Minutes – Executive Policy Committee – October 18, 2017

REPORTS

Item No. 4 Single Source Negotiation and Award of Contract for Professional Consulting Services for Land Surveying Services - Materials Management Reference No. 764-2017

EXECUTIVE POLICY COMMITTEE DECISION:

The Executive Policy Committee concurred in the recommendation of the Winnipeg Public Service:

1. That single source negotiation with Christian Korell, carrying on business as Barnes & Duncan ("Barnes & Duncan"), for land surveying services related to monument restoration in an amount not to exceed $244,500.00 plus G.S.T, be approved pursuant to B4.1 (f) of the Materials Management Policy compatibility of a supply with existing property or services is the paramount consideration.

2. That, subject to the approval of Recommendation 1, the Director of Planning, Property and Development approve an award of contract to Barnes & Duncan in the estimated amount of $244,500.00 plus GST.

3. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

DECISION MAKING HISTORY:

Moved by Councillor Orlikow,

That the recommendation of the Winnipeg Public Service be concurred in.

Carried

ADMINISTRATIVE REPORT

Title: Single Source Negotiation and Award of Contract for Professional Consulting Services for Land Surveying Services - Materials Management Reference No. 764-2017

Critical Path: Executive Policy Committee

AUTHORIZATION

Author	Department Head	CFO	CAO
M. Pittet	J. Kiernan	M. Ruta	M. Jack A/CAO

EXECUTIVE SUMMARY

The Public Service is seeking the authority to enter into single source negotiations with Barnes & Duncan for land surveying services related to monument restoration in specific geographic areas in an amount not to exceed $244,500.00 plus G.S.T. Barnes & Duncan is one of only two local firms capable of undertaking this scope of work and, as the successor firm to Wilson & Neal, has access to original survey records in the subject areas. This reduces their time and cost to complete the project, resulting in lower costs to the City compared to the estimated cost received from the other capable firm should they be engaged.

RECOMMENDATIONS

1. That single source negotiation with Christian Korell, carrying on business as Barnes & Duncan ("Barnes & Duncan"), for land surveying services related to monument restoration in an amount not to exceed $244,500.00 plus G.S.T, be approved pursuant to B4.1 (f) of the Materials Management Policy compatibility of a supply with existing property or services is the paramount consideration.

2. That, subject to the approval of Recommendation 1, the Director of the Planning, Property and Development Department approve an award of contract to Barnes & Duncan in the estimated amount of $244,500.00 plus GST.

3. That the proper officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

REASON FOR THE REPORT

In accordance with B1.1 of the Administrative Standard FM-002, the approval of the Executive Policy Committee is required for any single source negotiations for consultant services where the estimated value relating to other than capital projects exceeds $35,000.00 in total, including all phases of any given project, prior to submission to the award authority.

As the total conditional amount to be paid by the City pursuant to the contract does not exceed $2,000,000.00 and there are sufficient funds in an approved budget, the Director of the Planning, Property and Development Department may award the contract under the authority delegated pursuant to Administrative Standard FM-002.

IMPLICATIONS OF THE RECOMMENDATIONS

Subject to EPC approval, the single source contract will be awarded to Barnes & Duncan in the amount of up to $244,500 plus GST for land surveying services related to monument restoration.

Separate purchase orders will be issued for each of the four geographic areas in which the work will be undertaken, thus enabling more concise future tracking of the particulars as to when Survey Infrastructure was placed or restored.

Sufficient funds are available to complete the work.

HISTORY/DISCUSSION

Survey Infrastructure (“Infrastructure”) integrity is an essential component of the land tenure system within the City of Winnipeg. The Infrastructure consists of survey monuments that were placed during original and subsequent surveys and shown on plans registered at the Winnipeg Land Titles Office. This Infrastructure provides the legal definition of property boundaries (extent of ownership) and is used to provide timely and cost-effective survey activities which are critical for both construction and legal boundary land tenure activities.

The Infrastructure is used for the definition of boundaries in the design and construction of all roads, lanes, sidewalks, buildings, utilities and all other development activities. As the Infrastructure supports the legal definition of land, its use is required when producing any legal documents where the definition of boundaries has been mandated both by the City of Winnipeg and the Province of Manitoba. For example, processes such as; development applications, building location certificates and plans for road openings/closings, subdivisions and easements, all depend on the Infrastructure for their production.

