SUBJECT: Unsolicited Proposal Process

CATEGORY: Internal Process (Pilot)

POLICY NUMBER: To be

assigned

1. PURPOSE

Vancouver Park Board (Park Board) strives to achieve its strategic objectives with limited resources. The Park Board welcomes unsolicited proposals (including unsolicited public-private partnerships – P3) that bring expertise, resources, and innovative service delivery approaches while ensuring organizational priorities are met and the public benefit is considered.

The Unsolicited Proposal Process (UPP) establishes parameters for the submission and evaluation of unsolicited proposals in a fair and transparent manner that ensures the best value for the public and for the Park Board.

2. SCOPE

This process applies to the Park Board and all its employees and officers. The Park Board's Procurement Policy includes an Unsolicited Proposals section (Section 16), which outlines the submission and acceptance of unsolicited proposals.

The City of Vancouver and the Park Board have in place various policies and processes related to partnerships and receiving funds from external sources. These policies and processes are listed below and will be followed for proposals that are outside the scope of the UPP.

- Donation Process
- Proposal responding to a Call (I.e. RFP, RFEOI, RFQ, etc.)
- Sponsorship Proposals
- Special events & filming proposals
- Filming Permit Process
- Park Improvement proposals
- All proposals responding to other Park Board-initiated solicitation or programs (I.e. <u>Neighborhood Matching Fund</u>, <u>Public Art Grant</u>, etc.)
- Temporary, Seasonal Attractions (1-year exemption)

3. ADMINISTRATION OF PROCESS

The Park Board General Manager is the owner and administrator of this Policy. They will assign a Process Owner to coordinate the process. The Process Owner will assign a Review Committee to administer subsequent steps in the process.

4. POLICY STATEMENTS

On October 19, 2020, the Park Board approved the <u>VanPlay Framework</u>, for Vancouver's <u>Parks and Recreation Services Master Plan.</u> VanPlay guides the work of the Park Board. Its priorities, tools, and policies support the pursuit of equity, connectivity, and access to parks and recreation for all. All unsolicited proposals must align with Park Board's mission, vision, and values as well as with VanPlay goals and objectives (see below).

The UPP aligns with the following VanPlay goals and objectives:

Goal 10: Secure adequate and ongoing funding for the repair, renewal, and replacement of our aging parks and recreation system.

Objective G.4.3: Seek alternate funding opportunities (foundation funds, grants, provincial monies, levies, etc.) to diversify the funding stream and support the ongoing enhancement of parks, recreation, and nature.

Objective G.7.3: Clarify roles and responsibilities for partnership agreements which simplify working with the Park Board

Values:

Reconciliation Mission, Vision, and Values

VanPlay

- Deliver Services Equitably
- Welcome Everyone
- Weave the City Together

Other guiding principles

- Public Benefit
- Best Value
- Fairness & Transparency
- Innovation
- Sustainability

5. **DEFINITIONS**

Background/Ethical Scans: General search of a Proposer's operations, background, and reputation is performed to determine if the Proposer meets the principles of the Ethical Purchasing Policy and Supplier Code of Conduct

Board/Park Board: Means the Vancouver Board of Parks & Recreation

Call: Any request or invitation by the Vancouver Group for a Bid (for example, requests for proposal, requests for expressions of interest, invitations to tender, invitations to quote, and invitations to offer).

Chief Procurement Officer (CPO): Leads the City of Vancouver and Park Board procurement. **Updated Proposal:** An invitation from the Review Committee Chair/Process Owner to the

Proposer to submit more in-depth information following the Board advising the Review Committee to proceed with the process after reviewing the Preliminary Analysis and the associated Board Report.

Detailed Evaluation (DE): Analysis of the Updated Proposal submitted by the proposer conducted by the Review Committee.

Donation: A gift in the form of cash or in-kind that is tax deductible and CRA compliant.

Designated Gift: A gift whose purpose and terms have been designated by a donor prior to gift acceptance.

Undesignated Gift: A gift whose purpose and terms have not been designated by a donor prior to gift acceptance.

Online Intake Form (OIF): The first step in the Unsolicited Proposal process: a brief and concise online form that describes the idea and other relevant information submitted by the proposer.

Notice of Intent to Contract (NOITC): An online statement issued by the City of Vancouver that outlines the intent to enter into a contract with a specific proposer.

Non-Competitive Sponsorship Arrangements: Involve either Unsolicited Sponsorship Proposals or Direct Solicited Sponsorship Proposals.

