

Which rules did City of Ottawa break with Mooney's Bay playground?

Whether an unsolicited bid or a community grant, deal doesn't jive with city policies

By Joanne Chianello, [CBC News](#)

May 25, 2016



The playground proposal for Mooney's Bay was so controversial that it quickly spurred a protest to stop it. (Robyn Miller)

At some point in the messy Mooney's Bay playground deal, the city likely broke its own rules when it decided to spend \$1 million on a project built by a private company without telling council.

It's just not quite clear yet which policy was contravened as it depends how you categorize the deal.

An unsolicited proposal?

At first glance, it appears that Sinking Ship Entertainment's offer to the city in January to build Canada's largest playground at Mooney's Bay in exchange for \$1 million in public money would count as an unsolicited bid. The TV production company and its partners are supposed to be chipping in another \$1 million worth of services and materials.

These sorts of proposals fall under the city's [Ottawa Option Policy](#), which sets out the procedure the city must follow when a private company brings the city an offer of goods or services.

It clearly states that "city council shall approve the application of the Ottawa Option for all proposals where the value of the revenue, cost, or benefit is expected to equal or exceed \$500,000."

However, the 2017-themed playground project was kept completely secret from most councillors and the public until a press release announcing the deal was sent out on May 13.

Instead, the negotiations appear to have been left to city senior staff to hash out. The argument is that the city's general manager for parks and recreation is allowed to approve spending the money — which came from a city-wide parkland fund — under delegated authority.

But the GM has the power to spend that money on city projects. It's not at all clear he's allowed to use public money on a private project without council approval.

So this is a problem, yes?

No, says the city chief procurement officer. Or at least that's what a statement attributed to Will McDonald and emailed to CBC News from the city states.

A grant under a community partnership program?

According to the statement, McDonald and his staff reviewed Sinking Ship's proposal in March and decided that "the Ottawa Option was not the appropriate policy" under which to review the project.

Instead — again, according to this same statement attributed to the city's chief procurement officer — the Sinking Ship agreement "was undertaken in accordance with the Community Partnership Major Capital Grant Program pursuant to staff's recommended approach."

So let's look at the [Community Partnership Major Capital Grant Program](#), which is generally meant to help residents improve their local parks and rec infrastructure by splitting the costs of improvements with the city.

The first thing you'll notice is that groups who can apply are "community associations/organizations, sports organizations, clubs." No mention of television production companies.

Also, while the city will fund up to 50 per cent of eligible costs for projects on city-owned property, the policy calls for funding of just 25 per cent on non city-owned facilities. Mooney's Bay actually belongs to the National Capital Commission and is leased by the city. So how does the property qualify for 50-per-cent funding?

"Parks such as Mooney's Bay, where the City has long-term leases, have always been considered for the purpose of investment as City-owned properties and are therefore eligible for partnership funding up to 50 per cent," according to the city.

The application for grants from this program are due March 1. Although the chief procurement officer was still reviewing the proposal in March, the city stated in an email that it received "a Community Partnership Major Capital Program application on the Mooney's Bay Park by the March 1 deadline."

But that's all small potatoes compared to this policy detail: once staff prioritizes the grant applications, reports go to "committee and council for final approval."

So whether it counts as an unsolicited bid, or a community partnership major capital grant, it looks as if this secret deal should have gone to council for approval, instead of being signed behind closed doors on May 11.

Why didn't it? We all have our theories. But as Coun. Riley Brockington [will table a motion at council Wednesday](#) that, if successful, will open up discussion on the uber-secretive deal, perhaps we'll get some answers.