

March 10, 2018

Notice of Motion

Linton Delainey

“That Council review Procurement Policy SER-014-001 on or before May 15, 2018 to define its governance oversight powers and responsibilities regarding the procurement procedures defined in the revised Municipal Government Act.”

Background:

There is an increasing public perception that Strathcona County councils have been progressively turning over responsibility for the governance and oversight of their County's planning, operational and financial resources to its Administration. That is, council is being viewed simply as a “rubber stamp” to the Administration!

To reverse this trend, it is imperative that this council reaffirms its role as the County's governing body by demonstrating that it is transparent and willing to share relevant planning, operational, financial and governance decisions with its residents.

An examination of current *Procurement Policies* as they relate to the **Requests for Proposals** (RFP's) for the *Bremner Growth Management Strategy* from 2013 to 2017, supports the need for council to approve this **Notice of Motion**.

In response to my **November 26, 2013** request, Planning and Development provided a copy of **RFP # 13.0553** issued on **January 15, 2013** for the Bremner Growth Management Strategy (*Enclosure #1*).

Had Council been provided with an opportunity to review this RFP before it was issued, it would have been able to question the administration's misleading statement provided to potential contractors “*highlighted on page 7*” that:

“The Sherwood Park boundary cannot be expanded due to the desire of the community to limit outward traditional residential sprawl beyond the existing boundary”.

The fact is, there is no evidence that Sherwood Park residents were ever surveyed in order to measure “*the desire of the community to limit the outward traditional sprawl beyond the existing boundary*”.

This issue was further exacerbated on **April 4, 2016** by a statement from the former Mayor's office titled "**Council Turns Governance Responsibilities Over to the Administration-Oct. 23, 2012**" (Enclosure #2). It clearly states that, as per Procurement Policy SER-014-001, "**Requests for Proposals (RFP's) are completed administratively --there is no distribution to Council or vote on an RFP**".

In opposition to my motion of **January 17, 2017** to defer the decision to allocate funds for development of the Bremner ACP to the next Council who will ultimately make the decision whether or not to approve the Bremner ACP, Council approved an extra \$813,410 to the \$386,250 which was originally set aside to prepare the Bremner ACP. This brought the total for the ACP project to \$1,199,660. (See webcast 2:00 - 2:27)

Subsequently, on **January 24, 2017** the Bremner ACP RFP was issued with a closing date of **March 7, 2017** and a **Fixed Fee Proposal** limit of \$1,100,000 as indicated on page 22 in Enclosure #3.

In consideration of the fact that on **May 19, 2017**, the Bremner ACP project was subsequently awarded for \$1,098,092, should cause one to question how the Administration "so accurately" established the "fixed fee limit" for this RFP?

A year later, on **January 23, 2018**, I submitted a "Councillor Information Request" to receive a printed copy of the "Bremner Area Project" RFP #17.0071. This was subsequently provided to all of Council on **February 5, 2018** (Enclosure # 4).

Upon review of the contents of the RFP, on **March 5, 2018**, I posed a number of follow-up questions to the Director Planning and Development who subsequently provided answers to all of council with applicable webpage links (Enclosure # 5).

The need for this Council to take back its "*governance responsibilities*" which authorizes the Administration to complete all RFP's with no input, distribution or vote by Council, was further illustrated in a report to Council on **January 17, 2017**.

This report titled "Bremner Area Project and Scope Update" included plans by the Administration to incorporate planning and engineering of the **Development Expansion Area** illustrated in Enclosure #6 on page 5 in "pink" and now referred to as the "Local Employment Policy Area" or the "half-fish".

The fact that it was the Administration, and **NOT County Council**, who made the decision to **"concurrently include both Bremner and the Development Expansion Area"** in the Bremner RFP as highlighted in Enclosure #5, further suggests that the Administration has assumed various Council "governance responsibilities".

Although it has been agreed by some current members of council that Administration's decision to include "both" the **Bremner** and the **Local Employment Policy Area** in the January 24, 2017 RFP *"was considered the most efficient and cost effective way to plan and engineer the lands"*, this decision was made without Council's expressed formal approval!

