



**RESORT MUNICIPALITY OF WHISTLER**

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## STAFF REPORT TO COUNCIL

**PRESENTED:** May 16, 2023 **REPORT:** 23-060  
**FROM:** Parks Planning **FILE:** 6130-00  
**SUBJECT:** RAINBOW PARK REJUVENATION PROJECT - PHASE 2 TENDER AWARD

### RECOMMENDATION FROM THE CHIEF ADMINISTRATIVE OFFICER

**That** the recommendation of the General Manager of Climate Action, Planning and Development Services be endorsed.

### RECOMMENDATION(S)

**That** Council award the contract for Phase 2 of the Rainbow Park Rejuvenation project in the amount of \$ 2,738,910 (exclusive of GST) to Wilco Civil Inc. in accordance with their tender revised proposal dated May 5, 2023, and as recommended by Connect Landscape Architecture attached as Appendix A to this Administrative Report No. 23-060.

### PURPOSE OF REPORT

The purpose of this report is to inform Council of the status of the Rainbow Park Rejuvenation Phase 2 project (the Rejuvenation Project), and to request approval to proceed with the contract award for the construction work to implement Phase 2 of the Rejuvenation Project in the amount of \$ 2,738,910 (exclusive of GST).

Information Report  Administrative Report (Decision or Direction)

### DISCUSSION

#### **Background**

At their January 24, 2023, Regular Meeting, Council received [Information Report No. 23-007 Rainbow Park Rejuvenation Project Overview](#). The report and the accompanying presentation introduced the project to Council and the community, provided detailed information regarding Phase 2 of the Rejuvenation Project including redesign details and a preliminary project schedule.

For reference, the entire project is comprised of three construction phases:

- **Phase 1** is located between Alta Lake Road and the park's washroom building. Portions of this phase were completed in 2022. Remaining elements include sanitary sewer connectivity, electrical upgrades to support the entire park, and landscaping. These remaining elements are referenced as Phase 1B.

- **Phase 2** is between the railway tracks and Alta Lake and is the subject of this report.
- **Phase 3** is between the washroom building and the railway tracks, where improvements will address railway crossing safety upgrades and landscaping.

Regarding Phase 2, feedback from the community was received in the weeks following the January 2023 presentation to Council. The table below summarizes notable concerns and provides a response to each.

<p>Paved beach front trail</p>	<ul style="list-style-type: none"> <li>• Beachfront trail removed from the project</li> <li>• Access between lawn and beach made more open</li> <li>• Accessible connection to beach and lake maintained</li> </ul>
<p>Hard surface paving in food truck plaza area</p>	<ul style="list-style-type: none"> <li>• Footprint of hard surface area reduced to accommodate one food truck and a seating area</li> <li>• Retaining a fully soft surface area is not sustainable over the long term given proven operational challenges in this area</li> </ul>
<p>Environmental actions</p>	<ul style="list-style-type: none"> <li>• Rejuvenation scope within existing developed park footprint</li> <li>• Net increase of 59 trees – for shade and environmental benefits</li> <li>• Net increase of over 3000 m<sup>2</sup> of plants, equal to over three tennis courts in the area</li> <li>• Most plantings are in riparian zones and supplement existing vegetation</li> <li>• Native, near native and pollinator species utilized where appropriate</li> <li>• Irrigation needs reduced, and water supply switched from drinking water to non-potable water</li> <li>• Improvements made to encourage bicycle access to the park over vehicle access</li> </ul>
<p>Valley Trail alignment and crossing safety</p>	<ul style="list-style-type: none"> <li>• Alignment changed from linear to curved around the beach volleyball area</li> <li>• Curved alignment encourages users to slow their movement and appreciate the space upon arrival, rather than bypassing it</li> <li>• Valley Trail separated from the main lawn area and the beach volleyball zone by buffer spaces made up of trees, shrubs and topography changes</li> <li>• Buffer space also serves to funnel people to logically located Valley Trail crossing points,</li> <li>• Crossing points are emphasized with pavement cues and signs</li> </ul>

<p>Park construction closure impacting access to park, Valley Trail, watercraft storage and Alta Lake</p>	<ul style="list-style-type: none"> <li>Traffic management language included in the construction tender documents regarding pedestrian and bicycle routes, delivery access and site circulation.</li> </ul>
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**Development Permit (Delegated) Application**

A Development Permit (Delegated) (DPD) application was submitted for Phase 2 in September 2022 as the project will alter land in the Development Permit Areas identified for:

- Protection of Riparian Ecosystems
- Protection of Sensitive Ecosystems
- Aquifer Protection
- Wildfire

At time of report writing a DPD is expected to be received the week of May 8, 2023.

