

#### MISSION

The Toronto Catholic District School Board is an inclusive learning community uniting home, parish and school and rooted in the love of Christ. We educate students to grow in grace and knowledge to lead lives of faith, hope and charity.

#### VISION

At Toronto Catholic we transform the world through witness, faith, innovation and action.

Recording Secretary: Sophia Harris, 416-222-8282 Ext. 2293 Acting Asst. Recording Secretary: Colin Johnston, 416-222-8282 Ext. 2659

Rory McGuckin Director of Education Barbara Poplawski Chair of the Board

## Summary of Terms of Reference for Audit Committee

## The Audit Committee shall have responsibility for considering matters pertaining to:

## (1) Related to the board's financial reporting process:

- 1. To review with the director of education, a senior business official and the external auditor the board's financial statements, the results of an annual external audit
- 2. To review the board's annual financial statements and consider whether they are complete, are consistent with any information known to the audit committee members and reflect accounting principles applicable to the board.
- 3. To ask the external auditor about any other relevant issues.

## (2) Related to the board's internal controls:

- 1. To review the overall effectiveness of the board's internal controls.
- 2. To review the scope of the internal and external auditor's reviews of the board's internal controls, any significant findings and recommendations by the internal and external auditors and the responses of the board's staff to those findings and recommendations.
- 3. To discuss with the board's officials the board's significant financial risks and the measures the officials have taken to monitor and manage these risks.

## (3) Related to the board's internal auditor:

- 1. To review the internal auditor's mandate, activities, staffing and organizational structure with the director of education, a senior business official and the internal auditor.
- 2. To make recommendations to the board on the content of annual or multi-year internal audit plans and on all proposed major changes to plans.
- 3. To ensure there are no unjustified restrictions or limitations on the scope of the annual internal audit.
- 4. To review at least once in each fiscal year the performance of the internal auditor and provide the board with comments regarding his or her performance.
- 5. To review the effectiveness of the internal auditor, including the internal auditor's compliance with the document International Standards for the Professional Practice of Internal Auditing, as amended from time to time, published by The Institute of Internal Auditors and available on its website.
- 6. To meet on a regular basis with the internal auditor to discuss any matters that the audit committee or internal auditor believes should be discussed.

## (4) Related to the board's external auditor:

1. To review at least once in each fiscal year the performance of the external auditor and make recommendations to the board on the appointment, replacement or dismissal of the external auditor and on the fee and fee adjustment for the external auditor.

- 2. To review the external auditor's audit plan and confirm the independence of the external auditor.
- 3. To meet on a regular basis with the external auditor to discuss any matters that the audit committee or the external auditor believes should be discussed.

## (5) Related to the board's compliance matters:

- 1. To review the effectiveness of the board's system for monitoring compliance with legislative requirements and with the board's policies and procedures, and where there have been instances of non-compliance, to review any investigation or action taken by the board's director of education, supervisory officers or other persons employed in management positions to address the non-compliance.
- 2. To obtain regular updates from the director of education, supervisory officers and legal counsel regarding compliance matters and that all statutory requirements have been met.

#### (6) Related to the board's risk management:

- 1. To ask the board's director of education, a senior business official, the internal auditor and the external auditor about significant risks, to review the board's policies for risk assessment and risk management and to assess the steps the director of education and a senior business official have taken to manage such risks, including the adequacy of insurance for those risks.
- 2. To initiate and oversee investigations into auditing matters, internal financial controls and allegations of inappropriate or illegal financial dealing.

#### (7) Related to reporting to the board:

1. To report to the board annually, and at any other time that the board may require, on the committee's performance of its duties.

#### (8) Related to website maintenance:

1. To make all reasonable efforts to ensure that a copy of Ontario Regulation 361/10 is posted on the board's website.

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# AGENDA THE REGULAR MEETING OF THE AUDIT COMMITTEE

# PUBLIC SESSION

Tuesday, April 24, 2018 6:30 P.M.

- 1. Call to Order
- 2. **Opening Prayer**
- 3. Roll Call & Apologies
- 4. Approval of the Agenda
- 5. **Declarations of Interest**
- 1 6 6. Approval & Signing of the Minutes of the Meeting held January 17, 2018 for Public Session.
- 7. Delegations
- 8. Presentation
  - 8.a Toronto and Area Regional Internal Audit Team regarding the Regional Internal Audit Team Update (Refer Item 13a)
- 9. Notices of Motion
- 10. **Consent and Review**
- 11. **Unfinished Business**



OUR VISION

Pages

# 12. Matters referred/deferred

# 13. Staff Reports

18.	Adjournment					
17.	Closing Prayer					
16.	Updati	ing of Pending List	67 - 68			
	15.d	Inquiry from Ryan Singh regarding Regulatory Environmental Dashboards				
	15.c	Inquiry from Nancy Borges regarding Contracting of Auditing/Consulting Firms				
	15.b	Inquiry from Trustee Rizzo regarding International Languages Extended Day Programme				
	15.a	Proposed Audit Committee Meeting Date for Consideration: Wednesday, May 23, 2018 (on hold depending on sufficiency of Agenda items)				
15.	Inquiries and Miscellaneous					
14.	Listing	g of Communication				
	13.g	2018 Annual Agenda Checklist	66			
	13.f	Procurement and Vendor Processes at Toronto Catholic District School Board	51 - 65			
	13.e	Toronto Student Transportation Group Annual Report 2016-17	17 - 50			
	13.d	Audit Committee's Assessment of Toronto Catholic District School Board's External Auditors' Performance	14 - 16			
	13.c	Verbal Update regarding Vacant Senior Executive Positions				
	13.b	Legal Fees Report 2016-17	9 - 13			
	13.a	Regional Internal Audit Team Update (Refer Item 8a)	7 - 8			

#### MINUTES OF THE REGULAR MEETING OF THE AUDIT COMMITTEE HELD WEDNESDAY, JANUARY 17, 2018

# **OPEN (PUBLIC) SESSION**

#### **PRESENT:**

Trustees:	B. Poplawski, Chair M. Del Grande, Vice-Chair M. Rizzo
External Members:	R. Singh N. Borges
Internal Auditor:	T. Ferguson
Staff:	R. McGuckin L. Noronha P. De Cock L. Di Marco D. Bilenduke J. Di Fonzo C. Giambattista L. LePera

S. Harris, Recording Secretary

## 1. Call to Order

The meeting convened with Trustee Del Grande in the Chair.

#### 4. Approval of the Agenda

MOVED by Trustee Rizzo, seconded by Ryan Singh, that the Agenda be approved.

The Motion was declared

CARRIED

#### 6. Approval of the Previous Minutes

MOVED by Trustee Rizzo, seconded by Ryan Singh, that the Minutes of the meeting held November 13, 2017 for Open (PUBLIC) Session be approved.

The Motion was declared

CARRIED

MOVED by Trustee Rizzo, seconded by Ryan Singh, that the meeting resolve into CLOSED (Private) Session.

The Motion was declared

CARRIED

The Open (Public) Session reconvened with Trustee Poplawski in the Chair. njmk

#### 8. Presentation

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#### 13. Staff Reports

MOVED by Ryan Singh, seconded by Nancy Borges, that Items 8a) and 13a) be adopted as follows:

- 8a) David Johnston, representing the Toronto and Area Regional Internal Audit Team, regarding the Regional Internal Audit Team Update received.
- 13a) Report regarding Regional Internal Audit Team Update received.

The Motion was declared

CARRIED

MOVED by Trustee Rizzo, seconded by Ryan Singh, that Item 13b) be adopted as follows:

13b) Schedule of 2018 Internal Audits received.

The Motion was declared

CARRIED

Trustee Rizzo wished to be recorded as voting against the Motion.

MOVED by Nancy Borges, seconded by Ryan Singh, that Item 13c) be adopted as follows:

**13c)** Audit Committee Self-Assessment (January 2018) received and that the Chair coordinate collection of all the surveys.

The Motion was declared

CARRIED

MOVED by Trustee Del Grande, seconded by Trustee Rizzo, that Item 13d) be adopted as follows:

13d) 2017 Annual Report of the Provincial Auditor General – Section 3.0 (Ministry Funding and Oversight of School Boards) and Section 3.12 (School Boards Management of Financial and Human Resources) received.

The Motion was declared

CARRIED

MOVED by Ryan Singh, seconded by Nancy Borges, that Item 13e) be adopted as follows:

13e) ICT Strategy Review – Project Priority List received.

The Motion was declared

CARRIED

MOVED by Trustee Rizzo, seconded by Nancy Borges, that Item 13f) be adopted as follows:

#### 13f) Audit Committee Annual Agenda/Checklist received.

The Motion was declared

CARRIED

#### **15.** Inquiries and Miscellaneous

**15a) Proposed Audit Committee Meeting Dates for Consideration** Tuesday, April 24, 2018 and Wednesday, May 23, 2018, with the latter being subject to sufficient agenda items.

The Motion was declared

CARRIED

#### 18. Adjournment

MOVED by Ryan Singh, seconded by Nancy Borges, that the meeting adjourn.

The Motion was declared

CARRIED

# **SECRETARY**

CHAIR



# **Toronto Catholic District School Board**

# **Status Update for Audit Committee**

April 2018



The following is the status of engagements included in the Toronto Catholic District School Board's Regional Internal Audit Plan for the 2017/18 year.

#	Audits	Status
1	Monitoring and Reporting of Student Achievement	The high-level objectives and scope for this engagement are to assess the processes for monitoring and reporting of student achievement. Fieldwork has been completed, and we are
2	Health and Safety	in the process of drafting the audit report. The high-level objectives and scope for this engagement are to assess whether controls are in place to ensure that processes and controls relating to student and employee health and safety are developed, adequate and communicated to the relevant employees. Compliance with legislative requirements will be evaluated. Initial planning has begun. Fieldwork
3	Repairs and Maintenance Follow Up	scheduled to begin May 22 <sup>nd</sup> 2018. The objective of the follow-up engagement is to assess that controls are in place and are operating effectively to mitigate the risks associated with findings identified in the initial audit report. Planning for this engagement is underway, with fieldwork scheduled to start in May 2018



# **LEGAL FEES REPORT 2016-17**

"But select capable men from all the people—men who fear God, trustworthy men who hate dishonest gain"

Exodus 18:21

Created, Draft	First Tabling	Review					
March 27, 2018	April 24, 2018						
D. Bilenduke, Senior Coordinator of Finance							
P. Matthews, Legal Counsel							
P. De Cock, Comptroller of Business Services & Finance							
INFORMATION REPORT							

#### Vision:

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#### Mission:

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Rory McGuckin Director of Education

D. Koenig Associate Director of Academic Affairs

M. Puccetti Acting Associate Director of Planning and Facilities

L. Noronha Executive Superintendent of Business Services and Chief Financial Officer

# A. EXECUTIVE SUMMARY

TCDSB policy *A.12 Legal Counsel* requires that a report on legal services/fees will be made semi-annually to the Corporate Affairs, Strategic Planning and Property Committee of the Board. The Audit committee recommended that the report be provided on an annual basis.

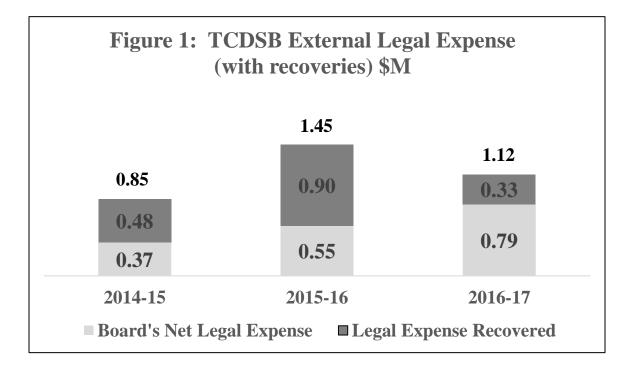
The cumulative staff time required to prepare this report was 5 hours

# **B. PURPOSE**

- 1. A three-year comparative report on legal fees has been prepared.
- 2. **Board staff and Legal Counsel have taken several remediation measures to** *reduce its external legal fees expenditures.* Any requirement for legal services is reviewed by Legal Counsel and redirected to in-house Legal Staff to the greatest extent possible before approval is given to retain external legal services.
- 3. *Complex property transactions require significant legal advice.* Over the last three years the Board has been aggressive in obtaining properties under its Education Development Charges (EDC) bylaw. These deals are complicated and require significant legal expertise. Legal fees related to these projects are recovered from the EDC Reserve that is funded from building permits.

