



**THE RESORT MUNICIPALITY OF WHISTLER
COUNCIL POLICY**

POLICY NUMBER: A-39	DATE OF RESOLUTION: NOVEMBER 16, 2021
	AMENDED:
NAME: FEE FOR SERVICE	

1. PURPOSE OF POLICY

The purpose of this Policy is to establish certainty, fairness and accountability in the process for the submission, evaluation and approval of FFS proposals for both FFS Recipients and FFS Applicants.

2. FFS OBJECTIVE

- 2.1.** The RMOW provides FFS funding to local NFP Organizations that provide programs and/or services that Council considers necessary to move the RMOW toward achieving the vision, goals and objectives identified in the OCP.
- 2.2.** The objectives to this Policy are to:
- 2.2.1.** Achieve value for money in the delivery of services deemed necessary while ensuring the community's priorities are met and the public interest is protected;
 - 2.2.2.** Leverage the expertise of community organizations in the delivery of ongoing, innovative or unique services or programs deemed necessary to achieve the goals and priorities of the RMOW and that provide both tangible and intangible benefits to the RMOW;
 - 2.2.3.** Deliver services and/or programs through FFS Recipients that if not provided by them would necessitate delivery by the RMOW;
 - 2.2.4.** Work to increase value for the services provided by FFS recipients by enabling them to leverage the FFS financial support to secure additional sources of funding through, for example, donations and/or grants; and,
 - 2.2.5.** Supplement, not replace, the FFS Recipient's funding sources to ensure stability of the services provided on behalf of the RMOW.

3. DEFINITIONS

- 3.1. Corporate Plans:** includes documents such as the RMOW Corporate Plan, Five-Year Financial Plan, Council Strategic Plan, the Big Moves Climate Action Plan, and other Master Plans or Strategies adopted by Council.

- 3.2. FFS:** means Fee For Service, which is a source of funding for select Whistler-based NFP Organizations that provide services and/or programs deemed necessary to achieve the goals and priorities of the RMOW and if not provided by the NFP Organization would necessitate delivery by the RMOW.
- 3.3. FFS Funding Agreements:** means an Agreement between the RMOW and an FFS Recipient that receives FFS funding that stipulates the terms and conditions between the two parties for the delivery of services and or programs by the FFS recipient in exchange for an annual funding contribution provided by the RMOW.
- 3.4. FFS Recipient:** means an NFP Organization receiving FFS funding from the RMOW where the allotment of funds has been approved by Council in the current Five-Year Financial Plan Bylaw.
- 3.5. FFS Applicant:** means an NFP Organization that meets the eligibility requirements of the FFS Policy and submits a letter of intent to apply to become part of the FFS program.
- 3.6. MDRT:** Municipal District Regional Tax.
- 3.7. Not-for-profit (NFP) Organization:** means an independent, democratic organizations that is required to comply with the *Societies Act* in British Columbia as well as their own constitution and bylaws. A NFP may have charitable status as defined by the Canada Revenue Agency. The NFP Organization must be based in the RMOW.
- 3.8. OCP:** means the RMOW's "Official Community Plan Bylaw No. 2199, 2018".
- 3.9. Policy:** means *Council Policy A-39: Fee for Service*.
- 3.10. RMOW:** means the Resort Municipality of Whistler.
- 3.11. Value-in-Kind:** means non-financial contributions by the RMOW to a NFP Organization, such as reduced rent in an RMOW owned building.

4. SCOPE OF POLICY

- 4.1.** FFS provides funding to a limited number of NFP Organizations that deliver services or programs that the RMOW deems necessary and would otherwise deliver itself to help achieve its vision, goals and objectives.
- 4.2.** The following does not fall within the scope of this Policy:
- 4.2.1.** Requests for sponsorship;
 - 4.2.2.** Public art;
 - 4.2.3.** Donations; and
 - 4.2.4.** Value-in-Kind contributions and
 - 4.2.5.** Funding under *Council Policy A-7: Community Enrichment Program*.

- 4.3. The Policy and process of evaluation is guided by the *Community Charter*, specifically sections 8(2), 24(1) and (2). In addition, the Policy and process are guided by the OCP and Corporate Plans. Applicants should refer to these documents to understand how their services and programs align with the vision, goals and objectives of the RMOW.

5. ELIGIBILITY

- 5.1. FFS Recipients must be NFP Organizations located in the RMOW and serve the residents of the RMOW, however services provided by the FFS Recipients may extend through the Sea to Sky corridor.
- 5.2. Services or programs provided by FFS Recipients must create both tangible and intangible benefits for residents and visitors.
- 5.3. Services or programs offered by FFS Recipients must be open to all; any restrictions must be within the framework of the *Constitution Act, 1982, Canadian Charter of Rights and Freedoms*.
- 5.4. FFS Recipients must follow all RMOW policies, plans, bylaws and other applicable regulations.

