

Hello,

I am writing to voice. My concern about the upcoming council meeting regarding the GHAC and BAD controversy.

I understand that there are many parents who have their children in the BAD program that are very upset with the recent decision, but being a parent of a child who is currently enrolled in the GHAC program and a Burlington resident, we were very happy to finally see some fairness come to the of allegation of pool time.

For the past two years, our child has had to do swimming at the YMCA or Gold fish in a private facilities which are not proper lengths, as BAD takes all pool time from all other Burlington facilities.

I am completely shocked that there is not a 50-50 split between two swim associations to allow fairness for children who want to learn to swim Competitively or recreationally.

We have attempted to enrol our child previously in BAD and were told that there is no space currently which again is a disadvantage for our child is we cannot have him enrolled in a program offered in Burlington or at Burlington pools.

I also understand that GHAC has offered to split pool time with BAD and that BAD has refused this option. I find this is concerning, as you would think that BAD would want children that they don't have space to enrol in their program to have an opportunity like the children in their program do to train.

I am unable to attend the last minute council meeting, which was not publicized as far as I'm aware on any city website were in City newspapers It is also last minute 8:30 in the morning on a working Monday.

I appreciate that there are a lot of parents who have their children in the BAD program that are obviously very upset with the recent decision but I think that we also need to remember that there is a lot of parents that have children in the GHAC program who are also being very upset for the past for five years and have missed out on the opportunity to train in proper pools.

It would seem to me that the GHAC offer of splitting the time 50-50 is very fair, and that would make both sides satisfied.

I hope for all Burlington residence whether their child is in BAD or GHAC that the city Council makes a proper decision regarding this, and allots the pool time fairly between the two organizations.

Please feels free to enter this email into the meeting minutes tomorrow.

ADM-09-25 Special Council Meeting  
July 10, 2025, correspondence

Sincerely,

Andrew king

To: Mayor Meed Ward and Members of Council

From: Joseph A. Gaetan, BGS

Date: July 9, 2025

Re: Special Council Meeting – July 10, 2025

Agenda Item 10.1: Verbal Update Regarding Potential Litigation for Aquatics Procurement (ADM-09-25) (Pursuant to Section 239(2)(e) and (f) of the Municipal Act)

Dear Mayor Meed Ward and Councillors,

The rejection of the Burlington Aquatic Devilrays' (BAD) proposal appears to have occurred during the “initial screening” stage of the RFP evaluation process. This step determines whether submissions meet all mandatory requirements before they are considered further. Common mandatory elements typically include:

Proof of incorporation (non-profit or otherwise)

Signed submission forms, insurance certificates, bid bonds or securities

Submission by the specified deadline

Municipal procurement policies generally state that failure to meet any of these requirements results in automatic disqualification, with no discretion to reconsider. According to the City of Burlington's Bids and Tenders website, “To be considered for evaluation,” bidders must meet three mandatory conditions, including the requirement that:

“Bids must include a current and valid certificate of incorporation as a Non-Profit or Not-for-Profit organization.”

“Bids not meeting the above mandatory requirements will be rejected.” (See Exhibit 1)

However, as per Service Ontario (Exhibits 2, 3, and 4), there is no such official designation or category issued by the province. This raises serious questions about the fairness and legal clarity of the procurement criteria used to disqualify BAD.

Beyond the legal and administrative questions lies a deeper concern: the impact on children and families. With about 400 members and more on a waiting list, BAD provides critical athletic and developmental opportunities. GHAC, by contrast, appears to be in the early stages of building a new membership base and seemingly dependent on swimmers migrating from BAD. As one councillor accurately stated, this is a zero-sum game. In this case, the children are the ones losing out—some may be left without a club, without coaching continuity, and without competitive prospects.

The City now finds itself in a difficult position. On one hand, staff have committed to an agreement with GHAC. On the other, BAD may have legitimate grounds to pursue legal remedy in Superior Court, especially if the procurement process was flawed or misunderstood. If there is a way for the City to resolve this issue proactively, more children, families, and residents will benefit than if this is left to be determined through litigation.

Some BAD families are already leaving the program due to the uncertainty, and delays in resolution only increase the harm. The City must move quickly to assess whether the current course of action can be modified in the public interest.

Key questions must still be answered, such as:

Was the process flawed in some respect in the first place?

Would awarding the contract to BAD have resulted in less disruption and harm?

Will the GHAC model lead to higher costs for families?

