

**Mayor's Task Force on Development
Municipal Benchmarking Study
Excerpt from Request for Proposals**

B. PROJECT DESCRIPTION AND REQUIREMENTS

1.0 INTRODUCTION

The Task Force is requesting proposals from qualified consultants to undertake the Mayor's Task Force on Development Municipal Benchmarking Study. The Study will provide a summary and analysis of the policies, processes and practices related to the development review process in a minimum of five comparable Ontario municipalities. Based on best practices, the Study will present the Task Force with opportunities and options for policy and process changes that could be implemented in the City of Kingston in order to achieve Council's priority to build an "open for business" culture and enhance service by streamlining the development process.

The following sections are intended to guide the preparation of proposals for the Mayor's Task Force on Development Municipal Benchmarking Study. This document has been prepared for the Task Force under the guidance of the Senior Special Projects Manager in the Office of the Commissioner, Sustainability and Growth.

2.0 PROJECT COST

The Fee Schedule of Pricing in the proposal shall show the total all-inclusive, upset limit cost in Canadian dollars for all associated costs, including labour, material, and equipment costs required to complete the project (excluding taxes).

The cost of any presentation support materials, exhibits and study products will be the responsibility of the consultant. The cost of advertising, room rentals and refreshments required for meetings open to the public in the context of the public consultation program will be paid by the City of Kingston. The City of Kingston will be responsible for preparing and placing all advertising and notices and renting appropriate facilities.

The City of Kingston shall pay the consultant for providing the services in accordance with the payment terms set out in the proposal, provided that the cost to complete the services as set out in the proposal shall be the maximum amount that the City of Kingston shall be obliged to pay the consultant, unless otherwise agreed to in writing between the parties.

The consultant should consider the tax regime prevailing at the time of the contract submission closing date when determining pricing. All prices should be quoted net of applicable taxes. The consultant agrees to track additional eligible input tax credits available due to the implementation of the Harmonized Sales Tax regime effective from July 1, 2010 and to provide a recommended adjustment, if any, of the contract price to reflect a neutral tax treatment in the context of the introduction of the HST during the term of an agreement.

3.0 BACKGROUND OF THE PROJECT

3.1 Kingston's Strategic Plan 2011-2014

The City of Kingston's mission statement that guides all municipal decision-making is:
"To enhance the quality of life for present and future generations by providing progressive, professional services and leadership that reflects the needs of all those who work, live, visit or play in the City of Kingston". In that regard, the City recognizes that how we conduct our business is as important as the business we conduct. A key corporate strategy is to foster a culture of continuous improvement and employee engagement in the workplace by streamlining decision making, defining and clarifying expectations, improving accountabilities and enhancing communications. Delivering quality services is a priority.

When making decisions and undertaking its work, Council's Guiding Principles include:

- Increasing its focus on facilitating economic development and growth including an emphasis on customer service excellence;
- Committing to evaluation and continual improvement by measuring progress, outcomes, and impact to ensure accountability and transparency.

In terms of Enabling Economic Development, Council's priority is: *"Kingston is open for business and is committed to expanding the tax base through intensification for greater economic resiliency"*. To achieve that priority, during its term, Council will:

- 2.2 - "Review and update policies and practices to emphasize economic development";
- 2-13 - "Build an "open for business" culture and enhance service by streamlining the development process".

The Corporate Commitment to this priority of Council is: "With an open for business philosophy, we will respect legislative requirements, bylaws and standards. We will create flexibility in our practices, where possible, to optimize service to the customer to expand our tax base and achieve economic results". Specific corporate focus areas include: "Streamline the development review process to improve flow of information and customer service and turnaround time".

3.2 Mayor's Task Force on Development

The Terms of Reference for the Mayor's Task Force on Development includes the following:

a) Background

"Kingston has made a commitment to be "open and ready for business". In doing so it is prudent to ensure we have the right policies, processes and practices in place to make development opportunities as easy as possible for those investing while at the same time ensuring that we are protecting and enhancing the amazing quality of life which exists in our community.

