

City of Mississauga
Corporate Report



<p>Date: May 13, 2025</p> <p>To: Chair and Members of General Committee</p>	<p>Originator's files:</p>
<p>From: Raj Sheth, P.Eng, Commissioner of Community Services</p>	<p>Meeting date: June 4, 2025</p>

Subject

Required Updates to the 'Procuring Performers for City-Produced Culture Events' Policy 05-03-05, and new By-law Authorizing the Execution of Performance Agreements

Recommendation

1. That the Corporate Report entitled "Required Updates to the 'Procuring Performers for City-Produced Culture Events' Policy 05-03-05, and new By-law Authorizing the Execution of Performance Agreements" dated May 13, 2025, from the Commissioner of Community Services be approved.
2. That the recommended changes to Policy 05-03-05, as outlined in Appendix 1, attached to the Corporate Report entitled "Required Updates to the 'Procuring Performers for City-Produced Culture Events' Policy 05-03-05, and the new By-Law Authorizing the Execution of Performance Agreements", be approved.
3. That a new By-Law authorizing the execution of performance agreements, as outlined in Appendix 2, attached to this Corporate Report, be enacted.
4. That the existing By-law 0073-2013, as amended, authorizing the execution of performance agreements, be repealed.

Executive Summary

- The By-law and Policy that govern procurement of performances for public events at the City are both exempt from the Procurement By-law and require an update. Proposed changes include:
 - Repealing and replacing By-law 0073-2013, with updated signing authority to bring values in alignment with the Procurement By-law.
 - Changes to scope and process in the Corporate Policy and Procedure, which will close identified gaps and maintain business efficiencies across the Corporation.
 - Adjusting signing authority within policy to match the new By-law.

- Introducing the ability to use third party agreements in select, and narrowly defined circumstances, when it serves the City's business needs.

Background

Procuring performers for public events on behalf of the City is exempt from the Procurement By-law 0013-2022 (the "Procurement By-law"). Rather, the procurement of performers is governed by (1) the current Policy 05-03-05 (the "Policy"), which details the processes, accountabilities, and authorities required for the procurement of performers for City events, and (2) the current By-Law 0073-2013, as amended, which sets out the required signing authorities for the execution of performance agreements.

When introduced in 2013, the Procuring Performers By-law and Policy both applied solely to performers at Celebration Square and adhered to signing authority value thresholds set out in the former Purchasing By-law (374-06 – repealed with the enactment of the current Procurement By-law). Since this time, there have been significant changes to the Procurement By-law that impact the procurement of performers, namely that:

1. The scope of the exemption for performer procurement has been expanded from performers for events at Celebration Square to performers procured by the City for all City public events.
2. The value thresholds in the Procurement By-law have increased significantly, resulting in the signing authority value thresholds in the Policy and the By-law being misaligned with the Procurement By-law.

Present Status

Although the Procuring Performer By-law 0073-2013 and Corporate Policy and Procedure 05-03-05 are intended to govern the procurement of all performers, there are challenges with both the By-law and Policy in their present form.

By-law

By-law 0073-2013 has undergone many amendments; it is a challenge for staff to be aware of the latest version as City records do not keep a consolidated version of the By-law reflecting the latest amendments. A new By-law would provide staff with a clean updated reference.

Policy

The current governance is scoped such that all performer procurements must be done by the Recreation and Culture Division, regardless of the nature and scope of the performance. This poses the following challenges:

- Recreation and Culture is not resourced to manage all performer procurements, particularly those of low value, which are currently handled by individual business units (for example, Anthem Singers). This is a gap and has been identified by Legal Services as an unmanaged risk.
- Low-value procurements are low risk to the city and don't need to be centrally managed.
- The current governance is scoped such that all performer procurements, regardless of value, must follow the same process (i.e. there is no provision to facilitate low-value, low risk procurements). Low-value procurements (for example, Anthem Singers) need to be agile and flexible.
- The requirement to use City templates for performance procurement restricts the City's ability to engage with artists of international renown represented by major international agencies in a manner that is compliant with the Policy.

Proposed Policy revisions address these challenges through a change in scope, introduction of a modified process for procurement of very low value, and the ability to use third-party agreements to support business operations. It is also important to note that proposed changes do not impact external event organizers in any way.

Comments

Staff recommend that the signing authority in the Policy be amended, and that a new replacement By-law to By-law 0073-2013 be enacted, to reflect the following updates:

Title	Contract Value
Commissioner of Community Services (Signing authority can be delegated, in writing)	Above \$500,000
Director of Recreation and Culture (Signing authority can be delegated, in writing)	Above \$125,000 up to and including \$500,000
Manager of Culture and Events (Signing authority cannot be delegated. In the absence of the Manager of Culture and Events, the Director of Recreation and Culture has authority)	Above \$50,000 up to and including \$125,000
Manager of Event Development (Signing authority cannot be delegated. In the absence of the Manager of Event Development, the Manager of Culture and Events has authority)	Above \$25,000 up to and including \$50,000
A Supervisor with Cost Centre Authority (Signing authority cannot be delegated. In the absence of a Supervisor, the Manager with Cost Centre Authority has authority)	\$25,000 or less

These changes will align procurement of performers more closely with values that are supported in the Procurement By-law. Staff also recommend that Council approve additional, substantive revisions to the Policy which include the following key changes.

Scope and Process

- The following changes will address the gap in governance between the current Procurement By-law exemption and Policy and allow business units City-wide to continue to book performers at a very low value threshold (i.e. Anthem Singers) in manner compliant with Policy and no other impact to operations.
 - City-wide wide authority to procure performers when the performance is valued at less than \$25,000
 - Performances valued up to five thousand (\$5,000) dollars may follow the Low Value Acquisition (LVA) process in the Procurement By-law.
 - Performances valued over five thousand (\$5,000) dollars must abide by the process detailed in the Policy, which includes using the City's Standard Offer and Performance Agreement template and the City's insurance requirements.
 - Performances valued at more than twenty-five thousand (\$25,000) dollars must be booked through the Event Development Unit, which has the industry knowledge and experience to effectively negotiate these procurements.

Third Party Agreements

- Introduces the authority, with approval from the Event Development Manager, to use third party agreements for performer bookings in narrowly defined circumstances and with consultation from Legal Services.

Should the proposed changes to Procuring Performers By-law and Policy not be approved, the gaps and related risks, as explained above, will persist, including:

- Individual business units will not have the authority to procure performers; this will remain an unmanaged risk
- Limited signing authority will continue to present challenges with inefficiency in day-to-day operations within the Culture and Events unit
- Limiting the City's ability to use third party agreements when procuring performers will restrict the City's ability to engage performers of international renown

Staff consulted extensively with other departments, including Procurement Services, Legal Services, and with Risk Management in the development of these proposed changes.

Financial Impact

There are no financial impacts resulting from the recommendations in this report. The proposed changes will implement better financial controls for business units City-wide when procuring performers.

Conclusion

Staff recommend that Council enact the proposed new By-Law authorizing the execution of performance agreements, replacing By-law 0073-2013, and to approve the revisions to the Policy, to address gaps and challenges under the current governance as identified above, and to allow for continued business efficiency and the optimization of event opportunities for the public when booking performers.

Attachments

Appendix 1: Draft Procuring Performers for City-Produced Public Events 05-03-05

Appendix 2: By-law Authorizing the Execution of Performance Agreements



Raj Sheth, P.Eng, Commissioner of Community Services

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