



REQUEST FOR PROPOSAL

New or Update of Comprehensive Zoning By-law for 2024

ADMIN-01-24

**Proposals will be received no later than:
2:00 p.m., Local Time, Friday, April 5, 2024**

Delivery Options:

Email: tenders@shuniah.org,

Address: The Corporation of the Municipality of Shuniah
Attention: Clerk
420 Leslie Avenue
Thunder Bay, Ontario
P7A 1X8
Monday through Friday from 8:30 a.m. to 4:30 p.m.

Facsimile, or telephone submissions will not be accepted.

The Corporation of the Municipality of Shuniah
Kerry Bellamy, Clerk

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Part One: General Information, Terms, and Conditions

Freedom of Information

All proposals submitted to The Corporation of the Municipality of Shuniah become the property of the Municipality, and as such, are subject to the provisions of the Municipal Freedom of Information and Protection of Privacy Act.

This will confirm that The Corporation of the Municipality of Shuniah will not use/disclose the information provided, without proper authorization, and will keep the information in a physically secure location to which access is given only to staff requiring access. Affected proponents will be advised of any procedures under the Municipal Freedom of Information and Protection of Privacy Act and provided an opportunity to participate in the process.

Rights reserved by the Municipality

Proposals will be evaluated from firms or individuals that can demonstrate that they have the necessary staffing, facilities, experience, ability, and financial resources to perform the work in a satisfactory manner. Proven track record must be demonstrated.

The Municipality reserves the right to inspect the bidder's facility and to perform such investigations as may be deemed necessary to ensure that competent personnel and management and suitable equipment/material will be used in the performance of this contract.

The Municipality may, in its discretion, take any one or more of the following steps, at any time and from time to time, in connection with the review and evaluation, including ranking, of any aspect of a proposal:

- independently consider, investigate, research, analyze, request, or verify any information of documentation whether or not contained in any Proposal;
- conduct reference checks relevant to the Project with any or all the references cited in a Proposal, or with any other person not listed in a Proposal, to verify all information regarding a Proponent, including its directors, officers and key individuals;
- conduct any background investigations that it considers necessary during the Competitive Selection Process.

Submission of a proposal indicates acceptance by the firm of the conditions contained in this Request for Proposal, unless clearly and specifically noted in the proposal and in any contract between the Municipality and the firm(s) selected.

The Municipality reserves the right without prejudice to reject any or all proposals and to determine in its own best judgement the firm best qualified to undertake this contract.

The Municipality is not responsible for any costs incurred by the proponents in the preparation of their response to the proposal call or attendance at any selection interviews. The Municipality will not accept responsibility for any delays or costs with any reviews or approval process.

The Evaluation Committee reserves the right to be the sole judge of the acceptability of any proposal, and any alternative proposed, and to purchase the service which in its opinion most closely meets the operating requirements of the Municipality.

The Municipality, unless it otherwise states, reserves the right to award by item, or part thereof, group of items, or all items of the proposal, and to award contracts to one or more proponents submitting identical submissions as to price; to reject any and all submissions in whole or in part; to waive technical defects, irregularities and omissions and to negotiate minor changes, if in so doing, the best interest of the Municipality will be served.

The basis of award is subject to budget, availability and or Council Approval.

The Municipality reserves the right to cancel the project without cause and without incurring any liability whatsoever if deemed in the best interest of the Municipality to do so.

The Municipality reserves the right to terminate the contract without notice if due to non-performance and unsatisfactory service and unsatisfactory product performance.

The Municipality reserves the right to call in alternate services if the proponent is unable to provide the services when it is requested.

The decision of the Council of the Municipality of Shuniah shall be final and without recourse.

Prices must be firm for the duration of the contract.

The Municipality reserves the right to award this contract in whole or in part without recourse or penalty that which is deemed most advantageous to the Municipality.

The Municipality has the right to negotiate minor changes with the proponent that presented the most attractive proposal.