One major challenge in ensuring we are ready to embrace new business opportunities in Kingston is the fact that we still have unconsolidated zoning bylaws from the former city and townships – which is not scheduled to be completely consolidated for three to five years depending on appeals. This and other possible setbacks need to be reviewed in terms of Kingston being open for business. I see this exercise as being important to ensuring that all of the City's processes and policies are streamlined to ensure that Kingston is of the best in Ontario when it comes to encouraging development.

It is with this in mind, and my belief that we must act quickly to ensure a healthy and prosperous community, that I hereby form the Mayor's Task Force on Development." (Excerpt from Terms of Reference for Mayor's Task Force on Development written by Mayor Mark Gerretsen)

b) Mandate

"The Mayor's Task Force on Development will focus on the issues and challenges presented throughout the development process within the City of Kingston, recognizing the requirements of the Provincial Policy Statement and provincial legislation under the Planning Act, Heritage Act and Building Code Act and other relevant regulations. They will take a critical look at the current policies and practices of the departments that affect the way businesses, residents and developers move through the system." (Excerpt from Terms of Reference for Mayor's Task Force on Development)

c) Actions of the Task Force

"The Task Force shall:

Identify the main issues and concerns to be addressed throughout its term.

Review the planning and development policies and processes within the City of Kingston from the point of initial application through to occupancy.

Identify Best Practices in planning and development policies and processes by reviewing five comparable Ontario municipalities; to include the role and appropriateness of outside agencies.

Prepare a comprehensive report with recommendations to Council on policy and process changes Kingston needs to make to adopt Best Practices.

Identify best methods for outside agencies to facilitate timely responses and enhance customer service (CRCA, Health Unit, provincial and federal agencies, etc)."
(Excerpt from Terms of Reference for Mayor's Task Force on Development)

d) Membership

The Task Force is comprised of two members of City Council, two Community Champions (representing the Chamber of Commerce and the Kingston Economic Development Corporation), one Consulting Representative, one Development Representative and one Public Representative. The Task Force is supported by staff from the Clerk's Office and the Office of the Commissioner of Sustainability and Growth. Other staff resources are provided as required, particularly from the Building & Licensing and Planning & Development Departments.

The Task Force was mandated to enlist the input of outside experts as required and to seek public input.

e) Term and Reporting

The Task Force has a twelve month term and is to submit a six-month (mid-term) report and a final report at the completion of its term. Minutes are recorded and published for all Task Force meetings.

3.3 Task Force Activities to Date

The Task Force held its initial meeting on January 11, 2012. This was essentially an orientation meeting at which the Deputy City Clerk provided an overview regarding the role and responsibilities of the Task Force Members and staff provided an overview of the Task Force Information Binder which contained copies of previous reports on customer service initiatives and information respecting the City's development review process. There was also a general discussion regarding items of interest to discuss at future meetings, possible municipal comparators, the process for selecting a consultant and frequency of meetings.

At the next four meetings (February 6th, 13th and 27th and March 5th), the Task Force received presentations from the following stakeholders in the development review process that outlined their perceptions of challenges, pressure points, positive aspects and opportunities for improvement respecting the City's current process and practices:

- the Kingston Economic Development Corporation;
- Homestead Land Holdings Ltd.;
- Kingston Home Builders' Association; and,
- the Chamber of Commerce.

Planning & Development Staff provided an overview of the development review process, including process charts for each of the different application types. Finally, Natural Capital Resources Inc. (consultant hired by the City) provided a presentation summarizing the findings of confidential in-person interviews with a broad range of external and internal stakeholders involved in the development review process in order to solicit their feedback, benchmark and validate service delivery, and provide a measurement of our success and performance. Approximately 25 interviews were conducted with external stakeholders involved in the submission of the full range of planning applications and approximately 20 interviews were conducted with staff

from the various departments involved in the development review process. All of the above noted submissions were summarized in Report MTFD-12-003 to the Task Force, together with a summary of customer service issues that were common to previous initiatives and a listing of some potential focus areas for the Task Force's work.

