.35</td>
<td>48,564.92</td>
<td>50,120.50</td>
<td>46,320.17</td>
<td>65,112.38</td>
<td>51,442.98</td>
<td>57,943.25</td>
<td>67,372.65</td>
<td>84,773.70</td>
<td>70,846.28</td>
<td>54,969.68</td>
<td>700,471.58</td>
</tr>
<tr>
<td>total Payments</td>
<td>99,437.02</td>
<td>90,967.35</td>
<td>114,543.67</td>
<td>123,088.75</td>
<td>115,469.67</td>
<td>120,117.58</td>
<td>121,011.82</td>
<td>139,503.04</td>
<td>145,057.65</td>
<td>153,888.20</td>
<td>121,231.03</td>
<td>106,062.43</td>
<td>1,450,378.21</td>
</tr>
<tr>
<td>Adjustments</td>
<td>-11,730.50</td>
<td>-14,478.25</td>
<td>-8,701.03</td>
<td>-4,648.60</td>
<td>-1,077.74</td>
<td>-1,847.54</td>
<td>-8,831.00</td>
<td>-15,937.00</td>
<td>-14,906.34</td>
<td>-14,120.40</td>
<td>37,754.43</td>
<td>3,201.00</td>
<td>-55,322.97</td>
</tr>
<tr>
<td>monthly transactions</td>
<td>18,022.28</td>
<td>-3,816.85</td>
<td>-7,114.70</td>
<td>19,375.65</td>
<td>29,678.35</td>
<td>41,182.83</td>
<td>25,393.27</td>
<td>13,469.75</td>
<td>10,906.54</td>
<td>50,894.90</td>
<td>33,121.15</td>
<td>85,856.82</td>
<td>316,969.99</td>
</tr>
<tr>
<td>Closing Balance</td>
<td><strong>5,029,500.28</strong></td>
<td><strong>5,025,683.43</strong></td>
<td><strong>5,018,568.73</strong></td>
<td><strong>5,037,944.38</strong></td>
<td><strong>5,067,622.73</strong></td>
<td><strong>5,108,805.56</strong></td>
<td><strong>5,134,198.83</strong></td>
<td><strong>5,147,668.58</strong></td>
<td><strong>5,158,575.12</strong></td>
<td><strong>5,209,470.02</strong></td>
<td><strong>5,242,591.17</strong></td>
<td><strong>5,328,447.99</strong></td>
<td></td>
</tr>
<tr>
<td>Opening Balance</td>
<td>121,246.03</td>
<td>116,286.00</td>
<td>186,826.25</td>
<td>124,815.00</td>
<td>177,596.50</td>
<td>178,713.75</td>
<td>156,320.25</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tickets issued:</td>
<td>121,246.03</td>
<td>116,286.00</td>
<td>186,826.25</td>
<td>124,815.00</td>
<td>177,596.50</td>
<td>178,713.75</td>
<td>156,320.25</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Payments received:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Current issued + paid</td>
<td>41,367.03</td>
<td>40,689.75</td>
<td>65,886.75</td>
<td>55,537.75</td>
<td>57,615.00</td>
<td>62,211.00</td>
<td>74,321.00</td>
<td></td>
<td></td>
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<td>AR</td>
<td>59,783.25</td>
<td>58,848.25</td>
<td>66,360.18</td>
<td>52,751.06</td>
<td>49,886.05</td>
<td>65,736.85</td>
<td>80,915.04</td>
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<td>total Payments</td>
<td>101,150.28</td>
<td>99,538.00</td>
<td>132,246.93</td>
<td>106,368.81</td>
<td>107,491.05</td>
<td>127,947.85</td>
<td>155,236.04</td>
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<td>Adjustments</td>
<td>14,656.25</td>
<td>3,608.25</td>
<td>-10,540.26</td>
<td>-6,618.02</td>
<td>-1,589.10</td>
<td>-12,897.25</td>
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<td>monthly transactions</td>
<td>34,742.00</td>
<td>20,356.25</td>
<td>44,039.06</td>
<td>9,908.17</td>
<td>68,506.35</td>
<td>37,868.65</td>
<td>-1,025.23</td>
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<td>Closing Balance</td>
<td><strong>5,363,189.99</strong></td>
<td><strong>5,383,546.24</strong></td>
<td><strong>5,427,585.30</strong></td>
<td><strong>5,437,493.47</strong></td>
<td><strong>5,505,999.82</strong></td>
<td><strong>5,543,868.47</strong></td>
<td><strong>5,542,843.24</strong></td>
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</table>
TO: Bert Meunier, Chief Administrative Officer
FROM: Mark Segsworth, P. Eng., Commissioner of Operations
PREPARED BY: John Giles, Manager, Solid Waste
DATE OF MEETING: 2004-11-09
SUBJECT: Cost for Disposal of Flood Clean Up

RECOMMENDATION TO COUNCIL:
This report is provided for information.

