

**Municipality of Chatham-Kent**  
**Infrastructure and Engineering Services**  
**Parks and Open Spaces/Recreation Facilities**

**To:** Mayor and Members of Council  
**From:** Jeff Bray  
Manager, Parks and Open Spaces  
**Date:** July 24, 2019  
**Subject:** Sole Source – Gable Rees Rotary Pool Retractable Roof Repairs

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**Recommendation**

It is recommended that:

1. The Gable Rees Rotary Pool Retractable Roof Repairs be sole sourced to OpenAire Inc. at a total value of \$115,721.50 including HST.
2. The total project cost be funded from Pool Indoor Lifecycle account.
3. The Mayor and Clerk be authorized to sign the necessary agreement.

**Background**

The Procurement By-law #03-2016 was adopted by Council on January 11, 2016. The Procurement Section 125 and 126 – Sole Source states the following:

A direct Award of Contract may be used to purchase Deliverables from Municipal funds if there is only one Supplier that provides the product. Sole Source purchases that meet this criteria must have prior approval authorized by:

- a. The CAO up to \$100,000;
- b. Council above \$100,000.

Sole Source purchases require a written report addressed to the approving authority, being Chief Administrative Officer or Council, and must include comments in writing from the Purchasing Officer indicating agreement or disagreement with the recommendation. The report will be in a format pre-approved by the Purchasing Officer. Sole Source purchases of Deliverables must comply with the Trade Agreements and provincial legislation and require consultation with the Purchasing Officer.

The Gable Rees Rotary Pool facility was enclosed in 1996. To provide year-round enjoyment in a unique, naturally lit setting, the enclosure included 30 polycarbonate roof

panels over 100% of the pool area. This type of enclosure is proprietary to OpenAire. As such, they are the sole worldwide dealer of this roof and sidewall hardware.

To ensure work and materials are covered under warranty, OpenAire requires that all work completed to their structures be completed by an OpenAire contractor.

Due to the retractable panels not operating, an inspection of the facility was completed in 2018. The report determined that due to age, the roof operating system and associated hardware and all the sidewall panels, which have become brittle and discoloured, require replacement.

Over the past 8 years, all 30 roof panels have been replaced. With the completion of this recommended work, the entire structure and operating system would be up to date.

### **Comments**

To recognize proprietary rights to specialized products that must be maintained by the manufacturer or its representative, or where the Municipality is contractually bound to purchase a deliverable from one supplier, it is recommended that the Gable Rees Rotary Pool Retractable Roof Repairs be awarded to OpenAire Inc.

On April 15, 2019, Council approved the 2019 Outdoor Pool Lifecycle that included this project.

### **Areas of Strategic Focus and Critical Success Factors**

The recommendations in this report support the following areas of strategic focus:

Economic Prosperity:

Chatham-Kent is an innovative and thriving community with a diversified economy

A Healthy and Safe Community:

Chatham-Kent is a healthy and safe community with sustainable population growth

People and Culture:

Chatham-Kent is recognized as a culturally vibrant, dynamic, and creative community

Environmental Sustainability:

Chatham-Kent is a community that is environmentally sustainable and promotes stewardship of our natural resources

The recommendations in this report support the following critical success factors:

Financial Sustainability:

The Corporation of the Municipality of Chatham-Kent is financially sustainable

Open, Transparent and Effective Governance:

The Corporation of the Municipality of Chatham-Kent is open, transparent and effectively governed with efficient and bold, visionary leadership

Has the potential to support all areas of strategic focus & critical success factors

Neutral issues (does not support negatively or positively)

**Consultation**

The Purchasing Officer was consulted.

**Financial Implications**

The total project cost of \$103,678.26 (\$115,721.50 less HST rebate) is being funded from the Indoor Pools Lifecycle.

Prepared by:

Reviewed by:

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Jeff Bray,  
Manager  
Parks and Open Space/Recreation Facilities

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Thomas Kelly, P.Eng., MBA  
General Manager  
Infrastructure and Engineering Services

Consulted and confirmed the content of the consultation section of the report by:

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Jennifer Scherle,  
Purchasing Officer

Attachment: None

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