



PROJECT NO. 2018-10
REQUEST FOR PROPOSAL

Qualification of Consulting Services
Parks and Recreation Master Plan

MAYOR: John Maloney

DIRECTOR: Ashley Grigg

CITY CLERK: Amber LaPointe

Closing Date: Tuesday, October 23, 2018, 2:00:00 p.m. local time

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1. COMMUNITY BACKGROUND:

Port Colborne is a dynamic city of 19,000 people on the shores of Lake Erie. A part of the Niagara Region, our community offers the best of small and large city infrastructure and activities. While sharing similarities with other municipalities that have distinct urban and rural areas, Port Colborne's history and vision for the future is unique and makes it special.

Port Colborne is situated on the north shore of Lake Erie, at the mouth of the Welland Canal. It shares its boundaries with the City of Wainfleet to the west, the Town of Fort Erie to the east, and the City of Welland and City of Niagara Falls to the north.

The urban area of Port Colborne is located at the southern end of the municipality, centred on the Welland Canal, and consists of a variety of residential neighbourhoods, a downtown/historic core area, as well as various commercial and industrial areas. The urban area makes up less than one-quarter of the municipality's geographic area.

The Welland Canal has provided an impetus for industrial development along the waterfront. A number of major industries are located on or close to the waterfront, occupied by residential development (primarily cottages) that have deeded access to the beaches and in many cases, access rights that extend into Lake Erie.

The rural area consists of active agricultural lands, hamlet areas, aggregate resource areas, and a handful of estate residential developments.

The community's location at the intersection of major land, water and rail transportation routes makes it an important gateway for bi-national trade passing between Canada and the United States.

Port Colborne has also been recognized regionally, provincially, and federally through Foreign Trade Zone, Gateway Economic Zone and Centre, and Places to Grow initiatives. The Region's economic development zone is centered on Port Colborne's Highway 140 corridor identifying this as a key growth area regionally. The Province's Growth Plan for the Greater Golden Horseshoe identifies Port Colborne as one of three major ports in the region.

As local industry has undergone changes over the past few decades, the City has continuously demonstrated its ability to identify strategic infrastructure, and has consistently stepped forward to protect, support and enhance key assets and business.

For example, the acquisition of Canadian National Railway Company ("CN") secondary trackage along the Welland Canal, in 1997, led to establishment of the Port Colborne Harbour Railway. Thus assuring availability of critical transportation

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infrastructure to nineteen regional industries that relied on rail handling services from Port Colborne to St Catharines, with connections to CN and Canadian Pacific Railway, and helping to secure Niagara industry and employment. Moreover, in 2004, the City acquired the railway spur servicing the industries on the east side of the Welland Canal.

2. PROJECT REQUIREMENTS:

- a. The City of Port Colborne is inviting Proposals for the procurement of a qualified and competent Consulting Firm to undertake the completion of a Parks and Recreation Master Plan (the “Master Plan”) that will allow the City to strategically manage the direction of parks and recreation services until 2028.
- b. Firms with an interest in this project must follow the details of this document closely when responding to this request.
- c. The information provided in this document is intended to provide a general overview of the work required.

2.1 INTRODUCTION:

- a. The Master Plan will be used as a policy document to assist in determining parks and recreation requirements for the City that, in conjunction with the City’s Strategic Plan and the Arts and Culture Master Plan, will inform future investment and development.
- b. The City is seeking an innovative approach to parks and recreation planning that will be demand driven and will strategically integrate the City’s mandate concerning parks, recreation, and leisure, while at the same time ensuring the priorities and implementation directions are fiscally appropriate for the City. The Master Plan will allow the City to guide and manage the direction of parks, open spaces, recreation and leisure services, programs, events, facilities and amenities. The City will look for an approach that has regard for the provision of environmentally sustainable, accessible parks and recreation facilities, programs and services that will meet the dynamic needs of the City.
- c. The Master Plan will guide policy development and service delivery, prioritize demands and opportunities, assess current parks and recreational facilities, playgrounds and programs, existing user fees and cost recovery opportunities, and will include consultation with City staff.
- d. The Master Plan will provide a framework to manage and sustain parks, trails and open space, review recreation and leisure programs and facilities and related amenities in a cost effective, proactive manner,

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consistent with leading industry standards and best practices, for the next ten years.