Finally, as one examines the first 26 pages of the RFP for the Bremner Area Concept Plan, there is never any mention of a requirement for the contractor to provide the costs for the amenities it is identifying. Interestingly, County Planning and Development staff have repeatedly indicated to council and to the public, that more accurate cost estimates would be identified at the ACP stage.

REQUEST FOR PROPOSALS

BREMNER GROWTH MANAGEMENT STRATEGY - PUBLIC ENGAGEMENT, COMMUNICATIONS AND PLANNING PROGRAMS

PLANNING & DEVELOPMENT SERVICES DEPARTMENT

RFP # 13.0553

Issued:

Date: Tuesday, January 15, 2013

Proposal submittals will only be accepted by:

Strathcona County
Planning & Development Services
Main Floor, County Hall
2001 Sherwood Drive
Sherwood Park AB T8A 3W7

Closing (non-public):

Date: Monday, February 11, 2013
Time: 14:00:00 Hours, Alberta Time

1.0 INFORMATION AND INSTRUCTIONS

We are seeking a dynamic and engaging team of professional planners, communicators and public engagement practitioners who will develop and implement an innovative process that will result in creating a Growth Management Strategy for a future urban community.

1.1 Background

Strathcona County consists of the Urban Service Area of Sherwood Park and an extensive Rural Services Area of country residential acreages, farms and smaller hamlets. According to the 2011 federal census, the total population of Strathcona County is 92,490, consisting of the Sherwood Park urban population of 64,733 and a rural population of 27,757. With a focus on social, environmental and economic sustainability, Strathcona County is committed to balancing the unique needs of its diverse community.

Strathcona County has experienced rapid growth for several years. Residents enjoy a broad range of municipal services, and business and shopping opportunities. Strathcona County is home to Canada's largest oil refining complex and North America's third largest petrochemical complex.

Population increase in the Urban Service Area will increase pressure on not only the rural environment, but also for the County to continue to provide future opportunities for urban development over the next several generations. The Sherwood Park boundary cannot be expanded due to the desire of the community to limit outward traditional residential sprawl beyond the existing boundary; the nature of the surrounding development; and the servicing capacities of the existing infrastructure. This should be viewed as a new community and new Urban Service Area for the County.

The Capital Region Growth Plan also provides direction regarding where growth should occur. In April 2008, the Province of Alberta mandated the formation of the Capital Regional Board by adopting the Capital Region Board Regulation AR 49/2008. The Board was tasked with creating a Capital Region Growth Plan that would guide regional land use planning and transit network; address regional affordable housing issue; and coordinate a regional geographic information system. Strathcona County is a participating member of the Capital Region Board and is responsible for conforming to and implementing the Capital Region Growth Plan.

On October 23, 2012 Strathcona County Council, via resolution 665/2012, directed Administration to "initiate a Growth Management Strategy and Timeline for the Urban Reserve Area (Bremner)."

Council Turns Governance Responsibilities**Over to the Administration - Oct. 23, 2012**

From: Jackie Porayko <Jackie.Porayko@strathcona.ca>
Sent: April-04-16 9:38 AM
To:
Cc: Stacy Fedechko; Lisa Mikasko; Roxanne Carr
Subject: RE: Urgent Request
Importance: High

The Mayor's Office would like to provide the following information from Planning and Development Services.

On October 23, 2012 Council directed Administration to initiate a Growth Management Strategy and timeline for the Urban Reserve Area (Bremner).

665/2012 Carried	MOVED by P. Wlodarczak: THAT Council direct administration to initiate a Growth Management Strategy and Timeline for the Urban Reserve Area (Bremner).
In Favour:	C. Alexander, V. Bidzinski, J. Gariepy, L. Osinchuk, P. Wlodarczak
Opposed:	R. Carr, L. Delainey, B. Riddell
Absent:	B. Botterill

An RFP was prepared by Planning and Development Services. Request for Proposals (RFP's) are completed administratively - there is no distribution to Council or vote on an RFP. Procurement authority is delegated to those employees specifically charged with the responsibility and accountability for budget cost centres by the Chief Commissioner and as confirmed in the approved annual business plan, and operating and capital budgets. The Director of Planning and Development authorized the final RFP to be posted in accordance with the County's Procurement Policy.

