

# Unsolicited Proposal Program Guide

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## Message from Doug Gilchrist, City Manager

### *A home for great ideas*

Kelowna is a thriving city and an incredible place to call home. The community vision expressed through Imagine Kelowna makes it clear that to flourish in the future, we need to be agile, resilient and unafraid to do things differently. Our vision for an inclusive, welcoming, prosperous and sustainable future calls upon us all to be ambitious to embrace the challenges ahead.

The City of Kelowna is open to exploring new ideas, technologies and tools. We recognize that great ideas can come from anywhere, and that we don't have all the answers. We welcome ideas which address some of our community's biggest challenges, and which reflect an innovative infrastructure, financial, technical or service delivery solution. These will address the City's priorities in a financially responsible way and provide value to our taxpayers and citizens.

As a home for great ideas, the Unsolicited Proposal Program is a tool to connect and work with people and organizations who care about their community, unlock innovation and move us closer to a better future.

## Part 1: Program Objectives

The Unsolicited Proposal Program (UPP) is a vehicle for innovation and is designed to:

- set out principles and procedures to guide the consistent identification, evaluation, development and management of new opportunities;
- give confidence to innovators, researchers, entrepreneurs, investors and the community that the proposals they submit will be considered in a consistent, efficient, transparent and accountable manner to achieve a high standard of public value; and
- manage the City's risks, make informed decisions, and ensure good stewardship of municipal assets and interests.

## Part 2: Program Overview

### 2.1 What is an Unsolicited Proposal?

As a public sector entity, the City of Kelowna is required to use public procurement processes for the goods or services needed and to invite competitive bids or proposals to be reviewed against published selection criteria.

Unsolicited proposals are independently generated by a proponent who is at arms’ length from the City and are provided to the City without an invitation of opportunity being made. The proposals may include new or unique ideas or products that have not been tested in the market.<sup>1</sup> In order to justify consideration of the potential of departing from the usual competitive processes, unsolicited proposals need to be strongly aligned with City priorities and objectives, and clearly identify public benefit and value.

Figure 1 illustrates the difference between the RFP (public procurement) process, and the Unsolicited Proposal Process.

### 2.2 Types or categories of proposals

Most proposals fit within one of the following categories:

- Research and data
- Delivery of a service
- Provision of a building or other infrastructure
- Provision of a park, natural area or urban space
- New technology
- Alternative revenue generation for the City
- Cost avoidance or savings for the City

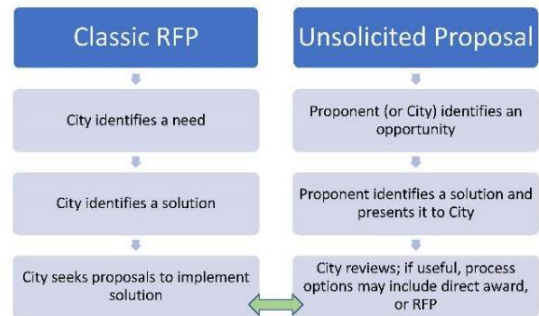


FIGURE 1

There is no restriction of dollar value for Unsolicited Proposals. Regardless of the dollar value, alignment with [Council priorities](#) and meeting the evaluation criteria are mandatory.

### 2.3 Preferred proposals

Proposals which have the best fit with the UPP are directly aligned with City priorities and/or the City’s current ‘challenge statements:’

- Addressing the City’s \$605 million infrastructure deficit;
- Alternative revenue generation to supplement the City’s standard revenue sources from taxation, fees and charges;
- Improving actual and perceived safety in the community; and
- Reducing greenhouse gas emissions.

<sup>1</sup> As indicated in the process section below, the City reserves the option to test an unsolicited proposal in the market through a public procurement process if it concludes that this is the best way to determine value and benefit.

