



STAFF REPORT

DEPARTMENT: Planning and Building Services

CHAIR: Councillor J. Attwood

DATE: January 29, 2014

SUBJECT: **SOURCE PROTECTION PLAN IMPLEMENTATION STUDY RFP**

RECOMMENDATION:

- 1. COUNCIL HEREBY APPROVES THE REQUEST FOR PROPOSAL FOR THE SOURCE PROTECTION PLAN IMPLEMENTATION STUDY IN ACCORDANCE WITH REPORT NO. PL-2014-10 FOR POSTING, DISTRIBUTION AND SUBMISSIONS.**

BACKGROUND:

Council, at its December 9, 2013 Special Meeting, considered a Staff Report dated December 5, 2013 from the Director of Public Works in respect of the Source Protection Municipal Implementation funding from the Province to assist the Town with the implementation of the Source Protection Plan and meet our legal obligations under the *Clean Water Act*. The report noted that the Town was eligible for a total funding of \$80,359. The report also stated that the grant will provide funding to assist the Town staff and SSEA with direct implementation works including Risk Management services and with the implementation of the Source Protection Plan into the Town's Official Plan.

Council passed By-law 2013-85 at its December 9, 2013 Special Meeting to enter into an Agreement with the Province in respect of the Source Protection Municipal Implementation Fund to assist the Town with the implementation of the Source Protection Plan.

This report addresses the Terms of Reference and Request for Proposals to seek a consultant to undertake the Source Protection Plan Implementation Study leading to an amendment to the Town of Midland Official Plan and Zoning By-law.

ANALYSIS:

Pursuant to the *Clean Water Act*, the South Georgian Bay Lake Simcoe Source Protection Committee submitted the Proposed Source Protection Plan and Explanatory

Document to the Ministry of Environment on October 22, 2012. The Source Protection Committee is currently reviewing comments from the Ministry of the Environment and will be moving to public consultation on the final source protection plan and assessment reports in the coming months. It is anticipated that Provincial approval of the Source Protection Plan is anticipated to occur in 2014.

In accordance with Section 40 of the *Clean Water Act*, the Council of the Town of Midland is required to amend its Official Plan to conform with a source protection plan and specifically with the significant threat policies and designated Great Lakes policies set out in the source protection plan.

In addition to the above, pursuant to Section 39 of the *Clean Water Act*, all decisions under the *Planning Act* or the *Condominium Act, 1998* made by Council shall conform with the significant threat policies and designated Great Lakes policies set out in a source protection plan and have regard to the other policies set out in the source protection plan.

Attached to this report is the draft Terms of Reference and Request for Proposal (RFP) for the **Source Protection Plan Implementation Study**. The RFP has been prepared in the Town style and revised to suit the particular needs of this planning study. The proposed RFP and this report have been reviewed by the CAO. Additional refinements to the RFP may occur following additional consultation and input from the SSEA.

The issues of RFP Review and Consultant Selection and RFP Timing require review and direction from Committee and Council. The following sections describe the issues and provide the staff position for each.

RFP Review and Consultant Selection

RFP processes and selection are sufficiently dissimilar from tender processes in that they typically require different review and selection processes. Generally with RFPs price is not the major or sole criteria for the selection of a Consultant to complete the work and many times the lowest proposal price is not selected.

In addition, where a planning study could have impacts on multiple divisions and departments, it would be appropriate to involve the staff from those areas in the review and selection process.

Staff is recommending that a RFP Review and Consultant Selection Ad-Hoc Committee be formed to undertake the review of the submitted proposals and to make a selection recommendation to Council. It is recommended that the Director of Planning and Building Services, Director of Public Works, Town Engineer and CAO comprise the Ad-Hoc Committee.

RFP Timing

The Town’s purchasing policy requires that the RFP be approved by Council. Assuming the RFP is approved by Council on February 24th, the following schedule for the RFP process is suggested. Changes to the schedule, as required, may be made.