Unlike modern requirements for development, the original developers were not required

to repair or replace any missing or damaged Infrastructure during the development cycle. Additionally, the relatively narrow street widths of 60' and the difficulties in avoiding the Infrastructure during the development cycle led to a higher than usual number of missing and damaged monuments. Degradation of the Infrastructure in each of the geographic areas is significant which brings property boundaries and extent of ownership into question. Once restoration of the Infrastructure has been completed, its continued integrity is protected, to the best extent possible, from all known future construction activities through the Geomatics Branch's Survey Infrastructure Protection Program (SIPP).

Due to the size of each geographic area, there are a limited number of firms capable of undertaking this scope of work. Of the two firms capable of the work, Barnes & Duncan's estimates for each of the geographic areas are substantially lower than the other firm. Considering Barnes & Duncan is the successor to Wilson & Neal, the original survey firm for much of the geographic areas, they have direct access to the original survey records. This access results in reduced research and field time, providing lower costs to the City in comparison to the estimated costs received from the other capable firm. Geographic areas for which Barnes & Duncan do not have direct access to original survey records are also not available to the other firm capable of doing the work.

Section B4.1 (f) of the Materials Management Policy permits single source negotiations and award of contract in certain situations. It reads:

> "Subject to B8, a supply to be made to the City may be negotiated without the solicitation of competitive offers where the Chief Administrative Officer determines that, it is in the best interest of the City, appropriate/necessary, and that:
>
> (f) the compatibility of a supply with existing property or services is the paramount consideration and that supply is available only from a single supplier."

This procurement is subject to the Canadian Free Trade Agreement (2017) (formerly the Agreement on Internal Trade), Article 513 (c) of which provides a corresponding provision. It reads:

> "513: Subject to paragraphs 2 and 3, and provided that it does not use this provision for the purpose of avoiding competition among suppliers or in a manner that discriminates against suppliers of any other Party or protects its own suppliers, a procuring entity may use limited tendering in the following circumstances:
>
> (b) for additional deliveries by the original supplier of goods or services that were not included in the initial procurement, if a change of supplier for such additional goods or services:
>
> (i) cannot be made for economic or technical reasons such as

requirements of interchangeability or interoperability with existing equipment, software, services, or installations procured under the initial procurement; and

(ii) would cause significant inconvenience or substantial duplication of costs for the procuring entity."

Single source negotiations will reduce costs in terms of time (i.e. staff time) to prepare, issue, and evaluate a bid op given that only two firms are capable of completing the work. Previous experience with Barnes & Duncan has demonstrated that they are capable of completion of the project on a timely basis with the lowest overall cost and a minimum of oversight from Geomatics staff. Awarding the work to one firm with proven expertise to deliver work in a timely manner is the most efficient and cost-effective method for completion of this project.

FINANCIAL IMPACT

Financial Impact Statement

Date: August 22, 2017

Project Name:

First Year of Program 2017

Single Source Negotiation and Award of Contract for Professional Consulting Services for Land Surveying Services

	2017	2018	2019	2020	2021
Capital					
Capital Expenditures Required	$ -	$ -	$ -	$ -	$ -
Less: Existing Budgeted Costs	-	-	-	-	-
Additional Capital Budget Required	$ -	$ -	$ -	$ -	$ -
Funding Sources:					
Debt - Internal	$ -	$ -	$ -	$ -	$ -
Debt - External	-	-	-	-	-
Grants (Enter Description Here)	-	-	-	-	-
Reserves, Equity, Surplus	-	-	-	-	-
Other - Enter Description Here	-	-	-	-	-
Total Funding	$ -	$ -	$ -	$ -	$ -
Total Additional Capital Budget Required	$ -				
Total Additional Debt Required	$ -				
Current Expenditures/Revenues					
Direct Costs	$ 244,500	$ -	$ -	$ -	$ -
Less: Incremental Revenue/Recovery	-	-	-	-	-
Net Cost/(Benefit)	$ 244,500	$ -	$ -	$ -	$ -
Less: Existing Budget Amounts	244,500	-	-	-	-
Net Budget Adjustment Required	$ -	$ -	$ -	$ -	$ -

Additional Comments: Direct costs in 2017 represent the upset maximum amount of the proposed contract with Barnes & Duncan. Sufficient Council-approved budget is in place to fund this expenditure. No budget adjustment is required.