The Municipality of Shuniah Council shall have the final authority on all matters regarding this Request for Proposal.

This is an invitation for proposals and not a tender call.

References

Submission of a proposal authorizes the Municipality to contact all references provided. Failure to provide references and details of experience may result in the submission not being considered.

Note:

- ▶ This is a request for proposals and not a tender call.
- ▶ The Municipality has the right to negotiate with the proponent that presented the most attractive proposal.
- ▶ The Municipality shall have the final authority on all matters regarding this request for proposals.

Questions/inquiries

Communications concerning this request for proposal are to be **in writing** and directed to:

Kerry Bellamy, Clerk

Phone: (807) 683-4540

e-mail: clerk@shuniah.org

Inquiries must not be directed to other municipal employees or elected officials. Directing inquiries to other than those designated may result in your submission being rejected. The deadline for questions/inquiries is **Friday, March 22, 2024, at 2:00pm.**

All clarification requests are to be sent **in writing** to the individual mentioned above. No clarification requests will be accepted by telephone. Responses to clarification requests will be provided to all interested parties.

All changes to the request for proposals document will be issued by the Clerk in the form of a written addendum.

Acknowledgement of Addenda

If addenda are issued, their receipt must be acknowledged by noting the number of addenda received on the schedule of pricing form. Failure to include all addenda may result in your submission not being considered. The Municipality will assume no responsibility for oral instructions or suggestions.

Addenda will be updated to MERX and posted on the Municipality's website for download at <https://www.shuniah.org/documents/rfps-tenders/>. It is the bidder's responsibility to check the website prior to closing for any issued addenda. The Municipal staff elected officials of Municipal Departments are not to be used as references.

Review of Requirements

All proponents should carefully review this solicitation for defects or questionable matter. Comments or the need for clarification must be made in writing as requested in this RFP document. Protests based on any omission or error, or on the content of the solicitation, will be disallowed if these faults have not been brought to the attention of the Clerk as per the terms set out in this Request.

Evaluation Criteria

The proposals will be evaluated on the basis of all information provided by the proponents. Selection of a proposal will be based on (but not solely limited to) the criteria outlined in this section, and any other relevant information provided by the proponent.

In recognition of the importance of the procedure by which a proponent may be selected, the following outlines the primary considerations to be used in the evaluation and awarding of this contract (not in any order).

a) Qualifications and experience

- technical and project manager qualifications
- level of project understanding
- reputation of service to previous clients
- availability of personnel resources to manage the assignment
- references

b) Submission

- statement of full understanding of the scope of work;
- quality of the proposal in terms of methodology and approach; and
- responsiveness to the RFP and demonstrated willingness to comply with the terms and conditions of the RFP

c) Financial

- proposed fees (including out of pocket expenses, if any); and
- estimated hours required, levels of staff to be assigned and hourly billing rates

Selection Process

The Clerk (or a delegated subcommittee of Council) will evaluate the responses to the RFP. Based upon the evaluation results of the submissions, the Council may require a presentation prior to award. In that case, the presentation would form part of the final evaluation. All such presentations will be at the proponent's expense. Proponents may be requested to clarify information provided in their submissions. Any additional information may in no way materially alter or add to the submission originally proposed.

Presentations will be conducted on a date and location to be determined. Successful proponent(s) will be contacted to set up a meeting time for their presentation. It is anticipated that the presentation will consist of a brief five-minute introduction of the Council members and any staff in attendance, followed by a presentation by the proponent (maximum 30 minutes), and concluded with a question-and-answer period (maximum 30 minutes).

Failure to provide a presentation may be cause for disqualification.

The following chart outlines the evaluation criteria to be used in the evaluation and consequent awarding of the contract.

	CRITERIA	MAX. SCORE
1.	Financial	30
2	Qualifications and Experience (including reference checks)	35
3	Submission	35
	Evaluation Subtotal	100
	Interview (if necessary)	15
	Total Available Points	115

Cancellation of Contracts

The Municipality reserves the right to terminate the contract without notice if due to non-performance and unsatisfactory services.