- e. The Master Plan must reflect the fact that the City also provides leisure and recreation opportunities for many non-residents from within and outside of the Niagara Region.
- f. The outcome and results must supply a clear action plan to guide and direct the City in the development and sustainability of future recreation facilities and opportunities.

2.2 RESPONSIBLE DEPARTMENT:

Development and implementation of the Master Plan will be administered by the Department of Community and Economic Development Department (the "Department"), which is responsible for directly providing, and assisting in, the provision of a wide variety of parks and recreation services and amenities. The Successful Bidder will work closely with the Department during the preparation and approval of the Master Plan.

2.3 SUCCESSFUL BIDDER:

- a. The Successful Bidder must demonstrate the ability to apply innovative approaches towards integrated recreation and leisure planning that will improve the quality of life in the community.
- b. The Successful Bidder must be capable of providing accurate, reliable, timely, and fiscally responsible services.
- c. The bid must meet all the requirements outlined in this document.

3. SCOPE OF WORK:

The purpose of this Request for Proposal (RFP) is to solicit written submissions from a single consulting firm, or a team of firms, technically qualified to complete the work required, as outlined herein.

The input data provided in the Terms of Reference shall be reviewed by the bidder with accuracy, and shall be verified by the bidder using background information available from the City.

4. PROJECT OBJECTIVES:

The Master Plan will define the needs of current and future residents and guests for recreation, leisure services and facilities, and identify the appropriate level of

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service and standards for the sustainability of such services, as outlined in further detail herein.

The Master Plan must be financially viable and address the anticipated demand and timing for service and facility improvements or replacement and as required, cost potential locations and funding approaches.

The Master Plan will reflect best practices and innovative approaches for service delivery and sustainability, where required.

The Master Plan will provide a comprehensive and inclusive process to accommodate the full scope of municipal and community recreation and leisure services and provide a ten-year vision for the future growth and development of these services and facilities.

4.1 OVERALL OBJECTIVES:

The following provides a general outline of the overall goals and objectives of this project and the Parks and Recreation Master Plan.

- Create a strategy and plan for the delivery of parks and recreation services that aligns with Council's priorities and reflects the uniqueness of the City.
- Review of all current programs, leisure opportunities and service levels, activity levels, program delivery, revenues and expenses, and the role of the municipality in the delivery of these services.
- Review, evaluate and make recommendations concerning all current recreation facilities, including the Vale Health & Wellness Centre, Roselawn Centre for the Arts, Nickel Beach (and other City owned beaches) community centres, halls, pavilions, bandshells, sport and athletic fields, skate/BMXpark, playgrounds, parklands, spray pad, open spaces, trails, etc.
- Creation of an up-to-date inventory of parks and recreation services, programs and facilities for the City that is compatible with the City's GIS system.
- To ensure the City's existing and future Parks and Recreation facilities, parks, trails, programs, events and services are accessible to persons with disabilities.
- Assess the strengths, weaknesses, opportunities and threats facing the City's existing parks and recreation system.