# C. EVIDENCE/RESEARCH/ANALYSIS

1. Figure 1 below provides a comparison of the last three years of external legal expense. The "Board's Net Legal Expense" represents the amount paid by the Board and is unrecoverable, while the "Legal Expense Recovered" is the amount that has been or expected to be recovered from third parties.

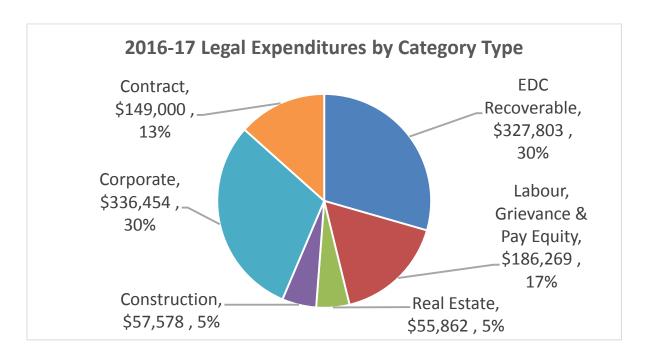


# D. METRICS AND ACCOUNTABILITY

1. *Net legal fees have increased 43% year over year.* Gross legal fees decreased by 23% due to a decrease in Cogeco Data Service expenditures, which was recoverable in the previous year; and there was a large increase in labour and corporate law expenses.

Notable expenditures for the period include \$71K for the Ministry Transportation challenge, \$89K for CUPE pay equity and \$100K for building lease contracts with third party providers.

2. Appendix A and the chart below provides a detailed analysis of legal expenditures by firm and categorized by expenditure type.



3. The Board continues to explore new ways to streamline and increase in-house legal services and provide further reports as required by TCDSB Policy A.12.

# **E.** CONCLUDING STATEMENT

This report is for the consideration of the Audit Committee.

# Appendix A

# Legal Fees 2016-17

	2016-17 Total	EDC Recoverable	Labour, Grievance & Pay Equity	Real Estate	Construction	Corporate	Contract
Borden Ladner Gervais	550,337	257,777	186,269	840		105,451	
Miller Thomson	513,825	70,026		55,022	57,578	231,003	100,196
Lenczner, Slaght	48,804						48,804
Total	1,112,966	327,803	186,269	55,862	57,578	336,454	149,000
Recovery	(327,803)	(327,803)					
Net 16/17	785,163	-	186,269	55,862	57,578	336,454	149,000
Net 15/16	549,122	-	97,338	103,375	76,137	175,258	97,014
Variance	(236,041)	-	(88,931)	47,513	18,559	(161,196)	(51,986)
Variance %	-43.0%		-91.4%	46.0%	24.4%	-92.0%	-53.6%

#### Audit Committee – Evaluation of External Auditors Performance

#### Purpose of the Evaluation

Per Ontario Regulation 361/10, the audit committee has the duty to review at least once in each fiscal year the performance of the external auditor. In addition, the evaluation can serve to enhance the development of criteria for future tendering processes of external audit services.

In discharging this responsibility, the audit committee should answer the following series of questions assessing the external auditors and should ask key senior school board management for their comments as well. As with all processes asking for input, the audit committee should consider the different perspectives and motivations of those having input into this evaluation process.

If you are unable to respond to a particular question, please select "N/A".

Name of Audit Committee Member Completing Evaluation					
Fiscal year					
	Strongly Agree	Agree	Disagree	Strongly Disagree	N/A
Financial Reporting Process / External Audit					
<ol> <li>The external auditor discussed the audit engagement terms with the audit committee through an annual engagement letter.</li> </ol>					
<ol> <li>The audit committee is satisfied with the planning and conduct of the audit, including the co- ordinated efforts with the internal auditor.</li> </ol>	ng				
3. The external auditor informed the audit committee	ee of :	-			
a) accounting principles & emerging issues					
b) complex / unusual financial transactions					
<ul> <li>c) material judgments and accounting estimates of the school board</li> </ul>					
<ul> <li>d) any departures from the accounting principles, where applicable</li> </ul>					
4. The external auditor engaged the audit committee	ee on all signific	ant issues a	arising from	the audit su	ich as:
a) results of the annual external audit					
<ul> <li>b) any difficulties encountered in the course of the external auditor's work</li> </ul>	f 🗆				
<ul> <li>c) any significant changes the external audito made to the audit plan</li> </ul>	r 🗆				
<ul> <li>d) any significant disagreements between the external auditor and management</li> </ul>					
<ol> <li>The external auditor reflected the scope of their audit, as set out in their audit plan, in the final audit report.</li> </ol>					
6. The external auditor's report was complete, as	it:				
<ul> <li>a) identified the title of each statement that comprises the financial statements</li> </ul>					

		Strongly Agree	Agree	Disagree	Strongly Disagree	N/A	
6.	6. (Continued) The external auditor's report was complete, as:						
	<ul> <li>b) it referenced the summary of accounting policies and notes to the financial statements</li> </ul>						
	<ul> <li>c) it distinguished between responsibilities of management and those of the external auditor</li> </ul>						
	<ul> <li>d) it described the scope of the external auditor's examination</li> </ul>						
	<ul> <li>e) it contained an expression of opinion or an assertion than an opinion could not be expressed</li> </ul>						
	<ul> <li>f) the opinion indicated that the financial statements present fairly, in all material respects, the financial position, results of operations and cash flows in accordance with the appropriate financial framework (could be qualified based on school generated funds)</li> </ul>						
7.	The resources were appropriately allocated at different stages of the audit to ensure that the audit was completed within the agreed timelines.						
Inte	rnal Controls						
8.	The external auditor communicated to the audit committee the extent of their reliance on internal controls in the proposed audit plan.						
9.	The external auditor provided constructive observations, implications, and recommendations in areas needing improvement, particularly with respect to the school board's internal control system over financial reporting (through management letter).						
Risl	< Management						
10.	The external auditor informed the audit committee of any significant risks of which the audit committee was not previously aware of.						
Gen	eral						
11.	The external auditor met with the audit committee when requested.						
12.	The audit committee is satisfied that the external auditor met with the audit committee to discuss any matters that should have been discussed throughout the year.						
13.	The external auditor did not leave significant issues of concern to the audit committee unaddressed.						
14.	The audit committee is satisfied that the external auditor remained independent of the school board in spite of any audit-related, or non-audit services the auditor provides to the school board.						

	Strongly Agree	Agree	Disagree	Strongly Disagree	N/A
15. The audit committee is satisfied that the externa auditor was not unduly influenced by management. (Assessment indicators: the external auditor communicated freely with the audit committee; the external auditor was not reluctant or hesitant to raise issues that would reflect negatively on management)					
<ol> <li>From a discussion with management, the audit committee believes that the external audit team members had the experience and possessed th necessary qualifications required of external auditors.</li> </ol>	e 🗆				
17. The audit fee was fair and reasonable in relation to what audit committees know about fees charged to other school boards or other similar organizations of comparable size.					
18. Overall, the external auditor met audit committe expectations.	e 🗆				

Have you received any specific feedback on the external auditor from internal audit? If so, please provide details:

Please provide any additional comments on your experience with the external auditors:

# 2016-2017

# Toronto Student Transportation Group



# Annual Report

Prepared by the Toronto Student Transportation Group.

Providing Student Transportation Services for the Toronto District School Board and the Toronto Catholic District School Board

November 2017

# Blank

# **General Managers Report**

It is with pleasure that I provide this annual report on the activities of the Toronto Student Transportation Group over the past school year. This report summarizes the activities and plans that the transportation consortium has undertaken over the past school year. The summary of data, activities, challenges, and successes is reflective of the joint transportation unit that has been supplying transportation services to the Boards for over a decade.

The Toronto Boards have been competitively procuring student transportation services for over two decades but nothing prepared us for the start of the 2016-2017 school year. A massive school bus driver shortage caused mayhem for thousands of students not only in the city of Toronto but also across the province. Delays of over an hour and some buses not showing up altogether created significant service issues for many of our families. Some families endured several months of uncertainty in terms of what service the school bus operators willing to take on any work in Toronto. This left some companies having to use 'limousine' service for some students to ensure they met their contractual obligations.

The consortium was also warned that there was a potential for a physical school bus shortage as well since school bus manufactures may not be able to deliver all the new units that were required in Toronto for school start. Luckily, this was mitigated to avoid any further service related issues for our families. Many families were impacted, however, by a freak afternoon snowstorm that brought Toronto traffic to stand still. Traffic delays and accidents held up buses with a couple of routes not delivering students home until near 10:00PM.

To further complicate the start of the new school year there was roof work on the transportation building during the summer that disrupted the normal planning routines for transportation staff. Due to the strong asphalt smell, all staff had to relocate their workspace to other facilities. This dispersion of staff made it difficult to get the planning work completed in a timely manner and ready for the school bus operators to collect their school bus routes for September. All of these events led to a very challenging start-up and school year.

This report highlights some of the issues, challenges, and successes that the Toronto Student Transportation Group has experienced over the past school year.

Sincerely,

Kein Hodyh

Kevin Hodgkinson General Manger

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# **Mission and Vision Statement**

#### **Mission Statement**

**Service**: To facilitate the provision of safe, secure, and consistently on-time delivery of student transportation services for those students entrusted in our care.

**Cost Effective**: To provide adequate, equitable, and fair services to those members that actively look for the best means to achieve cost-effective transportation solutions.

**Accountable**: To provide effective, efficient, and accountable solutions that meets the needs of our stakeholders.



#### **Vision Statement**

**Communications**: To actively pursue initiatives that will maximize the level of service provided to our stakeholders.

**Responsibility**: To actively pursue economic, environmental, and social initiatives that will allow us to lead the way in meeting public demand.

**Human Resources**: To actively pursue programming and training that will assist staff in delivering a level of service that exceeds our shareholder's expectations.

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# Transportation Group

# **INTRODUCTION**

The Toronto Student Transportation Group (TSTG) is a consortium formed to manage and facilitate the student transportation services for the Toronto Catholic District School Board (TCDSB) & Toronto District School Board (TDSB). The TSTG provides transportation services for approximately 49,000 students in more than 800 schools and centres throughout the City of Toronto. Six different school bus operators provide more than 1750 vehicles to provide transportation services for students with a budget of just over \$90,000,000.

The consortium is physically located at 2 Trethewey Dr with a staff of 28 individuals responsible for the operation, planning, technology, and safety of transported students.

# History

The TDSB & TCDSB have been sharing transportation services since 1995. Laidlaw Planning Services was originally hired to implement a computerized routing solution that optimized the TCDSB regular home to school fleet and integrate the TCDSB and North York School Boards special education routes. These two routing solutions removed over 100 buses from the road and saved the Boards over \$3.2M in transportation expenditure. Over the next eight years, the former cities making up the current City of Toronto were systematically introduced into the combined routing solution removing an additional 38 buses from the system.

In 1998 the key planning staff from Laidlaw was recruited to form the nucleus of shared transportation services provided by the Boards. The introduction of new staff was complemented by an introduction of an upgraded transportation planning management software from Education Logistics. With staff and technology in place, the Boards had the key component to managing and maintaining transportation services. Transportation staff from both Boards relocated in 2005 to the TDSB's Trethewey facility where the operations, planning,



technology, and safety units work together to facilitate and deliver transportation services. In September of 2011, the two School Boards signed a membership agreement officially creating the 'Toronto Student Transportation Group'.

# Taruportation Croup

# A Look Back

The 2016 -2017 school year provided the Toronto Student Transportation Group with a number of challenges that not only provided obstacles but also opportunities to understand and improve the way we do business.