- Release of RFP (posted on Town’s website and sent via email to a minimum of four (4) Consultants) – February 28, 2014
- Deadline for submission of Questions – March 7, 2014
- Deadline for release of Answers to Questions – March 14, 2014.
- Deadline for submission of RFP – March 28, 2014
- RFP/Consultant Selection Committee review and evaluation – week of March 31, 2014
- Council award of study – April 28, 2014 Council meeting

SUSTAINABILITY CONSIDERATIONS:

<p>1. Is the item currently identified in the Severn Sound Sustainability Plan?</p> <p>List Goals and Strategic Directions: EN.S.16 Protect surface and ground water from contaminants through the watershed’s Source Water Protection Plan</p>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
<p>2. Does it fulfill the sustainability vision of the Town of Midland?</p>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
<p>3. Are there negative impacts on any of the three (3) sustainability pillars (environment, community, economy)?</p>	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
<p>4. Does it advance other initiatives?</p>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
<p>Comments</p>		

FINANCIAL IMPACT:

The estimated maximum upset limit of \$20,000 Study costs would be funded 100% from the Source Protection Municipal Implementation Fund dollars.

Prepared by: W. Crown – Director of Planning and Building Services
Reviewed by: C. Tripp - CAO

Attachments:
#1 – Draft RFP

TOWN OF MIDLAND



TERMS OF REFERENCE AND REQUEST FOR PROPOSALS

SOURCE PROTECTION PLAN IMPLEMENTATION STUDY

January 2014

Town of Midland
Planning and Building Services
575 Dominion Avenue
Midland, Ontario
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705-526-4275

TOWN OF MIDLAND

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TOWN OF MIDLAND

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GENERAL INFORMATION

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TOWN OF MIDLAND

SECTION A

INFORMATION

1. Scope of Proposals

The Corporation of the Town of Midland invites proposals for the **Source Protection Plan Implementation Study** leading to an amendment to the Town of Midland Official Plan and Zoning By-law pursuant to the Terms of Reference provided in Section B of this document.

2. Terms of this Request for Proposals

The Terms of Reference for the study are set out in Section B to this document. The requirements for the Proposal Submission are set out in Section C of this document. All three sections of this document comprise the REQUEST FOR PROPOSAL (RFP) for the **Source Protection Plan Implementation Study**.

3. Questions and Clarifications

Proponents having questions and seeking clarification respecting the RFP shall do so in the following manner:

- a. Questions shall only be submitted in writing and by email to the Director of Planning and Building Services at wcrown@midland.ca.
- b. Questions shall be submitted by 12:00 p.m. (noon) on **XXXXXXXX Xth, 2014**.
- c. Answers to all submitted questions will be emailed to the invited consultants on **XXXXXXXX XX, 2014**.

TOWN OF MIDLAND

SECTION B

TERMS OF REFERENCE

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TERMS OF REFERENCE
SOURCE PROTECTION PLAN IMPLEMENTATION STUDY
TOWN OF MIDLAND

1. Background

Pursuant to the *Clean Water Act*, the South Georgian Bay Lake Simcoe Source Protection Committee submitted the Proposed Source Protection Plan and Explanatory Document to the Ministry of Environment on October 22, 2012. The Source Protection Committee is currently reviewing comments from the Ministry of the Environment and will be moving to public consultation on the source protection plan and assessment reports in the coming months. It is anticipated that Provincial approval of the Source Protection Plan is anticipated to occur in 2014.

In accordance with Section 40 of the *Clean Water Act*, the Council of the Town of Midland is required to amend its Official Plan to conform with the source protection plan and specifically with the significant threat policies and designated Great Lakes policies set out in the source protection plan.

In addition to the above, pursuant to Section 39 of the *Clean Water Act*, all decisions under the Planning Act or the Condominium Act, 1998 made by Council shall conform with the significant threat policies and designated Great Lakes policies set out in the source protection plan and have regard to the other policies set out in the source protection plan.

The proposed study will ensure that the South Georgian Bay Lake Simcoe Source Protection Plan is thoroughly analyzed and that appropriate policies, guidelines, regulations and land use designations/zones are proposed for the Town of Midland Official Plan and Zoning By-law to ensure that Council is meeting its legal obligations under the *Clean Water Act*.

