



Report to: Development Services Committee

Report Date: April 29, 2014

SUBJECT: Award of Proposal 003-R-14: Consulting Services for a Zoning Issues Analysis & Strategic Direction Report, Markham's New Comprehensive Zoning By-law Project, Phase 1 of 4

PREPARED BY: Rosemarie Patano, Senior Construction Buyer, Ext. 2990
Anna Henriques, Senior Planner - Zoning & Special Projects, ext. 7922

REVIEWED BY: Tom Vilella, Senior Project Coordinator - Zoning & Special Projects, ext. 2758

RECOMMENDATION:

- 1) THAT the report entitled "Award of Proposal 003-R-14: Consulting Services for a Zoning Issues Analysis & Strategic Direction Report, Markham's New Comprehensive Zoning By-law Project" be received;
- 2) THAT the Contract for Proposal 003-R-14: Consulting Services for a Zoning Issues Analysis & Strategic Direction Report, Markham's New Comprehensive Zoning By-law Project, Phase 1 (Zoning Issues Analysis), be awarded to Gladki Planning Associates, the highest ranked, lowest priced bidder in the amount of \$337,639.68 inclusive of HST;
- 3) THAT a contingency in the amount of \$33,763.97 (10%), inclusive of HST impact to cover any additional project costs be approved, and that authorization be granted to approve expenditures of this contingency amount up to the specified limit in accordance with the Expenditure Control Policy;
- 4) THAT the award and contingency amounts be funded from the Planning & Urban Design project for Markham's New Comprehensive Zoning By-law – Project Account #14005 in the amount \$371,403.65 (\$337,639.68 + \$33,763.97), inclusive of HST impact;
- 5) THAT Phase 2 (Strategic Direction Report) contract, in the amount of \$93,151.10 inclusive of HST, be awarded to Gladki Planning Associates subject to 2015 funding approval;
- 6) THAT a contingency in the amount of \$9,315.11 (10%), inclusive of HST impact to cover any Phase 2 (Strategic Direction Report) additional project costs be approved subject to 2015 funding approval, and that authorization be granted to approve expenditures of this contingency amount up to the specified limit be in accordance with the Expenditure Control Policy;
- 7) THAT the Director, Planning & Urban Design and the Senior Manager, Purchasing & Accounts Payable have the authority to award the contract for Phase 2 (Strategic Direction Report), subject to 2015 funding approval;
- 8) AND 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 obtain approval to award the contract for Proposal 003-R-14: Consulting Services for a Zoning Issues Analysis & Strategic Direction Report, Phase 1 of 4, and pre-approve Phase 2 of 4, which are components of Markham's New Comprehensive Zoning By-law Project.

In 2013, Council began funding this project through the Capital Budget, with initial funding of \$150,000 to begin required background analysis. Through the 2014 Capital Budget, Council allocated a further \$530,000 to the project.

BACKGROUND:**Markham's existing zoning by-laws**

Markham's existing zoning framework consists of approximately forty-six (46) active "parent" zoning by-laws. Markham's zoning by-laws were adopted at various points in time between 1953 and 2004, with the significant majority of the by-laws being adopted between the 1960s and 1980s. These by-laws generally apply to lands in older, more established areas of the City such as Thornhill and Unionville. The City's most current zoning by-laws were adopted in 1996 and in 2004 and apply to newer communities in the City; OPA 5 communities (Cornell, Box Grove, Wismer, etc.) and Markham Centre, respectively. In addition to the City's parent zoning by-laws, there are five (5) infill zoning by-laws that are in effect for specific areas of the City such as Markham Village, Thornhill and Unionville.

Over the past fifty (50) to sixty (60) years there have been numerous zoning by-law amendments to the City's parent zoning by-laws, to update them and make them more relevant to emerging building and planning standards and trends. In addition, over the same time period there have been approximately 3,000 site specific zoning by-law amendments and approximately 6,000 minor variance approvals to facilitate development and redevelopment within the City.

Markham's zoning by-laws require review and updating

The Planning Act [Subsection 26 (9)] requires that municipalities review and update their municipal zoning by-law(s) to conform with their Official Plan, no later than three (3) years after the Official Plan comes into effect. Therefore, the City's parent zoning by-laws will need to be updated to be consistent with the City's new Official Plan which was adopted by Council in December, 2013.