**ANALYSIS**

**Phase 2 Tender Results**

The Invitation to Bid for the Rejuvenation Project was posted on the Resort Municipality of Whistler (RMOW) bid opportunities page, and BC Bid. The tender was advertised publicly between March 8, 2023, and April 13, 2023. One non-mandatory pre-tender site meeting was held for this project on March 23, 2023 and was attended by six prospective tenderers.

The procurement process resulted in three tender submissions to complete the work; all three tenderers are qualified to complete the work. However, one of the submissions was not compliant with the Instructions to Tender (ITT).

Elma Construction Ltd.’s tender was not compliant with the ITTs. One of the requirements of the tender document is that a tender security (Bid Security) in the form of a bid bond, cash, bank draft or letter of credit must be included with the tender in addition, the bid form must be signed and sealed. Elma Construction Ltd.’s did not include any form of Bid Security and did not include a completed bid form with their tender submission, so their tender was not considered.

Results from bidders are listed in Table 1 – Bidder’s Submissions:

BIDDER		TOTAL PRICE (EXCLUDING GST)
1	Wilco Civil Inc.	\$ 3,306,618
2	GPM Civil Contracting Inc.	\$ 3,727,146
3	Elma Construction Ltd.	Not included

As the two compliant tenders received were both over the available project budget, Connect, Landscape Architecture’s (the Consultant) recommendation was to enter into a post-tender negotiation with Wilco Civil Inc. (Wilco) (the low bidder) to identify changes in the scope or quality of the work and a

corresponding bid price reduction (as noted in Appendix A). The RMOW sought legal opinion to ensure the proposed process was within the contract document language, which was confirmed. Several areas of scope were reduced, and several optional items removed from the project. These changes allow the Rejuvenation Project to be delivered with the available budget without significant changes or compromising the project or compromising the design intent.

Based on the post-tender addendum, staff recommend that the contract be awarded to Wilco, for a total contract value of \$ 2,738,910. This value is within the available budget for this phase of the Rejuvenation Project.

Wilco is a proven contractor with considerable large-sized park construction experience. Wilco was responsible for and satisfactorily completed the first phase of the civil services and landscape installation work for Whistler's Gateway Loop project in 2017. Included on Wilco's team are four local sub-contractors.

### **Phase 2 Construction Timeline and Impacts**

With award of the contract, construction of Phase 2 is scheduled to start on May 29, 2023 and be substantially completed by June 2024.

As per previous communications, Rainbow Park will have limited access for the duration of the construction period with some periods of no access. More specifically:

- The main beach and lawn area will be closed;
- The Valley Trail through the park will be closed;
- All vehicle parking areas within the park will be closed. Limited parking will be available along Alta Lake Road;
- The vehicle turnaround area will remain open for drop off and pick up only. If this proves operationally problematic, it may be closed;
- Pedestrian access and egress between Alta Lake Road and the lake at the dog off-leash area will be provided via the new Valley Trail connection (Phase 1), the vehicle turnaround, the heritage cabins and the personal watercraft storage racks. Portions of this will be in a temporary and uneven surfaced condition. Note that on select days this access may be closed for intensive construction traffic movements and at other times be controlled by on-site traffic control personnel; and
- A limited number of bicycle racks, washrooms and waste removal services will be provided.

Regrettably, closure to the main beach and lawn area during the busy summer months is necessary to complete construction as efficiently as possible during a period of typically favourable weather, rather than deteriorating autumn weather on a site with poor drainage and is adjacent to a lake. With the only construction and public access route being across two "pinch-points" at the railway crossing and the Valley Trail bridge, there are significant safety and logistical challenges factored into the closure decision.

During construction, the public is expected to respect all construction closures, signage, fencing and traffic control personnel. The RMOW and contractor will monitor access and related issues throughout the construction process and respond accordingly.

In 2024, Rainbow Park will reopen to the public in phases, and be fully open once the lawn areas are sufficiently established. Overall project schedule and reopening are potentially impacted by poor weather.

A broadly reaching communications and redirections plan is being developed and will be integrated with other RMOW construction projects impacting the public. Specific to Rainbow Park, this will be deployed in advance of and throughout construction. Distribution will be similar to the 2021 Whistler Summer Experience Plan when Alta Lake Road south of Rainbow Park was substantially closed for sewer installation works and will include on site and approach signage, resort partner outreach, and local and regional communications.

