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Non-Competitive Acquisition - Implementation Plan for the Mulock Property Design Staff Report to Council

Report Number: 2021-31

Department(s): Development and Infrastructure Services

Author(s): Peter Noehammer

Meeting Date: April 20, 2021

Recommendations

1. That the report entitled Non-Competitive Acquisition - Implementation Plan for the Mulock Property Design dated April 20, 2021 be received; and,
2. That PLANT Architect Inc. be retained to carry out the implementation of the final design, contract drawing and tender documents, and contract administration for the Mulock Property as described in this report; and,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Purpose

The purpose of this report is to seek approval to engage PLANT Architect Inc. ("PLANT"), on a single source non-competitive basis to carry out the implementation of the final design, contract tender documents and contract administration for the Mulock Property in the estimated amount of \$2,601,025.00

Background

Request for Proposal # 2019-030 was awarded to PLANT in 2019 to carry out concept and design master planning for the Town's Mulock Property. The RFP did not include specific provisions related to the subsequent implementation of the resulting master plan design being (i) the development of the detailed design ("Implementation Phases 1 and 2"), (ii) preparation of the specifications for the competitive procurement process to construct the approved concept plan ("Implementation Phases 3 and 4") and the Non-Competitive Acquisition - Implementation Plan for the Mulock Property Design

contract administration and site inspection of the work to be carried out by the selected general contractor(s) and their sub-trades (“Implementation Phase 5”).

The Mulock Property Master Planning project has been undertaken through a comprehensive process, including: extensive community consultation and public information centres, meetings with specific stakeholder groups and presentations to Council and staff working groups. The project began in late 2019 and continued to progress through 2020 with the collaborative development of design principles, themes that included 3 variations, and ultimately the refinement of a finalized design concept. This final design concept is the subject of a presentation and final report to Council at today’s April 20, 2021 Special Committee of the Whole (Electronic) meeting. With Council endorsement and approval of the design concept, the Master Planning component for the Mulock Property will come to an end.

Discussion

With the Master Planning now complete, the further use of PLANT’s is necessary to ensure the successful implementation of their proposed design. PLANT has carried out the performance of their work very effectively to date in accordance with RFP-2019-030, and it would be appropriate and efficient to continue with their professional services into the next proposed Implementation Phases 1 through 5, as described below.

Proposed Fees:

The cost of the services for the implementation of Phases 1 through 5 are expected to be approximately \$2,601,025.00. The breakdown of this amount is described in the private attachment connected with this report. Funding for the proposed Implementation Phases will be sought by way of a separate budget approval report.

Proposed Implementation Phases and Timelines:

The following are the proposed timelines for each of the implementation phases:

Phase 1 – Schematic Design	3 to 4 months
Phase 2 – Design Development	5 to 6 months
Phase 3 – Contract Drawings	6 to 7 months
Phase 4 – Tendering Services and Support	2 months
Phase 5 – Contract Administration	3 seasons (36 months)

PLANT's Previous Examples of Experience and Performance:

In addition to the very good performance of the work carried out by PLANT to date for the Town as part of the Mulock Property master planning deliverables, and to further support staff's position on securing a non-competitive acquisition to retain PLANT to move forward with the implementation of their approved concept design, the Town consulted with other municipalities and organizations for similar or related projects carried out by PLANT. This resulted in the receipt of resounding positive feedback from project owners for the following comparable projects:

City of Toronto - Nathan Phillips Square Revitalization

City of Toronto - Governor's Bridge Lookout

City of Toronto - Dundas-Roncesvalles Peace Garden

City of Toronto - Forest Hill Village North Gateway

Fly Over Canada

City of Dublin, Dublin Ohio – Dublin Grounds of Remembrance Project

City of Guelph - Guelph Bridge/River Landscape

Contract Management & Future Assessment of Performance

It is recommended that a performance assessment occur on a regular basis such as annually or following the completion of each Implementation Phase before entering into any forthcoming phases to ensure the working relationship and deliverables continue to be provided satisfactorily.

Procurement Considerations:

A non-competitive approval to proceed with awarding the Implementation Phases 1 through 5 in the estimated amount of \$2,601,025.00 is sought in accordance with the single and sole source provisions of the Procurement By-Law 2014-27 as well as the limited tendering provisions of the trade treaties, applicable to Canadian Municipalities as follows:

Procurement By-Law 2014-27:

- Section 13.6 – (i). For reasons of standardization such as technical specifications; and
- Section 13.6 (iii) Where compatibility with an existing service is a paramount consideration;

Canadian Free Trade Agreement (CFTA):

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➤ Article 513 – Limited Tendering:

c) for additional deliveries by the original supplier of goods or services that were not included in the initial procurement, if a change of supplier for such additional goods or services: (i) cannot be made for economic or technical reasons such as requirements of interchangeability or interoperability with existing equipment, software, services, or installations procured under the initial procurement; and (ii) would cause significant inconvenience or substantial duplication of costs for the procuring entity;

Continuing the specialized services and approaches provided by PLANT in the master planning exercise into the implementation phases, combined with the specific knowledge gained by way of their public involvement and resulting development of the conceptual design of the Mulock Property is of paramount consideration as this would ensure that the outcome of the approved design would advance in the most cost effective, seamless and timeliest way possible.

Staff have considered the positives versus negatives of entering into a competitive process to secure a supplier to carry out the implementation of the approved concept design and believe that the potential introduction of a new consulting firm may result in delays with the information turnover from PLANT to a new consultant, duplication of costs and efforts as a result, as PLANT would on some level continue to be consulted to ensure the design is executed as planned and approved, miscommunications and /or misunderstandings as to the intentions of the various aspects of the approved design. All of which could be detrimental to ensuring that the design is executed as intended by staff, Council and by way of public input.

Conclusion

It is staff's recommendation that PLANT be retained on a single / sole source basis to carry out the proposed implementation Phases 1 through 5 as described above and in the attached fee proposal in the total estimated cost of \$2,601,025.00 to ensure the approved design is carried out in accordance with the approved design concept developed in consultation with Council, staff and the public.

Business Plan and Strategic Plan Linkages

The Mulock Property Master Plan is an important part of Council's Strategic Priorities for the 2018-2022 term of Council.

Consultation

This report was prepared with input provided by Development & Infrastructure Services, CAO's Office, Corporate Services, Legal & Procurement Services and Financial Services and consultation with the Strategic Leadership Team (SLT).

Human Resource Considerations

None at this time.

Budget Impact

The Master Plan work under RFP-2019-030 has been carried out with approved funding through the 2020 and 2021 Capital Budgets.

A separate report will be submitted to outline the funding for the implementation for the Mulock Property master plan, including the fees outlined in this report.

Attachments

Confidential Attachments- (1) Detailed Implementation Proposal and (2) Fee Summary provided by the Supplier

Approval

Peter Noehammer, Commissioner, Development & Infrastructure Services

Esther Armchuk, Commissioner, Corporate Services

Jag Sharma, Chief Administrative Officer

Tracy Assis, Manager of Procurement Services

Karen Reynar, Director of Legal and Procurement Services

Contact

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