On March 20 and 27, 2012, an advertisement appeared in the local newspaper inviting interested persons to schedule an appointment with the Task Force to discuss the City's development review process. Interested persons were requested to come to the Task Force prepared to discuss three areas where the current process is working well and three areas where the process needs improvement. Interested persons and other municipal departments will make submissions to the Task Force at future meetings.

On April 2nd, the Task Force received the following further submissions regarding the City of Kingston development review process:

- Vicki Schmolka (former City Councillor and Chair of Planning Committee);
- Jeff Scott (current City Councillor for Countryside District, trained urban planner and urban forester, development experience);
- Robin Quantick (Owner, Excalibur Learning Resource Centre) regarding his experience redeveloping a heritage property; and,
- Terry Willing, Director, Building & Licensing Department.

On March 19, March 26 and April 19, 2012, facilitated sessions were held with the Task Force in order to identify focus areas for review and benchmarking by the consultant. The Task Force identified the following guidelines and parameters as being integral to the City's development review process (See Appendix 'A' for further details):

- Time is Money;
- Customer Service Focus;
- A System that is Easy to Access and Navigate;
- Guided by the Official Plan; and,
- Compliant with Legislation.

Within these broader guidelines, the Task Force identified the following focal points for the development review process to help focus the research and best practice review to be undertaken by the consultant and to assist in shaping the framework for the Final Report recommendations to Council (See Appendix 'A' for further details):

- Optimized Efficiency and Coordination;
- Accessible Information and Resources for Applicants;
- Streamlined Approach for Heritage Act Approvals;
- Solutions-Oriented Culture;
- Informed Roles and Responsibilities for Stakeholders;
- Collaborative Synergy with External Agencies;
- Committed, Well-trained and Experienced Staff;
- A Welcoming and Functional Development Hub;
- Computerized Tracking and Evaluation System; and,
- Ongoing and Inclusive Performance Measurement.

3.4 Available Information

The Task Force has received considerable background information to assist in fulfilling its Mandate. The background information included a report from the 2000 Task Force on Development, various reports regarding previous and ongoing initiatives for customer service improvements, a copy of Council's strategic priorities and the 2011-2014 Strategic Plan, copies of various Citizen's Guides to Land Use Planning, Heritage Guideline Documents, and summaries of the Minor Variance process, the Site Plan Control process, the

Employment lands process chart and the overall development review process (legislation, types of applications, delegated authority, key process steps). In addition, the Task Force has received submissions from various stakeholders. Formal minutes are prepared and published for each meeting. Therefore, Appendix 'B' provides a Catalogue of Resources that lists relevant reports and background information that should be considered in this study.

3.5 Project Rationale and Context

In order to enable economic development, one of Council's adopted priorities is to "*Build an open for business culture and enhance service by streamlining the development process*". There have been a number of previous initiatives undertaken by the City in concert with the development community to enhance the City's development review process, resulting in numerous process improvements and increased efficiencies. A number of additional customer service initiatives are currently underway or planned. In addition, the Mayor has formed a Task Force on Development to review the City's current development review process and to make recommendations on policy and process changes that Kingston needs to make to adopt best practices. One of the actions of the Task Force is to identify best practices by reviewing the development review process in a minimum of five comparable Ontario municipalities.

The purpose of the Study is to examine the development review process (policies, processes and practices) in a minimum of five comparable Ontario municipalities and provide a summary of the findings as they relate to the City of Kingston's current development review process. Based on those findings and the submissions from various stakeholders and an assessment of Kingston's development review process, the Study will identify best practices and present opportunities and options for improvements or enhancements to the City's current development review process for consideration by the Task Force. Through facilitated sessions with the consultant, the Task Force will then formulate its recommendations on policy and process changes that support the Task Force Mandate and Council's strategic priorities to build an open for business culture, streamline the development review process, and facilitate economic development and growth.