Strathcona County posts Requests for Proposals in accordance with Policy and legislation in accordance with the County's Procurement policy (Policy SER-014-001). Where a formal agreement is required as a result of the award of a contract following an appropriate procurement procedure and process, as defined and approved by the County, and where funding has been approved by Council, the Director responsible for the acquisition (in this case - Director of Planning and Development) is authorized to sign the agreement in conjunction with the Director, Legislative & Legal Services.

REQUEST FOR PROPOSALS

BREMNER AREA PROJECT

PLANNING & DEVELOPMENT SERVICES DEPARTMENT

RFP # 17.0071

Issued:

Date: Tuesday, January 24, 2017

Proposal submittals will only be accepted by:

Strathcona County
Planning & Development Services
Main Floor, County Hall
2001 Sherwood Drive
Sherwood Park AB T8A 3W7

Closing (non-public):

Date: Tuesday , March 7, 2017

Time: 14:00:00 Hours, Alberta Time

2.4 Fixed Fee Proposal

The Proponent must provide a detailed budget including all fees, costs, expenditures, disbursements and taxes for each aspect of the proposal. The Successful Proponent will enter into a fixed fee Contract for the amount set out in the proposal.

Proposals exceeding one million one hundred thousand dollars (1,100,000.00) will not be evaluated.

2.5 Successful Proponent

The Successful Proponent will be the Proponent that in relation to the evaluation criteria is found by the evaluation committee to be the one that best meets the County's requirements as set out in the RFP. The County is not required to award the Contract to the lowest priced Proponent, or to any Proponent.

2.6 Contents of Proposal

Only complete Proposal submissions will be accepted. Partial submissions will not be considered. Submission shall be in the format indicated and include all of the information outlined in Section 2.7. Proponents are to submit:

- 1) Seven (7) printed (bound, 8.5" x 11") copies of the Proposal; and
- 2) One (1) digital copy of the submission in Adobe Acrobat format on a USB memory stick

2.7 Submission Requirements

In order to be considered responsive, Proposals shall include a completed and signed **Schedule A – Confirmation of Offer.**

The County requests the Proponent's Proposal be organized as outlined below in order to facilitate the County's evaluation and review process. If the Proponent wishes to include additional information on any point that is somewhat voluminous or that is not directly relevant to the specific situation described in this RFP, that information should be placed in Appendix A and referenced in the main body of the Proposal.

Linton Delainey

From: Stacy Fedechko
Sent: February-05-18 10:29 AM
To: COUNCIL; Support - OEO
Cc: Mavis Nathoo; Lana Dyrland; Kevin Glebe; Rob Coon
Subject: January 23, 2018 Councillor Request - Bremner Areas Project RFP
Attachments: Bremner_RFPFINAL.PDF

As per Councillor Delainey's January 23, 2018 Information Request, please find attached a PDF copy of the Request For Proposal (RFP) for the Bremner Area Project. Please note that this RFP was an open RFP (not by invitation) and was posted on the Alberta Purchasing Connection in accordance with County procurement requirements.

Sincerely,

Stacy L. Fedechko, RPP, MCIP
Director, Planning & Development
Services
Strathcona County
2001 Sherwood Drive
Sherwood Park, AB T8A 3W7
Phone: 780-464-8409
Fax: 780-464-8109
stacy.fedechko@strathcona.ca
www.strathcona.ca



Linton Delainey

From: Stacy Fedechko
Sent: March 5, 2018 3:42 PM
To: Linton Delainey
Cc: Kevin Glebe; Rod Frank; COUNCIL; Mavis Nathoo; Rob Coon
Subject: BREMNER ACP...Follow-up to Jan. 23, 2018 Bremner ACP Information Request

Councillor Delainey,

The information you requested this afternoon in your email below is available on the County's website for public viewing so there is no need to submit a formal information request. Please find below the information requested and links to the applicable webpages.

Public RFP

The purpose of an open RFP is to ensure that any qualified vendor can bid on the project. It would not be fair and equitable to reach out to a select few as there are numerous vendors qualified for this type of service. This practice ensures fairness and transparency. We post on the Alberta Purchasing Connection (APC) to ensure all consultants have an equal opportunity to submit. APC is the Province of Alberta's official system for posting and distributing purchasing opportunities from the Alberta public sector.