# **Driver Shortage**

With new contracts in hand and a considerable increase to the rates provided to our carriers the last thing the TSTG expected was a significant driver shortage to start the new school year. Up to a week prior to school starting all companies had indicated sufficient drivers for all routes allocated to their divisions. This quickly changed once the routes were distributed and

companies started to indicate that drivers were not accepting some of the routes that were assigned to their divisions resulting in a 100-driver shortfall. Many carriers indicated that the 'mock routes' they received back in March did not match up with the routes received in August causing drivers to leave and look at other employers.

The TSTG worked with carriers to facilitate the swapping of bus runs between carriers to reduce that number down to 60 prior to school start. The



60 was consistent with previous years in terms of shortages as all companies have a pool of spare drivers to draw on to fill in for these 'open' routes and when drivers are off sick. The difference this year was that those 60 open routes were concentrated with three carriers and not evenly distributed through all 12 carriers providing service.

The first week invariably was stressful for schools and families dealing with buses that were extremely late or did not show up at all. Meetings with the three carriers that week resulted in action plans to remove buses from these carriers as well as have them option taxi service were application and sub contract with other travel operators to minimize disruption. The TSTG also 're-routed' some routes to get some of these students into school on time while minimizing the disruptions for others and creating a stable time schedule for those families if they were unable to get their children to school on time themselves.

The majority of the delays lasted several months for some students. Minor delays continued into the Christmas break. The TSTG attempted to seek out other school bus providers who would have been able to come in and provide service but there were no takers that could do so in a timely manner. As the school bus driver shortage impacted many of the surrounding School Boards as well there was a significant drain on applicants wanting to become school bus

Toronto Student Transportation Group, Annual Report (2016-2017)



drivers. Even with ten applicants coming into a training program, many companies were finding that only one or two would end up being a viable school bus driver. In a weeks span it was not uncommon to see three new drivers being hired but two drivers quitting that same week. Whether due to other employment or the current work environment there has been a constant exodus of drivers from the school bus driving pool. The new transportation contract also saw two new carriers enter the marketplace while many long standing drivers with established carriers who lost work decided to leave the marketplace rather than seek employment with different operators.

## **Strike Averted**

Common in the School bus industry is the fact that many school bus operations have unionized drivers. For the past two decades it seems that new contracts with unionized staff were dealt with in timely and equitable manner for all parties. In recent years there seems to be a rise in the number of contract negotiations that have required the need to invoke a call for a 'no board' report starting a clock on when negotiations need to be resolved before the unionized members can go on strike. Even more frustrating for parents and schools is the fact that these negotiations recently have went to the 11<sup>th</sup> hour or beyond creating a very small window to communicate with stakeholders.

In the summer of 2016, First Student Canada advised the TSTG that their unionized drivers at their Markham branch had applied for conciliation. This started an 81-day clock to continue



meetings and hopefully come to an agreement before the October 15<sup>th</sup>, 2016 deadline. The company also indicated the union would provide 72 hours notice ahead of time should they opt to go on strike once the 81-day clock has run out. This school bus division provided service for over 8000 students at 88 schools throughout the city of Toronto. No viable back up plan to mitigate the service disruption was

available given the large number of buses operated by this carrier and the fact that no other carriers in the area had any available drivers to perform the work.

Both the union and company negotiated past the 81-day mark but not seeing sufficient progress being made the union advised the company that they would strike on November 3, 2016 if a deal was not completed. Midnight on November 2<sup>nd</sup>, 20176 came and went without an agreement but the two parties were still at the table negotiating. Finally, in the wee hours

Toronto Student Transportation Group, Annual Report (2016-2017)



Page **9** of **34** 

of the morning the two sides finally came to a tentative agreement avoiding any legal action. This did, however, cause a major rush to communicate out the decision to waiting students and parents early in the morning on whether service would be running that day or not. In the end, both sides came to an amiable solution with a contract lasting for several more years.

## **Ombudsman Investigation**

As noted above the severe school bus shortage had caught the attention of the Ontario Ombudsman who recently took ownership of oversight over publically funded School Boards. A number of complaints about school bus delays and service issues from parents around the GTA

prompted the Ontario Ombudsman to start an investigation. The investigation was specific to the Toronto Boards even though the school bus driver shortage was identified to be a province wide problem. Through their investigation they documented 127 complaints, conducted 43 interviews, collected over 20+ gigabytes of data including over 55,000 e-mails and generated 42 recommendations.

Those forty-two recommendations can be broken down into six themes as follows: 1 Procurement and Contracts, 2 Consortium Organization and Human Resources, 3 Technology, 4 Communications, 5 Oversight, and 6 Operations. The School Boards accepted all 42 recommendations and the TSTG is working currently on addressing those issues. Some of those issues were already identified through the consortiums own review process of the challenges experienced throughout the start of the school year in 2016 and new procedures and timelines put in place to address for the 2017-2018 school year. The school bus operators who escaped the wrath of the Ombudsman have also committed to doing things differently to ensure they are able to deliver the services that they have contracted for. This included improving communication technologies and having more

resources available to deal with schools and the public. They also committed more resources to ensure that there is a steady stream of applicants coming into their offices to support their pool of available drivers. The consortium will be providing an update to the Ontario Ombudsman every 6 months until they are confident that the issues identified in the report have been addressed and resources put in place to minimize future service delivery failures.



Complaints about SCHOOL BOARDS





# A Look Ahead

While successfully transporting over 49,000 students to and from school safely each and every day for another year we look ahead to the challenges and opportunities that the upcoming school years will hold for us.

# **Technology - Coming of Age**

With a significant transportation deficit, it is always difficult to go to leadership to ask for more money to improve services. Technology in the school bus industry has been expanding rapidly in the last few years and the Toronto Boards have been 'late to the party' to get the tools in place to not only help support the effective and efficient routing of school buses but the means



to better communicate with our stakeholders.

GeoRef systems was awarded the contract to provide technology to replace older transportation management software. The new software is designed with more tools to allow staff to make better use of their time and provide logistical support for the planning team to ensure that our student's transportation needs are being met. Along with that, additional communication tools will be launched to

provide schools and parents better access to the buses that are servicing their schools. School bus delay notifications will no longer be isolated to e-mail but expanded to include text messages, RSS feeds, and applications to better communicate delays and service announcements to our school communities and families.

## **New Funding?**

Toronto Student Transportation Group, Annual Report (2016-2017)



That last formal funding formula used in Ontario was in 1998 and all funding for student

transportation to date has flowed from that base. The Ministry attempted to launch a new funding formula in the mid 2000's but was cancelled after the first year of phasing in the new model. The Ministry then moved to effectiveness and efficiency reviews to act as a mechanism to fund deficit gaps. The funding of student transportation has been highlighted in both the 2000 and 2014 Auditor General's recommendations in regards to Student Transportation Services.



After the new contracts with operators in the 2016-2017 school year the transportation deficit in Toronto has doubled and stands now at over \$10M. Since there is no policy standard provided by the Ministry of Education the local School Boards are required to set their own transportation policies and use the funding received as they see fit. Both School Boards have had to take funds from other non-classroom funding envelopes to support the transportation level of service that each Board feels their stakeholders demand.

The Ministry of Education has indicated recently that they are pursuing a new funding model and that they will be working with stakeholders to develop a new formula.

## **Taxi Review**

One of the recommendations coming out of the Ombudsman report was to ensure better oversight of how taxi service is utilized in the course of student transportation services. Taxi service will be utilized for a couple of different reasons. One, a student does not live near the school and travel by any other means but a direct route would cause the student to be on the bus for more than an hour. In circumstances like these, the consortium will specifically assign



the student to the taxi and that will be their primary mode of transportation for the duration of service to that location. Second, is when school bus operators are struggling with driver recruitment and require a short-term solution to ensure students are transported to and from school. In cases like this, the companies are to follow the protocols around using taxi service, which includes: no primary aged students should be transported via taxi (grade JK to gred3), non-

verbal students should not be placed in taxis, and that all taxi use must be pre-approved by the parent in order for the student to use the taxi.

Toronto Student Transportation Group, Annual Report (2016-2017)



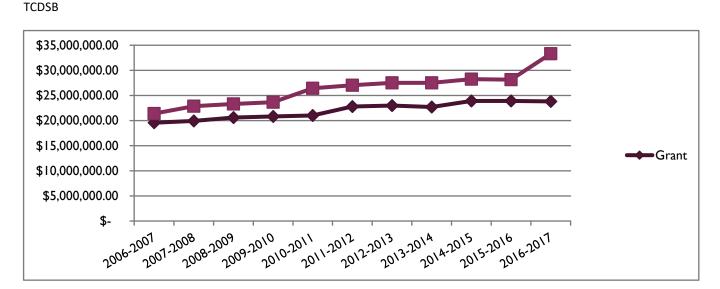
The primary area of concern with the utilization of taxis by school bus operators, is the rational employed and timing of their usage. Until recently, the consortium relied on the school bus operator to manage their subcontract to the taxi company and ensure that service was delivered as expected. In order to ensure that the consortium has better oversight of taxi use we anticipate direct meetings with the taxi companies to review what information has been provided to them from the school bus operator and how they ensure that their drivers are meeting the needs of the students. This ongoing practice will help support our students to ensure safe and timely delivery of student transportation services.

# Toronto Student

# **Student Transportation Services**

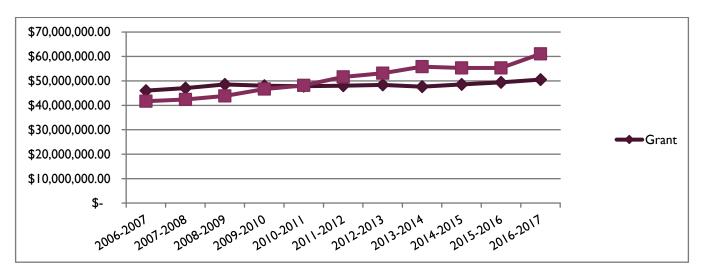
#### **Financial**

The Toronto Student Transportation Group currently spends about \$95,000,000 on transportation services for the TCDSB and TDSB. The Ministry of Education provided a transportation Grant in 2016-2017 of approximately \$23,800,000 for the TCDSB and \$50,500,000 for the TDSB. A breakdown of the transportation budget along with a historical summary of the Transportation Grant and Expenditure is displayed below:

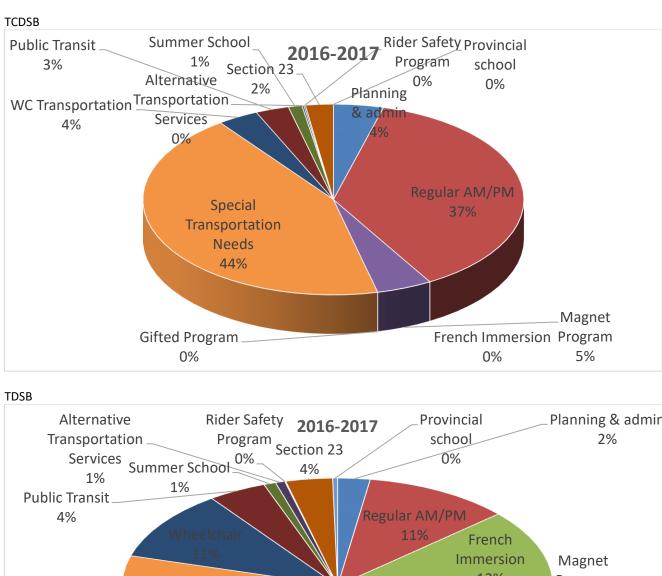


1. Historical Transportation Grant vs. Expenditure

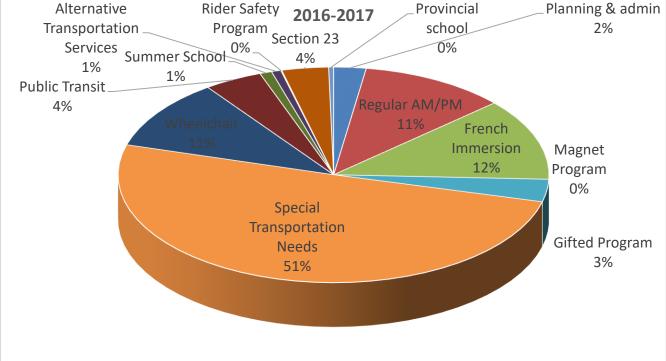
TDSB





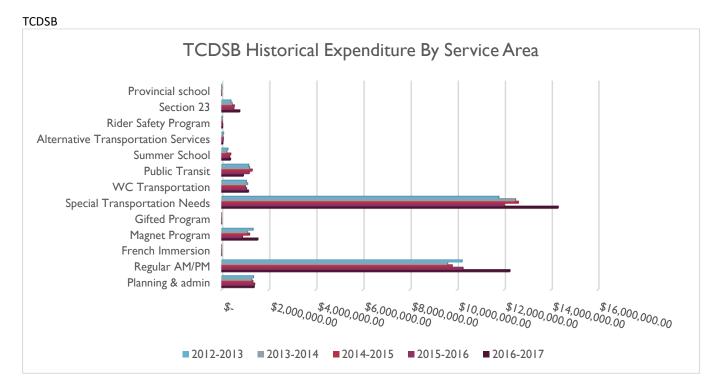


#### 2. Transportation Expenditure by Area

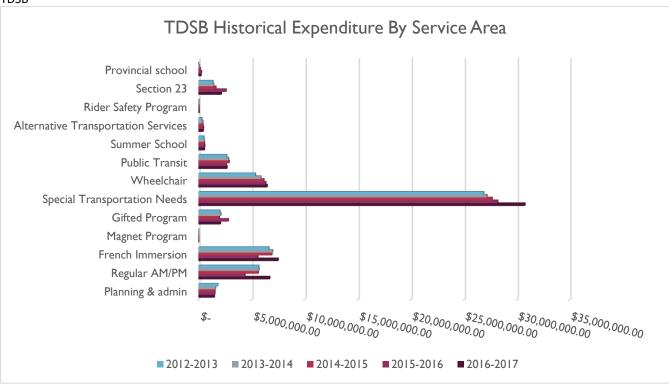




#### 3. Historical Summary of Transportation Expenditure 2012 - 2017







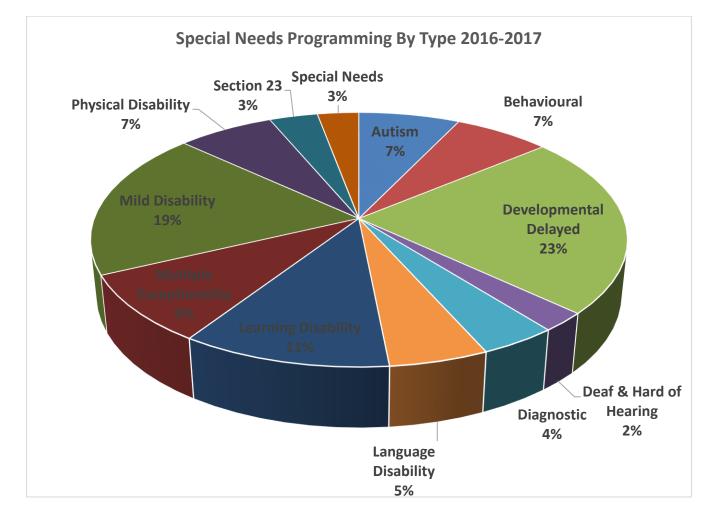


#### Programming

The TSTG services a large and dynamic student population within the City of Toronto. A majority of funding dollars is directed towards the student transportation services for students with special needs. Unique needs, geography, and modified program hours are just some of the factors impacting the delivery of transportation services for special needs students. French Immersion, Gifted, and specialized withdrawal programs also contribute to the complexity involved in transporting students.

#### **Special Education**

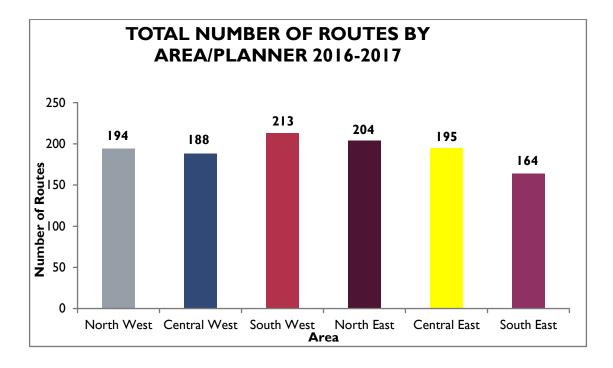
Transportation for special needs students has continued to grow from year to year. Given the geographic diverseness of this student population there is a significant expenditure required to ensure the safe and timely delivery of these students to their program locations. The following graph shows the percentage of students receiving transportation by program.



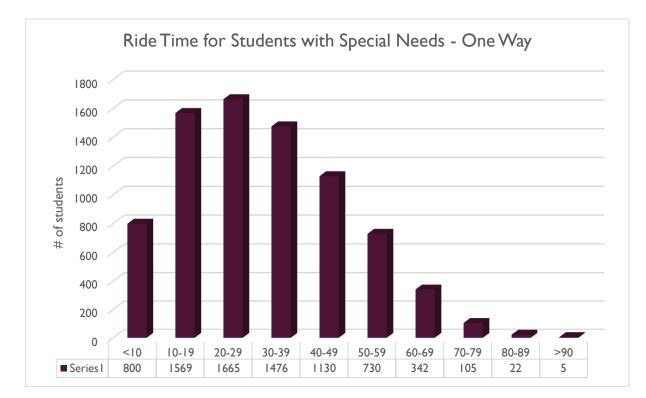
4. Transportation of special needs students by programming type



5. Breakdown of Sped routes by Area



#### 6. Ride times for Students with Special Needs



#### Transportation Transportation Group

#### **Operations**

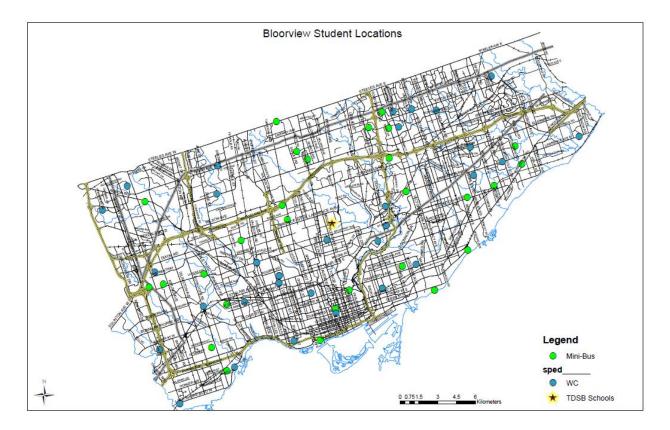
The transportation operations unit is responsible for the on-road delivery of transportation services. Staff facilitates the communication of planning changes, monitors school bus operations, evaluate operator qualifications and performance, and resolve operational problems. Operational staff uses a number of resources to help monitor the integrity of the transportation system and our performance.

#### **Level of Service**

As part of the Consortiums annual review of routes, statistics are collected that identify trends in terms of how well services are provided. The most direct information is from schools and parents through surveys but there are also indicators that can be used to better understand service levels.

7. GIS Mapping of student distribution

One of the challenges when creating school bus routes is the fact that some student populations are dispersed throughout the city. This leads to extended ride times for students and impacts the consortiums ability to maximize the use of the bus.

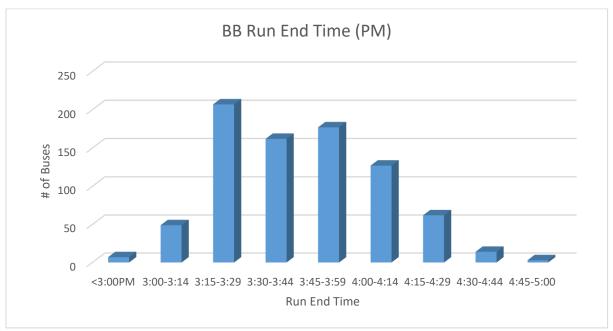




8. Service Level Indicators

For large capacity buses the routing methodology that provides the most cost effective solution given the geography and student density is the coupling of runs. This means that bus runs will service one school community and then proceed out again to service another school community. This maximizes the use of the bus while improving the level of service for students.

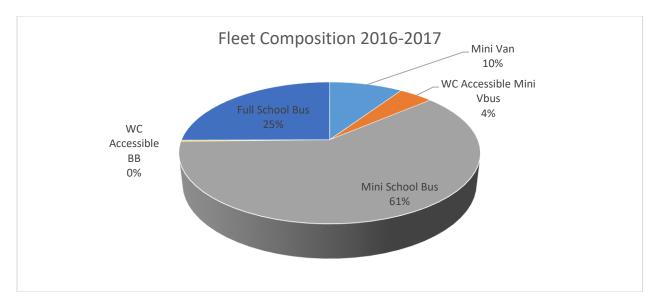


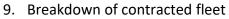


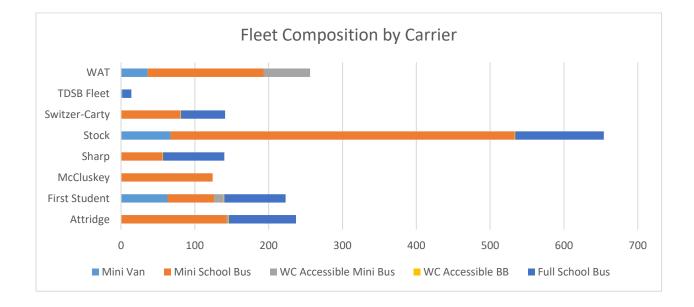


#### **Operators**

The Toronto Student Transportation Group secures transportation through a competitive procurement process. The 2016-2017 school year was the first year of a new contract with a term of six years plus two one-year options. The following chart highlights the number of Operators by division that are providing service for the TSTG.



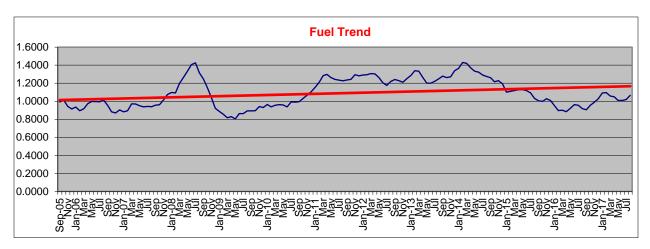




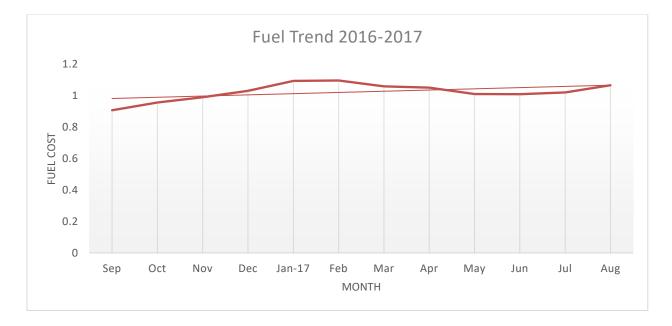


#### Fuel

One of the most volatile and unpredictable elements to funding transportation services is the costing for fuel. Both gas and diesel type vehicles using various engines with different fuel economy travelling varying distances generate different costs to be funded. Although the trend over the last 5 years has shown a slow and steady increase, the yearly variances have been dramatic. Specifically, the fuel prices from January of 2016 are trending higher after a steady decrease the previous two years. The following chart highlights the fuel costs over the years.



10. Fuel Trend over the last 16 years





#### **Operator KPI**

As a means to monitor school bus operator performance a key performance indicator package is submitted by the operators to the Consortium each week. The statistics provide an overview of how well operations are proceeding at each individual division. In cases like below where 'open coverage' is positive, the department is aware of operational deficiencies at the division and can take steps to address the situation.