4.0 OBJECTIVES AND STUDY APPROACH

4.1 Objectives

The consulting assignment will be aimed at meeting the main objectives of the Mayor's Task Force on Development as follows:

- a) To identify the main issues and concerns respecting the City of Kingston's current development review processes, policies and practices;
- b) To compare the City's development review processes and practices with the processes and practices in a minimum of five comparable Ontario municipalities;
- c) To identify best practices in the comparable municipalities that relate to the identified issues and concerns related to Kingston's current processes, policies and practices and that align with the Task Force's identified focus areas;
- d) Based on the best practices review, present to the Mayor's Task Force on Development options and opportunities for improving and/or enhancing the City's current processes, policies and practices in order to:
 - address the identified issues and concerns;

- address the Task Force's identified focus areas; and,
 - identify other areas where implementation of best practices could improve or enhance the City's processes, policies and practices;
- e) Facilitate working sessions with the Task Force to develop and finalize recommendations on the policy and process changes that Kingston needs to make to adopt the best practices in order to streamline the development review process and achieve customer service excellence; and,
- f) Present a practical, cost-effective and realistic implementation strategy for each of the recommendations, with consideration for expected results, implications for stakeholders, required resources, and timelines (e.g. short-term, mid-term and long-term).

4.2 Study Approach

The Mayor's Task Force on Development Municipal Benchmarking Study is anticipated to progress through the following major steps:

a) Background Review

The initial stage of the project will involve a meeting with the Task Force to review and finalize the scope of work, process and the comparable municipalities. There will also be an opportunity to meet with City staff (Technical Committee) to obtain information about and an understanding of the City's current development review process and to view the physical layout of the City's "development hub". This stage will also involve a review of the background documentation provided to the Task Force, stakeholder submissions to date, reports to the Task Force and minutes of the Task Force meetings.

b) Benchmarking Analysis

This stage of the project will involve the consultant undertaking a review of the development review process in the comparable Ontario municipalities. This will involve meetings with the appropriate staff in those municipalities and a review of documentation related to their development review policies, processes and practices. It is expected that such a review will consider the process from pre-application through to occupancy and will consider such matters as (not an all-inclusive list):

- Pre-application procedures;
- Availability and format of on-line information;
- Procedures to ensure complete application submissions;
- Timelines to process applications;
- Use of technology to manage/monitor the process;
- In-house staff resources;
- Physical environment (office layout, meeting rooms, reception areas, etc.);
- Formal customer service standards;
- Internal departmental co-ordination;
- Dealings with external agencies;
- Current heritage process;
- Delegated authority to staff;
- Availability of a "fast tracking" process for applications;
- Performance measurement tools.

Based on that review, the consultant will then conduct a comparative analysis to the City of Kingston's process and practices. During this stage of the Study, the consultant will provide interim updates at Task Force meetings in July and August, 2012 regarding study progress and key findings and to obtain advice and strategic input.

c) Ongoing Consultation

Throughout the Study process there will be ongoing opportunities for consultation with and input by the various stakeholders in the process. Any submissions from stakeholders received by the Task Force will be forwarded to the consultant for consideration in the preparation of the Study. It is expected that there may be requests from interested stakeholders for one-on-one meetings with the consultant. The submitted Work Plan should incorporate opportunities for such one-on-one consultations, either before or after the scheduled interim update meetings with the Task Force.

d) Development of Options and Opportunities

Once the benchmarking analysis is complete, the consultant will identify best practices that relate to the identified concerns regarding Kingston's development review process and with the Task Force's identified focus areas. In addition, the consultant should identify other areas where implementation of best practices could improve or enhance the City's existing development review process. A series of options and opportunities for improvements and enhancements to the City's current processes will be developed for inclusion in the Draft Study and consideration by the Task Force.

e) Presentation of Draft Study

The Draft Mayor's Task Force on Development Municipal Benchmarking Study should be finalized and presented to the Task Force.

f) Development of Final Recommendations

During this stage of the project, the consultant will facilitate the Task Force's consideration of the options and opportunities presented in the Draft Study and will assist the Task Force in developing and finalizing its final recommendations for policy and process changes to the City's process in order to adopt the identified best practices. This would also include finalizing the recommendations and assisting with developing a strategy for implementation of the recommendations.