"Original signed by"

Mike McGinn, CPA, CA
Manager of Finance

CONSULTATION

This Report has been prepared in consultation with:

Materials Management
Legal Services

OUR WINNIPEG POLICY ALIGNMENT

Legislation requires the City to maintain survey monuments to a certain standard which supersedes OurWinnipeg. However, OurWinnipeg states in section 01-3 (A City That Works: 'Prosperity'): Direction 1 – "Provide efficient and focused civic administration and governance."

The subject work being undertaken is in-line with this "Direction".

SUBMITTED BY

Department: Planning, Property and Development
Division: Real Estate and Land Development
Prepared by: Donald Bourgeois
Date: September 20, 2017
File No: N/A

Attachments:

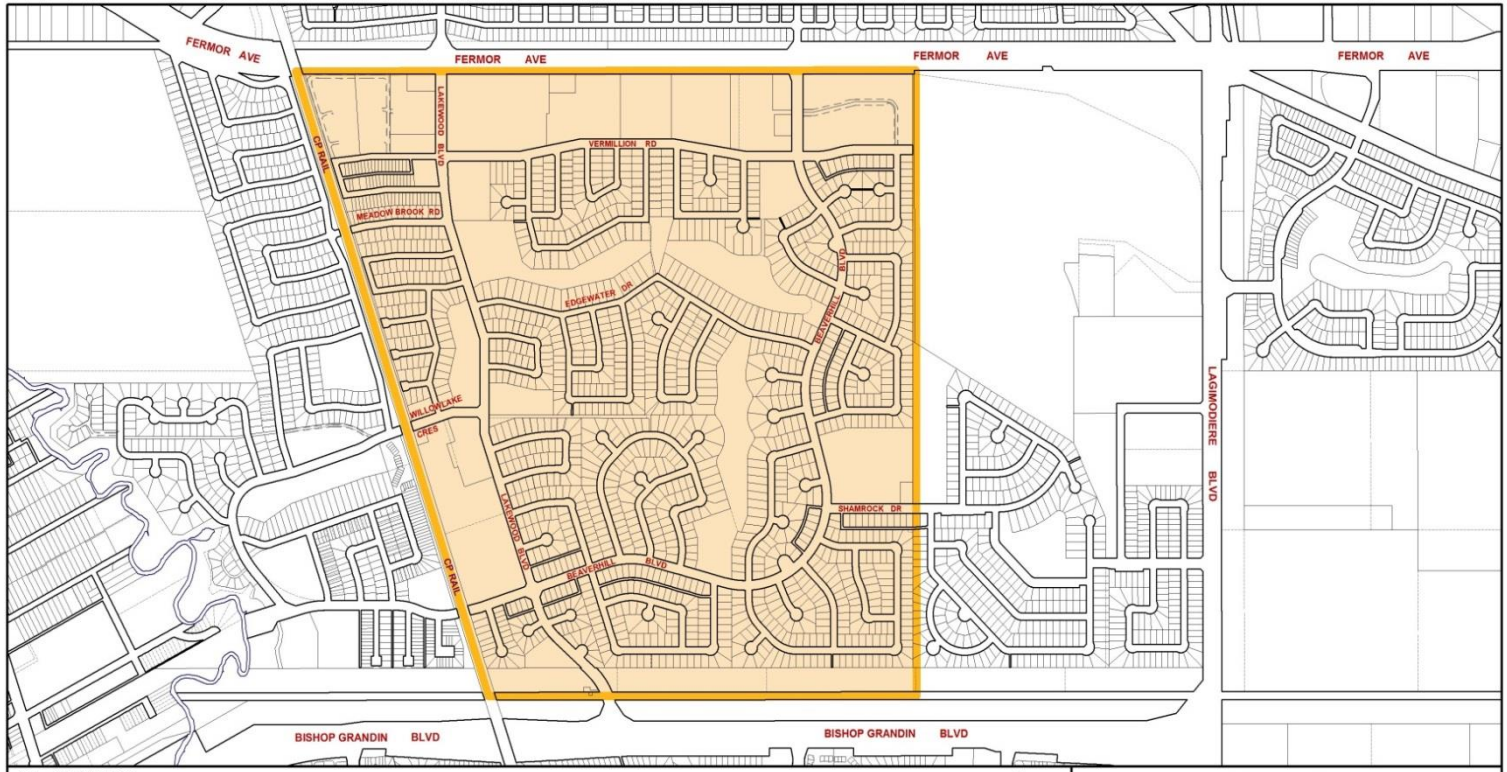
Appendix "A" Miscellaneous Plans

O:\Reports Directive\Land Development, Geomatics and Land Information Services\Geomatics\ Single Source (Barnes & Duncan) Report - Final REVISED.docx

V:\Supervisors\Contracting\Single Source Reports\2017\Single Source (Barnes & Duncan) Report - Final REVISED.docx

APPENDIX "A"

Miscellaneous Plan No. 15219 – Survey Contract Southdale



Date: 2017-AUG-04
District: RIEL
File: Not Available
Scale: 1:12000
Requested by: JS
Drawn by: IP
Reference Dwg No.: As requested

NOTE: Information displayed hereon has been compiled or computed from a variety of sources and should be used as a general guide only. No warranty is expressed or implied regarding the accuracy of such information.