### **Phases 1B and 3**

Phase 1B was recently tendered for construction; however, all submissions were rejected due to being well above the available budget. An alternative delivery approach to achieve the budget target is now being explored.

Phase 3 is currently in the design review stage with CN Rail and Transport Canada.

Construction of Phase 1B and 3 will be scheduled to not interfere with Phase 2 construction. All phases are anticipated to be fully complete in 2024.

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## **POLICY CONSIDERATIONS**

### **Relevant Council Authority/Previous Decisions**

[Regular Council Information Report, Rainbow Park Rejuvenation Project Overview Report No. 23-007](#)

*Council Policy F-29: Procurement Policy and Administrative Procedure D-1: Procurement* requires Council approval for any contracts over the value of \$500,000.

The Rejuvenation Project aligns with the goals and objectives of several municipal guiding documents:

- [Recreation and Leisure Master Plan \(2015\)](#)
- [Official Community Plan \(2018\)](#)
- [Climate Action “Big Moves” Strategy \(2020\)](#)
- [Whistler Summer Experience Plan \(2021\)](#)

### **2023-2026 Strategic Plan**

The 2023-2026 Strategic Plan outlines the high-level direction of the RMOW to help shape community progress during this term of Council. The Strategic Plan contains four priority areas with various associated initiatives that support them. This section identifies how this report links to the Strategic Plan.

## Strategic Priorities

Housing

*Expedite the delivery of and longer-term planning for employee housing*

Climate Action

*Mobilize municipal resources toward the implementation of the Big Moves Climate Action Plan*

Community Engagement

*Strive to connect locals to each other and to the RMOW*

Smart Tourism

*Preserve and protect Whistler's unique culture, natural assets and infrastructure*

Not Applicable

*Aligns with core municipal work that falls outside the strategic priorities but improves, maintains, updates and/or protects existing and essential community infrastructure or programs*

## Community Vision and Official Community Plan

The Official Community Plan (OCP) is the RMOW's most important guiding document that sets the community vision and long-term community direction. This section identifies how this report applies to the OCP.

### Chapter 2 – Community Vision

**'Sense of Place'** - As a major destination park within the RMOW's park network, strong consideration for the Rainbow Park's ability to contribute to the overall Community Vision has been given throughout the design process. Focus has been on sense of place through invigoration of the Whistler experience and inclusion of new, identifiable characteristics including particular points of interest, enhancement of well-known and well-loved existing characteristics and protection and centring of iconic views.

**'Environment'** - Environmental considerations have been central to design decisions throughout the process with focus on consolidation and connection of fragmented sensitive ecosystems, balance and provision of habitat and protection of riparian areas innate to the site's specific location, character and ecological value. Additional consideration has been given to protection and efficient use of natural resources including efficient water use and forward-thinking design to support resiliency and site micro-climate management in response to Climate Change.

**'Community'** - Focus on Community has centred on inclusivity, access and the important relationships between diverse site users, both from the local community and national and international visitors.

**'Tourism-based Economy'** - The design has evolved with the goal to enhance and maximise the experiential qualities that the park offers and to provide new and unique identifying features that provide a diversity and equity of experience that supports Whistler's tourism-based economy'.

### Chapter 4 – Growth Management

The Park's rejuvenation supports Chapter 4 Objectives through focus on specific Policies which reflect the need for considered development that supports increasing user demand while enabling and

reinforcing positive resident and visitor relationships, protecting, restoring and enhancing the natural environment and promoting ongoing site management efficiencies.

#### Chapter 6 – Economic Viability

As an increasingly popular summer attraction, Rainbow Park plays a key role in Whistler's tourism economy and through the design process it has been identified that the park could play a greater role in supporting year-round local and visitor interest. Although expected to be gradual, infrastructure has been included that will support future growth of facilities and amenities at the park.

#### Chapter 7 – Natural Environment

As noted under 'Chapter 2' above, the park site is located within a network of valuable and sensitive ecosystems and habitats. The design has given due consideration to effective ways to enhance and sustain these ecosystems and reinforce them for the future to improve biodiversity and resilience in respect of Climate Change and facilitate their effective and efficient management going forward.

#### Chapter 8 – Health, Safety and Wellbeing

Particular focus has been provided in respect of accessibility and inclusivity in the redesign, to support 8.8 Goal to 'Ensure Whistler is an inclusive and accessible resort community'. Key improvements have been to provide accessible beach, waterfront and access to swimming opportunities which were previously absent. Widening of pathways and routes is more accommodating and equity in the provision of experiences and opportunities for recreation have been central to the design process.