Non-Profit Organization: An independent, democratic organization that is required to comply with the Societies Act and its own constitutions and bylaws and is registered as a Society.

Permitted Sole Source: A sole source Contract of the type described in section 9.1 of the Procurement Policy.

Private Organization: A sole proprietor, company or corporation in the pursuit of business, the promotion or sale of products and/or services for profit.

Preliminary Evaluation (PE): Analysis of the Online Intake Form (OIF) conducted by the Review Committee.

Process Owner/Review Committee Chair: Parks & Recreation staff member who owns and oversees this process as determined by the Park Board General Manager.

Proposer: A private, non-profit or public sector entity or individual who submits an Unsolicited Proposal.

Public Private Partnership (P3): A legal, contractual agreement between the Park Board and a private, non-profit, or public entity or individual to assist in the delivery of services or the funding, development, management and operation of public facilities, where the risks, responsibilities and rewards are shared by the partners.

Review Committee: Determined by the Review Committee Chair/Process Owner. Typically consists of the Directors of Financial Planning & Analysis, Business Services, or their designated alternates, and the head(s) of the most impacted Park Board unit(s). Depending on the nature of the proposal, additional members may be identified.

Sponsorship: The relationship formed between the City and the Sponsor pursuant to a Sponsorship Agreement, whereby the Sponsor provides cash and/or in-kind services/benefits to the City in return for permitted use of association with the City Assets. These permitted uses may take the form of publicity, promotional activities, merchandising opportunities, naming rights or similar types of benefits.

Tier I Proposal: Proposal with an estimated total value of \$75k for services and \$200k for construction or less.

Tier II Proposal: Proposal with an estimated total value of more than \$75k for services and \$200k for construction.

Unsolicited Proposal: Proposal for a new or innovative service or initiative that is submitted to the Park Board on the sole initiative of the proposer for the purpose of entering into a contract, and that is not in response to a request for proposal or any other Park Board-initiated solicitation Unsolicited Proposal Process

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or program; I.e. sponsorship or donation (see Section 2 – Scope).

Unsolicited Sponsorship Proposal: A proposal received by the City or the Park Board independently of a public call for Sponsors. Unsolicited Sponsorship Proposals are typically submitted by third parties wishing to obtain marketing rights related to City Assets. The administration of all sponsorship proposals is subject to the Sponsorship Policy and is carried out by the Business Services unit.

6. REFERENCE

6.1 Proposed Process:

The Unsolicited Proposal Process is an extension of Section 16 of the Procurement Policy.

6.2 Required Information:

Depending on the estimated monetary value of the partnership, the UPP is a one-part (\$75k for services and \$200k for construction or less) or a two-part process (over \$75k for services and \$200k for construction) that requires the proposer to submit information as outlined in the Appendix. The Review Committee will evaluate the proposal. Proposals with incomplete information or an insufficient level of detail may be returned to the proposer or may not be considered and the proposer will be notified.

6.3 Procurement Process:

Alignment with Park Board values and policies, transparency, fairness, overall best value, and public benefit are some of the guiding principles of the UPP. In alignment with the Procurement Policy, Park Board reserves the right to undertake a public procurement process with respect to unsolicited proposals. If a proposal (over the total monetary value of \$75k for services and \$200k for construction) is evaluated favourably, prior to a contract award, the Park Board (or the City of Vancouver) will advertise a Notification of Intent to Contract (NOITC). It informs all potential contractors that negotiations leading to an award with a named contractor will take place without a competitive process unless others object. If the NOITC results in one or more viable objections, the Park Board may engage in a competitive process, negotiate with one or more firms concurrently or cancel the entire process.

6.4 Policy Statements

The Park Board reserves the right to withdraw from the process and terminate any further discussions without any compensation to the Proposer or any related consultants, companies, individuals, agencies, vendors, etc. for any time or costs incurred.

The Park Board is under no obligation to perform a comprehensive, or any, evaluation of any unsolicited proposal.

All costs associated with submitting an unsolicited proposal, including any subsequent demonstrations, presentations, and negotiations, are the sole responsibility of the Proposer submitting the unsolicited proposal.

The submission of an unsolicited proposal is done entirely at the Proposer's risk and confers upon the Park Board no contractual obligations whatsoever.

All Agreements resulting from this process must be on terms that expressly confirm that the Park Board does not endorse the products, services or ideas of any Proposer.

