Minutes – Executive Policy Committee – April 9, 2019

REPORTS

Item No. 4 Governance Review

EXECUTIVE POLICY COMMITTEE DECISION:

The Executive Policy Committee concurred in the recommendation of the Winnipeg Public Service and received the report as information.

DECISION MAKING HISTORY:

Moved by Councillor Orlikow,

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

Carried

ADMINISTRATIVE REPORT

Title: Governance Review

Critical Path: Executive Policy Committee

AUTHORIZATION

Author	Department Head	CFO	CAO
C. Gameiro	M. Lemoine	N/A	D. McNeil

EXECUTIVE SUMMARY

On December 12, 2017 Council approved the 2018 Operating Budget which included $175,000.00 to conduct a review of the City of Winnipeg's current governance framework.

On June 15, 2018 Bid Opportunity *No. 387-2018 Request for Proposal Governance Review* (RFP) was issued, with a closing date of July 17, 2018. Upon closing, only one bid was received and subsequently not awarded.

The RFP will be reposted as the Public Service has identified areas where improvements can be made to the RFP which may help to garner more interest from prospective consultants.

The 2018 operating budget funding of $175,000 for the governance review was approved to be carried forward to the Commitment Reserve for use in 2019.

RECOMMENDATIONS

1. That this report be received as information.

REASON FOR THE REPORT

This report is presented to Executive Policy Committee as an update on status of the governance review approved by Council on December 12, 2017, as part of the 2018 Operating Budget.

IMPLICATIONS OF THE RECOMMENDATIONS

There are no implications arising from receiving this report as information.

HISTORY/DISCUSSION

On December 12, 2017 Council approved, as part of the 2018 Operating Budget, $175,000.00 for a Governance Review.

After having consulted with Council members for input on what should be included in the RFP, Bid-Opportunity 387-2018 *Request for Proposal Governance Review* was issued on June 15, 2018, for a consultant to conduct a cross jurisdictional review of other Canadian municipalities in order to establish best practices and to provide recommendations to Council on the following:

- Structure of committees of Council including the mandate and delegated authorities of each, their function, relevance, distribution of work load, and appointment process to all committees;
- Alternatives to current committee structures and responsibilities;
- Administrative – Political interface between the public service and elected representatives;
- Public hearing process;
- Appeal process for administrative and political decisions;
- Annual budget process – political oversight and review process; and
- Strategic plan established by Council to coincide with Council terms.

Upon closing of the bid on July 17, 2018, only one bid was received and subsequently not awarded. On October 5, 2018, the Chief Financial Officer approved the “no award” Report.

The RFP was reviewed with external consultants to determine if there were specific reasons why more bids were not received. Consultants advised that:

- The weighting of 40% on the price was too high, given the additional requirements to provide examples of previous work.
- They did not have prior experience with a governance review of this nature, but have worked on corporate governance reviews in the private sector.
- The scope of the RFP was too broad.
- The desired scope of public consultations was a barrier for some firms as they felt that it would require the bulk of the project budget.

Following the 2018 civic election, newly elected Councillors were also consulted on the governance review.

Amendments to the Request for Proposal

The RFP seeking an external consultant to perform the Governance Review will be reposted with the following amendments to broaden the accessibility of the project to prospective consultants:

- No longer requiring Breakdown of Person Hours. Instead, requiring a list of the percentage of time to be dedicated to the Project by each person assigned.
    - Form P of Bid Opportunity 387-2018 required a breakdown of person hours associated with the project, for each team member. Consultants advised that this degree of detail is unnecessarily onerous in preparing an RFP of this scope.

- Reducing the price evaluation criteria to 20% from 40% and redistributing 20% as follows:
    - Add 10% to Experience of Proponent and Subconsultant for a total of 30%
    - Add 5% to Experience of Key Personnel Assigned to the Project for a total of 15%
    - Add 5% to Project Schedule for a total of 10%
        - Reducing the weighting of the price from 40% to 20% takes into account that the budget amount for this project is public knowledge, and places the emphasis on other areas of evaluation such as previous experience, examples of work, and other evaluation criteria.

- Requiring two relevant examples of past work instead of three.
    - To facilitate the submission of more bids the requirement to submit three examples of previous relevant work is being relaxed to include two examples of relevant previous work.

- Reducing the Scope of Services by eliminating the following areas of review:
    - Alternatives to current committee structures and responsibilities;
        - This was a duplication of the first item on the listing.
    - Strategic plan established by Council to coincide with Council terms
        - This could be perused outside of the Governance Review.

- Requiring the consultant to develop and submit a public engagement strategy as part of the RFP, instead of being prescriptive on how public engagement will occur. The Office of Public Engagement will be available for collaboration and to provide insight and knowledge on public engagement
- Consultants advised that the desired level of public consultation of the initial RFP would account for a large portion of the project budget. Allowing the consultant to submit a public engagement strategy as well as having collaboration with the Office of Public Engagement may attract more bidders.

- The 2018 operating budget funding of $175,000 for the governance review was approved to be carried forward to the Commitment Reserve for use in 2019.

FINANCIAL IMPACT

Financial Impact Statement Date: February 14, 2019

Project Name:
Governance Review

COMMENTS:

There are no financial implications associated with the recommendations in this report.

Original signed by T. Yanchisyn
Tanis Yanchishyn
Manager of Finance (Campus)
Corporate Finance Department

CONSULTATION

This Report has been prepared in consultation with:

Chief Administrative Office
Customer Service and Communications Department

OURWINNIPEG POLICY ALIGNMENT

The recommendations contained in this report align with OurWinnipeg Direction 1: Provide efficient and focused civic administration and governance.

SUBMITTED BY

Department: City Clerk's Department
Prepared by: Pieter W. Prinsloo
Date: February 15, 2019

Attachments:
Appendix A – Proposed RFP Scope

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D3. SCOPE OF SERVICES

D3.1 The Services required under this Contract shall consist of a review of the Governance Structure of the City of Winnipeg in accordance with the following:

(a) Creation of a Terms of Reference to be used as a framework for the work to be completed:
   (i) Including timeframes for deliverables, processes to be undertaken, consultation of stakeholders, public engagement strategy, undertaking of a cross jurisdictional review, methodologies to be used, and governance issues to be examined;

(b) Review of relevant Provincial Legislation and City of Winnipeg By-laws and Policies with respect to Governance of the City of Winnipeg including but not limited to the City of Winnipeg Charter Act, and the City of Winnipeg's Organizational By-law 7100/97, Procedure By-law 50/2007 and the Development Procedures By/law 160/2011;

(c) Conduct interviews with members of Winnipeg City Council and senior management to gather feedback on governance issues;

(d) The proponent shall develop and submit a public engagement strategy to allow for in-person, and online feedback. The Office of Public Engagement will be available for collaboration and to provide insight and knowledge on public engagement;

(e) Conduct a cross jurisdictional review of other Canadian municipalities in order to establish overall best governance practices and to provide specific recommendations on but not limited to:
   (i) Structure of committees of Council including the mandate and delegated authorities of each, their function, relevance, distribution of work load, and appointment process to all committees;
   (ii) Administrative – Political interface between the public service and elected representatives;
   (iii) Public hearing process;
   (iv) Appeal process for administrative and political decisions; and
   (v) Annual budget process – political oversight and review process.

(f) Provide recommendations pertaining to the above to Council for consideration, broken down by:
   (i) Changes requiring the adoption of new, or amended City of Winnipeg by-laws;
   (ii) Changes requiring the adoption of new, or amended Provincial Legislation.