The Municipality reserves the right to call in alternate services if the proponent is unable to provide the service when it is requested.

Awards

The Municipality, unless it otherwise states, reserves the right to reject any and all submissions in whole or in part; and/or to waive technical defects, irregularities and omissions, if in so doing, the best interests of the Municipality will be served.

Insurance and Indemnification

The successful proponent shall, at its own expense, obtain and maintain until the termination of the contract, and provide the Municipality with evidence of:

Comprehensive general liability insurance on an occurrence basis for an amount not less than Two Million (\$2,000,000.00) dollars that includes the Municipality as an additional insured with respect to the Municipality's operations, acts and omissions relating to its obligations under this Agreement, such policy to include non-owned automobile liability, personal injury, broad form property damage, contractual liability, owners' and contractors' protective, products and completed operations, contingent employers liability, cross liability and severability of interest clauses;

Professional Liability: The successful proponent shall carry insurance covering the work and services described in this agreement. Such policy shall provide coverage for an amount not less than five

hundred thousand (\$500,000) dollars. The Municipality will not accept a submission which limits the liability of the proponent to the amount of its liability insurance coverage.

The policies shown above must stipulate that they cannot be cancelled or permitted to lapse unless the insurer notifies the Municipality in writing at least thirty (30) days prior to the effective date of cancellation or expiry. The Municipality reserves the right to request such higher limits of insurance or other types of policies appropriate to the work as the Municipality may reasonably require.

The successful proponent shall not commence work until such time as evidence of insurance has been filed with and approved by the Treasurer for the Municipality. The successful firm shall provide evidence of the continuance of all required insurance at each policy renewal date for the duration of the contract.

The successful proponent shall indemnify and hold the Municipality harmless from and against any liability, loss, claims, demands, costs and expenses, including reasonable legal fees, occasioned wholly or in part by any acts or omissions either in negligence or in nuisance whether wilful or otherwise by the proponent, its agents, officers, employees or other persons for whom the proponent is legally responsible.

The successful proponent shall not act on behalf of any resident in the Municipality of Shuniah on any matter during the duration of the contract.

Workplace Safety & Insurance Act (from successful proponent only, and only if applicable)

The successful proponent shall also furnish evidence of compliance with all requirements of the Workplace Safety & Insurance Act. Independent operators will need confirmation from the Workplace Safety & Insurance Board (WSIB).

- i.e.
- i) Certificate of Clearance
 - ii) Letter of Good Standing
 - iii) Independent Operator Letter

In reference to workplace safety & insurance act: The Corporation of the Municipality of Shuniah requires all contractors and independent operators to have a Status Ruling done from the WSIB prior to any work being carried out for the Municipality. The Municipality may not issue a purchase order to any contractor or independent operator until "Confirmation" from the WSIB is received. If further information on WSIB is required, please contact the local WSIB at 807-343-1710.

Part Two: Project Specifics

Invitation

The Municipality of Shuniah is issuing a Request for Proposals (RFP) to interested parties for the preparation of a proposed work program to complete an update or to provide a new Comprehensive Zoning By-law for the Municipality. The intent of the RFP is to award the work to a consultant based on

the evaluation of the relevant information from respondents with proven work records and management expertise in similar undertakings.

The work to be completed by the Consultant in general terms is as follows:

Introduction

The Municipality of Shuniah is a small rural community bordering the city of Thunder Bay of approximately 3247 residents located within the District of Thunder Bay in Northern Ontario. Serving today primarily as a rural bedroom community to Thunder Bay. Shuniah is also a popular cottaging locale with 40 kilometers of Lake Superior northern shoreline. The Municipality occupies approximately 571 sq. km.

The Official Plan of the Municipality of Shuniah was adopted in March 2021 with the passing of By-law No. 3134-20 in October of 2020.