## 2.4 Ineligible proposals

A proposal will not be eligible for UPP consideration if it:

- Is solely focused on acquiring access to or purchasing land or other assets owned by the City for the proponent's financial gain, or is otherwise deemed to be within the general prohibition against assistance to business in [Section 25 of the Community Charter](#)
- Proposes an activity or initiative which is not within the legal authority of local government
- Is about land or assets not owned by the City or the proponent
- Is for the sole purpose of seeking grants, loans or other funding from the City
- Seeks to change City policy or processes with no associated project (i.e. advocacy)
- Offers services for a fee or is for the purpose of obtaining employment
- Offers goods or services that are commonly available
- Is the same as, or similar to, the subject of an active procurement process
- Relates to an existing contract or lease arrangement or seeks to bypass a procurement process
- Is within the scope of another City process or program.

## 2.5 Who can submit an Unsolicited Proposal?

Proposals can be submitted by an individual, or by a representative of a business, society, registered charity, agency or academic institution. Proposals cannot be submitted by City employees or elected officials. Proposals must be independently prepared and free of any influence, endorsement or supervision from City staff or elected officials.

If you are submitting a proposal in a representative capacity, the intake form will ask you to verify that you have the authority to do so, and the City may request additional verification of authorization at any time during the process.

### Tip #1

Before preparing a proposal, do some research:

- check the City website for [current bidding opportunities and concession and vendor opportunities](#).
- Read the Program Q&As and the online intake form.
- Because your proposal needs to be something new and reflect City priorities, review some key planning documents and reports to learn more about what the City has planned and initiatives that are already underway:
  - [2040 Official Community Plan](#)
  - [2023-2026 Council Priorities](#)
  - [Open Data Progress Reports](#)
  - [2022 Annual Report](#)
  - [2040 Transportation Master Plan](#)
  - [10 Year Capital Plan](#)
  - [Intelligent City Strategy](#)

### Tip #2

The [evaluation criteria](#) include feasibility. Feasible proposals usually have a team behind them to do the work. Assemble your team and share information about them in your proposal. If you have a big idea and a one-person team, the proposal may not pass the feasibility test.

## Part 3: The UPP Process

Figure 2 illustrates the three distinct stages of the UPP process. More details follow.

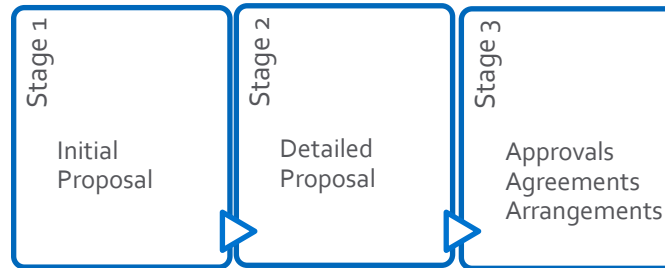


FIGURE 2

### 3.1 Stage 1: Initial proposal

#### a) Submission

Stage 1 proposals provide a high-level outline of an idea and are submitted exclusively through an [on-line intake form](#).

Proposals will not be accepted in any other format.

Proposals can be submitted at any time. No supplementary materials are needed in this stage.

#### b) Receipt and pre-screening

Partnership Office staff will acknowledge receipt of a Stage 1 proposal by email within 3 business days. Proposals will be pre-screened for eligibility and staff may request clarification or additional information. If a proposal is deemed ineligible pursuant to the UPP Guide, staff will contact the proponent who may choose to refine and resubmit the proposal or withdraw it.

#### Tip #3

The [online intake form](#) cannot be saved while it is being prepared.

We suggest you use the worksheet in [Schedule 2: Worksheet for Intake Form of these guidelines](#) to prepare a separate document; and then copy and paste your information.

**c) Evaluation team**

Eligible Stage 1 proposals will be reviewed by an evaluation team convened by the Partnership Office. The team is made up of senior staff from the City's Partnerships & Investments Division. Depending on the nature of the proposal, additional subject matter experts from other departments may be invited to participate in the evaluation. Consultation with the City's Purchasing Branch is also part of the Stage 1 review.

**d) Evaluation criteria**

The evaluation criteria for Stage 1 Proposals are:

- Unique and innovative (20%)
- Aligned with City priorities (25%)
- Value for money (20%)
- Need (15%)
- Feasibility (20%)

Criteria are weighted. A Stage 1 proposal must achieve a score of at least 65% to be considered for Stage 2 but the City is not obligated to proceed with any proposal regardless of the scoring.

