

**DATE:** October 15<sup>th</sup>, 2019

**REPORT NO:** PD-118-19

**SUBJECT:** Recommendation Report  
Smithville Urban Boundary Expansion Study – Hiring of  
Consultant Teams

**CONTACT:** Brian Treble, Director of Planning and Building

**OVERVIEW:**

- The preparation for the Urban Boundary Expansion Project has been underway for some time. Finally, we are ready to commission the consulting teams to commence the required studies.
- Before doing so, the funding agreement between the development community and the Township had to be signed. This occurred in late July of 2019.
- The two RFPs were issued on April 16<sup>th</sup>, 2019. Submissions were required by May 31<sup>st</sup>, 2019. Three submissions were received for the subwatershed study (SWS). Two submissions were received for the Master Community Plan (MCP) Study work.
- A team of Regional, Township and Niagara Peninsula Conservation Authority staff reviewed the submissions and as a team, determined which submissions met the required scoring threshold of 85% to proceed to opening price envelopes. Once determined, the winning submission was based on price as outlined in the RFP.
- On September 10<sup>th</sup>, 2019, a request was sent to each of the submitting consultants asking them to confirm that they could achieve a revised timeline that required completion of all works by late 2021, instead of June/July of 2022. All five consulting teams responded by October 4<sup>th</sup>, 2019 and confirmed their ability to complete the work.
- As a result of this extensive review and the revisions caused by the new timeline, the submissions by AECOM (MCP) and Aquafor Beech (SWS) meet the requirements.
- The Land Owners Agreement, Sections 3 b) and 3c) require that the Township “consult with and obtain the approval of, the Participating Owners prior to engaging such consultants”. They do not accept the Subwatershed Consultant.
- This extensive review and consultation has caused a delay while we attempted to resolve some issues. In the end, the recommendation to be put forward, in order to achieve approval of the participating owners is AECOM and Wood/AMEC in accordance with Appendix B, Section 9 of the Subwatershed RFP.

**RECOMMENDATION**

1. That, Report PD-118-19, regarding “Recommendation Report, Smithville Urban Boundary Expansion Study – Hiring of Consultant Teams”, dated October 15<sup>th</sup>, 2019, be RECEIVED; and,
2. That a contract be entered with AECOM and their consulting Team to complete the Master Community Plan Work; and,
3. That a contract be signed with Wood/AMEC and their consulting team to complete the Subwatershed Study work; and,
4. That a by-law be passed to authorize the Mayor and Clerk to sign both contracts in accordance with the timeline noted in 2 and 3 above.

**ALIGNMENT TO STRATEGIC PLAN**

- **Value**  
Provide and sustain a high quality of life for our residents and create a vibrant prosperous and desirable community.
- **Objective**  
Increase responsiveness to development approval process, needs of residents and market demand.

**BACKGROUND**

Staff report PD-139-17 was approved by Township Committee and Council on October 10<sup>th</sup>, 2017 and October 23<sup>rd</sup>, 2017 respectively to allow staff to proceed with the preparation of Terms of Reference for the study work and front ending agreement as required to complete all of the Urban Boundary work. In Staff report PD-159-17 a draft Terms of Reference was first presented to Committee and Council in December of 2017.

Brief update reports have been provided since that time, which informed the Committee and Council on timing of all of the required work. A presentation was made by Mr. Richard Vandezande and Mr. Tom Richardson on January 14<sup>th</sup>, 2019, which briefed Committee and Council on the final steps to be taken.

As of the end of July, 2019 the Land Owner’s Funding Agreement was signed. Further, as of June 18<sup>th</sup>, 2019, the two winning consulting Teams who had responded to the RFP’s had been determined by Regional, NPCA, and Township staff, working together. The agent for the Land Owners Group provided Township staff with his report in early August of 2019 with the written evaluation arriving on August 21<sup>st</sup>, 2019.

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A discussion about next steps occurred on September 9<sup>th</sup>, 2019 in Confidential Session at the Township of West Lincoln Planning/Building/Environmental Committee Meeting and as a result, the consultants have now responded to a revised timeline by October 4<sup>th</sup>, 2019, as requested.