ORIGIN/PURPOSE:
To provide members of Council with information of the cost for disposal of Flood Clean up as authorized by the special meeting of Council held September 23, 2004.

OPTIONS/DISCUSSION:
In a special meeting held on September 23, 2004, by Kingston City Council a motion was granted to assist the residents of Kingston with Flood Clean Up and that this cost be funded though the Working Fund Reserve.

The Cost for Disposal excluding GST, is as follows:

<table>
<thead>
<tr>
<th>Location</th>
<th>Cost</th>
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<tbody>
<tr>
<td>Kingston East Landfill Site</td>
<td>$1,746.80</td>
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<tr>
<td>Waste Management Transfer Station</td>
<td>$25,183.50</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>$26,930.30</strong></td>
</tr>
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</table>

EXISTING POLICY/BY-LAW:
There is no specific policy or by-law that pertains to this activity.

LINK TO STRATEGIC PLAN:
The Environment.

FINANCIAL CONSIDERATIONS:
Finance to transfer funds from the Working Fund Reserve to the following revenue accounts:

6220100 699101 60013           Kingston East Landfill Site
6220100 699101 60014           Waste Management Transfer Station
CONTACTS:
John Giles, Manager of Solid Waste 546-4291 ext. 2701

DEPARTMENTS/OTHERS CONSULTED AND AFFECTED:
Finance

NOTICE PROVISIONS:
There are no notice requirements under the Municipal Act.

APPENDICES:
None.

Mark Segsworth, P. Eng
Commissioner of Operations

Bert Meunier
Chief Administrative Officer
TO: Bert Meunier, Chief Administrative Officer
FROM: Lance Thurston, Commissioner, Department of Community Services
PREPARED BY: Ann Pappert, Manager, Cultural Services Division
Mike Richardson, Capital Grant & Projects Coordinator
DATE OF MEETING: 2004-11-09
SUBJECT: Emergency Purchase: Artillery Park Aquatic Centre Heating Plant Replacement

RECOMMENDATION TO COUNCIL:
This is an information report only.

ORIGIN/PURPOSE:
This report is to inform Council that the contract to undertake the planned replacement of the boilers at Artillery Park Aquatic Centre (APAC) was let on an emergency basis in order to have the boiler in place before winter.

Sections 6.8 of the Purchasing by-Law allows a department head or designate to purchase goods, works and services in the case of an emergency, outside of the established procurement policy. The immediate purchase must be essential to prevent delays in the work of any user group, which might involve additional cost or danger to life and damage to property. In all such cases an information report shall be prepared by the department head setting out the nature of the emergency and the necessity of the action taken.

OPTIONS/DISCUSSION:

Background
Artillery Park Aquatic Centre has been identified in the capital budget as needing upgrades to its basic operating infrastructure in order to maintain the present service level and prepare the groundwork for improved service levels in the future. At present, the main boiler used during the winter needs to be replaced because it has deteriorated to the point that it can no longer be repaired. The summer boiler is in a similar condition.

The extent of the work required includes decommissioning the summer boiler and removing it from the chlorine room to meet the Canadian National Gas Code requirements, replacing the aging winter boiler with a system that could accommodate the facility's needs, upgrade the electrical service to provide more capacity and eliminate the second electrical feed to the building which is a code violation. With the proposed heating system upgrades we will be able to provide a reliable heating system with the capacity
to accommodate the installation of dehumidifiers (next year) in the pool area which will help protect the building from rapid deterioration due to excessive humidity and improve the air quality for the users.

Capital budget allocations were approved in the 2003 and 2004 budgets for these heating and electrical upgrades. J.L. Richards and Associates Limited, a local consulting engineering firm, was hired to design a new heating system to replace the two boilers presently used with one boiler.