Having reviewed this situation through the lens of the available facts, applicable case law, and the Bellamy Report's recommendations on procurement transparency, I urge Council to:

1 Take all reasonable steps to amicably resolve the situation with BAD without resorting to litigation

2 Initiate a thorough and independent investigation into how and why this outcome occurred.

The residents of Burlington—and anyone considering doing business with the City—deserve a transparent and accountable procurement process. While some may hope this controversy fades away, it is in the public interest that it does not.

Sincerely,

Joseph A. Gaetan, BGS

[REDACTED]

[REDACTED]

Attach: Exhibits 1 thru 4

## Exhibit 1

Bids and Tenders - Burlington

<https://burlington.bidsandtenders.ca/Module/Tenders/en/Tender/Detail/111a15c6-36f1-4f4d-8a36-531bc16bab48>

form and content attached as Appendix A. The first term of the Agreement will commence on September 1, 2025 and end August 31, 2028. Extension of the Agreement will be offered at the sole and absolute discretion of the City subject to demonstrated performance, accommodation of community needs and adherence to its financial obligations.

The Agreement stipulates the allotted amount of pool time (2000 hours/year) that must be purchased from the City for the expressed purpose of delivering the Youth Competitive and Development Swimming Programs as contemplated in this Request for Proposals.

The Pool User will also be required to comply with all City and government policies, regulations, statutes and laws, as well as standard terms and conditions of any rental permits, where issued.

To be considered for evaluation,

- i. bids must include current and valid certificate of incorporation as a Non-Profit or Not-for-Profit organization.
- ii. Bidders must confirm their ability to meet the annual financial commitment outlined on page 19 "Financial Obligation" to be considered for further evaluation.
- iii. Bidders must be registered with Swim Ontario and the city will refer to the Swim Ontario website to confirm as such before bids are evaluated.

Bids not meeting the above mandatory requirements will be rejected.

## Exhibit 2

Search the Registry

https://www.appmybizaccount.gov.on.ca/onbis/master/viewInstance/view.pub?id=3abd3bce3cc0ad2a81f72de92e8bd19fc...

### Search Results

Sort By: [Most Relevant](#) [Ascending](#) [Descending](#) [Most Recent](#) [Least Recent](#)

Page size 10

Displaying 1-10 of 200 results

1 - 2 - 3 - 4 - 5 - 6 - 7 - 8 - 9 - ... - 20 [Next »](#)

Corporations

[BURLINGTON AQUATIC DEVIL RAYS \(1108258\)](#)

Burlington, Ontario, Canada

Status Active

Previously known as BURLINGTON YOUTH AQUATIC CLUB

Incorporation Date December 13, 1994

Business Type Not-for-Profit Corporation

### Exhibit 3

View Corporation

https://www.appmybizaccount.gov.on.ca/onbis/corporations/viewInstance/view.pub?id=280aa9d4fbc6577ccb365bb8f57...

Ontario

Services Noticeboard

BURLINGTON AQUATIC DEVIL RAYS (1108258) [Not-for-Profit Corporation]

### View Corporation

Request Search Products ▾

[Request Profile Report](#)

[List and Request Document Copies](#)

[Request Certificate of Status](#)

If you want to maintain this corporation you need to be logged in and have authority over it.

BURLINGTON AQUATIC DEVIL RAYS

N) 1108258

### Exhibit 4

Request Certificate of Status

https://www.appmybizaccount.gov.on.ca/onbis/corporations/viewInstance/view.pub?id=280aa9d4fbc6577ccb365bb8f57...

Ontario

Services Noticeboard

### Request Certificate of Status

A Certificate of Status provides the current status of the corporation.

A Certificate of Status does not contain information such as directors, officers, partners and addresses, etc. If you require this type of information you should request a Profile Report.

Requestor's Email Address \* ?

Fri 7/11/2025 8:34 AM

I am writing to you to express my frustration with Aquatics RFP issue that has taken time at council and with city staff.

While the outcome has impacts on Burlington swimmers which is unfortunate, it also had impacts on the swimmers from GAHC in 2020.

I fail to see the issue with the outcome – an RFP was issued, and someone won. That is the way it works

The Devil Rays should be answering to council on why they refused to meet with GHAC prior to the RFP to discuss reverting back to the pre 2020 process of sharing the facilities

In 2020 when GHAC did not win the RFP they pivoted and managed their loss (and loss swimmers).

How come the Devil Rays did not approach council then when they won the bid to have a different process, and had they won this time, would they be approaching council to change the process?

The Devil Rays gambled with there swimmers by refusing to meet with GHAC and lost... its on them to answer to their members not council or the city.

Do not cave, otherwise, it will affect all RFP processes moving forward.

RM