4.3 Implementation of the Study

The consultant will work with the Task Force to move the options and opportunities identified in the Draft Study into formal recommendations for inclusion in the Final Mayor's Task Force on Development Municipal Benchmarking Study. As part of that exercise, a practical, cost-effective and realistic implementation strategy should be identified for each of the recommendations of the Study. Consideration must be given to the implications of implementation for all of the stakeholders in the development review process, including staff, applicants, external agencies, the public, Committees and Council. An implementation timeline should be established and the recommendations should be defined in terms of short-term, mid-term and long-term timelines. The implementation strategy should identify which stakeholder in the process would take the lead on implementation, as well as other stakeholders involved in the implementation. The strategy should also provide an initial, high-level assessment of additional resources (e.g. staffing, capital works, etc.) that may be required to implement the recommendations.

4.4 Public Consultation

As identified in its Terms of Reference, the Task Force has been mandated to "*take a critical look at the current policies and practices of the departments that affect the way businesses, residents and developers move through the system*". In addition, the Task Force was specifically mandated to "*Seek public input*". To date, the Task Force has received submissions/presentations from stakeholders in the process. The Task Force also published a notice in the local newspaper inviting interested persons/groups to make appointments with the Task Force to discuss the City's development review process. It is expected that the consultant will consider all stakeholder input to the Task Force in the preparation of the Study (copies of the meeting minutes and

stakeholder submissions will be provided to the consultant).

In addition, it is anticipated that in concert with the interim update meetings in July and August, that the consultant would accommodate requests for one-on-one meetings with interested stakeholders, if so requested. We would envision these sessions being not more than two hours in duration, either before or after the Task Force Meeting. Highlights of the Customer Service Initiative – Development and Building Review Processes (Natural Capital Resources Inc.) which summarized the findings from approximately 45 confidential interviews with internal and external stakeholders in the City's development review process will also be provided to the consultant.

It is also expected that the consultant will make a presentation of the Draft Study to the Task Force at a regularly scheduled meeting at which interested members of the public would be afforded an opportunity to ask questions and comment on the Draft Study.

5.0 AVAILABLE RESOURCES

5.1 City/Task Force Services

The City/Task Force agrees to provide available information and supply the following services:

- Within a reasonable timeframe and with reasonable notice, staff required for interviews to collect information.
- For viewing and possible copying, all appropriate information and documentation relevant to the project. The City/Task Force will have the sole discretion in determining what information is appropriate to be copied and given to the consultant. The consultant is responsible for verifying the accuracy of all information provided by the City/Task Force.
- The cost of any advertising, room rental and refreshments required for meetings open to the public. The City/Task Force will be responsible for preparing and placing all advertising and notices and renting appropriate facilities.
- The City will establish a Technical Committee to meet with the consultant to provide information on the City's current development review process. The Technical Committee will be comprised of the Director of Planning and Development, the Manager of Development Approvals, the Director of Building & Licensing, the Commissioner of Sustainability & Growth, and the Senior Special Projects Manager, together with staff from other departments involved in the process as deemed necessary.

There are some pertinent documents, including reports and other resource materials that may be relevant to the Mayor's Task Force on Development Municipal Benchmarking Study. For a complete catalogue of resources, please refer to Appendix 'B'.

6.0 RESOURCE REQUIREMENTS

The consultant is required to provide details on the resources they will provide and require as part of their proposal. This includes their firm's resources, third party consultants or subcontractors, and City resource requirements outside of those defined in Section B. 5.0 above.