We ultimately received six submissions from various vendors. All submission were reviewed by a selection committee and interviews conducted prior to awarding the project to the successful vendor.

Requested Information on the Bremer Area Project RFP:

Our process is that once the County has awarded an RFP, we ensure that the contract awarded is added to the County's list of Awarded Contracts Webpage for public viewing. Included on this web page is the name of the successful contractor/vendor, the date awarded and the awarded contract value. The Bremner Area Project was awarded on May 19, 2017 to Stantec Consulting at an awarded contract value of \$1,098,092.00.

You can view this public information on the County's website at:

<https://www.strathcona.ca/business-and-development/business/current-business-opportunities/notice-awarded-contracts/services/>

Scope & Budget - Bremner Area Project:

On **January 17, 2017**, a report titled "Bremner Area Project and Scope Update" was presented to Council. The purpose of this report was to request Council to allocate funding to complete the updated scope for the Bremner Area Project. At this time we also updated Council on the scope of the Bremner Area Project which included incorporating the planning and engineering of the Development Expansion Area (the "half fish"). Please note that this area is now referred to as the "Local Employment Policy Area" in the updated Municipal Development Plan. As the transportation infrastructure will be shared between Bremner and the Local Employment Policy Area, planning and engineering both areas concurrently under one plan was considered the most efficient and cost effective way to plan and engineer the lands.

Please find below the link to the webcast and report below where you can view the report and watch the discussion related to the addition/reallocation of funding and scope of the Bremner Area Project.

<https://pub-strathcona.escribemeetings.com/Meeting?Id=4f9fbac7-bef9-4511-b21e-7b5e3e44ba16&Agenda=Agenda&lang=English#44>

In addition, on **May 16, 2017**, administration presented to the Priorities Committee the final draft Municipal Development Plan and again indicated that the **Local Employment Area (half fish) would be reviewed under the Bremner Area Concept Plan** (4:39:00 on the webcast link below).

<https://pub-strathcona.escribemeetings.com/Meeting?Id=df5c53d6-a4c1-4173-b0a3-e2d381a4154d&Agenda=Agenda&lang=English#15>

Sincerely,

Stacy L. Fedechko, RPP, MCIP

Director, Planning & Development
Services

Strathcona County

2001 Sherwood Drive

Sherwood Park, AB T8A 3W7

Phone: 780-464-8409

Fax: 780-464-8109

stacy.fedechko@strathcona.ca

www.strathcona.ca



-----Original Message-----

From: Linton Delainey

Sent: Monday, March 05, 2018 12:56 PM

To: Stacy Fedechko

Cc: Kevin Glebe; Rod Frank

Subject: Follow-up to Jan. 23, 2018 Bremner ACP Information Request

Importance: High

Hi Stacy,

Thanks for your Feb. 5, 2018 response to my Jan. 23, 2018 Councillor Information Request which included a PDF copy of the Bremner RFP. However, there are still items I am asking you to clarify. Would you please tell me if I need to make a "formal" Information Request at tomorrow's March 6, 2018 Council meeting...or can you simply provide the information I am requesting below, directly to me on or before March 9, 2018?

First, you indicated the Bremer ACP tender issued Jan. 24, 2017 was an "open RFP" and not by invitation. That is..."any" contractor could bid!

With that in mind, it makes sound business sense that, minimally, you would alert the "limited number of those qualified" contactors you would "definitely" want to bid on the RFP # 17.0071.

Subsequently, would you please provide me with a list of the names of those contractors your department "made sure" received the RFP # 17.0071 for the Bremner ACP as well as list of the names of "all contractors" who submitted a bid by the March 7, 2017 closing date.