The Municipality of Shuniah's Comprehensive Zoning By-law review or renewal is required to meet new provincial planning legislation and policy initiatives which include amendments to the Planning Act, the Provincial Policy Statement, and the Northern Growth Plan and Municipality of Shuniah's Official Plan.

The consultant update should address where to eliminate policies which are not effective; establish new policies which better reflect current and projected circumstances; and streamline the document and simplify policy where possible.

The consultant shall provide a comparison between a new plan vs. a reviewed plan, outlining the benefits, costs and/or savings between the two options.

Scope of Work and Deliverables

To complete an update of the Municipality of Shuniah's Comprehensive Zoning By-law, with the following deliverables:

- Implementation and integration of the most recent Provincial Policy Statement and Northern Growth Plan.
- Ensure conformity with Provincial legislation, regulations and plans.
- Allow for public and agency consultation, through the open house and statutory public meeting(s), throughout the update process.
- Ensure the conformity of the Zoning By-law with the Official Plan.
- Consolidation of existing Zoning By-law Amendments.
- Other "technical" and housekeeping amendments.
- Prepare for Council the final Zoning By-law and provide all planning reports required for adoption and approval.
- Schedules for zoning, such as but not limited to diagrams, maps, tables, etc.
- Identify any opportunities within this project that the Municipality can complete to reduce project costs.

- Identify the pros and cons with a cost breakdown for updating the current Zoning By-law and preparing a brand-new Zoning By-law.
- Final Product to be provided to Shuniah in an amendable/updateable format for the inclusion of future zoning amendments.

A copy of the Municipality of Shuniah's current Official Plan and Zoning By-law will be provided as baseline documents that can be used as templates to be built upon, incorporating the required updates and possibly removal of unnecessary sections. A copy of our current Official Plan and Zoning By-law 2038-00 is available on our website for review.

The required mapping will be supplied by the Lakehead Region Conservation Authority (LRCA) and any required edits will be done through them on a separate contract with the Municipality. The successful consultant will be required to liaise with the Lakehead Region Conservation Authority to provide data to ensure mapping is cohesive with the Zoning By-law.

Study Area

The study area will be within the boundary of the Municipality of Shuniah.

Reporting Requirements

The Clerk, Kerry Bellamy, will liaise with the consultant to ensure the study is completed, to assist in the process and for day-to-day reporting. The consultant will meet with the Council in person and/or by teleconference (or alternate communication method) as required during the process. In-person meetings will be minimum and determined upon consultant site visit and/or process requirement.

Time Frame

The consultant shall outline in the proposal the specific time frame for the completion of all reports.

The project to be completed by **November 29, 2024**.

Project Requirements

All information, electronic data, reports, mapping, literature, or software/hardware developed or acquired by the consultants during this study and having application to this study shall become the property of the Municipality of Shuniah. This information shall be delivered to the Municipality of Shuniah with their final billing unless the Clerk has provided the consultant with explicit written direction to the contrary.

Due to the minimized amount of work required to bring the Municipality of Shuniah's Zoning By-law to adhere to the Planning Act requirements of a 5-year OP review or new plan prepared, the Provincial Policy Statement Review and the Northern Growth Plan, all proposals should clearly indicate that the work to be provided will be for an "upset limit". The Municipality of Shuniah will not consider cost overruns.

Regular progress payments will be conditional upon the receipt of work completed, submission of an invoice for the work and approval by the Municipality of Shuniah. The consultant shall prepare at least

two interim progress reports for staff and Council to review. Consultant shall include an estimated payment schedule in their proposal.

Reproduction

All documents referred to and required to be provided shall be in electronic format containing all text and all maps and schedules in format compatible with the Municipality's software. All information being gathered, and reports being produced, belongs to the Municipality of Shuniah. No reproductions or copies will be permitted without written permission from the Municipality.

Distribution

All documents and revisions to documents shall be forwarded by the consultants in sufficient time so that they will be received by the Municipality of Shuniah at least one week in advance of the project meeting at which the document will be discussed. No reproductions or copies will be permitted without written permission from the Municipality.