6. FINANCIAL CONSIDERATIONS

- 6.1. FFS Funding Agreements are only final when the associated spending is adopted by Bylaw in the Five-Year Financial Plan.
- 6.2. The RMOW may choose to fund the FFS program through general taxation, or through the MRDT for FFS Recipients who provide visitor-serving programs and services, or a combination of both. Both sources of funding are subject to macroeconomic trends which may impact the funds available for the FFS program.
- 6.3. FFS Funding Agreements must include a clause permitting the RMOW to rescind funds due to significant and unforeseen revenue shortfall and include termination clauses should the terms of the agreement not be upheld by the recipient.
- 6.4. FFS Funding Agreements for FFS Recipients will be for up to three years with an option to renew for up to three years.
- 6.5. The first FFS Funding Agreement for first-time FFS Recipients will be for two years with an option to renew for another year.
- 6.6. FFS Funding Agreements provide FFS Recipients and new applicants with certainty of baseline funding. Any requested funding increases are decided by Council during the RMOW budget and Five-Year Financial Plan decision-making process.

7. APPLICATION PROCESS

- 7.1. The application process varies slightly between FFS Recipients and FFS Applicants.
- 7.2. Common elements of the application process include:

7.2.1. The application process may be revised at the sole discretion of the RMOW.

7.2.2. Applications will be evaluated using the following weighting:

7.2.2.1. 40% for the extent to which the proposed service is necessary to Whistler and addresses a community need or service gap.

7.2.2.2. 10% for thoroughness, accuracy, clarity of the application.

7.2.2.3. 30% for the extent to which the applicant is uniquely positioned to deliver the services and provide value for money to the RMOW and tax payers.

7.2.2.4. 20% for alignment with the OCP and other Corporate Plans.

7.2.3. Applications will be evaluated on their own merit and as potential components of the RMOW's total FFS portfolio.

7.2.4. In accordance with the *Community Charter* the RMOW will give public notice of its intention to provide assistance to the FFS recipients and will do so before the assistance is provided, and will describe the nature, term and extent of the proposed assistance.

7.3. FFS Recipients that also receive Value-In-Kind support from the RMOW will have a separate operating agreement or licence to occupy agreement.

8. APPLICATION PROCESS FOR FFS RECIPIENTS

8.1. RMOW staff will initiate the FFS application process for FFS Recipients in a timely manner that ensures the funding can be approved within the annual budget process.

8.2. Unless an existing FFS Funding Agreement is eligible for renewal, at the invitation of the RMOW, FFS Recipients must submit an application using a template provided by the RMOW. The application will require information related to:

8.2.1. Name of the FFS Recipient;

8.2.2. Organizational status (NFP/Charity) and governance structure;

8.2.3. The mission, mandate and FFS Recipient's objectives;

8.2.4. Cost benefit rational including a description of the service/programs the FFS Recipient delivers, how the FFS Recipient is uniquely positioned to resolve a service gap or unmet need in the RMOW that is aligned with the OCP and Corporate Plans;

8.2.5. A description of how the service/programs benefits the RMOW, citizens and visitors including both tangible and intangible benefits;

8.2.6. A description of how the FFS Recipient's programs and/or services support Reconciliation or relationship building with the Lílwat People and Squamish Nation;