[Schedule 1](#) provides more detail about the evaluation criteria.

**e) Notification**

Following evaluation, the Partnership Office will notify the proponent of the evaluation outcomes. Possible outcomes are:

- The proposal has not adequately met the UPP criteria and will not move forward;
- All or part of the proposal may form the basis for a competitive bidding process;
- Council or other approvals may be needed before the proposal can proceed further;
- All or part of the proposal is of sufficient merit to move to Stage 2 (Detailed Proposal).

Partnership Office staff are available to meet with proponents to discuss evaluation feedback and outcomes and any next steps or options.

The City aims to complete the Stage 1 evaluation and notification within 45 calendar days of the acknowledgement of receipt, but this timeline may, at the City's discretion, be extended.

**Tip #4**

In [Schedule 1](#), note how the evaluation criteria are linked to questions in the Intake Form. Your information in the Intake Form should respond directly to the evaluation criteria.

When you have prepared your proposal, have another person read through it before you click 'submit.' Is it clear and understandable? Are there incomplete sentences or spelling mistakes? Are all the questions answered?

**Tip #5**

Regardless of the outcome, take advantage of the opportunity to meet with staff and receive some feedback about your proposal. These conversations are about sharing and learning, and it's always great to meet citizens who want to contribute to their community.



## 3.2 Stage 2: Detailed proposal

### a) Invitation to submit

Stage 2 proposals build on the Initial Proposal and provide more in-depth information and analysis to support decision-making about whether the proposal can proceed to implementation.

Stage 2 proposals can be submitted only in response to a written invitation from the City. The invitation will be developed by Partnership Office staff in consultation with the proponent and will:

- Specify the format and the timeline for submission of the Stage 2 proposal
- Outline any additional information needed to support the next round of evaluation. This may take the form of a business plan, financial analysis, technical specifications, risk register, fundraising strategy or other studies/assessments
- Describe the criteria which will be used to evaluate the Stage 2 proposal. These may be the same as the criteria used in Stage 1 or modified to accommodate unique characteristics of the proposal
- Set out a proposed schedule and milestones for the Stage 2 evaluation process, which may include meetings with and/or presentations from the proponent
- Provide any essential terms and conditions which, in the City's view, could be part of an arrangement between the City and the proponent should the Stage 2 proposal receive a favourable evaluation.

### b) Receipt and pre-screening

Partnership Office staff will acknowledge receipt of a Stage 2 proposal by email within 3 business days.

Proposals will be pre-screened for completeness and fulfillment of the requirements in the invitation. Staff may request that the proponent provide clarification or additional information within a specified time. The City has no obligation to proceed with evaluation of an incomplete Stage 2 proposal.

### c) Evaluation team

Stage 2 proposals will be reviewed by an evaluation team convened by the Partnership Office. For continuity, some or all members of the Stage 1 evaluation team will participate in Stage 2 evaluation, and additional subject matter experts from other departments may also be invited to participate. The City may, at its cost, engage external advisors where specialized input is required.

### d) Evaluation criteria

Stage 2 proposals will be evaluated using the criteria set out in the Stage 2 Proposal Invitation. These may be the same criteria as used in Stage 1 or modified to accommodate unique characteristics of the proposal. If the proponent has provided presentations, information from these presentations is included in the evaluation.

### e) Notification

Stage 2 proposals are always more complex than Stage 1 proposals and more time is needed for evaluation. In view of the diversity of proposals received, the City cannot commit to a standard notification timeline for Stage 2 proposals but acknowledges the importance of a timely response.

Subject to necessary Council approvals, possible outcomes from Stage 2 evaluation are:

- All or part of the proposal will proceed to Stage 3 without a competitive process
- All or part of the proposal will form the basis for a competitive process
- The proposal is not suitable for further consideration and will not proceed.

Partnership Office staff are available to meet with proponents to discuss evaluation feedback and outcomes and any next steps or options.