7.0 MILESTONES AND RESULTS

7.1 Meetings with Task Force

The consultant will meet with the Task Force at least six (6) times over the course of preparation of the Study as follows:

- (1) a start-up meeting at the beginning of the project to finalize the scope, process and comparable municipalities to be benchmarked;
- (2) an interim update in July, 2012 to report on progress, key findings and to seek Task Force advice (may include opportunity for one-on-one interviews with stakeholders);
- (3) an interim update in August, 2012 to report on progress, key findings and to seek Task Force advice (may include opportunity for one-on-one interviews with stakeholders);
- (4) presentation of a Draft Study to the Task Force at the beginning of October, 2012;
- (5) facilitated session(s) with the Task Force in October/November, 2012 to prepare final report recommendations; and,
- (6) submission of Final Study document to the Task Force in December, 2012, for presentation to the Mayor in January, 2013.

It is anticipated that the proposal submission will address the actual number and timing of the client meetings as well as provide a general outline for the number and format of the facilitated sessions. All Task Force meetings are open to the public.

7.2 Technical Meetings

The consultant will meet with City of Kingston staff (Technical Committee) involved in the development review process in order to enhance their understanding of the City's policies, processes and practices. It is anticipated that these elements of the program will be specifically addressed in the proposal submission.

7.3 Task Force Meetings

The Terms of Reference for the Task Force clearly establish the requirement to "*seek public input*". The consultant should be aware that members of the public and all stakeholders in the development review process have been invited to participate. As such, all meetings of the Task Force are open to the public and minutes of the meetings are published. Consultation with all interested stakeholder groups is a key component of the Study and its implementation. An invitation has been extended to anyone with an interest in the development review process to attend a Task Force meeting and provide input. All of the presentations are to be made by the consulting team within the context of an open and publicly accessible meeting.

Also, the consulting group will be responsible for presenting the Draft Study and associated products to the Mayor's Task Force on Development for their consideration. Task Force directed modifications shall also be the responsibility of the consulting group. It is anticipated that these elements of the program will be specifically addressed in the proposal submission.

7.4 Timing

As noted above, the Task Force is mandated to complete its work in 12 months. It is the intention of the Task Force to commence the Study in June 2012. The entire study will be approximately six (6) months in duration to enable the Task Force to submit its Report in January, 2013. Any anticipated deviations from this timing should be noted.

7.5 Study Products

The Mayor's Task Force on Development Municipal Benchmarking Study will be a written document supported by visual aids such as illustrations, photographs, charts and graphs as needed. At a minimum, the **Draft Study, to be submitted in September, 2012**, shall include:

- a) a detailed record of the Study, including the purpose, rationale, process, components, approach, analysis, considerations, and consultation program (including stakeholder consultation). This record shall include a detailed inventory of all documents, files, models, reports, and studies considered through the course of the Study;
- b) a summary and analysis of the City of Kingston's development review process from the point of pre-application through to building occupancy as compared with the development review process in each of the selected comparable Ontario municipalities;
- c) a summary of the main issues and concerns with current City of Kingston policies, processes and practices as identified by the consultant through their research and consultations and by stakeholders in the process through their submissions;
- d) identification of current best practices in the comparable municipalities that relate to the identified issues and concerns and the Task Force's focus areas, together with other areas where implementation of best practices could improve or enhance the City's existing development review process;
- e) documentation of feedback received from the public and other stakeholders; and,
- f) presentation of options and opportunities for consideration by the Task Force respecting potential improvements/enhancements to the City's development review process to achieve the goals of streamlining, efficiencies, coordination and customer service excellence.

The **Final Study, to be submitted in December, 2012**, shall incorporate all revisions as agreed to by the Task Force and the final Task Force recommendations on the required policy and process changes to the City of Kingston's development review process in order to implement the best practices review. It will also include a strategy for implementation of the recommendations.

The Mayor's Task Force on Development Municipal Benchmarking document (both final and interim drafts), and any appended supporting documents, shall be prepared using Microsoft Office and/or Adobe InDesign software. Illustrations, images and photos shall be provided in TIF or JPEG format, and shall be readable by the City's software programs.