1. Key Performance Indicators used to track Operator contract compliance and performance

Open Routes and Open Coverage provide us a snapshot view of our Operators ability to provide the service they have been contracted to provide. Although Open Routes refers to how many routes do not have a permanent driver the Operators are able to use spare drivers, as required by the contract, to cover off routes that are open due to driver illness or on a leave. Open Coverage is indicative of how well an Operator can provide services since it shows how many routes are run without a driver since the spare complement and driver book-off exceed the company's ability to cover the route. Anything positive in this area indicates a concern that the TSTG would need to address with the Operator. In these cases, some options include the removal of bus routes from an operator and/or additional financial penalties to ensure that service is provided as contracted or that the Boards receive remuneration for services that are not rendered.

Items highlighted in Orange and Blue indicated values that fell outside a standard deviation either above or below the average. Consortium staff use the information collected from the 'Key performance Indicators' to work with the carriers to address those concerns or where in a positive situation try to transfer the best practices to those carriers that may have struggled in these particular areas.

## Toronto Student Transportation Group, Annual Report (2016-2017)



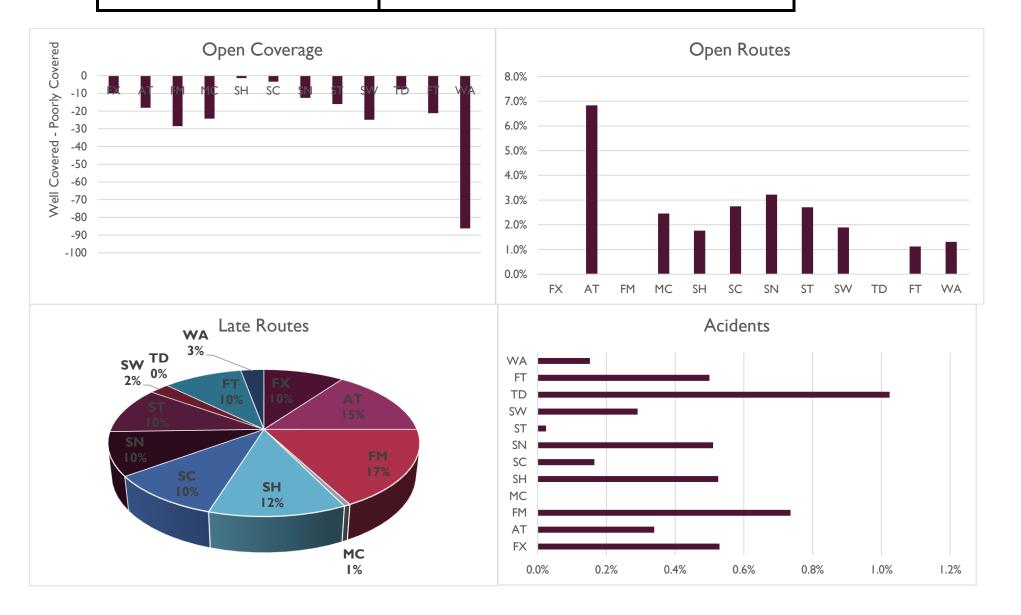
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Weekly Operator Status	FX	AT	FM	MC	SH	SC	SN	ST	SW	TD	FT	WA	Sys Ave
Total Number of Routes Servicing Toronto (AM/PM)	15	236	66	123	140	255	180	217	141	15	140	247	147.9
Total Number of Routes Servicing Toronto (Noon)	0	29	0	26	12	10	4	6	0	0	6	31	10.3
Grand Total Of Routes (Sum of two above)	15	265	65	149	152	265	184	223	141	15	146	278	158.1
Open Routes - Yellow	0.0	16.6	0	3.0	2.5	4.3	5.8	5.9	2.6	0.0	0.4	2.2	3.6
Open Routes - Wheelchair	0.0	0.0	0	0.0	0.0	2.7	0.0	0.0	0.0	0.0	1.2	0.8	0.4
Open Routes - Mini Van	0.0	0.0	0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.1	0.3	0.0
Open Routes - (please specify each individual route below)	0.0	16.1	0	3.0	2.5	7.0	5.8	5.9	2.7	0.0	1.6	3.2	4.0
Open Routes (percentage of AM/PM routes)	0.0%	<b>6.8%</b>	0.0%	2.5%	1.8%	2.7%	3.2%	2.7%	1.9%	0.0%	1.1%	1.3%	2.0%
Number of drivers in training this week	1.3	5.6	2.1	4.5	8.9	5.8	5.5	7.8	3.4	0.070	1.9	4.2	4.2
Number of additional licensed drivers this week	0.3	1.6	0.4	0.6	1.5	0.9	1.2	1.1	1.3	0	0.8	1.5	0.9
Number of drivers who have left company this week	0.0	1.1	0.4	0.0	0.7	0.6	1.6	1.0	0.5	0	0.8	1.4	0.7
Driver Turnover Accumulated	4	44	0.0	12	28	21	58	37	19	0	31	56	_ 0.7
Driver Turnover weekly (percentage of am/pm routes)	4 0.7%	0.5%	0.0%	0.3%	0.5%	0.2%	0.9%	0.4%	0.3%	0.0%	0.6%	0.6%	0.4%
Driver Turnover Accumulated Annual %	26.8%	18.7%	0.0%	9.7%	20.0%	8.2%	32.2%	17.1%	13.5%	0.0%	22.1%	22.7%	15.9%
Number of Collisions	0.1	0.8	0.5	0.0	0.7	0.2%	0.9	0.1	0.4	0.0%	0.7	0.4	0.4
Number of Collisions - Accumulated	2	30	19	0.0	28	18	34	2	16	3	26	15	0.4
Number of Collisions reported in TRACS	2	30 45	19	14	20 30	38	34 49	2 10	13	3	26 28	27	-
	∠ 0.5%	45 0.3%	0.7%	0.0%	0.5%	0.2%	49	0.02%	0.3%	3	28 0.5%	0.2%	0.4%
Collisions (as a percentage of am/pm routes) Number of 'Missing Students' Reported	0.5%	0.3%	0.0	0.0%	0.5%	0.2%	0.5%	0.02%	0.3%	0	0.5%	0.2%	0.4%
	0.0	2.0	13.4	0.0	12.4	0.0	0.0	0.0	5.6	0.1	0.0	0.0	2.9
Number of 'Returned Students' (no supervision at stop)	0.3	0.4	0.0	0.0	0.2	0.0	0.9	0.1	0.0	0.1	0.2	1.1	0.2
Number of 'Incidents' (other then bill157)								0.0		0	-	0.0	
Number of 'Bill 157 Incidents'	0.0	0.1	0.0	0.0	0.1	0.0	0.0		0.0	0	0.0		0.0
Number of Late Routes - Weather/traffic related	2.2	24.4	15.7	0.8	16.4	18.2	19.6	24.7	4.2		15.5	4.6	12.2
Number of Late Routes - Operational related	0.2	32.9	2.7	0.3	10.7	20.1	6.5	10.5	1.2	0	6.0	5.2	8.0
Number of Late Routes - Planning related	0.0	0.1	0.0	0.0	0.0	3.5	1.7	1.1	0.2	0	0.7	1.7	0.7
Number of Late Routes - School related	0.2	4.5	5.5	0.0	5.7	4.2	4.1	1.3	1.4	0	2.8	0.6	2.5
Late Routes (as a percentage of am/pm routes)	16.0%	24.3%	27.8%	0.9%	19.4%	16.4%	15.4%	16.8%	3.9%	0.0%	15.8%	4.6%	13.4%
Number of Breakdowns	0.5	3.8	2.0	0.1	1.6	8.0	4.2	6.9	0.3	0	5.2	0.8	2.8
Number of Breakdowns - Accumulated	18	142	78	2	61	312	161	261	11	0	181	31	
Number of Breakdowns (percentage of am/pm routes)	3.2%	1.6%	3.0%	0.1%	1.1%	3.1%	2.4%	3.2%	0.2%	0.0%	3.7%	0.3%	1.8%
Number of spare drivers	2.0	4.9	4.0	8.0	4.4	10.6	12.0	11.0	4.4	2.7	10.3	17.6	7.6
Number of routes covered by taxi/subcontract	0.0	16.2	0.0	0.0	1.3	0.4	0.0	0.0	3.7	0	0.0	4.3	2.2
Number of other available drivers (only days when spare < routes)	0.0	3.3	15.6	0.0	0.0	10.2	0.0	16.4	5.0	0	2.0	0.7	4.4
Number of Split Routes Am	0.0	17.1	0.0	0.1	1.1	19.8	9.3	15.2	2.2	0	0.5	2.8	5.7
Number of Split Routes Pm	0.0	15.5	0.0	0.1	2.2	23.9	8.0	17.2	3.0	0	0.3	2.8	6.1
Total Number of Split Routes	0.0	32.4	0.0	0.1	3.3	43.7	17.3	32.3	5.2	0	0.8	5.5	11.7
Number of charters performed with school route buses	0.0	0.4	69.2	0.0	11.5	0.3	0.2	0.0	77.8	55.4	5.7	3.0	18.6
Number of spare vehicles	2.0	13.1	15.0	15.0	21.4	27.9	15.6	21.0	23.3	4.3	16.0	13.9	15.7
Number of book offs (last week total) AM	0.0	9.2	5.1	0.9	13.3	23.7	20.6	25.2	7.2	5.3	24.7	7.9	11.9
Number of book offs (last week total) Noon	0.0	1.1	0.0	0.1	0.5	0.1	0.7	0.2	0.0	0	0.6	2.3	0.5
Number of book offs (last week total) PM	0.0	9.9	7.1	0.6	15.0	26.4	18.5	26.0	7.3	5.45	24.3	8.0	12.4
Book Offs as a % of total routes	0.0%	1.0%	2.7%	0.1%	2.7%	2.6%	2.6%	3.0%	1.3%	9.3%	4.3%	0.8%	2.5%
Percentage of Spares (5% contract minimum)	13.4%	2.1%	6.0%	6.5%	3.2%	4.1%	6.7%	5.1%	3.1%	18.1%	7.3%	7.1%	<b>6.9%</b>
Open Coverage	-10	-18.1	-28.6	-24.3	-1.5	-3.5	-12.6	-16.1	-24.9	-7.8	-21.2	-86.25	-21.2
1 standard deviation above average													
1 standard deviation below the average				Doo	e 39 o	f 68							

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#### TSTG KPI

In order to address the performance of the Toronto Student Transportation Group a number of key performance indicators have also been identified as a means to track how well the organization is doing. Over time a historical trend can be identified that will show areas of strength and weakness. Of the data below the capacity utilization of 90% is significant considering a majority of the transportation provided in Toronto is for special needs students who typically have longer trips and lower loads.

Number of Changes: Of significant impact to the level of service that the TSTG offers its Board members is the number of changes received in late August and into September. Looking at the data below you can see that over 4500 changes are processed in Transportation during the month of September alone. This equates to 9% of all students being impacted during the start up. Consistency is the backbone to better levels of service and it is difficult to deliver this service when the system is in such a state of flux during this time period. By prohibiting the addition of new students to routes or changes to planned routes for the first two week of school and establishing a weekly change schedule that would increase stability for students and drivers along with providing better service for all involved. Accurate and timely delivery of student data is paramount to building good transportation routes that are more resilient to change and providing minimal impacts to our student population.

Web Site Visits: Communication is one of the key tools to ensure our stakeholders have accurate and timely information. The introduction of the delay portal saw access numbers to the web site reach over 20,000 hits in September alone. Spikes in accessing data in January indicate that families are looking for updates to transportation status, especially during the cold and stormy weather to confirm if buses were cancelled or not. Of primary concern is to ensure that our Operators have the necessary tools and means to minimize school bus delays and as a secondary measure to ensure that we have the communication tools available to notify our communities when those delays are unavoidable.