#### Chapter 9 – Learning, Culture and Recreation

The recreation portion of Chapter 9 sets out several relevant goals to this project:

- 9.3 Continually reaffirm our sense of place as the foundation to Whistler's recreation and leisure experience.
- 9.4. Achieve a balance between user needs, the natural environment and user experiences in providing recreational opportunities.
- 9.5. Continue to maintain, improve and provide a diverse variety of high quality and affordable recreation and leisure amenities and experiences.

Various aspects of the design touch on these goals and their supporting policies. Whistler's parks are key to reaffirming our sense of place where high quality spaces are accessible and suitable to a range of ages, abilities, functional needs and income levels, all balanced with the natural environment.

The planning, design and programming of major parks such as Rainbow Park reflect the broad needs and opportunities of the resort community and are informed by high level municipal documents, initiatives and public engagement.

#### Chapter 10 – Climate Action and Energy

The rejuvenation design of Rainbow Park builds on key principles and pilot projects explored as part of the Summer Experience Plan (2021). Permanent and tailored spatial provision for the successful bike valet service has been included with power supply options to continue encouragement of the use active and sustainable modes of transport, alongside improved circulation to minimise drive time for maintenance crews at the park. Additional efficiencies in water use include a move to a non potable water primary source for irrigation across all phases of the park's construction.

## BUDGET CONSIDERATIONS

The Rejuvenation Project is funded entirely through several cycles of the Ministry of Tourism, Arts, Culture and Sport’s approved Resort Development Strategy.

There are no municipal capital budget implications.

The budgets for Phases 1B, 2 and 3 extend over 2023 and 2024 and are summarized in Table 2 – Budget Summary. Project budget totals are inclusive of professional fees, contingency, and construction. The Phase 2 tender price is within the available Phase 2 budget.

Table 2 – Budget Summary

BUDGET SUMMARY	TOTAL
Phase 1B	\$ 506,000
Phase 2	\$ 3,252,354
Phase 3	\$ 349,000
<b>Total 2023 Budget</b>	<b>\$ 4,107,354</b>

The annual operational costs to maintain Rainbow Park are funded from local taxpayer contributions. While the rejuvenation design represents a modest increase to Rainbow Park operational costs, operational savings will be realized elsewhere in the park system such as the conversion of several high maintenance lawn areas to planted areas requiring low maintenance, will be reassigned to Rainbow Park, resulting in no net new operational costs.

## LÍŁWAT NATION & SQUAMISH NATION CONSIDERATIONS

The RMOW is committed to working with the Lílwat People, known in their language as *L'il'wat7úl* and the Squamish People, known in their language as the *Skwxwú7mesh Úxwumixw* to: create an enduring relationship; establish collaborative processes for Crown land planning; achieve mutual objectives; and enable participation in Whistler’s resort economy.

There are no specific considerations to include in this report.

## COMMUNITY ENGAGEMENT

Level of community engagement commitment for this project:

- Inform    
  Consult    
  Involve    
  Collaborate    
  Empower

Comment(s):

In terms of the Rainbow Park design process, feedback was received during the 2018/19 ‘Outside Voice’ Parks Master Plan community engagement process. The engagement involved a total of more than 800 responses to two online surveys, more than 100 people attending one open house and more than 50 attending a second open house. A total of more than 950 points of engagement with the community was achieved. Elements of this process specific to Rainbow Park have been considered in the redesign of Rainbow Park.



The Park's redesign plans were presented to the Recreation and Leisure Advisory Committee at their March 10, July 14, September 8, 2022, regular meetings.

The January 24, 2023, [Rainbow Park Rejuvenation Project Overview Report No. 23-007](#) and presentation to Council generated community feedback much of which was incorporated into the final design.

In terms of the construction tender process, notices were posted on the RMOW bid opportunities page, and BC bid as per typical practice.

With tender award an expansive communication plan will be actioned.

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## REFERENCES

Appendix A - Consultant Recommendation to Award

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## SUMMARY

The redesign of Rainbow Park is driven by a need to align Rainbow Park with the pressures of increasing visitation so that it will be robust, resilient, and engaging for years to come.

This report provides a recommendation of contract award for Phase 2 of the Rejuvenation Project. The value of the contract is within the available budget and is 100 per cent funded by the Province of BC's Resort Development Strategy as administered by the Ministry of Tourism, Arts, Culture and Sport.

A response to community feedback since the Rejuvenation Project was last presented to Council is provided, along with Phase 2 construction schedule highlights and initial details regarding necessary park and Valley Trail closures.

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## SIGN-OFFS

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