Minute No. 389
Report – Standing Policy Committee on Infrastructure Renewal and Public Works – May 28, 2019

Item No. 2 Award of Contract for the Provision of Accessible Transportation Services for Winnipeg Transit Plus – RFP 106-2019

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Infrastructure Renewal and Public Works and adopted the following:

1. That the City enter into, execute and deliver the Contract for the Provision of Accessible Transportation Services for Winnipeg Transit Plus for the period of seven years from start date of Contract (anticipated to be February 01, 2020 meaning expected contract duration is February 01, 2020 to January 31, 2027, but may be adjusted pursuant to D2.2 of RFP 106-2019 if the start date of the Contract is delayed through no fault of the Contractor) in the amount of $8,772,825.60 GST and MRST extra as applicable with Exact Care Inc. and such other agreements as determined necessary by the City Solicitor/Director of Legal Services to implement the intent of the foregoing (the "Ancillary Agreements").

2. That authority be delegated to the Chief Administrative Officer to negotiate and approve the terms and conditions of the above contract and the Ancillary Agreements, in accordance with this report and such other terms and conditions deemed necessary by the City Solicitor/Director of Legal Services to protect the interests of the City.

3. That the Proper Officers of the City do all things necessary to implement the foregoing.

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DECISION MAKING HISTORY:

Moved by Councillor Allard,

That the recommendation of the Standing Policy Committee on Infrastructure Renewal and Public Works be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On June 11, 2019, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Infrastructure Renewal and Public Works and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On May 28, 2019, the Standing Policy Committee on Infrastructure Renewal and Public Works concurred in the recommendation of the Winnipeg Public Service and submitted the matter to the Executive Policy Committee and Council.

Zach Fleisher, Director of Communications, Amalgamated Transit Union Local 1505, submitted a communication with respect to the matter.

ADMINISTRATIVE REPORT

Title: Award of Contract for the Provision of Accessible Transportation Services for Winnipeg Transit Plus, RFP 106-2019

Critical Path: Standing Policy Committee on Infrastructure Renewal and Public Works – Executive Policy Committee – Council

AUTHORIZATION

Author	Department Head	CFO	CAO
J. Fernandes	G. Ewankiw	M. Ruta	D. McNeil

EXECUTIVE SUMMARY

Private contractors deliver service for Winnipeg Transit Plus and contracts are awarded through the City of Winnipeg's RFP process. RFP 106-2019 will be awarded as a whole.

The highest rated qualified Proponent submitting the lowest and most advantageous proposal on RFP 106-2019 was Exact Care Inc. who submitted an evaluated bid price of $8,772,825.60 and is recommended to be awarded the contract. The Work contained in RFP 106-2019 constitutes approximately 8% of the Winnipeg Transit Plus service delivery.

RFP 106-2019 will replace contract 983-2013 which will expire May 31, 2019.

The Recommendation included in this Report complies with the requirements of the various trade agreements and the City's Materials Management Policy.

RECOMMENDATIONS

1. That the City enter into, execute and deliver the Contract for the Provision of Accessible Transportation Services for Winnipeg Transit Plus for the period of seven years from start date of Contract (anticipated to be February 01, 2020 meaning expected contract duration is February 01, 2020 to January 31, 2027, but may be adjusted pursuant to D2.2 of RFP 106-2019 if the start date of the Contract is delayed through no fault of the Contractor) in the amount of $8,772,825.60 GST and MRST extra as applicable with Exact Care Inc. and such other agreements as determined necessary by the City Solicitor/Director of Legal Services to implement the intent of the foregoing (the "Ancillary Agreements").

2. That authority be delegated to the Chief Administrative Officer to negotiate and approve the terms and conditions of the above contract and the Ancillary Agreements**,** in accordance with this report and such other terms and conditions deemed necessary by the City Solicitor/Director of Legal Services to protect the interests of the City.

3. That the Proper Officers of the City do all things necessary to implement the foregoing

REASON FOR THE REPORT

The work of the Contract is provided on an "as required" basis, however, the City's operational requirements are such that the Contract may in effect commit expenditures on future budgets. As a result, Council approval is required pursuant to Section B8.2.2 of the Materials Management Policy.

IMPLICATIONS OF THE RECOMMENDATIONS

The delivery of Winnipeg Transit Plus service is 100% contracted out to the private sector.