Meetings

The minimum number of meetings required to be held at the following stages of the work program are as follows:

An introductory meeting between the Council, staff, and consultant to discuss the scope of work, identification of key areas of concern and confirmation of timelines and project completions.

- A meeting between the consultant and the Council and staff to review background reports, if deemed necessary.
- A meeting between the consultant and the Council and staff to review the Draft Reports.
- A meeting between the consultant and the Council and staff to review the Final Reports.

Public consultation will be an important aspect of the development of the Comprehensive Zoning By-laws. The consultant should indicate how the public will be involved in the process.

All meetings that include the Council are open to the public.

Proposal Content and Format

The consultant selected by the Municipality of Shuniah will have prepared a proposal which clearly indicated how the consultant will carry out the work. The consultant's proposal must contain at least, but not limited to:

- A methodology indicating the approach that will be used in the project.
- A timetable showing the timing of each of the phases of the report, along with the proposed meetings. This should include any suggested revision to the scope of work, outlined in these terms, and an explanation of the reasons for the suggested changes.
- An assumptions section that lists all assumptions the consultant has about the information or arrangements to be provided by the Municipality.
- Names, qualifications, and experience of staff assigned to this project and identify the project lead.

- Examples of past projects of similar nature, successfully completed by the consultant or members of the team including references from the projects.
- Maximum total cost of the project, broken down by the phases, with fees and disbursement costs listed separately and the suggested payment schedule for each phase.
- Per diem rates for key personnel involved in the assignment, with an estimate of the number of days that the project staff will spend on the project and in the area.
- Provide a recommendation and/or options for pro's and con's of a new Zoning by-law vs. a Review of the current Zoning By-law.

Submissions

The consultant may submit the above noted package by email, or mail.

By email:

The consultant may submit one (1) copy of the above noted proposal in a PDF attachment not larger than 130 MB to the email address shown on the cover page with the subject line:

RFP-ADMIN-01-24- Municipal Comprehensive Zoning By-law

Submissions are to be:

- In one (1) PDF document with searchable text and tabbed electronic bookmarks
- Less than 130 MB in size

By mail:

The consultant may submit one (1) original signed of the above noted proposal in a sealed package to the address shown on the cover page. All submissions are to be clearly marked as to contents with the return label affixed to the outside of the package when provided.

Submissions are to be:

- Printed double sided.
- Where possible, stapled.
- Where too large for stapling, submitted in coil bindings, comb bindings, heat bound or clamped.
- Binders are not to be used.

Late Submissions

Submissions received after the deadline will not be considered. The municipality will assume no responsibility for submissions that do not arrive by the specified closing date and time. Late submissions will be returned unopened to the proponent.

Closing Date and Time

Consideration will be given to your proposal if received by the Municipality of Shuniah not later than the date and time shown on the cover page.

The lowest cost proposal will not necessarily be accepted, the Municipality reserves the right to reject all proposals and/or re-issue the RFP in its original or revised form.

Facsimile, or telephone proposals will not be accepted.

Consultant Requirements & Responsibilities

- The Consultant shall comply with the requirements of the Occupational Health and Safety Act and all Workers Safety Insurance Board's laws, policies or otherwise while undertaking any of the work described in these documents.
- The Consultant shall comply with all Provincial Statutes, Regulations and Environmental Legislation, laws, policies or otherwise while undertaking any of the work described in these documents.
- The Consultant is responsible to obtain any permits and/or approvals required by Federal, Provincial or Regional legislation, necessary to complete the work described in this Request for Proposal Document.
- Consultants shall clearly identify, in their proposals, any work included in this project that is intended to be subcontracted out and clearly identify the Sub Consultants that are intended to complete that portion of the work included in this Project.
- Consultants shall provide, with their proposals, signed and certified true copies of their corporate health and safety policy.
- Consultants will be required to submit, within 3 business days of notification of acceptance, a written copy of the Company's Corporate Health and Safety programs and procedures. Failure to submit a written copy of the Corporate Health and Safety programs and procedures shall disqualify the Consultant's proposal for this project.