8.2.7. Proposed key performance indicators;

- 8.2.8.** Annual operating costs of the program/service;
 - 8.2.9.** Amount/range of funding requested for the year and what portion of overall funding this would represent for the FFS Recipient; and
 - 8.2.10.** Financial statements for the most recent fiscal year.
- 8.3.** Applications will be evaluated using weighting listed in 7.2.2.
- 8.4.** At the outset of annual budget deliberations, a recommendation is put forward by staff regarding the total budget for FFS for the coming year, along with specific amounts for FFS Recipients. As with all recommended budget amounts, Council can direct changes to the total amount, and to amounts earmarked for each individual FFS Recipient. Offsetting funding sources must be identified where funding amounts increase. Funding amounts are not final until the Five-Year Financial Plan Bylaw is adopted.
- 8.5.** Successful FFS Recipients will enter into FFS Funding Agreements which include:
- 8.5.1.** Term (duration). FFS Funding Agreements will be for three years with the option to renew for up to three more years.
 - 8.5.2.** Annual Funding Amount. FFS Funding Agreements will secure an annual base level of funding for the duration of the agreement and the timing of payments in each year. Any requests by FFS Recipients to increase the annual baseline funding during the term of the agreement must be received in writing by September 1 with supporting information about why the increase is necessary. Funding increases are not guaranteed and must be determined by Council through the annual budget process.
 - 8.5.3.** FFS Recipient obligations including, but not limited to: progress reports and presentations to Council, First Nations land acknowledgement, acknowledgement of the RMOW's contribution, RMOW elected official appointment to the Board of Directors of the FFS Recipient if the annual FFS funding amount exceeds \$100,000.
 - 8.5.4.** RMOW obligations include but are not limited to: timely execution of the application and renewal process, timely delivery of funds, responsiveness and availability of RMOW staff.
 - 8.5.5.** General Terms including but not limited to indemnity, liability, insurance requirements, jurisdiction, assignment of the Agreement, dispute resolution, termination.
- 8.6.** Prior to renewing existing eligible FFS Funding Agreements, RMOW staff will evaluate the impact of the FFS Funding Agreement with the FFS Recipient during the first six months of the last year of the agreement. The review ensures the partnership continues work for both parties and meets the following criteria:
- 8.6.1.** Alignment with RMOW Goals, Priorities and Values, including:
 - 8.6.1.1.** The services and or programs remain consistent with the OCP and the RMOW's goals, priorities and Corporate Plans;
 - 8.6.1.2.** The FFS Recipient has a good reputation in the community; and

- 8.6.1.3. There is a positive working relationship between the FFS Recipient and the RMOW;
- 8.6.2. Management and Governance, including:
 - 8.6.2.1. The FFS Recipient is in good standing, in compliance with its Constitution and Bylaws, if applicable and all legal requirements;
 - 8.6.2.2. The FFS Recipient is implementing best practices and has policies in place to manage quality and risk; and
 - 8.6.2.3. The Boards and staff of the FFS Recipient have the skills and capacity to lead effectively;
- 8.6.3. Operation and Outcomes;
 - 8.6.3.1. The FFS Recipient exhibits good financial planning showing operating and capital reserves, as applicable, for future sustainability.
 - 8.6.3.2. The FFS Recipient is complying with all terms of the FFS Funding Agreement;
 - 8.6.3.3. Any facilities used by the FFS Recipient are well maintained and operated; and
 - 8.6.3.4. The FFS Recipient is meeting the outcomes of the FFS Funding Agreement as intended and reports out as required on key indicators of their success and continues to provide value for money in the provision of services and/or programs to the RMOW community.
- 8.6.4. If RMOW staff determine the partnership continues to meet the goals and objectives of the FFS Funding Agreement and value for money expectations, staff will renew the agreement and baseline funding amounts for the subsequent three-year period will be determined during the annual budget process.
- 8.6.5. If RMOW staff determine that the partnership is no longer meeting the goals and objectives of the FFS Funding Agreement or meeting value for money expectations, staff can recommend to Council in advance of the renewal of the FFS Funding Agreement or the next application process, one or more of the following:
 - 8.6.5.1. A change in the terms of the FFS Funding Agreement;
 - 8.6.5.2. Initiation of a public procurement process such as a Request for Expression of Interest or a Request for Proposal to ensure value for money;
 - 8.6.5.3. That the FFS Recipient is not invited to continue in the program and the services they offer are provided by the RMOW, another organization or cease to be provided.
- 8.6.6. Council can exercise their discretion at any time and request that staff undertake a public procurement process, such as a Request for Expression of Interest, or a Request for Proposal for services provided by a FFS Recipient to ensure continued value for money.