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- Assess the need for additional recreational lands, facilities, and programs based on a review of existing data while considering emerging and future recreation industry and societal trends.
- Identify and assess the diverse needs and wishes of the public, business and community partner organizations, visitors and emerging societal trends.
- Study of the City's demographic profile - recreational, educational, economic, social and attitudinal trends, and their impact on, and relationship with, existing and future community needs.
- A comprehensive public consultation process to actively seek and obtain input from residents, user groups and organizations, staff, Council, and other stakeholders. The process must solicit input without raising unrealistic expectations.
- A review of existing research, information, documentation and comparisons of best practices and consideration of their possible application to the City.
- Identification of the policies needed to support the Master Plan's implementation. In particular, the City is interested in a review and commentary regarding various alternatives on how to best govern recreation services in the City.
- Special consideration for recreation services provided by non-municipal or private interests shall be included and acknowledged. In particular, the City is interested in a review of its role and relationships with various user groups and external service providers, with a goal of better understanding whether the City is providing proper and adequate support to these groups. If not, the City is seeking recommendations on how best to close identified gaps.
- Identify areas where sustainable partnerships with neighbouring municipalities, community organizations, cultural and service groups, may be initiated, enhanced or reduced for the delivery of programs and services within the Parks and Recreation Division. The Successful Bidder shall make recommendations concerning preferred service models – specifically identifying where the City should be the service direct provider and areas where it should act as a facilitator/enabler.
- Promote active living/healthy environments and increased physical activity among all age groups and segments of the community.

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- Enhance the overall community quality of life and place.
- Enhance volunteer opportunities and participation, broadly
- Identify specific ways in which the Port Colborne Parks and Recreation Master Plan can link with tourism and economic development.
- Make recommendations for the improvement and future development of parks and recreation services in the City, and prioritization of same, including short, medium and long-term implementation plans.

4.2 PARKLAND, TRAIL, AND OPEN SPACE OBJECTIVES:

- Evaluate the existing inventory of parks, open spaces and recreational facilities with a goal of moving toward multi-use, multi-purpose experiences.
- Determine the need for parks, open space and facilities including waterfront property based on current demographics, population growth and potential locations.
- Review leading practices for parkland and open space acquisition, disposal and consolidation in comparable sized municipalities and recommend the methodology that best fits the City based on its future needs, trends, demographics and operational abilities.
- Review the City's Official Plan as it relates to parkland development.
- Review current and potential multi model linkages (sidewalks, pathways, and cycling facilities) between parks, open spaces, and recreation facilities.
- Review the City's active transportation needs assessment and recommend short, medium and long-term strategies in which to link parks and recreation with active transportation in the community.
- Creation of a trails management plan that establishes strategies, objectives and recommendations on preserving, maintaining and maximizing municipally owned trails.
- Review current standards and methodologies for land assembly for trail development and recommend a preferred strategy including the use of unopened road allowance based on future needs and operational abilities.

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- Set priorities for the provision of open space and trails, and recommend where lands should be acquired using available mechanisms including the parkland conveyance requirements under the Planning Act.
- Determine if, when and where the City should develop, expand or dispose of parkland.
- Determine a viable parkland hierarchy and rationalize the suitability of uses by the hierarchy (i.e. what is suitable in a parkette, a neighborhood park, a community park, etc.).
- Recommend when/where to include natural heritage features into the parks hierarchy.
- Provide a rationale and criteria for the inclusion of storm water ponds as part of the municipal open space system and when, if at all, the lands may be considered as part of a parkland conveyance and recommend a policy for same.
- Make specific recommendations regarding the taking of land or cash in lieu of parkland, as permitted under the *Planning Act*.
- Provide a general parks by-law template or outline based on leading municipal practices that are appropriate for the City.

4.3 RECREATION FACILITY OBJECTIVES:

- Provide direction on existing municipal facilities including indoor and outdoor sport facilities, community centres, Roselawn Centre for the Arts, Nickel Beach, etc. and identify future development opportunities, and redevelopment options.
- Identification of unique/defining characteristics, location, proximity to similar facilities, condition assessment, anticipated lifespan, usage and activity levels, governance (including an analysis of existing fees and charges, and identification of cost recovery opportunities), as well as recommendations concerning future maintenance, capital investment and capital and operating expenses.
- Evaluate facility location, design and signage in relation to demographic/cultural requirements over the lifespan of the facility.
- Assess the merits of partnership opportunities with community groups and organizations (i.e. school boards, institutions, community

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organizations, neighborhood groups, etc.) and identify how existing partnerships can be improved.