Current Situation
In preparation for installing the new system, the summer boiler had been repaired to get us by on a temporary basis in order to maintain the operation of the building during the switch over to the new system. As the preparatory work progressed, the deterioration of the boilers was determined to be far more significant than anticipated and hence there was an urgency in moving this project forward quickly. A failure of the existing boilers would force the closure of Artillery Park complex creating considerable disruption to our patrons and users of the facility. With the onset of colder weather serious damage could also occur without proper heating in the building. In fact, on the date of writing this report, staff advises that the summer boiler has failed. This could well mean the closure of the pool for a few days. All steps are being taken to advance the overall repairs as expeditiously as possible so as to minimize disruption to service.

Tendering Process
Prior to the current boiler failures, J.L. Richards and Associates was been hired to prepare and proceed with a tender to replace the boilers. A new boiler system, once awarded, normally takes 1.5 months to install.

The tender process was conducted in accordance with City Policy. The awarding of tenders is delegated to staff in instances where at least three qualified bids have been received, the costs are within budget and the lowest bid is accepted. In all other situations, the matter must be referred to Council for consideration. In this case only two firms submitted bids, each being within the budget allocation.

In view of the urgency of the matter it was decided that time was of the essence and a two week delay in getting this matter before Council and approved in the normal manner was not in the best interests of the corporation. It was decided therefore to proceed on an emergency basis to award the tender to the lowest bidder and have the work proceed immediately, so as to minimize the corporation’s exposure to a shutdown of operations and possible property damage.

The emergency provisions of the purchasing by-law are treated with great respect and are not invoked randomly or without careful consideration by staff. In this instance it was the opinion of staff that use of this provision in the by-law to ensure the timely installation of the new heating system was warranted. The failure of the summer boiler today would seem to add weight to our decision to proceed in this fashion. The work is proceeding as specified.

EXISTING POLICY/BY-LAW:
By-Law No. 2000-134  By-Law to establish purchasing policies and procedures.

LINK TO STRATEGIC PLAN:
N.A.

FINANCIAL CONSIDERATIONS:
The approved budget available for this project is $220,000
There were nine interested contractors at the mandatory site meeting and only two provided a bid as shown below:

D. B. Mechanical Limited (excluding tax) $183,670.00
Alex McCoy Plumbing & Heating (excluding tax) $184,450.00

B. D. Mechanical Limited is the lower of the two bids and is within the budget. They have worked for the City on other projects and have developed a good reputation in the City of Kingston.

David Downey, P.Eng, Mechanical Engineer with J.L. Richards and Associates Limited reviewed the tender submissions and recommended that D. B. Mechanical be accepted as the successful bidder.

CONTACTS:
Ann Pappert, Manager, Cultural Services, ext. 1341
Mike Richardson, Capital Grant & Projects Coordinator, Cultural Services, ext. 1257

DEPARTMENTS/OTHERS CONSULTED AND AFFECTED:
Janis Morrison, Purchasing Agent, Finance Division

NOTICE PROVISIONS:
N/A

APPENDICES:
N/A
TO: Bert Meunier, Chief Administrative Officer
FROM: Denis Leger, Commissioner of Corporate Services
PREPARED BY: Hal Linscott, Director of Legal Services and City Solicitor
DATE OF MEETING: November 9, 2004
SUBJECT: Establishment of a Twinning Relationship Between the City of Kingston and the City of Cienfuegos, Cuba

RECOMMENDATION TO COUNCIL:

This report is for information purposes.

ORIGIN/PURPOSE:

Council at its meeting of March 2, 2004 approved a motion that Kingston City Council wished to have the City of Kingston become a sister city with the Municipality of Cienfuegos, Cuba, and instructed City staff to prepare the necessary materials for Council’s final approval.

Since then, the Mayor’s Office has been involved in discussions regarding the nature of the twinning arrangement the two municipalities would enter into. Those discussions have concluded with agreement that the Twinning Agreement entered into by the two cities should be in the form attached as Schedule “A”.

The Legal Services Division has been asked to review the proposed agreement and provide Council with the Division’s opinion as to the nature of the obligations the Agreement would give rise to.