9. APPLICATION PROCESS FOR FFS APPLICANTS

- 9.1.** RMOW staff may identify new FFS opportunities to fulfill an unmet service or programming need. Alternatively, a RMOW NFP Organization may identify an unmet need and submit an unsolicited proposal for consideration.
- 9.2.** If the RMOW initiates a process to find a NFP Organization to fulfill an unmet service or programming need under the FFS program then staff would prepare a report to Council for preliminary feedback and direction in order to undertake a public procurement process. Council can direct that the proposal is not supported and no further action is taken. Council may also direct a public procurement process to assess what NFP Organizations are capable of fulfilling the role and are interested in the opportunity. The results of the procurement process would then be presented to Council and a decision made to invite a NFP Organization to apply in the next FFS application intake or no further action is taken.
- 9.3.** If the RMOW receives an unsolicited proposal, it must be from a new FFS Applicant that meets the eligibility requirements as described in section 7.2.2.
- 9.4.** All new FFS Applicants must submit a letter of intent prior to January 31 of any year in order for staff and Council to complete the evaluation process prior to the FFS application process and budget decisions for the following year. The letter of intent should be no more than five pages in length and include the following information:
 - 9.4.1.** Name of the FFS Applicant;
 - 9.4.2.** Organizational status (NFP/Charity) and governance structure;
 - 9.4.3.** The FFS Applicant mission, mandate and objectives;
 - 9.4.4.** Description of the service/programs the FFS Applicant delivers and how these resolve a service gap or unmet need in the RMOW that is aligned with the OCP and Corporate Plans;
 - 9.4.5.** Description of how the service/programs benefits the RMOW, citizens and visitors and the tangible and intangible benefits;
 - 9.4.6.** A description of how the FFS Applicant's programs and/or services support Reconciliation or relationship building with the Lílwat Nation and Squamish Nation;
 - 9.4.7.** Expectations regarding roles and responsibilities of the FFS Applicant, the RMOW and any other partners who may be involved;
 - 9.4.8.** Identify any potential risks and how they might be managed;
 - 9.4.9.** Estimated operating costs of the program/service;
 - 9.4.10.** Amount/range of funding requested per year and what portion of overall funding this would represent for the FFS Applicant;
 - 9.4.11.** Financial statements for the most recent fiscal year should be appended to the letter of intent.

- 9.5. Staff will conduct an initial assessment of the proposal based on the evaluation criteria in this Policy. If the proposal has merit, staff will present the opportunity to Council. At this meeting, Council will be asked to provide initial feedback with possible direction to end the process or for staff to complete a high-level value for money assessment.
- 9.6. Staff complete the high-level value for money assessment and return to Council with a recommendation. If the proposal does not have merit, Council will direct staff at this meeting to take no further action except to notify the FFS Applicant.
- 9.7. If staff determine the proposal has merit, but that there may be other NFP Organizations capable of, or interested in providing the same service, or the evidence of value for money is somewhat weak, staff will recommend to Council that a competitive procurement process is initiated (e.g. Request for Expressions of Interest or Request for Proposal), prior to any decision to have the proponent participate in the next application intake process. Staff would evaluate any submissions and bring a recommendation forward to Council at which point Council can direct staff to take no further action or invite the successful FFS Applicant to apply in the next FFS Applicant intake process.
- 9.8. Staff may recommend not entering into a public procurement process due to the uniqueness of the opportunity and the nature of the partnership, and strong evidence that the arrangement will provide good value for money. In these cases, Council can direct staff to invite the FFS Applicant to participate in the next FFS Application intake process.
- 9.9. If an NFP Organization is invited to participate in the next FFS Application intake process they would then follow sections 8.2 to 8.5 listed above.
- 9.10. At the outset of annual budget deliberations, a recommendation is put forward by staff regarding the total budget for FFS for the coming year, along with specific amounts for Recipient Organizations. As with all recommended budget amounts, Council can direct changes to the total amount, and to amounts earmarked for each individual organization, including those cases where Council wishes to support a FFS Applicant that has completed the staff and Council review process. Offsetting funding sources must be identified where funding amounts increase. This process of revision will be considered complete at the time of the adoption of the Five-Year Financial Plan, which typically occurs early in the fiscal year.
- 9.11. Final determination of a FFS Applicant's participation in the FFS program is determined through the annual application and Council approval of the current Five-Year Financial Plan Budget.

10. RIGHT TO WITHDRAW

- 10.1. The RMOW reserves the right to withdraw from the process and terminate any further discussions without any compensation to the FFS Applicant or any related consultants, companies, individuals, agencies, vendors, etc. for any time or costs incurred.

11. DISCLOSURE OF INFORMATION AND FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT

- 11.1. The RMOW is subject to the *Freedom of Information and Protection of Privacy Act*. Most information submitted to the RMOW in connection with a transaction of official business is public information subject to disclosure upon written request. All information provided to

the RMOW will be handled in accordance with the Act and the requirements of the Act while in the RMOW's possession. All documents submitted by a FFS Applicant and FFS Recipient should be regarded as public records and subject to disclosure, unless the information is accepted from the requirements of the Act (i.e. trade secrets and proprietary information).

- 11.2. FFS Applicants and FFS Recipient are encouraged to submit trade secrets, financial records and proprietary or other confidential information which may be exempt from disclosure under the *Freedom of Information and Protection of Privacy Act* enclosed in a separate, sealed envelope marketed "confidential".

12. RELATED DOCUMENTS

Council Policy F-29: Procurement Policy

13. OTHER

This is a living document and, as such, is subject to regular review and amendment.

Certified Correct:

P. Lysaght,
Manager of Legislative Services/Corporate Officer