TSTG Status	September	November	January	March	May	Average	
Total Number of Routes Servicing Toronto (AM/PM)[72]	452	452	454	454	454	453	
Total Number of Routes Servicing Toronto (AM/PM)[18]	1058	1089 1089		1089	1090	1085	
Total Number of Routes Servicing Toronto (AM/PM)[5]	79	79	78	78	77	78	
Total Number of Routes Servicing Toronto (AM/PM)[4]	168	168	168	168	168	168	
Total Number of Routes Servicing Toronto (Noon)	132	156	155	155	155	152	
Grand Total Of Routes (AM/PM TOTAL ONLY)	1757	1788	1789	1789	1789	1784	
Monthly Change (# of routes)	-0.1%	0.0%	0.1%	0.0%	0.0%	0.00	
Number of students transported (bus)	47949	49792	49627	49532	49199	49371	
Number of students transported (TTC)	3836	6180	5655	5655 6893		6306	
Number of students transported (Taxi)	69	83	98	101	102	93	
Number of students transported (All)	51854	56055	55380	56526	56564	55769	
Student per vehicle	27.3	27.8	27.7	27.7	27.5	28	
Number of Changes	4574	3020	2202	1806	1531	2349	
Total Kilometres	67533	70487	70951	71940	71639	70824	
Available Capacity	52655	53213	53352	53352	53365	53223	
Capacity Utilization	91.1%	93.6%	93%	93%	92%	93%	
Tot Cost/month (not incl utiliz, taxi, ttc )	\$7,826,119.38	\$8,795,810.52	\$6,706,882.24	\$7,545,242.52	\$9,222,527.16	\$7,816,894.15	
Tot Cost/Day	\$ 411,901.02	\$ 418,848.12	\$ 419,180.14	\$ 419,180.14	\$ 419,205.78	\$ 418,048.12	
Monthly Variant	0.00%	0.00%	0.08%	0.00%	0.01%	0.10%	
Cost per Student/month	\$ 163.22	\$ 176.65	\$ 135.15	\$ 152.33	\$ 187.45	\$ 158.38	
Cost per Bus/month	\$ 4,454.25	\$ 4,919.36	\$ 3,748.96	\$ 4,217.58	\$ 5,155.13	\$ 4,381.79	
Cost per Kilometre/month	\$ 115.89	\$ 124.79	\$ 94.53	\$ 104.88	\$ 128.74	\$ 110.43	
Average run length (km)	15.7	16	16.2	16.3	16.5	16	
Average run time (min)	51.27	52.8	53.5	53.9	54.4	53	
Average # stops	8.9	9.1	9.2	9.2	9.2	9	
Web Visits [Google Analytics](Total Visits/Sessions)	29645	9285	15658	6642	6642	13828	

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Phone Call Answer Rate	54%	81%	72%	88%	90%	80%



#### **Transportation Planning**

The transportation-planning unit is responsible for the design and maintenance of the school bus routes. As a means to create an effective and efficient transportation system staff utilize GIS based technology to schedule and move students and buses throughout the City of Toronto. The strategic stratification of bell times in conjunction with the optimization of bus runs lays the foundation to increase the level of service provided to our families while minimizing costs.

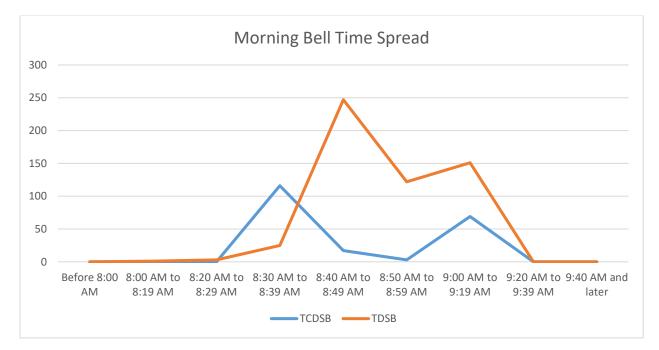
#### **Bell Times**

One of the core planning attributes to creating a successful transportation system is the ability to manage and stagger school bell times. The staggering of bell times allows for the coupling of bus runs thereby reducing the number of buses required. The TSTG has input on school bell times, however, the ultimate decision rests with the school/senior management team. A snapshot of bell times highlighted below shows the current am staggering of buses throughout the city. Clearly, strategic staggering of bell times would offer further savings to the Schools Boards as the current times are closely clustered together.

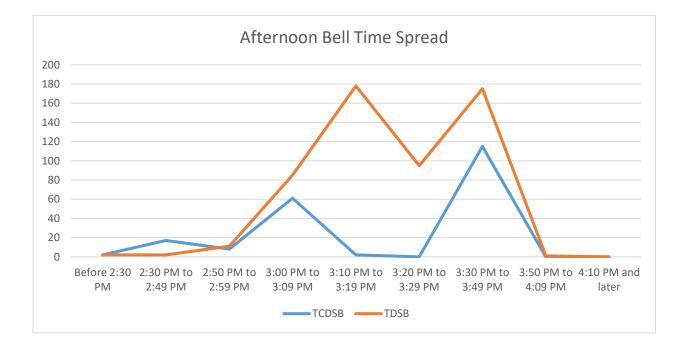
Morning Bell Time				After Noon Bell Time			
AM Range	TCDSB	TDSB	Total	PM Range	TCDSB	TDSB	Total
Before 8:00 AM	0	0	0	Before 2:30 PM	2	2	4
8:00 AM to 8:19 AM	0	1	1	2:30 PM to 2:49 PM	17	2	19
8:20 AM to 8:29 AM	0	3	3	2:50 PM to 2:59 PM	8	11	19
8:30 AM to 8:39 AM	116	25	141	3:00 PM to 3:09 PM	61	85	146
8:40 AM to 8:49 AM	17	247	264	3:10 PM to 3:19 PM	2	178	180
8:50 AM to 8:59 AM	3	122	125	3:20 PM to 3:29 PM	0	95	95
9:00 AM to 9:19 AM	69	151	220	3:30 PM to 3:49 PM	115	175	290
9:20 AM to 9:39 AM	0	0	0	3:50 PM to 4:09 PM	0	1	1
9:40 AM and later	0	0	0	4:10 PM and later	0	0	0
Total # of Schools	205	549	754	Total # of Schools	205	549	754

2. Bell time stratification for Toronto schools





#### 3. Bell Time Distribution



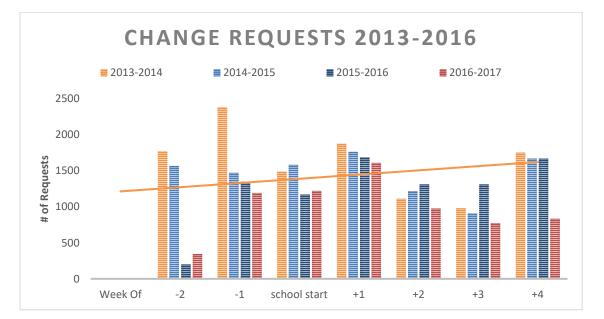
Toronto Student Transportation Group, Annual Report (2016-2017)



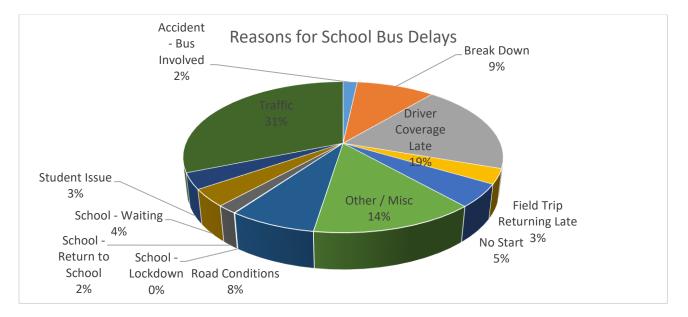
#### **Change Summary**

Student transportation services will process over 1000 requests each week during September start-up. Tracking the volume of changes allows staff the opportunity ensures that resources are in place to maintain a consistent level of service. New in 2016-2017 was the introduction of the delay portal, which identified school bus delays and a means for families and schools to have better communication around school bus delays.

#### 4. Historical Summary of transportation change requests 2013 – 2016



#### 5. Delay Portal





#### Safety

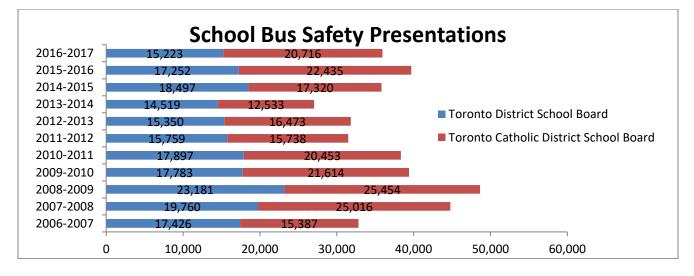
One of the primary conditions for the transportation of students is that they are provided a safe trip to and from school. A dedicated safety officer oversees the deployment of various school bus safety programs, ensures schools and bus operators are following proper school bus safety practices, and audits runs and routes to ensure drivers have the proper qualifications and are following routes as planned.

#### School Bus Safety Program

The Toronto Student Transportation Group provides a number of transportation safety programs in order to educate our students, families and the general motoring public. The inschool program has been in place since 1993 and services approximately 20,000 students each year. The number of students participating in the program over the last several years is highlighted below.



6. School bus safety program historical summary

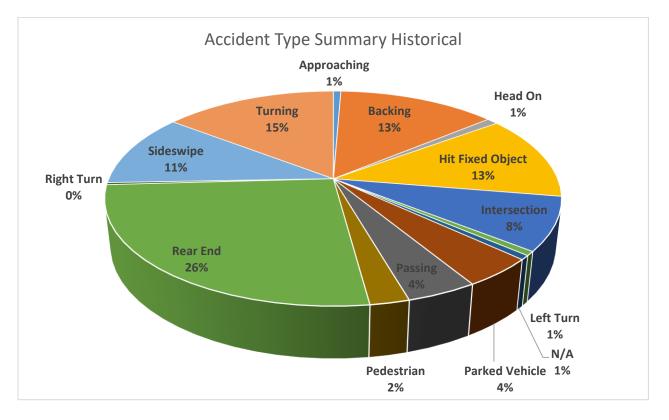




#### **Accident Statistics**

School bus accident statistics provide an insight into the type of accidents taking place on the road along with the conditions from which these accidents take place. The reduction of accidents and improving the safety of students in and around the school bus can be achieved through the review of accident statistics.

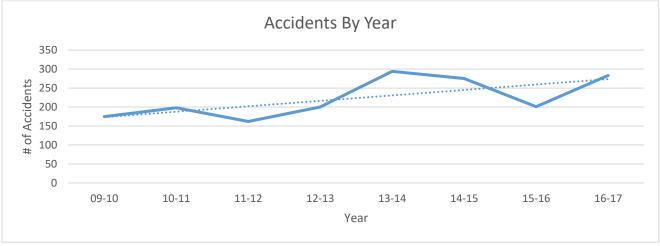
• Based on data highlighted below the trend for school bus accidents is on the rise; however, over the last three years it is in decline. The majority of accidents can be attributed to 'rear ends' and 'sideswiping' based on conditions reported in 16-17. Although school bus carriers cannot control non-preventable accidents, training can be tailored to address the factors contributing to preventable accidents.