In order to ensure that the final document will be suitable for publication on the City's website, specific requirements are listed in the document entitled "City of Kingston Requirements for Web Site Publication of Consultant Reports and Associated Items", which is attached as Appendix 'C'.

8.0 INTERIM AND FINAL REPORTING

8.1 Study Updates

The successful consulting firm shall provide, on a monthly basis, a written status report to the Senior Special Projects Manager, Office of the Commissioner of Sustainability and Growth. The updates must outline the work completed and provide an estimate of financial commitments.

8.2 Product Delivery

The final product will be produced in accordance with the requirements of Section B.7.4 of this RFP. The proposal cost shall include electronic copies of any draft documents, including any maps and attachments, to the Task Force/City for review and comment.

For the Draft and Final versions of the Study, **ten (10) copies** of the completed and bound Mayor's Task Force on Development Municipal Benchmarking Study, including a letter of transmittal and any maps and attachments, shall be provided along with the following:

- one (1) copy of the Mayor's Task Force on Development Municipal Benchmarking Study document, including maps, illustrations, photographs and any appendices in a digital form on compact disk (CD);
- one (1) digital copy of the final document in its original software format;
- one (1) digital copy of any maps in ESRI shapefile (or updates as appropriate) and one full size copy of all maps; and,
- one (1) digital copy of photographs and photo re-imaging in TIF or JPEG format.

The delivered products resulting from the Mayor's Task Force on Development Municipal Benchmarking Study are to be owned by the City of Kingston and are subject to the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*.

9.0 EXPECTATIONS

The following is a list of general expectations related to the proposal submission and the undertaking of this project following contract award:

- a) All proposal submissions shall be irrevocable for one hundred and twenty (120) days.
- b) All lobbying is prohibited in this RFP call, pursuant to Section 2.15 of the City of Kingston Purchasing By-Law.
- c) The Consultant will be required to review and sign the City's Accessible Customer Service Training Booklet in order to comply with the City's Accessible Customer Service Policy and the *Accessibility for Ontarians with Disabilities Act, 2005* (AODA).
- d) **Confidentiality** – The successful proponent shall at all times maintain confidentiality of all materials, transactions and all business conducted for and on behalf of the Task Force/City of Kingston. Release of any information shall be only with the consent of the Task Force/City of Kingston. The proponent shall not at any time before, during or after the completion of the engagement, divulge any confidential information communicated to or acquired by the proponent or disclosed by the City, Board or Corporation in the course of carrying out the engagement.
- e) **No Conflict of Interest** – Proponents chosen by the Corporation shall disclose to the Corporation, prior to entering into an agreement with the Corporation, any potential conflict of interest. If such conflict of interest does exist, the Corporation may, at its discretion, withhold the award of an agreement from the proponent, until the matter is suitably resolved. An employee of the Corporation shall not have a direct or indirect interest in a company or own a company which sells goods or services to the proponent.
- f) **Performance Clause** – In the event that the successful proponent fails to perform the services in accordance with the terms, conditions and specifications stated herein, the Task Force/City reserves the

right to terminate the contract on sixty (60) days notice and obtain the services of an alternate firm without penalty.

- g) **Meetings and Subsequent Assistance** – The proponents will attend such meetings as are called to discuss their work and reports and shall provide such information as requested relating to the review.
- h) **Insurance** – In addition to the Commercial General Liability and Automobile coverage specified in Section C. 18, proof of Professional Liability insurance is also required.

10.0 FORMAL CONTRACT

If a preferred proponent is ultimately selected for service delivery, the proponent shall be prepared to enter into a contract in a form that is satisfactory to the City of Kingston Legal Services Department, which will allow the City the use of concepts, products, processes produced or resulting from the services rendered by the proponent in connection with the project, or which are otherwise developed or first reduced to practice by the proponent in the performance of the services for this project. This proposal shall constitute part of the terms and conditions of the contract award.