In addition, the City's parent zoning by-laws are in need of a major comprehensive review given their age, and the numerous amendments and minor variances approved over the years. For example, many of the provisions of the City's zoning by-laws are considered outdated, inefficient, and in some cases, ineffective for managing land use and development in the City. The City has not undertaken a major comprehensive review of all parent zoning by-laws until now.

Markham's New Comprehensive Zoning By-law Project

To address the Planning Act requirement and zoning by-law issues discussed above, the City initiated Markham's New Comprehensive Zoning By-law Project in September, 2013. The fundamental purpose of Markham's New Comprehensive Zoning By-law Project is to review, consolidate and update, where appropriate, the City's parent zoning by-laws into one (1)

comprehensive zoning by-law that conforms with, and implements, the City's new Official Plan. A key objective of the Project is to develop an innovative, user-friendly and web-based zoning by-law that responds to current and emerging planning and development trends, to guide future development in Markham and improve service delivery to City residents and the development industry. Planning staff developed a work program for the Project which consists of four (4) phases, as outlined below:

PHASE	WORK TO BE COMPLETED	ESTIMATED COMPLETION
Phase 1	Zoning Issues Analysis	May 2015
Phase 2	Strategic Direction Report	September 2015
Phase 3	Drafting & Processing of New Comprehensive Zoning By-law	September 2017
Phase 4	OMB Appeals	December 2018

Request for Proposal (RFP) issued January, 2014

Markham's New Comprehensive Zoning by-law Project is anticipated to be a challenging multi-year project that will require a significant amount of resources to complete. To assist with Phases 1 & 2 of the Project, the City issued an RFP (003-R-14) for Consulting Services for a Zoning Issues Analysis & Strategic Direction Report. The RFP provides the City with the ability to award a contract for Phases 1 & 2 combined or Phase 1 only.

BID INFORMATION:

Advertised	ETN
Bids closed on	February 25, 2014
Number picking up bid documents	8*
Number responding to bid	2

* Purchasing contacted bidders who downloaded the document and did not submit a bid. From the six (6) follow-up calls made, Purchasing found that four (4) of the suppliers participated in the capacity of a sub-consultant; one (1) supplier indicated they did not have required experience in this field; one (1) bidder identified a potential conflict of interest.

Evaluation of Proposals

The RFP was released with a three-stage evaluation approach whereby Bidders were required to submit a technical proposal in envelope 1 and a price proposal in envelope 2. The technical proposal (Stage 1) was evaluated out of 70 points and the price proposal (Stage 2) was evaluated out of 30 points. The Evaluation Team for this RFP was comprised of staff from the Planning & Urban Design and Building Departments, with purchasing staff acting as the facilitator.

Evaluation of Stage 1 – Technical Proposal (Envelope 1)

The Stage 1 Technical Proposals were evaluated against the pre-established evaluation criteria as outlined in the RFP: 20 points for Experience and Qualification of the Bidder and Staffing; 20 points for Project Understanding, Methodology and Approach; and, 30 points for Project Delivery and Management. Bidders, who scored a minimum of 75%, or 52.5 points out of 70, continued

on to Stage 2 – Price Proposal (Envelope 2). The results of the Stage 1 evaluation are outlined below:

Bidders	Score (out of 70)	Rank Results
Gladki Planning Associates	55.25 (79%)	1
Meridian Planning Consultants	53.75 (77%)	2

Evaluation of Stage 2 – Price Proposal (Envelope 2)

Based on the Stage 1 evaluation, both Bidders received a score of a minimum of 75% and therefore, proceeded to Stage 2 - Price Proposal (Envelope 2). The sealed price proposal envelopes (envelope 2) provided by the bidders were opened and evaluated (exclusive of HST) out of 30 points, based on the criteria outlined in the RFP. The bidder with the lowest price received a score of 100% (30 points out of 30 points) for Stage 2. The score for the other bid price was based on a standard calculation outlined in the RFP. The results of the Stage 2 (Price Proposal) evaluation are outlined below:

Bidders	Score (out of 30)	Rank Results
Gladki Planning Associates	30.00	1
Meridian Planning Consultants	0.00	2

*Bid prices for Phase 1 plus Phase 2, ranged from \$430,790.78 to \$976,290.00 exclusive of HST

Stage 1 & 2 – Combined Overall Scoring

The scores from the Stage 1 and 2 evaluations were combined to formulate final overall scoring, as summarized below:

Bidders	Score (out of 100)	Rank Results
Gladki Planning Associates	85.25	1
Meridian Planning Consultants	53.75	2

Gladki Planning Associates (“GPA”) is the successful bidder for Phase 1 (Zoning Issues Analysis) and the preferred supplier for Phase 2 (Strategic Direction Report). The GPA proposal demonstrated a thorough understanding of the Project and its requirements, including a strong understanding of the required project tasks and deliverables, as well as, key issues and challenges. In addition, the GPA proposal demonstrated, based on the team’s depth of experience and expertise on projects of similar scope and scale, the ability to successfully undertake the Project while meeting key milestones and timelines.

Established in 2010, GPA was formerly known for twelve years as GHK Canada. GPA provides a full range of planning services for private and public clients in Canada and abroad, with strong expertise managing multi-disciplinary teams on complex projects. Their clients include the City of Toronto, City of Mississauga, City of Vaughan, Peel Region, etc. In addition, GPA was recently retained by the City of Markham to assist with the preparation of the City’s new Official Plan.

In response to the requirements of the RFP, GPA has partnered up with sub-consultants, assembling a strong and well-rounded team with extensive knowledge of innovative zoning by-law approaches and recent experience managing similar complex projects. Specifically, R.E. Millward and Associates and Clarion Associates are both sub-consultants that have significant zoning experience. For example, Ian Graham of R.E. Millward and Associates was the Acting Project Manager for the City of Toronto's New Harmonized Zoning By-law which was recently adopted by Council in May, 2013. In addition, Donald Elliot of Clarion Associates has extensive experience drafting new comprehensive zoning by-laws for numerous American cities as well as the City of Winnipeg. Other sub-consultants include Woodfield Consulting, Anthony Usher Planning Consultants and Davis LLP, providing GIS, natural heritage and legal expertise, respectively.

Summary

GPA prepared a solid proposal in response to the RFP and has assembled a very strong team with the requisite skills, knowledge and expertise to successfully complete Phases 1 and 2 of the Project on time and within budget. However, due to budgetary constraints, the City is only able to award a contract for Phase 1 at this time. Accordingly, GPA is the successful bidder for Phase 1 of the Project (Zoning Issues Analysis) and the preferred supplier for Phase 2 (Strategic Direction Report). It is anticipated Phase 2 will commence in May or June of 2015 and that Phase 2 funding will be available subject to 2015 capital budget approval.

FINANCIAL CONSIDERATIONS:

The award of the contract for Proposal 003-R-14, Phase 1 of 4, in the amount of \$371,403.65, inclusive of HST, will be funded from capital project #14005 "New Comprehensive Zoning By-Law Project" (Acc #620-101-5699-14005).

Item	Amount
Consolidated Zoning Budget (account 620-101-5699-14005)	\$ 530,000.00
Budget allocated for this item:	\$ 400,000.00
Award (inclusive of HST):	\$ 337,639.68
Contingency (inclusive of HST):	\$ 33,763.97
Budget remaining:	\$ 28,596.35

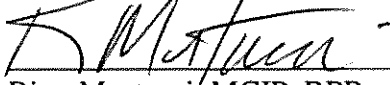
The remaining budget of \$28,596.35 will be retained in the account to fund the City's on-going zoning by-law program which includes general zoning by-law updates and amendments as budgeted for in this account.

The award of the contract for Proposal 003-R-14, Phase 2 of 4, in the award amount of \$102,466.21 (\$93,151.10 + \$9,315.11) inclusive of HST, will be awarded to Gladki Planning Associates subject to 2015 funding approval through the 2015 capital budget process.

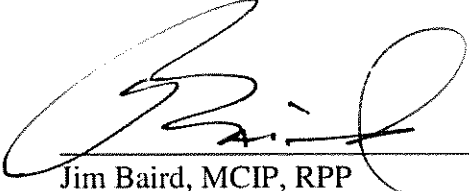
BUSINESS UNITS CONSULTED AND AFFECTED:

This report was jointly prepared by the Purchasing and Planning & Urban Design Department. This report was also circulated to the Finance Department for review and comment.

RECOMMENDED BY:



Rino Mostacci, MCIP, RPP
Director, Planning & Urban Design



Jim Baird, MCIP, RPP
Commissioner, Development Services