Funds for this work are included every year in the Annual Operating Budget from the Winnipeg Transit Plus Non-Professional Services Account Distribution No. 442 521020 421701 302.

The work contained in RFP 106-2019 is replacing a similar contract ending May 31, 2019. The work shall be done on an "as required" basis during the term of the Contract, subject to the minimum requirements set out in Section E14 of the RFP.

The vehicles to be used in this contract are a light to medium duty low floor, right passenger side-entry, wheelchair accessible minibus, that is 24 feet in length with and 165" inch wheelbase meeting or exceeding the CAN/CSA-D409-02 (Reaffirmed 2007) Standards, fully crash tested to meet Canadian Motor Vehicles Safety Standards (CMVSS) with a passenger capacity of three wheel chairs and four seated passengers.

Given the timelines required for approval of the award the contractors may not have the vehicles ready for February 01, 2020, the start of the Contract. However, clause D2.2 states; *"if the Contract start date is delayed through no fault of the Contractor the Contract period will be seven (7) years from the actual start date of the Work"*. Extension of existing Contracts extensions may be required to ensure there are sufficient accessible vehicles to meet service.

HISTORY/DISCUSSION

In 1977, Winnipeg Transit Plus began as a pilot to provide service for those persons who were physically unable to use fixed route transit. Winnipeg Transit provided service using City owned vehicles and City employees.

By 1988, the demand for Winnipeg Transit Plus service had increased well beyond the funding available to accommodate the demand. As a result, the Transit department began to contract

out the increasing demand for service to private contractors in the taxi business on a brokerage basis, i.e., all requests for service would come to Winnipeg Transit Plus who would prioritize them and schedule them on existing resources to the extent possible, including vehicles provided by private contractors.

By 1996, private contractors delivered 70% of the total service. In June 1997, the remaining 30% of the service delivery was contracted out to private sector contractors on a brokerage basis.
RFP 106-2019 allowed Proponents to respond with proposals. The Work defined in the Contract is for five buses to perform the Work in the approximate quantity of 22,704 vehicle hours per year for seven (7) years.

Bids were evaluated based on the following evaluation criteria as defined in B21 of the RFP:

(a) compliance by the Proponent with the requirements of the Request for Proposal or acceptable deviation therefrom:(pass/fail);
(b) qualifications of the Proponent and the Subcontractors, if any, pursuant to B13: (pass/fail);
(c) Total Bid Price. (60%);
(d) Business Plan (25%);
(e) References (15%);

EVALUATION BY PROPONENT
RFP No. 106-2019

Proponent	Compliance (Responsive)	Qualifications of Proponent	Fees	Evaluated Bid Price	Business Plan	References	Total
	Pass/Fail	***Pass/Fail***		***60%***	***25%***	***15%***	***100%***
Bidder 1*	***Pass***	***Pass***	***$8,772,825.60***	***60.00***	***20***	***14***	***94.00%***
Bidder 2*.	**	**	***$8,899,968.00***	***59.14***	***18***	***12.5***	***89.64%***
Bidder 3*	**	**	***$9,399,910.08***	***56.00***	***24***	***11***	***91.00%***
Bidder 4*	**	**	***$9,674,628.48***	***54.41***	***19.5***	***12***	***85.91%***
Bidder 5*	**	**	***$10,317,832.80***	***51.02***	***19.5***	***12***	***82.52%***
Bidder 6*	**	**	***$13,395,360.00***	***39.29***	***18***	***8.5***	***65.79%***

* Certain information is removed to protect the confidentiality of the Proponents' proposals.
**Qualifications included in B14 are verified only for the recommended Proponent

Exact Care Inc. is the highest rated qualified Proponent for the Work and accordingly is the responsible and qualified Proponent submitting the lowest and most advantageous offer to the City. Winnipeg Transit is satisfied that Exact Care Inc. has the necessary resources to perform the Work in accordance with the requirements of the specifications. The Proponent recommended for award of the Work has satisfactorily carried out previous work of a similar nature and has submitted a responsive proposal, and is currently performing contracted work for Winnipeg Transit Plus. This is an existing contractor who has the second lowest complaint ratio

all of the hourly contractors. With the award of this contract this contractor will be responsible for approximately 21% of the Work for Winnipeg Transit Plus or administering a total of three (3) contracts.