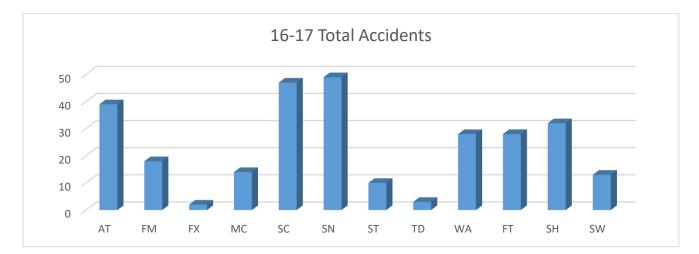
7. Conditions impacting school bus accidents

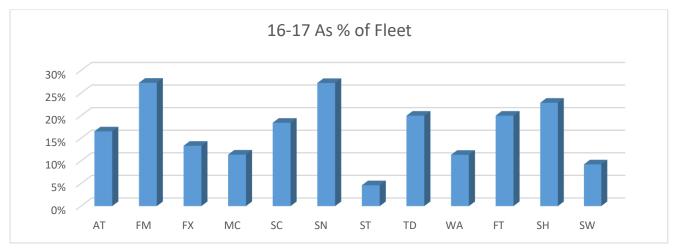


#### 8. Year over year summary of accident statistics



#### 9. Accident Statistics by division



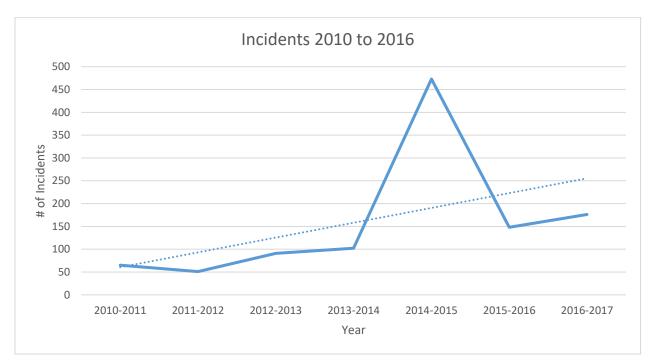




#### Incidents

In terms of dealing with behavioural or other small incidents on the school bus, a 'pink slip' system is used to communicate these issues to the school Principal so that they can be addressed. If a student continues to misbehave on the bus and they receive multiple pink slips the school Principal may remove the student from transportation for a defined period of time.

When something happens on the bus that is not considered a minor incident then the bus company will document the issue as an incident. This may include a number of issues including violence, vandalism, or some other act that needs immediate attention. Incidents on the school bus are trending higher as per the graph below and one of the reasons why recruitment of school bus drivers is becoming increasingly harder. Data in the 2014-2015 school year as reported by two carriers has created an anomaly within the dataset. It is likely that all incidents regardless of severity were reported in that year by these two carriers.





## PROCUREMENT AND VENDOR PROCESSES AT TORONTO CATHOLIC DISTRICT SCHOOL BOARD

"And we know that for those who love God all things work together for good, for those who are called according to his purpose"

Romans 8:28

Creat	t <b>ed,</b>	Draft
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April 10, 2018

First Tabling April 24, 2018

M. Farrell, Coordinator, Materials Management P. De Cock, Comptroller Business Services

#### **INFORMATION REPORT**

#### Vision:

At Toronto Catholic we transform the world through witness, faith, innovation and action.

#### Mission:

The Toronto Catholic District School Board is an inclusive learning community uniting home, parish and school and rooted in the love of Christ.

We educate students to grow in grace and knowledge to lead lives of faith, hope and charity.



Rory McGuckin Director of Education

**Review** 

D. Koenig Associate Director of Academic Affairs

M. Puccetti Acting Associate Director of Planning and Facilities

L. Noronha Executive Superintendent of Business Services and Chief Financial Officer

## A. EXECUTIVE SUMMARY

*This report outlines the procurement practices of the Toronto Catholic District School Board*. The Board's procurement practices promote an open, competitive and fair process. This process intends to be transparent, generate competition in the marketplace and obtain the best value for money.

*There are two formal procurement methods for acquisition*, the Request for Proposal (RFP) and the Invitation to Tender.

An RFP typically seeks a vendor to provide the best solution to a set of requirements where specifications, the manner or method of supply have yet to be determined. There is generally the ability to analyze the proposal in order to define a scope of work, deliverables, effort and costs. Proposals are scored and evaluated based upon published and fully disclosed criteria. The decision to award is based on the overall highest scoring proponent.

*Tendering is used when a project or service requirement is clearly defined has detailed specifications and the methodology is prescribed.* Tendering involves rules, obligations and legal considerations that both the Board and the bidder must observe. A compliant bid response creates a process contract with each bidder until the evaluation is complete and an award is made. The award is to low bidder meeting specifications; however, it is also possible to require further additional evaluation criteria.

*Prequalification reduces performance and legal risks in the bid process.* Prequalification is used for projects, which are highly complex, technical, or high value construction projects. Prequalification significantly reduces both performance and legal risks in the bid process. Only those firms who have pre-qualified in advance would be eligible to bid.

*Vendor/Contractors can be removed from the prequalified list.* A vendor/contractor can be removed from the prequalified list for performance failures, contract default or legal issues; and such disqualified vendors would have to reapply to be activated as a vendor. In the event of a legal dispute, litigation or loss of prequalification status, a vendor /contractor would be deleted and blocked on the financial system.

*A new procedural section regarding vendor suspension or removal is required.* After reviewing practices from other public entities, there are a number of additional

situations, which should be included in the Board's procedures in order to update and strengthen current practices. A new section for Vendor Suspension or Removal will be incorporated in the Purchasing Procedures Manual.

## The cumulative staff time required to prepare this report was 12 hours.

## **B. PURPOSE**

This report responds to a request from the Audit Committee during the meeting held on June 6<sup>th</sup> 2017, for information with respect to the Tendering and Request for Proposal process and the circumstances for delisting vendors.

## C. BACKGROUND

The Toronto Catholic District School Board utilizes public procurement practices to promote an open, competitive and fair process. This process is intended to be transparent, to generate competition in the marketplace and to obtain the best value for money. The two formal procurement methods for acquisition are the Request for Proposal (RFP) and the Invitation to Tender.

The TCDSB is funded through provincial grants, and as a public entity and part of the Broader Public Sector (BPS), the Board is required to follow the mandatory requirements of the BPS Procurement Directive. In addition, there are provincial trade agreements and the new Comprehensive and Economic Trade Agreement (CETA), which must be considered when posting open procurements above a certain dollar threshold. The Procurement Directive has remained consistent with the provincial agreements aligned with the CETA, which is currently in the process of implementation. The agreements are listed below:

**The Broader Public Sector Procurement Directive** provides specific mandatory requirements to be followed in terms of procurement policy and practice. The directive connects compliance to Board funding. Thresholds: goods and services **\$100,000**; construction **\$250,000** 

The Canadian Free Trade Agreement (CFTA) came into effect as of July 1st, 2017. It is an interprovincial trade agreement, which replaced the Agreement on Internal Trade (AIT). CFTA promotes open procurement practices among public sector organizations. Thresholds: goods and services **\$100,000**; construction **\$250,000** 

**The Ontario-Quebec Trade and Cooperation Agreement (OQTCA)** A bilateral trade agreement between Ontario and Quebec intended to promote labour mobility, trade and investment. Recently revised to align with the CFTA. Thresholds: goods/services **\$100,000**; construction **\$100,000** 

<u>Comprehensive and Economic and Trade Agreement (CETA)</u> CETA is a free trade agreement between Canada, the European Union and its Member States. Thresholds: goods/services **\$340,600**; construction **\$8,500,000** 

## 1. <u>Public Sector Procurement</u>

*Public tendering involves rules, obligations and legal considerations that both the Board and the bidder must observe.* There are obligations that include a duty of fairness to treat all bidders in the same manner and to allow transparency through evaluations based on objective and fully disclosed criteria. There can be no undisclosed criteria, conditions or preferences.

A compliant bid response creates a bid process contract known as "Contract A" with each bidder. In a "Contract A", the issuer agrees to evaluate all compliant bids fairly while the bidders agree to perform the work at a specific price under the terms and conditions specified in the tender. In a tender situation, an award is generally based on the low compliant bid meeting specifications. If this is not done, this could be considered a breach of "Contract A" obligations and subject to litigation and damages.

The acceptance of an award results in the formation of a second contract ("Contract B") which is between the board and a successful bidder. This contract set out the terms and conditions between the contracting parties. Once signed, all of the other existing "Contract A"s with the other bidders will be dissolved, and the procurement is complete. The successful bidder has an obligation to accept the contract award. A bidder who refuses to accept the award and enter into a contract would be liable to the Board for costs the Board might incur in awarding to the next lowest bidder. The bidder would also be subject to removal from the Board's vendor list.

### 2. **Private Sector Procurement**

*Private Sector entities are not required to use competitive bidding and can typically utilize single sourcing or an invitational public bidding process.* Private sector entities can also choose to exclude a vendor from participating in a procurement process for their own business reasons. Responses are negotiable and awards can be based on subjective criteria or preferences. These types of awards are not subject to challenge or legal review, however, if a private sector firm engages in a public tender process, which results in the creation of a bid "Contract A", then the private entity would be subject to the same requirements as a public entity.

## D. EVIDENCE/RESEARCH/ANALYSIS

### 1. **Procurement Methods at TCDSB**

### a. Invitation to Tender

The Board utilizes Public Tendering to promote a clearly defined process which is fair, transparent, generates competition in the marketplace and to obtain the best value for money. Tendering is used when a project or service requirement is clearly defined has detailed specifications and the methodology is prescribed. Tendering by Materials Management for most goods and services is through an open bid process posted on an electronic tendering system. Typically, there is a defined product or specification and additional criteria is included to determine a vendor's qualification and ability to provide the goods or services.

Tendering in the Facilities area is based on a set of detailed specifications and is issued by invitation only to prequalified contractors. Award is to low bid meeting specifications; however, it is also possible to require further additional criteria such as construction management plans, qualifications of site and office personnel, qualifications and similar project experience of subcontractors, preliminary schedules, project complexity and delay mitigation strategies, etc. This allows for further evaluation of bidders and is more specific than the standard contractor prequalification process. This approach helps to manage risk for complex projects which require superior project and schedule management skills while maintaining a fair and transparent bidding process and ensuring the Board receives the best value for money.

## b. <u>Request for Proposal</u>

An RFP is often used when there may be is a need but no defined set of specifications or scope of work. A RFP typically seeks a vendor to provide the best solution to a set of requirements where specifications, the manner or method of supply have yet to be determined. In this process, there is generally the ability to analyze various aspects of the proposal in order to define a scope of work, determine the deliverables, determine the degree of effort and establish costs associated with a final solution.

The duties of fairness, good faith and properly disclosed evaluation criteria are required. The RFP is evaluated based on the weighted criteria published as part of the RFP document and each component of the criteria is assigned a set of points. The criteria allows for consideration of factors such as features, products, experience, capability and services being offered. Each component is scored. Price is general assigned the highest value however, it must be weighted appropriately relative to other important criteria so as not to distort the overall score. The decision to award is based on the overall highest scoring proponent.

**Recent legal challenges and litigation question "Contract A" status of RFPs.** The RFP format is more useful for defining a requirement and has been considered to not have "Contract A" obligations. Recent legal decisions however, have found that if an RFP has certain characteristics common to a tender, e.g. irrevocability, submission deadline, bid or bonding requirements, then for all intents and purposes, the RFP has the same binding effect as a tender and "Contract A" situation exists. To address this issue, many public sector organizations are adopting the negotiable RFP. This type of RFP format is considered non-binding and explicitly disclaims any "Contract A" obligations. There is no contractual relationship until reaching an agreement. This approach allows for flexibility and negotiation but has not yet been fully tested in terms of legal challenge or litigation. Utilization of this approach remains selective.

## c. <u>Request for Quotation</u>

A Request for Quotation (RFQ) is used for lower value procurements where the good or service is known or clearly specified. An RFQ is a simplified acquisition process which can be open or invitational, can have simpler terms and conditions and short turn around times. Price is generally the most important factor in determining the award.

## d. <u>Vendor Prequalification</u>

*Prequalification is a non-binding step in the procurement process.* It does not create any form of contractual agreement or commitment between the Board and any vendor/contractor. Prequalification is used for projects, which are highly complex, technical, or high value construction projects. A prequalification contains mandatory requirements; however, specific requirements are subject to change and often depend on the nature of the project. Prequalification is designed to identify vendor/contractors who have the necessary resources, experience, ability and skills to undertake specific types of work.

*Prequalification significantly reduces both performance and legal risk in the bid process.* Only those firms who have pre-qualified in advance would be eligible to bid. This helps to speed up evaluation process since the only bids from a prequalified vendor /contractor will be accepted and evaluated.

Requiring prequalification in advance of tendering also avoids the issue of rejection of an open bid where the low bidder is judged by the Board to be not capable or qualified to perform the work. This can result in a bid dispute, the delay of a project and a legal challenge or litigation.

A vendor/contractor can be removed from the prequalified list for performance failures, contract default or legal issues. A vendor/contractor would not be permitted to bid for a specific period and would have to reapply for a new prequalification. In the event of a legal dispute or litigation, removal from the vendor list subject to consideration of other projects still in progress.