### 3.3 Stage 3: Approvals, agreements and arrangements

Stage 3 encompasses formalization of the relationship between the City and the proponent, and more detailed planning and approvals to enable the proposal concept to proceed through to implementation.

Depending on the proposal type and scope, implementation may require one or more of the following steps:

- Council approval in principle with direction to negotiate a Memorandum of Understanding or other form of agreement which would in turn be approved by Council;
- Confirmation of City resources through the City's annual budget process;
- Project approval through the City's annual work planning process which clarifies the role and level of involvement from City staff;
- Consultation with community or other stakeholders who may be impacted by the proposal;
- A competitive procurement process for all or part of the proposal concept;
- For less complex proposals, documenting the implementation process through an agreed-upon Project Plan to ensure that roles, responsibilities, deliverables and accountabilities are clear.

The Partnership Office has a role in coordinating Stage 3 tasks and continuing as the primary point of contact for the Proponent, with support and involvement from other internal departments on an as-needed basis.

Until an approved and binding agreement is in place, neither the City nor the proponent is obligated to proceed.

## Part 4: General terms and conditions

### 4.1 Proponent affirmation

In submitting a Stage 1 or Stage 2 proposal, the proponent is affirming that:

- the information in the proposal is accurate and complete;
- the information in the proposal is endorsed by any entity which the proponent claims to represent; and
- the proponent is not aware of any real or potential conflict of interest associated with the proposal or the proponent's involvement.

The City may at any stage request written proof of authorization from a third party if a proposal is submitted on its behalf.

### 4.2 Costs of proposal

A proponent bears its own costs for preparation of unsolicited proposals, including documentation requested by the City as part of a Stage 2 Detailed Proposal, and any costs associated with negotiation or review of an agreement with the City of Kelowna.

### 4.3 No legal relationship or obligations

The proponent acknowledges that:

- no legally binding contract exists or is to be implied between the City of Kelowna and the proponent unless and until a formal contract document is signed by both parties; and
- the City of Kelowna is under no contractual or other legal obligation to the proponent with respect to the receipt, evaluation, consideration, acceptance or rejection of any proposal or the failure to receive, evaluate, consider or accept any proposal.

### 4.4 No outside discussions

To protect the integrity of the Unsolicited Proposal Program and process, all communications or inquiries regarding Unsolicited Proposals should be directed through the City contact as identified for the UPP. A proponent must not offer any incentive to, or otherwise attempt to influence any person who is either directly or indirectly involved in an evaluation, negotiation or approval process for a proposal. This includes City staff, members of the City's Senior Leadership Team, the Mayor and elected Councillors. The City reserves the right to discontinue consideration of a proposal if a proponent fails to comply with this requirement.

### 4.5 Withdrawal of proposal / change in circumstances

a) A proponent may, by notice in writing to City staff, withdraw a proposal at any time prior to entering into a legally binding contract with the City.

b) A proponent must promptly provide written notification to City staff if there is a material change to any of the information contained in a Stage 1 or Stage 2 Proposal.

### 4.6 UPP process subject to other requirements

Proponents acknowledge that the Unsolicited Proposal process does not override or circumvent other policies, legal obligations or mandatory processes within the obligations or authority of the City and/or City Council.

#### **4.7 Intellectual Property<sup>2</sup>**

The City acknowledges that unsolicited proposals may contain Intellectual Property of the proponent and/or third parties.

If the City declines to consider or ends its consideration of an unsolicited proposal submitted to the UPP, and elects to engage in a competitive bidding process or other approach to the market in relation to the subject matter of the proposal, the City will respect any Intellectual Property rights of the proponent and/or third parties.

#### **4.8 Confidentiality**

All UPP documents submitted by proponents to the City become the property of the City. The City will make every effort to maintain the confidentiality of each proposal and the information contained therein except to the extent necessary to communicate information to staff, evaluators and Council for the purposes of evaluation, administration and approvals. Upon approval of a project, and only with the consent of the proponent, the City may issue a media release providing general information about the project. The City will not release any additional information to the public except as required under the *Province of British Columbia Freedom of Information and Protection of Privacy Act* or other legal disclosure process.

