

**Accountability, Transparency and Disclosure Framework
for the Valley Line LRT Procurement Stage**

Purpose

The Valley Line LRT – Stage 1 project is the City of Edmonton’s first P3 project. Due to the nature of a Public Private Partnership (P3) procurement, it is necessary to consider a framework for accountability, transparency and disclosure to ensure an appropriate level of public access to information and input into decisions.

This framework is intended to ensure an open and transparent environment during the bid process within the confines of a P3 environment.

This report outlines the key principles and milestones for procurement and is intended to guide disclosure, communications and public engagement activities.

The Accountability and Transparency Approach

Two central pillars of good project governance are accountability and transparency, delivered through public disclosure of available information.

While the Valley Line LRT – Stage 1 is the City of Edmonton’s first P3 project, many other P3 projects have been implemented across Canada and there is a growing record of best practices from other cities and provinces.

Those include cities within the provinces of British Columbia, Alberta, Saskatchewan, Manitoba, Ontario, Quebec and New Brunswick. Both the federal government and the provincial governments in Canada (including Alberta) have acts and policies for P3 projects that ensure public accountability, transparency and public disclosure.

Overall, these best practices suggest that three main obligations need to be considered:

- To the private partners – recognize the contractual obligation; respect the contractual agreements and the partners’ proprietary information as outlined in those contracts.
- To the public partners – recognize the role of government support and meet the requirements to be accountable and transparent, respect the private partners’ requirements for confidentiality.
- To the public – recognize the importance of sharing information in a timely manner and consider the project’s procurement requirements, City Council direction, and the provincial and federal agreement requirements.

Guiding Principles

To be accountable and achieve transparency, a project must operate in a way that makes it easy for stakeholders to see what actions are performed, and the information must generally be shared in the spirit of cooperation and consideration.

The development of guiding principles sets the tone and approach to achieving accountability and transparency. For the Valley Line LRT – Stage 1, the project team will apply the following principles:

- Ensure that pertinent information is disclosed in a timely manner to allow the public access to information and the opportunity to participate where appropriate;
- Pay due regard to factors such as the risk that disclosure or non-disclosure may cause to either to proponents or to the City's best interests or value-for-money business case;
- Protect commercially sensitive information as an important factor in ensuring the integrity of the P3 procurement process and protecting the City's negotiation position with P3 proponents;
- Communication will be timely, making reasonable effort to provide the public with advanced publicity and help minimize logistical barriers to information sharing. Decisions and newsworthy information will be publicized;
- All public information on project milestones, performance, structure, progress and impending change will be published (i.e. online, in print, on radio or TV, etc.) as allowed within the P3 process; and
- Public participation and engagement will be provided through opportunities for the public to engage in open dialogue for expression of opinion and in celebration of key project milestones;

There are three areas where these principles will be applied:

1. communications planning and activities (under development)
2. public engagement planning and activities (under development)
3. disclosure of pertinent information from the procurement process (attached)

The application of these guiding principles will allow the Valley Line LRT – Stage 1 to engage in a P3 procurement process and still adhere to the core values of openness and transparency.

Public Disclosure Milestones and Opportunities

During the Valley Line LRT – Stage 1P3 bidding process, the following milestones will be considered for public disclosure. Public disclosure can include the issuance of a news release, posting on a web site or providing information upon request.

Milestone/Document	Disclosure Requirement	Rationale/Guidance
Request for Qualifications document (RFQ)	<ul style="list-style-type: none"> • Make publicly available on the date of issuance • Post on Alberta Purchasing Connection website 	<ul style="list-style-type: none"> • Consistent with the practice in other jurisdictions • Provides information about the project including scope and objectives • Enhances potential competition by increasing awareness and exposure to the project
RFQ Addenda	<ul style="list-style-type: none"> • Make publicly available on the date of issuance • Post on Alberta Purchasing Connection website 	<ul style="list-style-type: none"> • Consistent with the practice in other jurisdictions • Supports competitive procurement • Interested parties are instructed in the RFQ document to check for addenda on Alberta Purchasing Connection
Name & number of parties who respond to RFQ	<ul style="list-style-type: none"> • Announce the number of respondents via media; post on project & City web site • Proponents would be at liberty to advise their own shareholders or stakeholders at their discretion 	<ul style="list-style-type: none"> • Publicizing the number of respondents will serve as an update regarding the level of interest in the project from prospective proponents • Disclosure of names may not be meaningful as respondents may choose not to continue in the competitive process • It is recommended that the nature of respondents be characterized and that context about the number be provided (i.e., if teams are expected to consolidate prior to the RFP stage)
Name & number of parties who are short listed at RFQ stage and receive RFP	<ul style="list-style-type: none"> • Announce the number and names of successful teams, including lead firms, via media; post on project & City website 	<ul style="list-style-type: none"> • Consistent with the practice in other jurisdictions
Request for Proposals (RFP) RFP Schedules	<ul style="list-style-type: none"> • Make publicly available within 30 days of date of issuance (commercially sensitive material redacted) 	<ul style="list-style-type: none"> • Consistent with the practice in other jurisdictions • Will not contain any information that could harm the competitive process

Milestone/Document	Disclosure Requirement	Rationale/Guidance
	<ul style="list-style-type: none"> Main body of RFP only 	
Completed Proposals Submitted by Proponents	<ul style="list-style-type: none"> These documents will not be made public 	<ul style="list-style-type: none"> Disclosure of these documents could significantly harm the commercial and competitive interests of the proponents and the ability of the City to attract the best possible project participants to the competitive process
Draft Project Agreement	<ul style="list-style-type: none"> This document will not be publically available 	<ul style="list-style-type: none"> Public disclosure of the Draft Project Agreement is not recommended given that this contract is the basis for commercial negotiations, is subject to change and could harm the negotiating interest of the City and of proponents for this and in future projects
Name of preferred proponent	<ul style="list-style-type: none"> Announce the name of the preferred proponent, including the names of the primary team members (firms) via media Update the project and City websites with this information 	<ul style="list-style-type: none"> The timing of this disclosure needs to be such that the City's negotiating position will not be harmed Public disclosure of a preferred proponent may be best at a stage when evaluation, internal decision-making and approvals are secure Prior to this announcement, the City must be confident that the selection of the preferred proponent reflects the likely outcome of the procurement process
Fairness Opinion Letter	<ul style="list-style-type: none"> Make the Letter on the RFQ available to the public at the time of the announced shortlist Make the Letter on the RFP available to the public when the preferred proponent is announced. Make the final report available to the public following Financial Close. 	<ul style="list-style-type: none"> Consistent with the practice in other jurisdictions Important for transparency and to build confidence in the process amongst the various stakeholders
Final Agreement	<ul style="list-style-type: none"> Make a redacted version of this document publicly available within 60 days of Financial Close Public disclosure should protect information that is 	<ul style="list-style-type: none"> Consistent with the practice in other jurisdictions Important for transparency

Milestone/Document	Disclosure Requirement	Rationale/Guidance
Value for Money Report (following conclusion of an agreement)	<p>proprietary or commercially confidential</p> <ul style="list-style-type: none"> • Make this document publicly available soon after Financial Close • Add to project and City website 	<ul style="list-style-type: none"> • Consistent with the practice in other jurisdictions