

Clause 18 in Report No. 10 of Committee of the Whole was adopted, without amendment, by the Council of The Regional Municipality of York at its meeting held on May 21, 2015.

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Consultant Selection for Cemetery Needs Analysis  
York Region Official Plan Review and Update

Committee of the Whole recommends adoption of the following recommendations contained in the report dated April 16, 2015 from the Commissioner of Corporate Services:

1. Recommendations

It is recommended that:

1. Council approve award of the contract to undertake a cemetery needs analysis to LEES + Associates, pursuant to Request for Proposal P-15-29, at a total cost of \$79,794.00, excluding HST.
2. The Commissioner of Corporate Services be authorized to execute the agreement on behalf of the Region.

2. Purpose

This report seeks approval for the Region to enter into a contract with LEES + Associates to undertake a cemetery needs analysis under RFP P-15-29. Council approval is required under the Purchasing Bylaw because it is recommended that the award be made to a proponent whose proposal was the highest scoring but not the lowest cost.

### 3. Background

The York Region Official Plan was approved by the Province in 2010 and subsequently appealed to the Ontario Municipal Board

The current *York Region Official Plan, 2010 (YROP-2010)* was adopted by Council in December 2009, approved by the Province in September 2010 and subsequently appealed to the Ontario Municipal Board (OMB). The majority of *YROP-2010* came into force and effect in mid-2012 through an Order of the OMB. Since that time, the Ontario Municipal Board has released a number of decisions, including the most recent decision dated February 2015. Currently, there are two region-wide appeals and several site specific appeals remaining.

Chapter 6 of the YROP-2010, which details Agricultural and Rural Area policies, remains under region-wide appeal

The sections of Chapter 6 identifying agricultural and rural policies have been appealed by Arbor Memorial Inc. (formerly Memorial Gardens Canada Limited) with policies pertaining to cemeteries at issue. Regional staff have had discussions with a variety of cemetery industry representatives, including the appellant, to better understand the challenges faced in expanding existing or locating new cemetery uses and facilities.

Through these discussions, representatives of the cemetery industry have suggested that additional cemetery lands are required within York Region. Cemetery representatives also expressed their opinion regarding a lack of opportunities to establish new or expanded cemetery uses in York Region, given provincial and regional land use policy direction, available land supply and economics.

York Region is currently undertaking a 5-year review of the Official Plan

The *Planning Act* requires that official plans be reviewed at least every five years to ensure conformity with provincial direction on land use planning. In 2014, York Region initiated a Municipal Comprehensive Review (MCR) to update the Region's population and employment forecasts to 2041, and to review and update policies in the Official Plan. York Region staff indicated that a cemetery needs analysis would be undertaken through the MCR work plan received by Council in May 2014.

The Cemetery Needs Analysis will determine the need for new or expanded cemetery uses to serve the forecasted population in York Region in 2041

In undertaking a cemetery needs analysis, the Region seeks to understand the following:

- remaining capacity available within existing cemeteries
- need for new or expanded cemetery uses to accommodate the Region's needs to 2041
- if there is a demonstrated need, a policy framework for addressing the need, including addressing appropriate locations and development

Undertaking a cemetery needs analysis may assist in resolving the region-wide appeal on the YROP-2010 and may protect against future comparable appeals.

#### 4. Analysis and Options

The award recommendation is consistent with the Region's purchasing by-law and practices

The Region's process for procuring planning consultant services through a Request for Proposal was followed and included the following phases:

- Issue Request for Proposal
- Evaluate Proposals using a two-envelope system
- Combine technical and financial scores to achieve a total score
- Select the highest total score

The Supplies and Services Branch issued a Request for Proposal seeking planning services to undertake a cemetery needs analysis. The proposals were evaluated based on a weighting of 80% for the technical component and 20% for the financial component.

The proponents, their technical and financial scores and proposed upset limit fees are presented in Table 1.

**Table 1**  
**Evaluation Summary**

Consultant Selection for Cemetery Needs Analysis  
 York Region Official Plan Review and Update

Firm	Technical Score (out of 80)	Financial Score (out of 20)	Total Score (out of 100)	Upset Fee (Excluding HST)
LEES + Associates	61.50	18.80	80.30	\$79,794.00
GSP Group/Hilton Landmarks Inc	49.35	20.00	69.35	\$74,990.00

The Proposal from LEES + Associates achieved the highest technical score and highest total score

The proposal from LEES+Associates received the highest technical score and total score, but was not the lowest price. LEES+Associates proposal detailed a more comprehensive methodology and proprietary tools for undertaking the cemetery needs analysis and included value added services related to data collection and stakeholder engagement. The quality of the proposal and the marginal difference in price means their proposal represents the best overall value to York Region. In accordance with the purchasing by-law, it is recommended that LEES+Associates be engaged to undertake the cemetery needs analysis.

Link to key Council-approved plans

Undertaking a cemetery needs analysis as a component of the York Region Official Plan Review and Update supports the “Strengthen the Region’s Economy” Strategic Plan goal area. In addition, undertaking the cemetery needs analysis also supports the “A Place Where Everyone Can Thrive”, “Liveable Cities and Complete Communities”, and “Appropriate Housing for All Ages and Stages” goal areas of Vision 2051.

## 5. Financial Implications

The Region’s Purchasing Bylaw requires Council authorization to award a Request for Proposal when the recommended proponent is not the lowest cost. The recommended proponent received the highest total score and technical score. It is the technically preferred proposal, but is not the lowest bidder (see Table 1).

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The upset limit fee for the cemetery needs analysis is \$79,794.00, excluding HST. As the study has been prompted in large part by outstanding appeals to the current Official Plan, expenditures will be funded through reserve funds identified for defending the York Region Official Plan at the Ontario Municipal Board.

6. Local Municipal Impact

Staff will consult with all stakeholders while undertaking the cemetery needs analysis. Local municipal planning staff are part of the Technical Advisory Committee supporting the Regional Municipal Comprehensive Review and Official Plan Review. Local municipal staff will be consulted on the results of the cemetery needs analysis and development of any policy framework for location and development of cemeteries.

7. Conclusion

The cemetery needs analysis has been identified as a component of the 2014 Regional Official Plan Review and Update. The cemetery needs analysis may assist in resolving one of the last remaining region-wide official plan appeals and protect against future comparable appeals. The proposal to award to LEES+Associates is consistent with the Region's procurement by-law. This report seeks Council authorization to their engage planning services to undertake the cemetery needs analysis.

For more information on this report, please contact Teresa Cline, Senior Planner at ext. 71591.

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Accessible formats or communication supports are available upon request