SURVEY CONTRACT SOUTHDALE

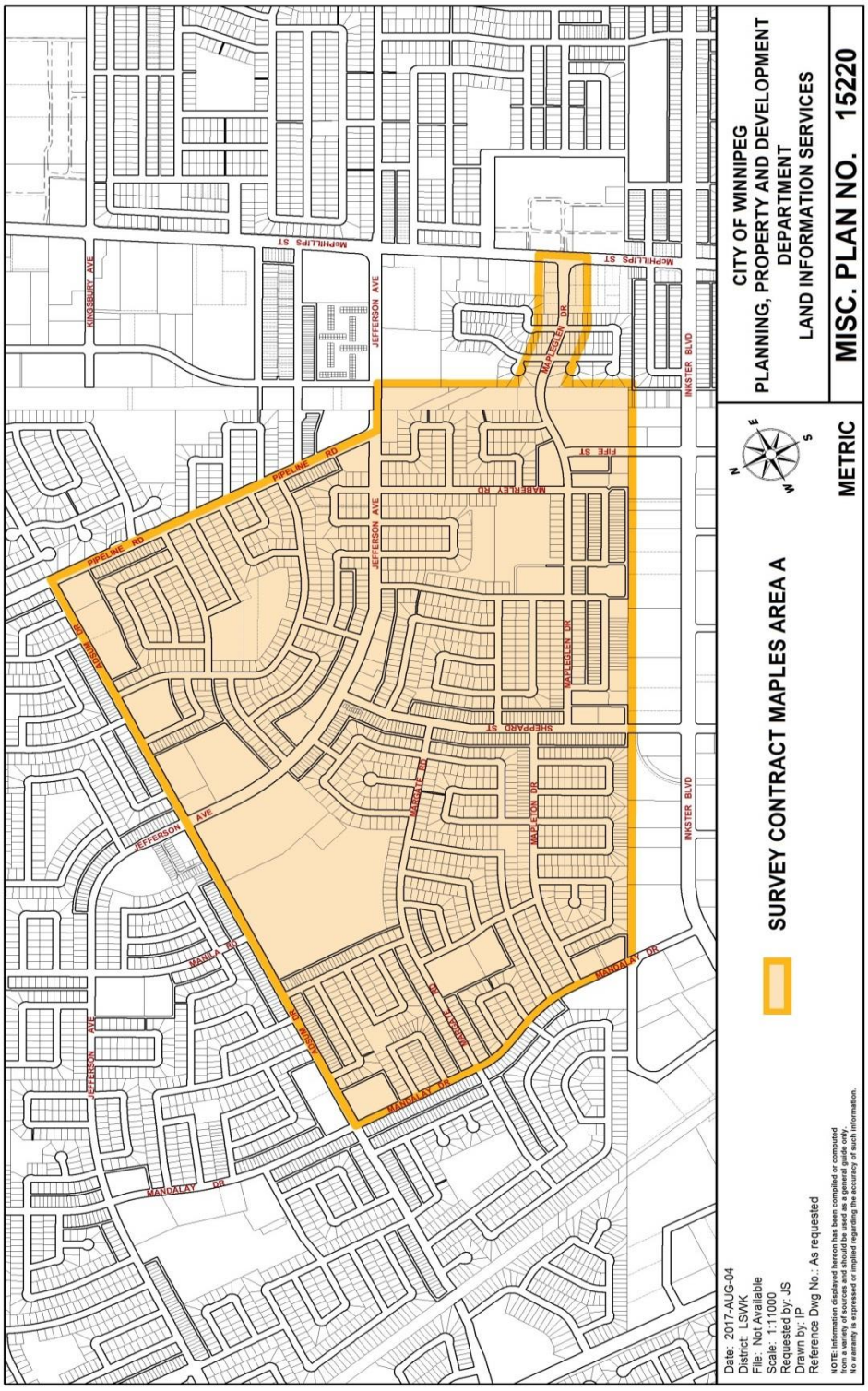
N
W E
S

METRIC

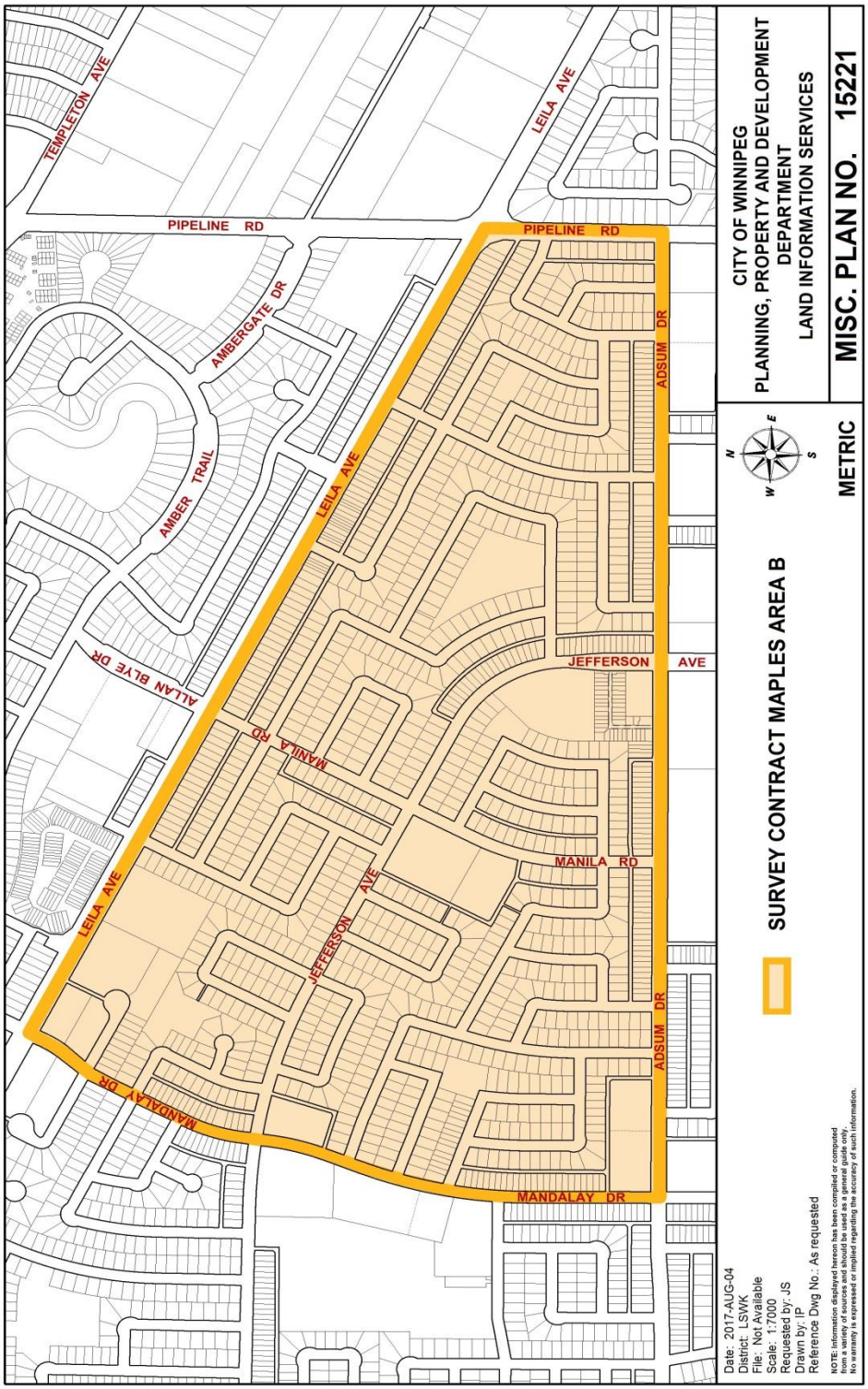
CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPARTMENT
LAND INFORMATION SERVICES

MISC. PLAN NO. 15219

Miscellaneous Plan No. 15220 – Survey Contract Maples Area A



Miscellaneous Plan No. 15220 – Survey Contract Maples Area B



Miscellaneous Plan No. 15220 – Survey Contract South St. Vital