**CURRENT SITUATION**

The RFP submissions closed on May 31<sup>st</sup>, 2019 and a revision was provided by each consultant on/or before October 4<sup>th</sup>, 2019. Subsequently, Teams of staff representatives have reviewed the submissions and met as follows:

1. June 17, 2019 – discussion of the Master Community Plan submissions.

October 8<sup>th</sup>, 2019 – teleconference to confirm result of timeline revisions.

Two submissions were reviewed and the results were as follows:

		Point Score	Cost
1	The Planning Partnership	86%	\$ 864,402.00 + HST
2	AECOM	91%	\$ 772,211.00 + HST

Both scored higher than the minimum requirement of 85 points. As a result, cost was the deciding factor and AECOM is the winning submission.

2. June 18, 2019 – discussion of the subwatershed study submission occurred with a team of Township, Regional and NPCA staff.

October 8<sup>th</sup>, 2019 – teleconference to confirm result of timeline revisions.

Three submissions were reviewed and the results were as follows:

		Point Score	Cost
1	Aquafor Beech	85%	\$ 586,526.00 + HST
2	Wood/AMEC	90%	\$ 679,878.00 + HST
3	TMIG	67%	N/A

Aquafor Beech and Wood/AMEC scored higher than the minimum requirement of 85 points. As a result, cost was the deciding factor and Aquafor Beech is the winning submission. TMIG did not meet the 85% threshold and the price envelope was therefore not opened.

Based on all of the work completed to date, the evaluation Teams had recommend that AECOM and Aquafor Beech be retained to complete the required study work.

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In accordance with the Land Owners Agreement, however, Section 3b and 3c require that the Township consult with and obtain the approval of the participating owners prior to hiring the consultant Team. This has not been achieved unless Wood/AMEC is hired in lieu of Aquafor Beech. This can occur if it is appropriate to invoke Section 9 of Appendix B of the Subwatershed RFP. Legal Counsel has advised that this is acceptable. Therefore in order to proceed forward, AECOM and Wood are now recommended for approval.

Two issues have been resolved with the Land Owners relating to the timeline and the consultant selection. This report has been prepared to ensure that we are all on the same page.

An additional issue that has added a layer of complication to this report is the Province's change to the Community Benefit calculation for part of the former development charge, which has yet to be defined; and the Niagara Home Builder's Appeal of our Development Charges By-law. However, given that the wording of the agreement now states that the developers agree to front end whether or not the Township has the ability to offset their costs, and the fact that the development group is not the appellant of the development charge by-law, staff recommend that we proceed with these studies now.

This report is provided in order to get this project moving forward.

### **FINANCIAL IMPLICATIONS**

The Land Owners Agreement advises that they will pay for the study work up front. Commitments are contained within the Land Owners Agreement to pay the developers back through development charges and/or community benefits if we are able (due to changes in Bill 108, the detail on how a community benefit is calculated is still not available). Further, our Development Charge By-law is currently under appeal. This may affect our ability to reimburse as well.

### **INTER-DEPARTMENTAL COMMENTS**

Staff representatives from the Township Planning and Public Works Departments, Regional Planning and Public Works staff, along with NPCA staff and Mr. Richard Vandezande on behalf of the Region worked together as a team to determine if each submission was able to complete the proposed work. Once that determination was made, the lowest cost submission was chosen as the successful consulting team.

The Land Owners Group supports AECOM and Wood.

### **CONCLUSION**

Staff and the evaluation Teams recommend that AECOM and Wood be commissioned

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to complete the necessary studies as proposed by the review team with the costs being front ended by the Land Owners Group. The Mayor and Clerk will be required to sign the necessary agreement with each consulting Team. Further, staff will then meet with the two winning Consultant Teams and stress timing of the work.