- Develop standards to guide the decision making process as it relates to the development and construction of future recreational facilities.

4.4 PROGRAMMING AND EVENT OBJECTIVES:

- Review and assessment of all existing programs, tournaments, sporting events, and the like, to determine if the current services, programs and facilities are balanced, accessible for persons with disabilities, and appropriately address the current and future needs of the City.
- Determine if and where the City should develop, expand or curtail services and programming in areas including, but not limited to, the following: children, youth, seniors, families, persons with disabilities, people at risk, community engagement, direct programming, facility allocation, and partnerships.
- Develop and assess delivery and programming options, recommending preferred options and rationale for same.
- Develop goals and objectives for the provision of facilities, programs and services for the short, medium and long term.
- Assess and make recommendations regarding the current organizational structure, staffing capacity and resource allocation and sources of funding to achieve the desired goals and objectives of the plan.
- Determine the need for open water recreational opportunities within the City.
- Review and assess existing festivals and events, with recommendations concerning future development and improvement. This process will encompass existing festivals and events including, but not limited to, the Canal Days Marine Heritage Festival, Sports Fest, and the like.

5. TERMS OF REFERENCE:

- a. These Terms of Reference serve as a guide, to be used in combination with sound engineering judgement and standard engineering practices.

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- b. A detailed Parks and Recreation Master Plan Proposal with recommendations as outlined in the Scope of Study, outlined above, shall be prepared for submission, in accordance with the following criteria:
 - i. Detailed and specific recommendations that can be acted upon by the City. The report is to be in a form that is user-friendly and easily understood yet technical enough for implementation.
 - ii. Meeting minutes after each meeting with staff and any other interested parties, will be the responsibility of the Successful Bidder, all to be submitted to the City for review and approval within one (1) week of the meeting date.
 - iii. Final submission of reports/drawings.
 - iv. All reports will be prepared in Microsoft Word and/or Excel and all drawings will be created in Auto CAD (2013) and/or the latest version of ESRI ArcGIS. Ownership of both hard copies and digital copies must be transferred to the City upon completion of the project. Metric units are to be used.
 - v. Record drawings and/or Final Reports must be submitted to the City within three months of project completion. Record drawings must contain survey data from construction period.
 - vi. Detailed breakdown of quantities and cost estimates for City budget purposes, and construction estimates (if required).
 - vii. Mapping and associated database information is to be provided in ESRI (.shp) shapefile with object data attached. All information is to be tied to UTM coordinates using the standard NAD83 (Zone 17) datum and should be accompanied by supporting files (font files and plot files) if applicable. Please note that graphical images (.pdf, .cdr, .tif) and CAD files are not considered an acceptable GIS format.
 - viii. The GIS based file (ESRI .shp) shall follow Port Colborne GIS Standards including all related asset information as required by Elements 2 and 3 above.
 - ix. Existing planning and engineering documents and studies are to be used as a source of background information, where available.
 - x. Identify other value-added services available to the City by the Bidder, should they be the successful bidder, including but not limited to, a willingness to contribute (i.e. sponsorship, in-kind donations, discounted

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pricing, goods and/or services, etc.) in order to support activities that serve to improve and maintain services in the community.

5.1 CITY REPRESENTATIVE:

The Manager of Parks and Recreation will be the City's main contact for this project. All correspondence will be through this individual. Contact information is provided below.

5.2 FINANCIAL IMPLICATIONS:

- a. The agreement between the City and the Successful Bidder shall specify the project cost for the Parks and Recreation Master Plan. Further, in this regard, please note the following:
 - i. The cost of advertising and room rentals required for meetings open to the public in the context of the public consultation process and the City of Port Colborne consultation process will be paid by the municipality. The municipality will be responsible for the preparation and placing of all advertising and notices and renting appropriate facilities.
 - ii. The cost of any presentation support materials, exhibits and project products will be the responsibility of the Successful Bidder.
 - iii. The Proposal must outline all costs associated with supplying the identified services.

