



REPORT TO COUNTY COUNCIL

FROM: Nicholas Loeb, Director of Legal Services

DATE: December 6, 2023

SUBJECT: Elgin / Re:Public Urbanism Agreement
2024 – Single Source

RECOMMENDATIONS:

THAT Council of the County of Elgin receive and file the report entitled “Elgin / Re:Public Urbanism Agreement 2024 – Single Source” for information;

THAT Council of the County of Elgin authorize the Warden and CAO/Clerk to execute an agreement for planning services between Elgin County and 10042986 Canada Inc. o/a Re:Public Urbanism for 2024;

INTRODUCTION:

This report recommends that Council enter into an agreement with a planning consultant for the delivery of planning services for 2024. The recommendation is for a single source procurement pursuant to the County’s Procurement By-law 20-07.

BACKGROUND AND DISCUSSION:

10042986 Canada Inc. o/a Re:Public Urbanism (hereafter, “Re:Public Urbanism”) has been delivering planning services to the County of Elgin since the beginning of 2022. Initially, the services provided by Re:Public Urbanism were limited in scope as the City of St. Thomas Planning Office was assisting the Land Division Committee in processing severance consent applications. At the May 24, 2022, meeting of County Council, an expanded scope of services was authorized such that Re:Public Urbanism was authorized to move forward with the County Official Plan as well as delivery of all planning services related to the approval authority function of the County. In June of 2022, internal staff took over the functioning of the Land Division Committee through the hiring of a permanent Secretary – Treasurer / Planning Technician.

The amended agreement authorized by Council in May of 2022 provided for an extension of services through calendar year 2023 at the County’s discretion and that option was exercised.

Through the consideration of its budget approval for 2024, County administration is presenting Council with different options for the delivery of planning services going

forward. Regardless of which path County Council chooses through its budget considerations, staff strongly recommend that a new agreement be entered into with Re:Public Urbanism for continued delivery of services as there will either be (i) a need for full service delivery continuity or (ii) a need for a transition of services to potential future County staff.

There is no minimum volume of work or exclusivity provision(s) in the Agreement. As a result, the Agreement contemplates scenarios of both a high volume of planning services or a decreasing volume if internal resources are increased.

The recommendation is presented as a single source procurement. The County's procurement policies provide that a single-source award can be made subject to meeting at least one of the criteria set out at 4.7(c). Those criteria include:

- iii. There is a need for compatibility with goods and/or services previously acquired or the required goods and/or services will be additional to similar goods and/or services being supplied under an existing contract (i.e. contract extension or renewal);

The Director of Legal services advises that this criteria is met. Re:Public Urbanism is currently delivering County planning services and has detailed knowledge of all ongoing County files and, significantly, the County expects that the Official Plan project will be wrapped up early in the new year. Importantly, County staff make this recommendation on the basis that it has been completely satisfied with the delivery of planning services to date. Changing providers at this time would create a significant cost inefficiency in the transition of files as well as project delays.

The rate per hour of work for 2023 was \$150.00. Re:Public Urbanism is increasing its rates to \$160/hr (exclusive of HST) for 2024.

The precise value of the contract is not known because of the above-noted variable in the level of internal planning resources for 2024. That said, the value is likely to be above \$50,000.00, which requires Council approval for a single source procurement.

FINANCIAL IMPLICATIONS:

The 2024 Agreement contemplates a modest increase in hourly fees from \$150.00/hr to \$160/hr. The increase in hourly rate is accounted for in the preliminary budget figures presented to Council for its 2024 budget year consideration.

ALIGNMENT WITH STRATEGIC PRIORITIES:

Serving Elgin	Growing Elgin	Investing in Elgin
<input checked="" type="checkbox"/> Ensuring alignment of current programs and services with community need. <input checked="" type="checkbox"/> Exploring different ways of addressing community need. <input type="checkbox"/> Engaging with our community and other stakeholders.	<input checked="" type="checkbox"/> Planning for and facilitating commercial, industrial, residential, and agricultural growth. <input type="checkbox"/> Fostering a healthy environment. <input type="checkbox"/> Enhancing quality of place.	<input checked="" type="checkbox"/> Ensuring we have the necessary tools, resources, and infrastructure to deliver programs and services now and in the future. <input checked="" type="checkbox"/> Delivering mandated programs and services efficiently and effectively.

Additional Comments:

LOCAL MUNICIPAL PARTNER IMPACT:

A continuation of Re:Public Urbanism's services is not expected to have any LMP impact.

COMMUNICATION REQUIREMENTS:

If approved, the Director of Legal Services will ensure that all stakeholders are aware of the continuity of service delivery.

CONCLUSION:

County administration recommends that a single-source procurement for planning services for the 2024 year be approved and that Council authorize the Warden and CAO/Clerk to execute the necessary agreement to give effect to the services.

All of which is Respectfully Submitted

Approved for Submission

Nicholas Loeb
Director of Legal Services

Don Shropshire
Chief Administrative Officer/Clerk