OPTIONS/DISCUSSION:

Literature on the Sister City movement notes that it came into its own as a world wide concept shortly after the second World War. Its aim is to increase international understanding and to help develop enduring networks of communication between the cities of the world to cut across boundaries and reduce the likelihood of polarization and conflict among nations. Sister city affiliations help to establish friendship links between diverse communities throughout the world and provide potential opportunities for other benefits such as tourism, technical and professional
collaborations, investment, trade, education and cultural exchanges. Each sister city relationship is unique.

Successful Sister City relationships rely heavily on citizen and community involvement. Much of the initiative for the proposal for Kingston to twin with Cienfuegos has come from the local community, in particular the Canadian-Cuban Friendship Association, Kingston (“CCFA”). John Johnson, who has appeared before Council as a spokesperson for the CCFA, advises that the CCFA views the twinning arrangement as a spring board for citizens in both communities to work together through future exchanges and projects that remain to be developed. Many of those projects and exchanges would not involve participation by the Kingston municipal corporation and it is understood that those that proposed City participation would require the City’s further approval and agreement. The twinning arrangement is intended to provide an opportunity for both communities, not to commit either municipality or their citizens to any financial obligations.

The Legal Services Division has reviewed the proposed Twinning Agreement. Its recitals reflect the desire and decision of the two municipalities to establish relations of friendship for the promotion of peace and harmony and the progress and well being of both communities. Both commit, in principal, to collaborate for those purposes as well as the spiritual and material support of both. Each municipality indicates their wish to promote cooperation in certain areas. The operative clause of the Agreement sets out that both municipalities understand that the agreement contributes to world peace and the development of friendly relationships between the two cities.

Based on our limited understanding of the discussions that have taken place between the City, the CCFA and the City of Cienfuegos, there is no suggestion that any of the participants view the proposed Twinning Agreement as committing either municipality to future financial obligations and that no such obligations could come into existence without further Council approvals, which Council could at its discretion grant or withhold. The language of the proposed Twinning Agreement does not create any financial obligations on the part of the City of Kingston.

EXISTING POLICY/BY-LAW: N/A

LINK TO STRATEGIC PLAN: N/A

FINANCIAL CONSIDERATIONS: N/A

CONTACTS:

Hal Linscott, Director of Legal Services and City Solicitor, 546-4291

DEPARTMENTS/OTHERS CONSULTED AND AFFECTED:

John Johnson, Representative of the Canadian-Cuban Friendship Association, Kingston

NOTICE PROVISIONS: N/A
APPENDICES:

Proposed Twinning Agreement between Kingston and Cienfuegos, Cuba

[Signatures]

Denis Leger
Commissioner of Corporate Services

Bert Meunier
Chief Administrative Officer
Agreement for the Establishment of a Twinning Relationship  
Between  
The City of Kingston, Canada and the City of Cienfuegos, Cuba

WHEREAS the City of Kingston, Canada, and the City of Cienfuegos, Cuba, have expressed the desire to establish lasting and friendly relations for the promotion and support of peace and harmony, they have formally agreed upon the twinning of the two cities;

AND WHEREAS the Municipal Corporation of the City of Kingston, Canada and the municipality of Cienfuegos, Cuba, affirm their unanimous decision to support warm relations of friendship, unity, and brotherhood for the progress and well-being of both communities, united in their desire of coexistence;

AND WHEREAS both municipalities, under the title “Twin Cities” are committed, in principal, to collaborate for the spiritual and material support of both localities, and the strengthening of relations inspired by their common desire for peace, friendship, and prosperity;

AND WHEREAS City Council of the City of Kingston and the Municipal Assembly of the Power of the People of Cienfuegos wish to promote cooperation in the areas of education, health, sports, culture, the arts, economics, the exchange of experiences and the organizing of visits for the mutual advancement in social development, and with a view to strengthening bonds of friendship;

NOW THEREFORE, we, the Mayor of Kingston and the President of the Assembly of Cienfuegos, understanding that this agreement contributes to the advancement of the just cause of world peace and the development of friendly relationships between the two cities and

In testimony to the above, this agreement is signed in the City of Cienfuegos, Cuba, on the seventeenth of November, 2004.

City of Kingston City of Cienfuegos

Mr. Harvey Rosen DIP Emerio Garcia Lugo
Kingston, Canada President Municipal Assembly
Mayor of the City Popular Power Cienfuegos