All Agreements must be recorded on standardized templates with standard terms and conditions approved by the Chief Procurement Officer and City Solicitor. Any deviation from the standardized terms and conditions or any material deviation from the approved use of such documents requires prior review and approval of the City Solicitor.

All proposals must be aligned with the Park Board's values, objectives and goals and policies.

The office of the CPO will conduct the Background/Ethical Scans on all Proposers and retain a record of the findings.

Section 6 of the <u>Sponsorship Policy</u> determines what types of organizations are NOT eligible as potential Proposers.

6.5 Disclosure of Information and Freedom of Information and Protection of Privacy Act:

The Park Board will take reasonable measures to keep any proprietary information contained in an unsolicited proposal confidential, subject to the Board's statutory obligations under the Provincial Freedom of Information and Protection of Privacy Act. Most information submitted to the Park Board in connection with the transaction of official business is public information subject to disclosure upon written request. All information provided to the Park Board will be handled in accordance with the Act and the requirements of the Act while in the Park Board's possession. All documents submitted by a Proposer should be regarded as public records and subject to disclosure unless the information is exempted from the requirements of the Act (i.e. trade secrets and propriety information).

Proposers are encouraged to submit trade secrets, financial records, and propriety or other confidential information which may be exempt from disclosure under the Freedom of Information and Protection of Privacy Act enclosed in a separate, sealed envelope marked "confidential".

6.6 Unsolicited Proposal Process Manual

The following figures and appendices describe the processes used by the Review Committee to evaluate unsolicited proposals.

<u>Phase 1:</u>

Online Intake Form (OIF):

The Online Intake Form must be completed by each proposer. The Review Committee will review the submission and evaluate the proposal using the Evaluation Matrix – Preliminary Evaluation (PE) detailed in the Appendix – Table 1. For Tier II proposals only, the Process Owner/Review Committee Chair presents the PE in an in-camera meeting to the Board for approval to proceed.

Phase 2:

Updated Proposal (based on the scope, Board feedback and gaps in information provided)

This step is only required to evaluate unsolicited proposals with a total monetary value of more than \$75k for services and \$200k for construction.

The Board must provide their approval to proceed prior to staff requesting further information from the proposer through the Updated Proposal request. The proposer must submit their answers to the Review Committee for consideration. The Review Committee Chair presents the result of the Detailed Evaluation (DE) of the Updated Proposal in a form of a Board Report to the Board for approval to proceed with implementation. Table 3 provides examples of information that can be included in the Updated Proposal request.

2. a) Request to submit

Phase 2 proposals build on the initial proposal and provide more in-depth information and analysis to support decision-making about whether the proposal can proceed to implementation. Phase 2 also allows for collaboration between the Review Committee and the proposer to ensure the proposal addresses the areas identified as a priority by staff.

Phase 2 proposals can be submitted only in response to a written request from the Review Committee Chair/Process Owner. The request will:

- Specify the format and the timeline for submission of the Updated Proposal
- Outline any additional information needed to support the next round of evaluation. This may take the form of a business plan, financial analysis, technical specifications, risk register, fundraising strategy, or other studies/assessments
- Describe the criteria which will be used to evaluate the Updated Proposal. These may be the same as the criteria used in the previous phase or modified to accommodate unique characteristics of the proposal
- Set out a proposed schedule and milestones for the Phase 2 evaluation process, which may include meetings with and/or presentations from the proposer
- Provide any essential terms and conditions which, in the Park Board's view, could be part of an arrangement between the Park Board and the proposer should the Phase 2 proposal receive a favourable evaluation

2. b) Receipt and pre-screening

The Review Committee Chair/Process Owner will acknowledge the receipt of the Updated Proposal by email within 3 business days. Proposals will be pre-screened for completeness and fulfillment of the requirements in the request. Staff may request that the proposer provide clarification or additional information within a specified time. The Park Board has no obligation to proceed with the evaluation of an incomplete Updated Proposal.

2. c) Evaluation team

Updated Proposals will be reviewed by the Review Committee members for continuity; however, additional subject matter experts (including from other departments) may also be invited to participate. The Park Board may, at its cost, engage external advisors where specialized input is required.

2. d) Evaluation criteria

Updated Proposals will be evaluated using the criteria set out in the Phase 2 proposal request. These may be the same criteria used in the previous phase or modified to accommodate the unique characteristics of the proposal. If the proposer has provided presentations, information from these presentations is included in the evaluation.