2. Current Planning Framework

Full copies of the **Source Protection Plan** are available on the South Georgian Bay Lake Simcoe Source Protection Region website at www.ourwatershed.ca. In addition, the planning framework includes the **Midland and Penetanguishene Tier Three Water Budget and Local Area Risk Assessment Report** dated January 2014, also available at the above website. Implementation Guides have also been developed by the Source Protection Committee, including ***Understanding Where Policies Apply*** and ***Land Use Planning***. All Implementation Guides are also available on the Source Protection website at www.ourwatershed.ca/implementation/guide.

Full copies of the Town Official Plan and Zoning By-law are available on the Town's website at www.town.midland.on.ca/town-hall/Departments-Services/Planning-Department.

Full copies of the County of Simcoe Official Plan (both the inforce and proposed) are available at the County's website at www.simcoe.ca/dpt/pln

4. Consultation and Meeting Requirements

The proposal must contain the consultant's recommendations for public consultation as part of the study. In recognition that the study includes all of the Town of Midland, the consultant should consider and recommend creative ways to engage and consult with the public during the development of the **Source Protection Plan Implementation Study**, including engaging the specific property owners who could be most impacted by the Study and its implementation. It is understood that the Town Planning and Building Services Department will be responsible for the consultation plan as set out in the accepted Proposal.

At a minimum, the proposal shall include the following meetings:

- a. Three meetings with the Planning and Development Committee at Project Commencement, Interim report and Final Report stages.
- b. A Public Open House and the Statutory Public Meeting under the Planning Act to consider the study and its proposed amendments to the Official Plan and Zoning By-law.

5. **Scope of Work/Overview**

The study will involve identifying those policies and requirements of the Source Protection Plan that should be incorporated into the Town's planning documents, search and identify current best practices in relevant Ontario municipalities for source protection land use policies and regulations, and provide specific recommendations regarding the required amendments to the Town's Official Plan and Zoning By-law.

It is anticipated, but not required, that the study could be undertaken in two Phases as follows:

Phase 1 – Requirements and Issues Report

- Review Source Protection Plan and Tier 3 Report to determine the relevant significant threat policies **and designated Great Lakes policies** that should be implemented in the Town planning documents .
- Undertake an assessment and review of existing best practices in regards to source protection, well head protection, significant threat policies **and designated Great Lakes policies** in relevant jurisdictions in the Province of Ontario.
- Consult with key stakeholders, specifically Town staff including the RMI and Public Works and Engineering staff, and the SSEA .
- Present the result of this work to the Planning and Development Committee.

Phase 2 – Proposed Official Plan and Zoning By-law Amendments

- Work with staff to develop draft amendments implementing the recommendations of the Issues Report.
- Identify and recommend the required amendments to the Town's planning documents (official plan and zoning by-law) to implement the Issues Report.
- In discussion with the Town and the County of Simcoe, refine the draft amendments.
- Present the draft Amendments at the required Public Open House and statutory Public Meeting.
- Revise the draft Amendments based on the input received from the public consultation process and prepare the final documents for Council consideration and adoption.

6. Work Plan

The proposal must provide a Work Plan indicating the timing for conducting the Source Protection Plan Implementation Study, the approximate timing for the various tasks included in the study, and the date of submission of the various reports and amendments to the Town.

7. Study Objectives

- a. Prepare a report and draft Amendments that will provide the Town with guidance for future decision making and a long-term plan for source water protection in accordance with the *Clean Water Act* and the Source Protection Plan.
- b. Ensure that a proper explanation is provided in respect of the Town's role in source protection, our obligations to implement the Source Protection Plan, and identify best practices for the Town to meet its obligations under the *Clean Water Act*.

6. Project Budget

The maximum upset project budget has been set at \$20,000.00. The Town will assume all costs with notice and advertising and is willing to undertake the mapping component for the required amendments.

7. Deliverables

The selected consultant will be required to provide the following to the Town at the conclusion of the study:

- a. Three (3) bound hard copies of the final Issues Report and the draft OPA and ZBA.
- b. One (1) electronic PDF version of the final report and draft Amendments on appropriate media (CD or DVD).
- c. One (1) electronic MS Word version of the final report and draft Amendments on appropriate media (CD or DVD).
- d. One (1) electronic copy in PDF or DWG or compatible version format of all plans and/or drawings produced during the study.