**ATTACHMENTS**

1. Draft By-law – Master Community Plan for Smithville, RFP PD-02-19
2. Draft By-law – Subwatershed Study (including Karst Study) RFP PD-01-19
3. Consultants Evaluation Table

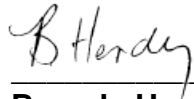
**Prepared by:**



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**Brian Treble, RPP, MCIP**  
**Director of Planning and Building**

**Approved by:**



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**Beverly Hendry, CAO**

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**THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN****BY-LAW NO. 2019-XX**

**A BY-LAW TO AUTHORIZE AN AGREEMENT BETWEEN THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN AND AECOM CANADA LTD. TO COMPLETE THE MASTER COMMUNITY PLAN FOR SMITHVILLE STUDY WORK, RFP PD-02-19.**

**WHEREAS** the Council of the Corporation of the Township of West Lincoln deems it expedient to authorize an agreement with AECOM Canada Ltd. to complete the Master Community Plan for Smithville study work, being RFP PD-02-19, within the Smithville Urban Boundary Expansion Study area.

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN ENACTS AS FOLLOWS:**

1. That, the Council of the Corporation of the Township of West Lincoln hereby authorizes entering into an Agreement with AECOM Canada Ltd. for the Master Community Plan for Smithville study work, being RFP PD-02-19, within the Smithville Urban Boundary Expansion Study area.
2. That, the Mayor and Clerk be and are hereby authorized to sign the above mentioned Agreement and any other document or documents necessary to implement the intent of this By-law and to affix the Corporate Seal thereto.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 28<sup>th</sup> DAY OF OCTOBER, 2019.**

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**MAYOR DAVE BYLSMA**

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**JOANNE SCIME, CLERK**

**THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN**

**BY-LAW NO. 2019-XX**

**A BY-LAW TO AUTHORIZE AN AGREEMENT BETWEEN THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN AND WOOD CANADA LIMITED TO COMPLETE THE SUBWATERSHED STUDY WORK (INCLUDING KARST STUDY), BEING RFP PD-01-19.**

**WHEREAS** the Council of the Corporation of the Township of West Lincoln deems it expedient to authorize an agreement with Wood Canada Limited to complete the Subwatershed study work (including Karst Study), RFP PD-01-19, within the Smithville Urban Boundary Expansion Study area.

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN ENACTS AS FOLLOWS:**

1. That, the Council of the Corporation of the Township of West Lincoln hereby authorizes entering into an Agreement with Wood Canada Limited to complete the Subwatershed study work (including Karst Study), BEING RFP PD-01-19, within the Smithville Urban Boundary Expansion Study area.
2. That, the Mayor and Clerk be and are hereby authorized to sign the above mentioned Agreement and any other document or documents necessary to implement the intent of this By-law and to affix the Corporate Seal thereto.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 28<sup>TH</sup> DAY OF OCTOBER, 2019.**

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**MAYOR DAVE BYLSMA**

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**JOANNE SCIME, CLERK**

### Smithville UBE RFP Evaluation Criteria

Consultant	Experience			Approach					Price	Total Score
	Local Exper.	Similar Project Experience	Local Municipal Exper.	Work Plan	Project Schedule	Team Qual.	References	Staffing Plan		
<i>Master Community Plan</i>										
Aecom	5	4	4	0	3	3	3	3	5	30
TPP	4	4	4	3	3	3	3	3	4	31
<i>Subwatershed Study</i>										
TMIG	3	3	3	3	4	3	3	3	0	25
Wood	5	5	5	4	3.5	5	4	4	4	39.5
Aquafor Beech	4	4	4	4	4	4	4	4	5	37
<i>Weighting</i>	15%	15%	15%	2%	5%	10%	5%	3%	30%	

#### Points System

Score Outstanding	5 pts	Excellent; provides plenty of adequate material and discusses different approaches.
Score Excellent	4 pts	Above average; exceeds minimum in some areas.
Score Very Good	3 pts	Acceptable; meets minimum requirements.
Score Good	2 pts	Fair; partially responsive.
Score Satisfactory	1 pts	Inadequate; fails to meet perceived needs.
Score Unsatisfactory	0 pts	Nonresponsive; not addressed in proposal.