2. e) Notification

Updated Proposals are always more complex than Phase 1 submissions and the Review Committee will require more time for the evaluation. The Park Board cannot determine a standard notification timeline for the evaluation of the Updated Proposals but acknowledges the importance of a timely response.

Subject to necessary Park Board/Council approvals, possible outcomes from Phase 2 evaluation are:

- All or part of the proposal will proceed to Phase 3 without a competitive process
- All or part of the proposal will form the basis for a competitive process
- The proposal is not suitable for further consideration and will not proceed.

Detailed Evaluation - Park Board Criteria:

- Does the proposed project address a community need, service gap or service deficiency and is the project consistent with Vancouver Park Board's priorities, VanPlay or other approved strategies?
- Does the proposed project serve more than one target group and encourage multipurpose uses?
- Does the proposed project address the public's interests in regard to access, affordability, customer service, hours of operation and variety of programming?
- What is the level of support and/or likelihood of support for the partnership from the community and proposed users of the service or project proposed?
- Does the proposed project clearly designate the roles, responsibilities, risks and rewards of/for each partner?
- What are the anticipated short and long-term costs to the Vancouver Park Board in resources, including workload and capital and/or operating and maintenance budget impacts?

- Is the project economically sustainable and have the costs been systematically analyzed?
- Are the level of entitlements and rights of the Proposer supported by economic value consistent with such partner's contribution to the partnership in resources and risks?
- Does the proposed project include a level of quality consistent with standards established by the Vancouver Park Board for projects of a similar nature?
- Can the output of the service be measured and valued in a manner that allows the Vancouver Park Board determine compliance with the purpose and terms of the partnership?
- Is the Proposer qualified to carry out the proposed project?
- Does the Vancouver Park Board (or other pertinent City of Vancouver departments) have the capacity to effectively oversee the partnership, including design and construction of the project and ongoing activities of the partnership?
- Does the proposed project, if proposing a footprint in park space, adequately protect the Park Board's ability to use park space in the future? Is it complimentary/compatible with existing or proposed adjacent park use?

Phase 3:

Phase 3 encompasses the formalization of the partnership between the Park Board and the proposer, and more detailed planning and approvals to enable the proposal concept to proceed through to implementation.

Depending on the proposal type and scope, implementation may require one or more of the following steps:

- Board/Council approval in principle with direction to negotiate a Memorandum of Understanding or other form of agreement which would in turn be approved by the Board/Council;
- Confirmation of the Park Board resources through the City of Vancouver's annual budget process;
- Project approval through the Park Board's annual work planning process which clarifies the role and level of involvement from Parks & Recreation staff;
- Consultation with community or other stakeholders who may be impacted by the proposal;
- A competitive procurement process for all or part of the proposal concept;
- For less complex proposals, documenting the implementation process through an agreed-upon Project Plan to ensure that roles, responsibilities, deliverables and accountabilities are clear.

Appendices:

Table 1: Online Intake Form

#	Question	Category
Q1	Legal Name and Address of the Proposer	Admin
Q2	Organizational Status (I.e. private, non-profit, public)	Admin
Q3	Organizational Structure (I.e. shareholders, board of directors, staff, key personnel, etc.)	Admin
Q4	Describe your motivation in bringing your idea to the Park Board. What is your 'why' and what is the benefit you would gain if your proposal is successful?	Admin
Q5	Describe the alignment with the Vancouver Park Board's Reconciliation mission, vision, and values.	Equity & Reconciliation
Q6	Describe the alignment (if any) with the City of Vancouver's Social Value Procurement Framework.	Equity & Reconciliation
Q7	Outline the proposed uses and the targeted demographic of the proposed facility/service.	Equity & Reconciliation
Q8	Provide an executive summary of your proposal in 250 words or less and explain how the proposal resolves a capacity issue and/or how it serves an existing community need.	Alignment with Priorities
Q9	Review <u>VanPlay</u> , and identify which goal(s) and/or objective(s) your proposal aligns with.	Alignment with Priorities
Q10	Briefly explain how your proposal (or its parts) delivers on VanPlay goals and/or objectives you identified as an alignment within the previous question.	Alignment with Priorities
Q11	Briefly describe the benefits the Park Board and the public could gain from this project.	Value for Money
Q12	Briefly describe the risks/negative impact this project may cause and identify risk mitigation strategies.	Value for Money
Q13	Provide a preliminary business plan including a high-level overview of the proposed business model, the estimated operating and capital costs, expected attendance and revenues, proposed fees, and any contribution being requested from the Vancouver Park Board (land, financial and human resources, in-kind services, etc.)	Value for Money
Q14	Describe your expectations regarding the roles and responsibilities of both partners.	Feasibility
Q15	Describe your expectation regarding the operation and ongoing, preventative, and capital maintenance (if applicable)	Feasibility
Q16	Detail the projected timeline of the proposed project and the proposed term of the project.	Feasibility
Q17	Explain why you think your idea is unique. (I.e. nobody else can deliver it)	Unique & Innovative