6. PROPOSAL SUBMISSION:

- a. The bid shall include items listed hereunder, but also include other considerations based on the bidder's understanding of the project. The Bidder is also required to propose a work plan that addresses the tasks outlined in the Parks and Recreation Master Plan (including, but not limited to, the deliverables identified in this RFP).
- b. Bidders must strictly adhere to the submission instructions. The following policy regarding the submission and opening procedures will be applicable.
 - i. **FOUR (4), properly completed and sealed copies of the bid must be submitted (by the following date and time) to:**

Amber LaPointe, City Clerk,
First Floor, City Hall
66 Charlotte Street
Port Colborne, Ontario L3K 3C8

Tuesday, October 23, 2018 at 2:00:00 p.m. local time

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- ii. There will be no public opening of this bid process.
- iii. Bids received later than the time specified will not be accepted, regardless of the postal seal date. Bids must be plainly marked to reveal the contents and the name and address of the Bidder's firm. Bids received after this time will be unopened and returned.
- iv. Bids shall be submitted in envelopes with the information outlined in Attachment "F" - Envelope Submission Information, clearly marked on the front of each envelope, as follows:
 - o **ENVELOPE 1** – Bid including all items listed below under section **PROPOSAL** (including addenda, if applicable).
 - o **ENVELOPE 2** – Bid Summary of Professional Fees and Disbursements, **PROFESSIONAL FEES** (see Attachment "B" Summary of Professional Fees and Disbursements).
- v. If a Bidder wishes clarification of specifications, the Bidder shall not use the envelopes submitted as they will not be opened prior to the bid opening.
- vi. The bid must be legible, written in ink, or typewritten. Any form of erasure, strikeout or over-writing must be initialled by the Bidder's authorized signing officer.
- vii. All unit prices must be clearly indicated and all extensions written in figures. The bid must not be restricted by a statement added to the Proposal Summary or by covering letter, or by alterations to the Proposal Summary as supplied by the City of Port Colborne unless otherwise provided herein.
- viii. Key contacts for inquiries regarding this RFP are as follows, and must be submitted **by e-mail only**, and directed to the attention of:

Nicole Halasz

Manager of Parks & Recreation

E-mail: nicolehalasz@portcolborne.ca

- ix. City staff may clarify any aspect of a bid submission with the Bidder at any time after the bid has been opened. Any such clarification will not alter the bid and shall not be constituted as a negotiation or renegotiation of the bid. The Corporation of the City of Port Colborne is not required to clarify any part of a bid. Any clarification of a bid by a

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Bidder shall not be effective until confirmation has been delivered in writing.

- x. It will be the responsibility of the Bidder to clarify any details in question before submitting their bid.
- xi. Bidders shall note that all elements which are listed as provisional shall be included in the price submitted (see Attachment “B” – Summary of Professional Fees and Disbursements). However, these elements will be used at the City’s discretion pending budget, and no penalty for non-usage shall be applicable.
- xii. Provisional items must be clearly identified as same.
- xiii. Bidders are required to provide pricing on **all** provisional items denoted.
- xiv. After review of all the bids, and upon the opening of the Summary of Professional Fees and Disbursements (see Attachment “B”) for those submissions which meet the Evaluation Criteria, the City will then review and determine which provisional items, if any, will be utilized.
- xv. Should none of the bids be accepted, the City may re-issue the Request for Proposal.
- xvi. A bid may be withdrawn unopened after it has been deposited, if such request is received in writing by the City Clerk prior to the time specified for the opening.