#### **4.9 Privacy**

All information you provide is collected under the authority of the *Freedom of Information and Protection of Privacy Act* and will only be used in administration of the Unsolicited Proposal Program pursuant to the published guidelines. For more information, check out our Privacy statement. Any questions regarding the collection of personal information should be directed to the Partnership Manager, [partnerships@kelowna.ca](mailto:partnerships@kelowna.ca)

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<sup>2</sup> For the purpose of this guide, Intellectual Property means inventions, original designs and practical applications of good ideas protected by law through copyright, patents, trademarks and other registered forms of protection, and it also includes trade secrets, proprietary knowledge and other confidential information protected against unlawful use and disclosure by common law and contractual obligations.

## Part 5: Alternatives to UPP

The UPP is just one of several ways that the City connects with citizens to consider ideas and opportunities. If UPP is not the right fit for what you'd like to do, here are some alternatives:

- **[Partners in Parks](#)**: if your idea is about refreshing or enhancing a local park through a community effort, the City can assist with a small grant and helpful advice from staff experts.
- **[Services & Requests](#)**: the City offers more than a hundred on-demand services online including reporting an issue, providing your input for major projects, viewing Council meetings and more.
- **[Funding Requests](#)**: the City delivers grant funding to the community through a range of different programs which support arts and culture, heritage, events, social development and more.
- **[Bidding Opportunities](#)**: if you are interested in becoming a supplier to the City, sign up to receive updates about bidding opportunities, and review current opportunities.
- **[Concessions & Vendor Opportunities](#)**: independent concession and vendor operators can set up shop on privately-owned land or partner with the City to operate on public land by meeting various requirements.
- **[Sponsorships](#)**: the City is interested in developing marketing relationships with corporations through a wide variety of opportunities that can be customized to meet the unique needs of your business.



## Schedule 1: Detailed Evaluation Criteria

Criteria	Intake question	Description
<b>Unique &amp; Innovative</b> 20%	12, 15, 16	<ul style="list-style-type: none"> <li>The proponent has a genuinely innovative idea which is not currently being delivered or planned by the City.</li> <li>The proponent has unique finance arrangements to support the proposal that other parties do not have.</li> <li>The proponent owns, knows or provides something that other parties do not.</li> <li>The proposal cannot be delivered by competitors at all, or within the timeframes proposed.</li> </ul>
<b>Aligned with City priorities</b> 25%	7 - 10	<ul style="list-style-type: none"> <li>The proposal is consistent with the City's role and functions.</li> <li>The proposal is clearly linked to Council or corporate priorities.</li> <li>The proposal directly addresses a challenge statement.</li> <li>The proposed initiative is an appropriate response to the priority.</li> </ul>
<b>Value for money</b> 20%	11, 13, 14	<ul style="list-style-type: none"> <li>The proposal cost is competitive in a market context.</li> <li>There are financial, social, environmental and/or community benefits which serve the public interest.</li> <li>The proponent has clearly identified what is being sought from the City and it is not deemed to be assistance to business.</li> <li>There is a reasonable balance in the apportionment of risks and benefits between the City and the proponent.</li> </ul>
<b>Need</b> 15%	6, 9, 11	<ul style="list-style-type: none"> <li>The proposal presents a solution to an identified issue, concern or problem.</li> <li>The proposal has motivations and outcomes broader than the proponent's financial gain or meeting the proponent's needs.</li> <li>The proposal provides an opportunity to address a priority in a faster, less expensive, or more effective way than the City could do on its own.</li> </ul>
<b>Feasibility</b> 20%	9, 11, 13-16	<ul style="list-style-type: none"> <li>The proposal has clarity and timelines are realistic.</li> <li>The proponent has the experience and competencies to deliver the proposed initiative.</li> <li>The proponent has access to financial, personnel and other necessary resources to deliver the proposed initiative.</li> <li>Risks arising from the proposal for both the City and the proponent are identified and can be mitigated or otherwise managed.</li> </ul>