Q18	Explain why you think your idea is innovative. (I.e. the	Unique	&
	service/facility is outdated or doesn't exist)	Innovative	

Table 2: Evaluation Matrix

Category	Intake	Evaluating Considerations	
- Calogoly	Questions	Livaldating Considerations	
Equity & Reconciliation	5,6,7	 The proposal is aligned with the Park Board's Reconciliation Mission, Vision, and Values The proposal is aligned with the COV's Social Value Procurement Framework The proposed services/facilities will serve an underserved community and/or demographic as identified in VanPlay 	
Alignment with Priorities	8,9,10	 The proposal is clearly aligned with VanPlay goals and/or objectives The proposal is an appropriate response to a community need The proposal resolves or helps to resolve a capacity issue and/or service deficiency 	
Value for Money	11,12,13	 The project delivers facilities or services that provide public benefits the Park Board currently can't provide There are financial, social, environmental, and/or community benefits that serve the public interest The proposed cost is competitive in a market context There is a reasonable balance in the apportionment of risks and benefits between the Park Board and the proposer The proposer has access to financial, personnel, and other necessary resources to deliver the proposed initiative The proposal clearly outlines the financial partnership expectations for the Park Board (capital, operating, and asset replacement perspective). 	
Feasibility	14,15,16	 The proposal is clear and timelines are realistic The proposer clearly identified what is being sought from the Park Board and it is not deemed to be assistance to business The proposer identified their responsibility over ongoing and future maintenance of the asset 	
Unique & Innovative	17,18	 The proposal has motivations and outcomes broader than the proposer's financial gain or meeting their needs The proposer has a genuinely innovative idea that is currently not planned or being delivered by the Park Board The proposal cannot be delivered by competitors at all, or within the proposed timeframe or cost 	

Scoring Guide:

5 – Excellent; 4 – Very Good; 3 – Good; 2 – Average; 1 – Poor; 0 – Unsatisfactory

*Explanation must be included for scores 0, 1, and 5

Table 3: Custom Questions for Consideration

Table 3: Custom Questions for Consideration	
<u>Information</u>	<u>Details</u>
Legal Name and Address of the Proposer(s)	NA
Organizational status	i.e. commercial, non-profit, public
Management Framework	i.e. Shareholders, Board of Directors, Staff,
	key personnel, etc.
A statement regarding the Proposer's qualifications to successfully carry out the Project	Information evidencing the Proposer's thorough understanding of the complexities of the project
	Management and operational expertise sufficient to complete the project in a timely and professional manner and/or deliver services to the community
	Any relevant experience carrying out projects and/or delivering services of a similar nature
A market and competitive analysis supporting the revenue assumptions and economic viability of the proposed project, including forecasts of supply and demand	NA
For Proposals that involve an improvement to real property or an existing facility, a design	Identification of the location(s) of the facility(ies) and services
and construction plan	Identification of any regulatory requirements related to land use, OCP or zoning and provincial and federal acts.
	Identification of the project design team and their professional qualifications and designations if applicable.
	Approach to archaeological, environmental, and building permitting if applicable.
	A conceptual design including, at a minimum, the following:
	(a) Conceptual renderings from which the Vancouver Park Board can deduce the nature and general character of the improvement and its relationship to the subject property and surrounding improvements (b) A to scale, measurable, conceptual site plan and elevations encompassing the subject property and portions contiguous from which the Vancouver Park Board can deduce the landscaping and urban design concepts of the