7. BID SUBMISSIONS:

- a. Bid submissions are restricted to those consulting firms that can demonstrate qualifications and experience in the field of Parks and Recreation, in particular previous experience preparing Parks and Recreation Master Plans for cities throughout Canada, and have completed a project of this nature within the last five (5) years, for a municipality or jurisdiction of comparable (or greater) population in Ontario.
- b. Bidders shall submit a bid, maximum fifteen (15) pages, not including the covering letter, résumés and company credentials. Appendices are to be limited to résumés, project lists and corporate information. All reports, plans, drawings, specifications, designs, construction data and documents prepared by the Bidder shall be, and shall remain, the property of the City.
- c. The Bidder’s proposal submission shall follow the order of components as outlined in Attachment “G” – Evaluation Criteria.

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d. The bid shall include:

Item 1 – Applicable Technical Expertise and Resources:

The Bidder's interest in the project and an understanding of the objective(s) of this project, as well as any relevant local expertise should be referenced.

Item 2 – Team Strength and Leadership:

A description of the consulting team, the lead persons, and the relevant experience and qualifications of each individual along with an estimate of the percentage of time each key member will dedicate to this project (The individual's hours divided by total project hours).

Item 3 – Similar Work Experience and Local Expertise:

- Similar work experience for the lead consulting team members shall be noted.
- The municipality where the lead consulting team members reside will also be considered when reviewing local expertise.

Item 4 – Project Understanding:

The consulting team should detail their understanding of the project specific to Port Colborne.

Item 5 – Methodology:

- The Bidder's proposed methodology for carrying out the work.
- A detailed work plan and a weekly project schedule which will identify all major components of this project and their anticipated start and completion dates which must coincide with the dates provided by the City.
- Commitment (time and resources) expected to be provided by the City.
- A detailed work plan and time frame for the project including timing for each step of the work program, to be presented in a calendar-style format, based on the time allotted for the project based on the fixed schedule provided by the City in Attachment "A". The consulting team will meet all work program commitments, timing and completion dates as agreed upon by the City and the consulting team unless both parties agree to appropriate revisions to the agreement due to unforeseen circumstances. Any overruns in timing (unless otherwise agreed upon), or cost will not be the responsibility of the City of Port Colborne.
- Identification of all sub-consultants, their qualifications and experience, as well as their specific role in the project.

Item 6 – Letters of Reference:

At least three (3) letters of reference of similar work experience, each reference letter submitted shall have varied content in order to illustrate the

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Bidder's understanding of the various requirements of the bid. This shall include all applicable contact information, as this will be a key component in the qualification of a Bidder. Bidders that do not fulfill this key component will be scored zero (0) on the Evaluation Criteria.

Item 7 – Cost:

- A complete cost breakdown for the project presented in a tabulated format in cumulative hours with a total upset cost for the design to the point of completion and presentation of the final report.
- The cost estimate of the Bid shall be submitted in **Envelope 2**.

Item 8 - Miscellaneous Items:

- Appendices as noted above.
- Disclosure of any litigation and real or perceived conflict of interest (see Attachment "E").

8. PROPOSAL COST AND MAN-HOUR ESTIMATE:

The bid shall outline the overall project cost breakdown and include the following:

- a. Cost breakdown and fee schedule of per diem or hourly rates for the Bidder and any sub-consultant(s) of the project team (see Attachment "C" – Fee Schedule and Cost Breakdown).
- b. A detailed time and cost breakdown of the workload, i.e., by staff and man-hours.
- c. Disbursement costs, which may include mileage, telephone charges, printing and reproductions, fax charges, courier services, computer services, etc.
- d. Compliance with the City's insurance requirements, as outlined in Attachment "D" – Insurance Requirements.
- e. A summary of professional fees and disbursements, as outlined in Attachment "B".
- f. The Bidder shall note that the City will consider the estimated total professional service fees for this project as an upset limit based on the work plan and the project duration assumed and will not consider extra items unless prior written approval has been obtained.
- g. Payments may be remitted on a monthly basis, if required, upon prior arrangement with the City. All documentation and approval from the City must be included within. Payment shall not occur if such documentation is not submitted. The Bidder must submit a detailed Project Fee Summary.