The Contract Administrator is confident and has discussed that Exact Care Inc. can and will execute and deliver this contract in addition to the their current two existing contracts, and that the proposed Contractor has the necessary experience, capital, organization and equipment to perform the Work in strict accordance with the terms and provisions of the Contract

The proposed contractor has a written Workplace Safety and Health program that has been reviewed by an independent reviewer acceptable to the City which has been determined to satisfactorily meet the requirements of Section 7.4(5) of The Workplace Safety and Health Act.

The contract is for seven (7) years effective February 01, 2020; however, if the start date has to be delayed through no fault of the Proponent the Contract period will be seven (7) years from the actual start date of the Work in accordance with D2.2.

The Winnipeg Transit Master Plan (WTMP) that is currently being developed is expected to have recommendations regarding changes to how Winnipeg Transit Plus operates. These recommendations are not expected to be ready until late 2019. Following this, Council approval of the WTMP will be required in order for the Public Service to begin developing implementation plans for any recommended actions. As such, a phased roll-out to how Winnipeg Transit Plus operates would not be expected to begin until early 2021 at the earliest.

Because of this timeline, this contract still needs to be awarded at this time in order to ensure continuity of Winnipeg Transit Plus service. Future contracts that expire in 2021 and beyond will need to be written in such a way as to enable the implementation of WTMP recommendations.

The requirements for Bid Security were waived for this purchase in accordance with the authority delegated to the Manager of Materials pursuant to Administrative Standard FM-002.

This is an “as required” contract and goods and/or services will only be ordered to the extent budget funds are available.

The Proposals were valid and open for acceptance until July 9, 2019. Bid extension letters have been sent to the Proponents requesting the Proposals continue to be valid until August 16, 2019.

FINANCIAL IMPACT

Financial Impact Statement **Date:** May 13, 2019

Project Name: **First Year of Program** **2020**

Award of Contract for the Provision of Accessible Transportation Services for Winnipeg Transit Plus, RFP 106-2019

	2020	2021	2022	2023	2024
Capital					
Capital Expenditures Required	$ -	$ -	$ -	$ -	$ -
Less: Existing Budgeted Costs	-	-	-	-	-
Additional Capital Budget Required	$ -	$ -	$ -	$ -	$ -
Funding Sources:					
Debt - Internal	$ -	$ -	$ -	$ -	$ -
Debt - External	-	-	-	-	-
Grants (Enter Description Here)	-	-	-	-	-
Reserves, Equity, Surplus	-	-	-	-	-
Other - Enter Description Here	-	-	-	-	-
Total Funding	$ -	$ -	$ -	$ -	$ -
Total Additional Capital Budget Required	$ -				
Total Additional Debt Required	$ -				
Current Expenditures/Revenues					
Direct Costs	$ 1,111,361	$ 1,224,881	$ 1,238,503	$ 1,252,126	$ 1,265,748
Less: Incremental Revenue/Recovery	-	-	-	-	-
Net Cost/(Benefit)	$ 1,111,361	$ 1,224,881	$ 1,238,503	$ 1,252,126	$ 1,265,748
Less: Existing Budget Amounts	1,111,361	1,224,881	1,238,503	1,252,126	1,265,748
Net Budget Adjustment Required	$ -	$ -	$ -	$ -	$ -

Additional Comments: The costs for this award are allocated across the seven year term of the contract which is February 1, 2020 - January 31, 2027. There is no applicable MRST on this work. Funds for this work are included in the Annual operating Budget for the Winnipeg Transit Plus Non-Professional Services Account Distribution No. 442 521020 421701 302. The Work of the Contract is provided on an "as required" basis, however, the City's operational requirements are such that the Contract may in effect commit expenditures on future budgets.

original signed by
Laurie Fisher, CPA, CA
Manager of Finance & Administration

CONSULTATION

This Report has been prepared in consultation with:

n/a

OURWINNIPEG POLICY ALIGNMENT

This recommendation aligns with Our Winnipeg strategic goals for sustainable transportation. Section 01-1b promotes the creation of a safe efficient and equitable transportation system that encourages active, accessible and healthy lifestyle options

SUBMITTED BY

Department: Transit
Division: Client Services Division – Winnipeg Transit Plus
Prepared by: Josie Fernandes, Manager of Client Services
Date: May 13, 2019