

THE CITY OF EDMONTON

BYLAW 16813

LRT PROCUREMENT DELEGATION BYLAW

Whereas:

Pursuant to section 203 of the *Municipal Government Act*, RSA 2000, c. M-26, Council may by bylaw delegate any of its powers, duties or functions under any enactment or bylaw to a council committee, chief administrative officer, or a designated officer, except for the power to pass bylaws, adopt budgets, appoint, revoke or review the chief administrative officer's position, unless an enactment or bylaw provides otherwise;

Pursuant to section 209 of the *Municipal Government Act*, the chief administrative officer may delegate any of his or her powers, duties or functions to a City employee or designated officer;

Council determined the route and will determine the budgets for the southeast to downtown light rail transit line;

Council created a Council committee named the LRT Governance Board to provide expertise and advice to the City in relation to the development of the southeast to downtown light rail transit line;

Council decided that the southeast to downtown light rail transit line will be delivered by way of a public-private partnership;

The next step in the development of the southeast to downtown light rail transit line is the development of a competitive procurement process;

The terms and conditions of the request for proposal will form the basis of the public-private partnership agreement that will govern the design, build, financing, operations and maintenance of the southeast to downtown light rail transit line;

The City has access to recognized expertise in competitive procurements within its administration and the members of the LRT Governance Board;

The development of the terms and conditions of the request for proposal and the selection of the contractor for the private-public partnership must be done in strict confidence to protect the integrity of the competitive procurement process;

The value and the length of the term of the public-private partnership agreement governing the southeast to downtown light rail transit line project exceeds the authority delegated to the City Manager in the City Administration Bylaw.

Edmonton City Council enacts:

PART I - PURPOSE, DEFINITIONS AND INTERPRETATION

- PURPOSE** 1 The purpose of this bylaw is to delegate powers, duties and functions to the City Manager in relation to the competitive procurement process and approval of the public-private partnership agreement that will govern the design, build, financing, operations and maintenance of the new southeast to downtown light rail transit system.
- DEFINITIONS** 2 In this bylaw words have the same meaning as the meanings ascribed to them by the *Municipal Government Act*, in addition to the following:
- (a) “**Board**” means the City’s LRT Governance Board;
 - (b) “**Chair**” means the chair of the LRT Governance Board;
 - (c) “**City**” means the municipal corporation of the City of Edmonton;
 - (d) “**City Manager**” means the chief administrative officer of the City or delegate;
 - (e) “**Council**” means the elected governing body of the City;
 - (f) “**Fairness Monitor**” means the party retained by the City to monitor and report on the fairness of the competitive procurement process;
 - (g) “**LRT**” means light rail transit;
 - (h) “**LRT Project**” means the southeast to downtown portion of the Valley Line;
 - (i) “**Municipal Government Act**” means the *Municipal Government Act*, RSA 2000 c M-26;
 - (j) “**P3**” means public-private partnership;
 - (k) “**P3 Agreement**” means the agreement defining the terms and conditions governing the City’s legal relationship with the contractor that will design, build, finance, operate and maintain the LRT Project;

- (l) “**RFP**” means the request for proposal component of the competitive procurement process that will be conducted to select the contractor that will enter into the P3 Agreement;
- (m) “**RFQ**” means the request for qualifications component of the competitive procurement process for the LRT Project;
- (n) “**Standing Committee**” means Council’s standing committees identified in the City’s Procedures and Committees Bylaw, Bylaw 12300;
- (o) “**Valley Line**” means the City’s southeast to west LRT system.

RULES FOR INTEPRETATION

- 3 The marginal notes and headings in this bylaw are for reference purposes only.
- 4 In the event of a conflict between a provision of this bylaw and an enactment, the enactment governs.
- 5 Any reference to an enactment or bylaw includes all amendments or successor or replacement enactment or bylaws and regulations or orders created pursuant to the authority in an enactment or bylaw.

PART II - CITY MANAGER’S ROLE

- 6 The City Manager will work collaboratively with the Board to develop and implement a competitive procurement process to select the contractor that will be awarded the P3 Agreement, including:
 - (a) develop and issue the RFQ and RFP, including clarifications and addenda;
 - (b) determine and implement evaluation criteria and protocols for the RFQ and RFP;
 - (b) assign the individuals who will conduct evaluations and review of the RFQ and RFP; and
 - (c) develop the form of P3 Agreement that will be issued with the RFP.
- 7 Decisions pertaining to the procurement process will be made by the City Manager with advice and recommendations from the Board, and in accordance with budget limits, legal and trade

agreement requirements, and City Policy.

- 8 The City Manager will ensure adherence to the City's established procurement practices and policies during the competitive procurement process.
- 9 The City Manager will approve and award the P3 Agreement including any required consents, acknowledgments, documents, or corollary or ancillary agreements for the LRT Project, in accordance with Council budget and funding plan approvals.
- 10 After the P3 Agreement is approved, the City Manager will manage any contractual issues that arise.

PART III - REPORTING

- 11 The City Manager and the Chair will provide semi-annually reports on the status and progress of the Valley Line procurement to Council through the Standing Committee determined by Council.
- 12 LRT Project status and progress reports will, as much as reasonably possible, be presented to the Standing Committee in public, but meetings may be closed if public discussion of particular matters could compromise the integrity of the procurement process.
- 13 LRT Project matters other than procurement related matters for the Valley Line, such as public consultation and engagement, communications, and budget will be managed by Council or its appropriate Standing Committee in the ordinary course of City business.

PART IV - GENERAL

- 14 The powers, duties and functions given to the City Manager in this bylaw are in addition to the City Manager's powers, duties and functions under any other enactment or bylaw.

Read a first time

Read a second time

Read a third time

SIGNED AND PASSED

THE CITY OF EDMONTON

MAYOR

CITY CLERK