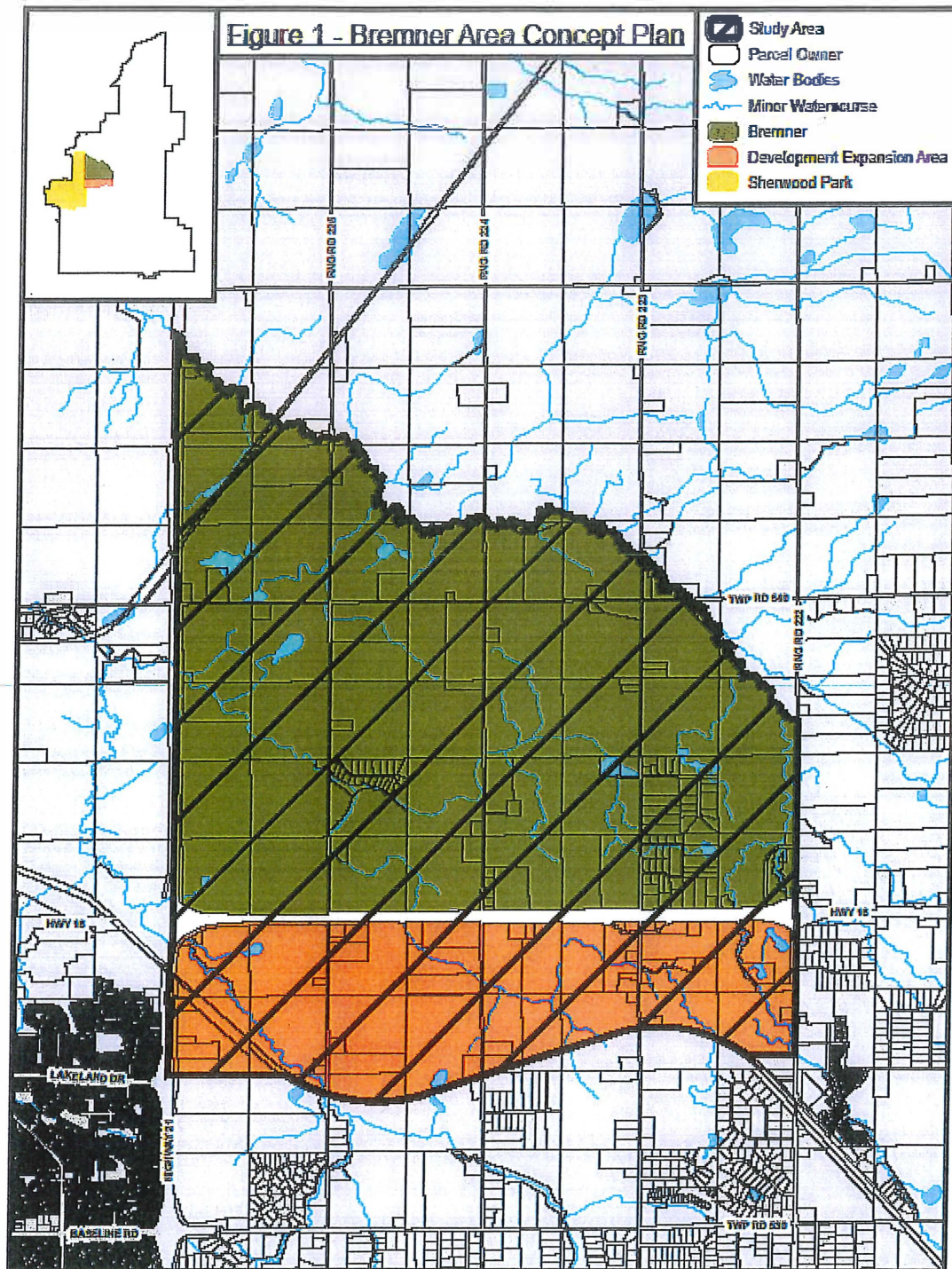
Second, since RFP # 17.0071 closed on March 7, 2017, would you please provide the "final dollar bid amount awarded" and confirm that Stantec was the successful bidder?

Thirdly, would you please "direct me to the document" that would provide the "date" that Council "approved" funding for the Bremner ACP and that would "specifically" verify that this ACP "also included" the 1/2 fish Development Expansion Area illustrated in salmon in Figure 1 of the Bremner Area Concept Plan. It is my contention that the Bremner Area Concept Plan approved for tender "did not" include the 1/2 fish. Therefore, I am requesting that you confirm this for me... one way or the other.

I am concerned that by including the 1/2 fish Development Expansion Area, that it will "muddy" the information the current Council will need to consider and "evaluate" when the Bremner ACP comes back for their consideration of a decision towards the end of 2018. My understanding was that "only" the Bremner Area illustrated in "green", was what Council approved for tendering...not the 1/2 fish!