TOWN OF MIDLAND

SECTION C

PROPOSAL SUBMISSION REQUIREMENTS

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THE CORPORATION OF THE TOWN OF MIDLAND

PROPOSAL SUBMISSION REQUIREMENTS

1. Required Proposal Format

The Terms of Reference contains several sections all of which need to be addressed for your proposal to be considered. Please double check your finished document to ensure that you have included all the required information. In order to receive uniform format of responses and information from all prospective consulting firms the following should be addressed and included in your submission:

- a. Proposals should be submitted electronically only in PDF format including a letter of submission signed by an authorized representative of the Consultant as set out in section A.7 below.
- b. Proposals shall be less than 7 MB in size and shall be less than 15 pages in total length. Proposals shall generally be limited to standard letter format (21.59 cm x 27.94 cm). Cost Estimates and Work Plan/Timing may be in larger formats.
- c. Proposals must outline the cost of conducting the study listed in the Terms of Reference both as a total price, total plus HST and by a cost per task format.
- d. The proposal shall include a Work Plan for the study and the projected and expected time frame for the study.
- e. The Proposal will include a summary of the Consultant's professional information and history and relevant experience shall be included.
- f. A summary of past projects which will demonstrate the Consultant's experience in the study tasks as outlined in the terms of reference.
- g. Proposals must be submitted with a minimum of three references listed for contact respecting recent and relevant projects.

2. Evaluation Process

A staff committee (Director of Planning and Building Services, Director of Public Works, Town Engineer, and CAO) will evaluate the proposals and make a recommendation to Committee and Council on the selected Consultant. Consultants may be asked to submit further written information.

The selection of a Consultant is a competitive process and therefore the Town reserves the rights to accept or reject in whole or in part any or all proposals and cancel all or part of this RFP process for any reason at the sole discretion of the Town and to negotiate contracts with the selected Consultant whose proposal is considered to be most acceptable to the Town.

3. Evaluation Criteria

The selection committee will make its selection based on the following evaluation criteria:

- The degree to which the proposal responded to the RFP and Terms of Reference.

- The demonstration of relevant experience in similar studies and the professional reputation of the consultants.
- The demonstration of creative approaches to community consultation and study process.
- The demonstrated ability of the consultant to provide the services defined in this RFP.
- The total cost.
- The overall project timing.

4. Interviews

Consultants may be asked to attend an interview with the Selection Committee prior to final consideration by Council.

5. Assumptions and Contract

The selected Consultant will be expected to enter into a Contract with the Town. The selected Consultant will indemnify the Town from all costs, charges, expenses and other claims with respect to the job functions being carried out. This will include possessing and confirming:

- General Liability and/or Professional Liability Insurance
- Automobile Liability Insurance
- WSIB Clearances (if required)
- Any other labour requirements of the Province

6. Contract Award

The final authority to award the study rests solely with the Council of the Town of Midland. Consultants are advised that the lowest cost proposal will not be necessarily be awarded the contract, as the selection will be based on the above qualification criteria and cost is only one of the criteria. The Town will not be responsible for any preparations cost incurred by the Consultant submitting a proposal and will not pay for any travel expenses to participate in interviews or contract negotiations.

7. Submission of Proposals

Proposals should be submitted electronically only in PDF format including a letter of submission signed by an authorized representative of the lead Consultant, to:

planning@midland.ca

Attention: Director of Planning and Development

Subject: SOURCE PROTECTION PLAN IMPLEMENTATION STUDY

Wesley R. Crown, MCIP, RPP.
Director of Planning and Building Services
Town of Midland
575 Dominion Avenue,
Midland, Ontario
L4R 1R2
(705) 526-4275, ext. 2216

The Town will not accept proposals in any other format. It is the responsibility of the Consultants to ensure that the proposal has been received and that all documents required have been submitted. Submitting a proposal confirms and certifies that the prospective proponent has read and fully understands and accepts the terms of the RFP and its requirements.

8. Submission Deadline

Proposals must be received by **12:00 p.m. (noon) on XXXXXX XX, 2014**. Proposals received after this date and time will not be considered.

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