

Date: February 1, 2022

To: Chair and Members of General Committee

From: Jodi Robillos, Commissioner of Community Services

Originator's files:

Meeting date:  
February 23, 2022

## **Subject**

**Single Source Contract Award to The Royal Life Saving Society for the Provision of Aquatics Programming**

## **Recommendation**

1. That the Purchasing Agent or designate be authorized to execute a contract with The Royal Life Saving Society on a Single Source basis for the provision of Aquatics programming consisting of Learn to Swim, Advanced Leadership and First Aid programs for an initial term of five years from March 2022 to December 31, 2026 as outlined in the Corporate Report dated February 1, 2022 from the Commissioner of Community Services entitled "Single Source Contract Award to The Royal Life Saving Society for the Provision of Aquatics Programming".
2. That the Purchasing Agent or designate be authorized to execute a contract amendment to renew the contract for an additional term of up to five years, ending December 31, 2031 at the City's option.

## **Executive Summary**

- The City of Mississauga conducted a competitive procurement process in 2021 for the Provision of a Learn to Swim Program and Corresponding Leadership Program. Canadian Red Cross and The Royal Life Saving Society, the only two suppliers in the market, submitted bids.
- Each supplier's aquatics programming is unique to them. City Aquatics staff are trained and certified to deliver the program in accordance with the supplier's specifications.
- Canadian Red Cross was awarded the contract for a five-year period ending in July 2026 but has since notified the City that, effective December 31, 2022, they will no longer provide aquatics programming, preferring to focus on humanitarian demands.

- The Royal Life Saving Society (RLS) is now a single source for aquatics programming. Only they can deliver their copyrighted program and there are no other suppliers.
- The Purchasing By-law No. 374-2016 provides for Single Source awards under these circumstances under Schedule “A” 1. (a) the Goods and/or Services are only available from one supplier by reason of (iii) the existence of exclusive rights such as patent, copyright or license. Council approval is required for Single Source awards with a value of more than \$100,000.
- The bid received from RLS in response to Procurement PRC002819 did not include pricing for several items and was disqualified in accordance with Corporate Policy & Procedure No. 03-06-02 Bid Irregularities – Publicly Advertised High Value Acquisitions.
- The City will negotiate full requirements and enter into a contract with RLS, in a form satisfactory to the City Solicitor, in the estimated amount of \$1,450,000 for the initial five-year term. The option to renew the contract for an additional term of up to five-years is subject to review of programs, market and budget approval.

## Background

The City offers aquatics programs to approximately 45,000 clients at 19 aquatics facilities. The Public Pools Regulation 565 of the Health and Protection Act identify mandatory qualifications that the Aquatics staff require for employment at a Class A Public Pool (Public Pool). Historically, the two providers of these qualifications included the Canadian Red Cross and the Royal Lifesaving Society. In addition to the qualifications, both organizations offered their own unique copyrighted aquatic programming. The programs provided to Mississauga residents include:

- **Learn to Swim:** Basic swimming ability is a fundamental requirement to attempt to eliminate drowning in Canada and to develop skills for a life long recreational activity. Offerings include a complete learn-to-swim program for infants to Adults, including leadership certifications for lifesaving and aquatic instruction.
- **First Aid programs:** First Aid programs are a vital certification that is required to train aquatic candidates and non-aquatics staff in the Recreation division. Programs offered include Basic First Aid, Emergency First Aid, Standard First Aid, CPR, Automated External Defibrillation (AED), and Airway Management.

The City conducted a competitive procurement process in 2021 for the Provision of a Learn to Swim Program and Corresponding Leadership Program, including First Aid. The Canadian Red Cross and The Royal Life Saving Society, the only two suppliers in the market, submitted bids. The Canadian Red Cross was awarded the contract as the bid received from RLS did not include pricing for several items and was disqualified in accordance with Corporate Policy & Procedure No. 03-06-02 Bid Irregularities – Publicly Advertised High Value Acquisitions.

## Comments

The Canadian Red Cross was awarded the contract for a five-year period ending in July 2026 and the City transitioned to the new program in September 2021. Staff have since been notified that effective December 31, 2022, the Canadian Red Cross will no longer provide aquatics programming, preferring to focus on humanitarian demands in other areas such as disaster and pandemic response, opioid harm reduction and caregiving for seniors.

Given this change, The Royal Lifesaving Society has now become a Single Source. The Purchasing By-law No. 374-2016 provides for Single Source awards under these circumstances under Schedule "A" 1. (a) *the Goods and/or Services are only available from one supplier by reason of (iii) the existence of exclusive rights such as patent, copyright or license.* Council approval is required for Single Source awards with a value of more than \$100,000. The City will negotiate the full requirements and enter into a contract with RLS, in a form satisfactory to the City Solicitor, in the estimated amount of \$1,450,000 for the initial five-year term. The option to renew the contract for an additional term of up to five-years is subject to review of programs, market and budget approval.

RLS has a strong reputation in the industry and is considered to be the experts in lifesaving. This has been demonstrated to the City as our aquatic supplier from 2005 through to 2021. Additionally, RLS has historically been a good partner and supported the City with pool auditing, critical emergency support, and guidance on pool operation and legislation.

The City will return to RLS offerings as quickly as possible to minimize unnecessary training and disruptions to participants and staff. As the RLS program remains unchanged from the summer, most aquatics staff are ready to deliver the program.

While First Aid programs are available from other service providers, the RLS offerings satisfy the first aid requirements in the Ontario Public Pools Regulation and tie to their aquatics program offerings. Given this, RLS is recommended to provide First Aid training for Recreation, for program consistency and ease of access for participants.

## Financial Impact

The estimated cost is \$1,450,000. The Aquatics courses generate net revenue above the variable costs to the City. Cost recovery includes the certifications and material fees charged to the City by the RLS. All costs are recovered within program fees charged to the participant.

## Conclusion

The Royal Life Saving Society (RLS) is a Single Source for aquatics programming. Only they can provide their copyrighted program and there are no other suppliers of this service. The Purchasing By-law No. 374-2016 provides for Single Source awards under these circumstances under Schedule "A" 1. (a) *the Goods and/or Services are only available from one supplier by reason of (iii) the existence of exclusive rights such as patent, copyright or license.* Council approval is required for Single Source awards with a value of more than \$100,000.

## Attachments

Appendix 1: Statement of Work

A handwritten signature in black ink, appearing to read "Jodi Robillos", is written over a horizontal line.

Jodi Robillos, Commissioner of Community Services

Prepared by: Lisa Boyce-Gonsalves, Manager, Aquatics, Therapeutics, Fitness & Community Programs