

Section I – Items for Board of Directors Action

TO: Chair and Members of the Board of Directors
Thursday, November 10, 2022 Meeting

FROM: Michael Tolensky, Chief Financial and Operating Officer

RE: **DELEGATED AUTHORITY REQUEST FOR WINTER 2022**
Request for Delegated Authority for the Chief Executive Officer

KEY ISSUE

It is requested that the Chief Executive Officer (CEO) be granted delegated authority in November and December 2022, pursuant to Section 21 of Toronto and Region Conservation Authority's (TRCA) Administrative By-Law for time sensitive procurements to ensure business continuity including support for municipal and partner supported programs and projects.

RECOMMENDATION:

WHEREAS TRCA Procurement Policies require reporting to the Executive Committee for procurements over \$250,000 and to the Board of Directors for procurements over \$500,000;

WHEREAS no meetings of TRCA's Executive Committee and Board of Directors are scheduled for December of each calendar year;

WHEREAS a number of legislative amendments and draft regulations have been released by the Province requiring a time sensitive TRCA response;

THEREFORE LET IT BE RESOLVED THAT the CEO be delegated authority to approve, grant or authorize all activities in connection with acquisition of goods and services or submissions on major legislative and policy matters that would otherwise require Executive Committee of Board of Directors approval for November and December 2022;

THAT any approval under the delegated authority comply with TRCA's Procurement Policies;

THAT should TRCA staff be unable to negotiate contracts with successful Proponents, staff be authorized to enter into and conclude contract negotiations with other Proponents that submitted proposals, beginning with the next highest ranked meeting TRCA specifications;

THAT authorized TRCA officials be directed to take whatever action may be required to implement the contract, including the obtaining of necessary approvals and the signing and execution of any documents;

AND FURTHER THAT staff report back at the February 17, 2023 Board of Directors meeting with a list of all procurements that were approved under the delegated authority.

BACKGROUND

At Board of Directors Meeting held on September 23, 2022, Resolution #A144/22 was approved

Item 8.8

as follows:

WHEREAS no meetings of TRCA's Executive Committee and Board of Directors are scheduled for the months of July, August and December of each calendar year and meetings scheduled for September, October and November during a municipal election year may have difficulty reaching quorum due to conflicting obligations of municipally-appointed board members;

THEREFORE, LET IT BE RESOLVED THAT the CEO be delegated authority during the months of July, August and December of each calendar year;

AND THAT the CEO be delegated authority during the months of September, October and November during an election year where quorum is not met three days in advance;

AND THAT the Administrative By-Law be updated to include Section 21 providing for this authority;

AND FURTHER THAT any exercise of the authorities delegated to staff through this report will be reported back to the next available meeting.

RATIONALE

This report requests the Board of Directors to allow for delegated authority to the CEO on a time-limited basis to ensure that TRCA business continuity is maintained in November during a municipal election year, where quorum is not met three days in advance of a scheduled meeting and during December as there are no meetings scheduled until the Annual General Meeting on January 13, 2023.

At this time, it is expected the following procurement would require delegated authority approval for the winter months to meet established timelines for project and program delivery. Note that the anticipated value listed does not include considerations for contingency. This will be incorporated into contracts as deemed necessary.

Project	Description	Type of Goods/ Services	Type of Procurement	Anticipated Value	Staff Lead
Cudmore Creek Wetland & Trailhead Project: Phase 2 Implementation	Construction of the Cudmore Creek Wetland & Trailhead Project by General Contractor. Includes supply of all materials, labour, equipment, manufacturing, installation of site features and construction management services.	Construction Goods, Services, Materials, and Supplies	Competitive Request for Tender	\$1.1M	Jaya Soora, Senior Project Manager, Project Management Office jaya.soora@trca.ca (365) 566-2380

Item 8.8

Relationship to Building the Living City, the TRCA 2013-2022 Strategic Plan

This report supports the following strategy set forth in the TRCA 2013-2022 Strategic Plan:

Strategy 9 – Measure performance

FINANCIAL DETAILS

The use of delegated authorities outlined in this report will rely on new, available and/or reallocated funding with no net impacts to annual budgets approved by the Board of Directors.

The actual anticipated financial implications associated with this report are currently unknown and will be dependent on the use of delegated authorities in response to emerging issues or time-sensitive requirements.

Relationship to Building the Living City, the TRCA 2013-2022 Strategic Plan

This report supports the following strategy set forth in the TRCA 2013-2022 Strategic Plan:

Strategy 1 – Green the Toronto region's economy

DETAILS OF WORK TO BE DONE

Staff will report back to the February 17, 2023 Board of Directors meeting with a list of all procurements approved under delegated authority, including related financial details.

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Date: October 20, 2022