The TCDSB issues tenders for Capital and Renewal projects only to prequalified general contractors. Prequalification is a best practice to ensure that the quality and skills of the contractor align with the complexity and management requirements of the projects.

## 2. **Prequalification Process at TCDSB**

A prequalification process is conducted in an open and transparent manner and will be issued similar to tenders /proposals, will be publicly advertised by way of an electronic tendering network and advertised in other media as appropriate. This is in conformance with the requirements of the BPS Procurement Directive, as outlined in the Purchasing Procedures Manual.

# TCDSB has an established prequalification evaluation matrix which scores a vendor /contractor for the following:

- a) Evidence of sufficient experience and financial resources to satisfy the contract requirements
- b) Indications that the supplier can perform the contract promptly and within the time specified
- c) The quality of performance of previous contracts with the Board and others
- d) Quality, availability and adaptability of the goods/ services to the particular use required.

# For prequalification to bid on Facilities projects, contractors must submit additional documentation as follows:

- a) Completed CCDC 11-1996
- b) Résumé of management to be assigned to project
- c) Commitment to dedicating a working superintendent/foreman for all phases of work
- d) Proof of Bonding Capacity Letter from a nationally recognized Surety Company stating total bonding limit, current bonding committed; 50% Performance Bond and 50% Labour and Material Payment Bond
- e) Proponent shall indicate if there is any pending litigation involving the pre-qualifying firm
- f) Detailed description of the Contractor's Health and Safety Policy and written confirmation that all Health and Safety policies will be followed
- g) Current Certificate of Insurance
- h) Letter of Authorization to Obtain Financial Information and Perform Reference Checks
- i) WSIB Submission of Cost and Frequency and Forms CAD7 letter as issued by WSIB
- j) References References from a minimum of three clients or consultants including telephone and fax numbers in addition to those cited in CCDC 11 for similar type of work.

**Prequalification submissions are evaluated and a score is assigned for each vendor/contractor.** The overall attained score determines success; however, failure to meet a mandatory requirement will result in automatic disqualification. An approved list or roster is then established and those on the list will be invited to bid as specific projects go to tender. Since there is no contractual relationship established through prequalification, the Board has the discretion to update existing prequalifications, add vendor /contractors or require additional evaluation criteria at the time of issuing a tender.

Within the prequalification process, the Board's Purchasing Procedures reserves the right to accept, reject or limit a vendor for prequalification based on established criteria. The suspension or removal of prequalification status prevents a vendor/contractor participation in an Invitation to Tender and the bid process.

# The Board also reserves the right to remove vendors from the lists of interested or prequalified bidders due but not limited to:

- a) Failure or refusal to respond to questions or other information as may be required.
- b) Failure or refusal to respond to three consecutive bids for commodities of a class furnished.
- c) Failure or refusal to respond to an inquiry as to their continued interest.
- d) Receipt of a written request to be removed from the prequalified list.
- e) Change in qualifications to the extent that the vendor no longer meets the minimum requirements.
- f) Failure to successfully perform under a previous purchase order or contract.
- g) Involvement in dispute or litigation with the Board over the previous five-year period.

## 3. Vendor/Contractor Evaluation

# *The Board has developed a vendor/contractor on-line evaluation process*. This process assesses and records the performance of prequalified contractors

upon project completion of projects in the various capital/renewal/maintenance/operational services within the Facilities Department.

The intent of this process is to develop and maintain a high standard of service and performance from contractors engaged by the Board. The assigned project supervisor at contract completion would undertake the performance evaluation and the evaluation must be positive to maintain a vendor's pre-qualification status. In addition, the process is open to contractor discussion and feedback with respect to the evaluation.

### 4. Facility Evaluations Management Committee (FEMC)

As part of the contractor evaluation process, a Facility Evaluations Management Committee (FEMC) has also been be implemented whose primary role is to review contractor prequalification status, post-contract evaluations and current contract performance issues. The Committee members are: the Senior Coordinators of Capital, Renewal/Maintenance, Operations; the Senior Coordinator of Finance; the Senior Manager of Business Services; the Coordinator of Materials Management and; the Supervisor of Contract Administration. The current process used to address vendor performance issues is outlined in the attached Appendix A.

### 5. <u>Vendor/Contractor Default</u>

It is the Board's expectation that the vendor/contractor's performance conforms to the requirements of the contract administration and accountability. The Board's Purchasing Procedures Manual outlines process for vendor default suspension and litigation:

- 1. Where a bidder/vendor fails to enter into or complete a contract awarded by the Board, the circumstances of the default shall be reported to the appropriate authority level. The report will recommend a course of action.
- 2. Where a vendor who has defaulted on a previously awarded Board contract is being considered for award of a contract, the report recommending the contract shall describe the circumstances of the previous default and will recommend a course of action.
- 3. Where a vendor has defaulted on a previous contract, and subsequently, awarded a contract, the contractor will provide the Board with a performance bond, if requested.

- 4. A vendor who fails to enter into or complete a contract awarded by the Board will be removed from the Board's vendor list for a minimum period of three years and will not be permitted to participate in any tenders, proposals or quotation until successfully reinstated.
- 5. The Board reserves the right to exclude a vendor from participating in the tender process if the vendor is involved in a dispute or litigation with the Board.

*This section remains relevant, however, requires an update.* After reviewing practices from other public entities, there are a number of additional situations, which should be included in the Board's procedures in order to update and strengthen the current practices. These practices would be applicable to any vendor/contractors whether they are prequalified or not. A new section called Vendor Suspension or Removal will be included in the Purchasing Procedures Manual.

#### 6. Vendor Suspension or Removal

### The Board's right to remove or suspend a vendor/contractor shall include, but not be limited to, the following:

- 1. Failure or refusal to respond to three consecutive bids for commodities requested
- 2. Evidence of false or misleading information included in a bid or proposal submission
- 3. Evidence of collusion with others other vendors or prospective vendors to restrain competitive bidding
- 4. Failure to keep the offer firm for the period of time stated on the bid or quotation.
- 5. Failure to accept or complete the contract award
- 6. Failure to provide a performance/payment bond when required by the bid documents following the award of a contract.
- 7. Failure to complete a service/project in the time specified by the contract or purchase order.
- 8. Failure to conform to contract specifications or delivery requirements
- 9. Failure to make applicable adjustments or replacement of damaged goods.

- 10.Failure to honour warranties and guarantees on products or services delivered.
- 11.Persistent delivery of goods/services that do not comply with the contract specifications.
- 12.Persistent and documented poor performance or default on previous contracts
- 13.Failure to maintain prequalified status in good standing
- 14.Use on a sub contract basis of a suspended vendor/contractor
- 15.Any violation of applicable laws of the Province or the Federal Government relating to procurement or the goods and/or services provided by the vendor.
- 16.Assignment in Bankruptcy or other evidence of insolvency of the bidder/proponent
- 17.Involvement in dispute or litigation with the Board over the previous fiveyear period.

The process for Vendor/Contractor suspension and/or removal will be revised and updated and is outlined in attached Appendix B.

## **E.** CONCLUDING STATEMENT

This report is for the consideration of the Audit Committee

# Appendix A

## Current Process for Vendor/Contractor Suspension/Removal

Vendors/Contractors, who fail to meet their prequalification requirements or contractual obligations or have demonstrated poor performance will be addressed as follows:

## <u>Step 1</u>

- Notification of deficient performance made as soon as practicable
- Letter outlining specific issues and required rectification date
- Advised that prequalified status subject to suspension/cancellation

## <u>Step 2</u>

- Contractor response received outlining position
- Meet with vendor/contractor and appropriate Board staff
- Performance issues discussed and an opportunity to correct may be offered
- Lack of response results in revocation of prequalification status
- Contract breach may be referred to legal counsel for resolution

## <u>Step 3</u>

- Ongoing/unresolved performance issues referred to FEMC
- FEMC will review the issue and meet with vendor/contractor
- FEMC may set conditions to maintain prequalification or may proceed with suspension of prequalification status
- Any suspension will be for a specific period
- Suspension will be communicated in writing and include full details as to the reason and the length of the suspension
- Suspension involves removal from both the prequalification and vendor lists and blocked from use on the financial system

## <u>Step 4</u>

- Final appeal if necessary would be to Director's Council (comprised of the Director, Associate Directors and Executive Supervisory Officers)
- Vendors may seek to requalify at the conclusion of suspension
- Reinstatement will subject to new a successful prequalification

# Appendix B

## **Revised Process for Vendor/Contractor Suspension/Removal**

## <u>Step 1</u>

- Notification to vendor made as soon as practicable
- Notification should outline issues and required rectification date
- Advise vendor that status subject to suspension/removal
- Require vendor/contractor response within 5 business days
- Lack of response results in automatic suspension/removal

## <u>Step 2</u>

- Schedule internal meeting with departmental and procurement staff
- Conduct risk assessment to determine impact of vendor/contractor performance on Board operations
- Determine course of action with respect to a warning or suspension
- Meet with vendor to review specific performance issues
- Provide an opportunity for explanation or mitigating circumstances
- Review any offer by vendor to rectify performance

## <u>Step 3</u>

- Review may determine to either impose or withhold suspension
- A suspension should be communicated in writing and include full details as to the reason and the length of the suspension
- Any ensuing suspension will be a minimum 2 year period
- Vendor may be appeal in writing within 5 business days
- Unresolved contract issues may be referred to legal for resolution
- Vendor delisted and blocked from use on the financial system
- Final appeal if necessary would be to Director's Council

## <u>Step 4</u>

- At the end of the suspension period, a vendor may reapply for reinstatement
- Vendor must indicate how the conditions relating to original suspension have been corrected and no longer present a risk for the Board
- Failure to correct these conditions may result in additional period of suspension
- A vendor involved in a dispute or litigation with the Board will be excluded

from the prequalification and/or tender process

• Reinstatement and prequalification will be at the Board's discretion

# Audit Committee Meeting 2018 Annual Agenda / Check List

	Jan	Apr	Jun	Sep	Nov
Risk Management					
Resourcing (Mix, Skillset, Quantity)	D				
Reputational Risk	D				
Management Structure Issues		D			
CFO Role		D			
Budget (2018/2019)					
Financial Reporting Process					
MOE Financial Reports					
Consolidated Financial Statements					
Internal Audit					
Open Audit Status (% complete, support received)	D				
Risk Review Summary on Audit Completion	D				
Future Audit Plan (2 years)					
Internal Controls					
Ministry Operational Review					
Internal Audit recommendations	D				
Compliance Matters					
Legal		D			
MOE					
Union					
Board Policy Compliance					
External Audit					
Review External Auditors		D			
Scope					
Cost					

D - Discussed

R - Review requested

P - Pending

Audit Committee is required to meet a minumum of 3 times annually.

Updating of Pending List								
Requested (Meeting Date)	Agenda Item #	Subject	Date Due	Delegated to				
Feb. 2014	14	Report regarding Schedule of Internal Audits (Annual)	Jan./Feb.					
Feb. 2014	11(a)	Report regarding Summary of Grievances, Trends, Liabilities, Administrative Risks and Litigation (Quarterly, where appropriate, to both the Audit Committee and the respective Standing Committee)	Quarterly	P. Matthews				
Feb. 2014	14	Report regarding Audit Committee Annual Report to the Board of Trustees (Annual)	Nov.					
Feb. 2014	14	Report regarding the Draft Audited Financial Statements (Annual)	Nov.					
Feb. 2014	14	Report regarding the Audit Committee's Self-Assessment (Annual)	Jan./Feb.					
Feb. 2014	14	Report regarding the External Auditors' Annual Audit Plan (Annual)	Sept.					
Feb. 2014	14	Report regarding the Toronto & Area Regional Internal Audit Team Progress Report (Every Meeting)	Every Meeting					
 Feb. 2013	14(a)	Report regarding Statements of Reserves	Nov.					

	and Accumulated Surplus (Annual)	
June 2017	Report regarding RFP	
	Process, Policies & Delisting Vendors	