	improvement, major pedestrian entrances and proposed outdoor areas, and a circulation plan (for walking, cycling and motor vehicles), and accessibility (c) A preliminary facility program describing the improvement's mix of uses, estimating square footage for each use and addressing the likely parking needs (d) Preliminary exterior building elevations illustrating massing, openings and related building elements
	Project Schedule identifying all stages of the project development from design to completion
	Permit requirements
	Power requirements
Management plan	Operations Maintenance Compliance with existing regulations Staffing Training of staff Accounting, reporting and auditing procedures Proposed relationship with local government staff
Business plan	Partnership structure Duration of the proposed partnership Ownership of assets during and after the partnership term Any terms of payment Maintenance costs Reserves that need to be kept by the private or non-profit partner (e.g. maintenance reserve) Risk management, including that of force majeure Risk transfer from the local government to the private sector partner
Financial plan	Detailed cost schedule related to design and construction plan (if applicable) Financial structure Sources of funding Expectation of resources from the municipal government (e.g. land, cash, in-kind services, facility operations) How any improvements, upgrades and modifications will be financed Pro forma financial statements

	For infrastructure or service delivery partnerships where user fees will be a source of revenue, a detailed year-by-year description of future user fees Definition of an "acceptable rate of return" Expected return to the proposed private or non-profit sector partner Letters not more than ninety days old from authorized representatives of regulated financial institutions evidencing the existence of liquid assets or suitable unencumbered lines of credit sufficient to finance all reasonably anticipated development activities
Tax expectations	Tax deductions Capital cost allowance Transfer to the public sector partner Goods and Services tax Land transfer tax Property and business tax
Legal arrangements	Legal structure of the partnership between firms or persons in a consortium Proposed legal structure between potential partner and local government Special terms and conditions that will be required Compensation if project is cancelled by local government Compensation if project is cancelled by potential partner Dispute resolution mechanisms Indemnities
Alignment with the City's Social Value Procurement Framework and the Park Board's Reconciliation Mission, Vision, and Values	NA
Description of the community impact of the proposed project	The project's anticipated financial benefit to the Vancouver Park Board, including tax revenues and overall economic impact Estimates of the number of jobs for area residents to be generated by the project Description of the project's non-financial benefits to the Vancouver Park Board Plan for community consultation or engagement with respect to the project/services Any additional information considered important with regards to community benefits

Details regarding plans for performance	NA
measurement and reporting	

Figure 1: Accountability & Governance matrix

Decider	Accountable	Responsible	Consulted	Informed
D	A	R	C	I
Park Board General Manager	Process Owner/Review Committee Chair - TBD	Review Committee (identified on case by case basis)	- Impacted department Managers and SMEs - Manager, Strategic Initiatives - Supply Chain Management, CPO -Legal Services representative -Risk Mgmt. representative -Director, Financial Planning & Analysis- Director, P&PD -Manager, Human Resources -OH&S representative - Other Managers (as required) - Impacted Community (User Groups/Members)	-PB ELT incl. HR Manager and FP&A Director, -Relevant Third Parties (I.e. CCA), -Park Board Commissioners -Risk MgmtFinance -HR -OH&S



Figure 2: Unsolicited Proposals Policy - Total Value \$75k (services)/\$200k (construction) or less

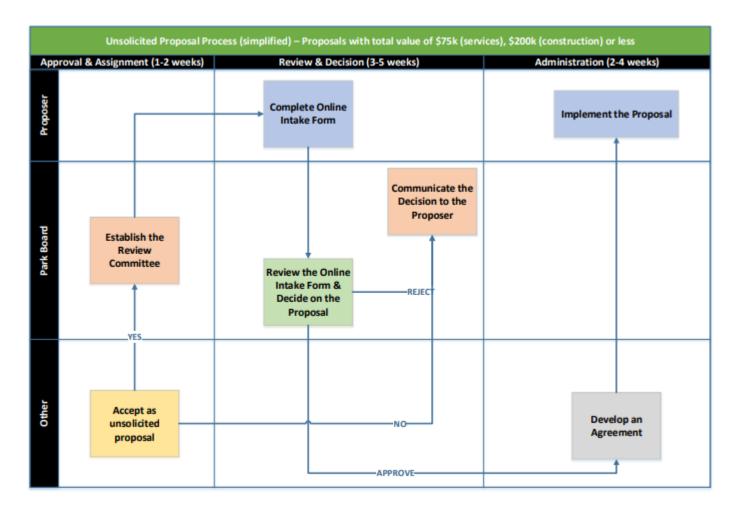






Figure 3: Unsolicited Proposals Policy - Total Value over \$75k (services)/\$200k (construction)