Contract Requirements

- The Consultant will be required to submit, within 5 business days of notification of acceptance and award, a project schedule fully describing the work and project milestones to The Corporation of the Municipality of Shuniah. Project schedules may be or emailed to clerk@shuniah.org
- Consultants will be required to submit a letter with their proposals, indicating proof of liability insurance of two million dollars (\$2,000,000) of coverage, stating that they are liable for, and shall indemnify and save harmless The Corporation of the Municipality of Shuniah, its elected officials, officers, employees and representatives, from and against all lawsuits, actions, causes of action, claims, demands, losses, costs, damages, expenses (including actual costs of professional advisors) whatsoever incurred and suffered by the indemnities, including but not limited to damage to loss of property and loss of use of it, and injury to, or death of a person or persons resulting from or in connection with work described in this Request for Proposal Document. This insurance coverage must be maintained for the duration of the work.
- The successful consultant will be required to enter into an agreement with the Municipality of Shuniah.

Part Three: Proposal Forms

Along with all other information requested within this document, please fill in and return three (3) copies of the forms on the next ensuing pages. Please ensure the information provided is complete and accurate.

The mandatory submission forms that are required to be completed and included in your submission may not be changed other than inserting the required information.

All proposals will be irrevocable for a period of 90 (90) days from the end of the proposal deadline.

Proposal form

Proponent Company Name:

Proponent Company Telephone:

Proponent Company Fax and/or Email Address:

Proponent Company Address for services & correspondence:

Person preparing the Proposal _____

Signature, Name, and Title of Proponent Company Representative:

Name of the company personnel and qualifications of the people working on this project
(attach extra pages if required):

Proposed Bid (excl. HST): \$ _____

Lump Sum Total Price, including all taxes: \$ _____

Anticipated Start date _____

Anticipated Completed Draft Report Date: _____

The Corporation of the Municipality of Shuniah reserves the right to reject any or all proposals, to waive irregularities and informalities in proposals, and to award the project contract in the best interests of the Municipality in its sole and unfettered discretion. The lowest priced proposal, or any proposal, may not be accepted.

Relevant experience:

Provide information on three similar projects completed by or under the direction of your firm and provide a reference (name and contact information) for each project. Use additional paper if necessary.

Similar Project #1

Client: _____

Contact Person & Contact telephone number: _____

Year Undertaken: _____

Detail of Project: _____

Similar Project #2

Client: _____

Contact Person & Contact telephone number: _____

Year Undertaken: _____

Detail of Project: _____

Similar Project #3

Client: _____

Contact Person & Contact telephone number: _____

Year Undertaken: _____

Detail of Project: _____

Occupational health and safety – Statutory Declaration

In submitting this proposal, I/we, on behalf of

(Legal Name of Company)

Certify the following:

I/We have a health and safety policy and will maintain a program to implement such policy as required by clause 25(2) (j) of the Occupational Health and Safety Act, R.S.O. 1990, c.0.1, as amended, (the OHSA).

With respect to the services being offered in this proposal, I/we and our proposed subcontractors, acknowledge the responsibility to, and shall:

- a. Fulfill all the “employer” obligations under the OHSA and ensure that all work is carried out in accordance with the OHSA and its regulations.
- b. Ensure that adequate and complete supervision is provided as per the OHSA to protect the health and safety of workers; and
- c. Provide information and instruction to all employees to ensure they are informed of the hazards inherent to the work and understand the procedures for minimizing the risk of injury or illness.

I/We agree to take every precaution reasonable in the circumstances for the protection of worker health and safety, as required under the OSHA.

Dated at _____ this _____ day of _____, 2024

(Signature of Authorized Signing Officer for the Company)

Printed Name

Title

Phone

**** Please remember to include a WSIB Clearance Certificate with your proposal submission**