Cheers

Linton



SER-014-001

Strathcona County Municipal Policy Handbook

Procurement Policy

Date of Approval by Council: 11/23/93; 07/02/13**Resolution No.:** 1019/93; 409/2013**Lead Role:** Procurement Services**Last Review Date:** May 11, 2017**Next Review Date:** 05/2020**Administrative Responsibility:** Chief Financial Officer - Procurement Services

Special Note: With the exception of Policy FIN-001-003: Consultants Selection Policy, any and all policies and manuals relating to the purchase and acquisition of goods and or services are hereby rescinded and replaced by this Policy.

Policy Statement

This Procurement Policy shall provide the governance framework for the procurement of goods and services and construction projects for Strathcona County (the "County").

This Procurement Policy shall enable efficiency, effectiveness, compliance and where practical in the County's centralized and decentralized procurement model, standardization in the County's procurement procedures, practices and processes that support the organization's accountability to the community we serve.

This Procurement Policy shall ensure that the County's procurement activities support the strategic priorities as identified by Council.

This will be achieved:

- by seeking and considering sustainable (social, economic, environmental, governance, cultural) options and alternatives;
- through ethical and legal procurement practices that are open and transparent and in accordance with the governing trade agreements;
- by minimizing risk and maximizing value;
- with personnel who are trained and knowledgeable;
- through fostering a learning organization; and
- through continuous improvement initiatives.

Guidelines

1. Sustainable Development

The County shall through its procurement procedures and practices, consider, evaluate and analyze the social, economic, environmental, governance and cultural impacts, options and alternatives that deliver sustainable value to this community and communities at large.

2. Procurement Authority

Procurement authority is delegated and limited to those employees specifically charged with the responsibility and accountability for budget cost centres by the Chief Commissioner and as confirmed in the approved annual business plan, and operating and capital budgets.

The limit of this authority shall be defined by the parameters of all applicable policy, procedures, approved budget funding, or, in the instance of grants, be governed by regulations set forth by the granting agency.

All delegated or assigned procurement authority shall be in writing and approved by the Department Director, identifying the limits of spending authority and the type of spend authority.

Where a formal agreement is required as a result of the award of a contract following an appropriate procurement procedure and process, as defined and approved by the County, and where funding has been approved by Council, the Director responsible for the acquisition is authorized to sign the agreement in conjunction with the Director, Legislative & Legal Services.

All procurement transactions must be approved by the employee charged with the delegated authority for that specific cost centre.

3. Risk Mitigation

Procurement Services, jointly with Financial Services and Legislative & Legal Services are accountable to ensure prudent controls and safeguards in the procurement procedures, practices and processes are put-in-place to mitigate risks to the County that could potentially bring about damage to and loss of assets, economic loss, fraud, negative public image or any other means that causes harm to the County.

4. Overall Best Value

Those with authority to procure on behalf of the County, shall engage such methods in their procurement practices that achieve overall best value through quantitative and qualitative analysis, e.g. vendor capability, capacity, life cycle analysis, risk vs. reward, value add benefits, and price.

Roles & Responsibilities

1. Chief Financial Officer

- Is accountable for the County's Procurement Policy and for ensuring the Corporation is in compliance.

2. Procurement Services

- Shall be accountable to define procedures, practices and processes and is responsible for ensuring the County's procurement procedures, practices and processes are in compliance with this Procurement Policy and all governing legislative and regulatory requirements;
- Shall, where appropriate, deliver training to County staff to ensure understanding of and compliance with such procedures, practices and processes.
- Shall, through collaboration with Departments and stakeholders, strive for effective and efficient procurement procedures, practices and processes.

3. Financial Services and Legislative & Legal Services

- Are responsible for ensuring the County's procurement procedures, practices and processes are in compliance with all governing legislation, financial requirements and accounting principles.
- Are responsible to establish processes and procedures that ensure, through the review of contracts and agreements, that legal and financial risks to the County are minimized.

4. Department Directors

- Are responsible to ensure that all procurement activity is carried out in accordance with the Procurement Policy, procedures, practices and processes.