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Payments will be issued based on the percent complete for each task, upon request to the City.

- h. Bidders shall indicate any “value added” services/items that would be included or available to the City with respect to the bid should their firm be awarded this RFP and that would not be at any additional cost to the Corporation.

9. OBLIGATIONS OF THE PARTIES:

The following items are general obligations of the Successful Bidder and the City:

- a. Submission of a bid does not obligate the City of Port Colborne to acceptance and, as such, the City of Port Colborne reserves the right to accept or reject any bid, based on technical merit, interpretation of this Request for Proposal, cost effectiveness, timeliness, etc.
- b. In the event that a prepared bid does not precisely and entirely meet the requirements of this RFP, the City reserves the right to enter into negotiations with the selected Bidder(s) to arrive at a mutually satisfactory arrangement with respect to any modifications to the bid.
- c. Acceptance or rejection of any bid will be made in accordance with City of Port Colborne Purchasing Policy, and amendments thereto.
- d. Acceptance of any bid will be subject to approval by the Council of the City of Port Colborne.
- e. The Successful Bidder will be required to enter into a written agreement with the City of Port Colborne before commencement of the project. It shall be the responsibility of the Successful Bidder to prepare said agreement.
- f. All Bidders will be subject to an evaluation process by City staff that will consider such items as professional expertise and experience, and previous project performance.

10. NEGOTIATIONS:

- a. If all submitted bids are over budget, the City reserves the right to negotiate the terms of the project contract, including price and scope of work, directly with the qualified bidder, to identify cost saving opportunities associated with alternate process, material or construction methods. If an acceptable agreement cannot be met with the qualified bidder, the City reserves the right to negotiate an acceptable agreement with the next qualified bidder.

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- b. If an agreement cannot be reached which is acceptable to the City, the project will be cancelled without award.
- c. The City further reserves the right, in its sole discretion, to cancel the contract agreement at any time without an award being made.

11. COMPLIANCE:

Any deviations to the City's RFP document must be clearly defined and is subject to acceptance or rejection by the City in its sole discretion. Bidders are encouraged to offer comments that clarify the content and intent.

12. COMPLIANCE WITH SPECIFICATIONS AND/OR SCOPE OF WORK:

Alternative bids may be considered however, any deviations to the City's information to Bidders, general conditions and mandatory requirements must be clearly defined and are subject to acceptance or rejection by the City in its discretion. Bidders are encouraged to offer comments that clarify the content and intent of their bid.

13. CONFIDENTIALITY AND FREEDOM OF INFORMATION:

- a. The City will treat all bids as confidential, however is required to comply with the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*, and its Retention By-law pursuant to the *Municipal Act, 2001*.
- b. Any reports presented to City Council for consideration shall be public information, but will not include bid documents. The City will retain all copies of all bids successful or otherwise (apart from those unopened and returned), until such time as they are ready for destruction, in accordance with the City's Retention By-law.
- c. The disclosure of information received relevant to bid solicitations or awards shall be made by the appropriate officers in accordance with the provisions of all relevant privacy legislation including primarily the *Municipal Freedom of Information and Protection of Privacy Act*.
- d. All bidders who contract with the Corporation shall adhere to or exceed the standards set in the *Municipal Freedom of Information and Protection of Privacy Act* and/or the *Personal Health Information Protection Act*, or other relevant Ontario or Federal privacy legislation or common law as may be passed or amended from time to time, as if they were agents of the Corporation as relates to the confidential and secure treatment, including collection, use, disclosure or retention, of personal (health) information, other confidential information of the Corporation, and all records thereof which they

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come into contact with in the course of performing services or supplying goods to the Corporation.

14. INFORMAL/INCOMPLETE BIDS:

Bids shall be rejected as informal/incomplete for any of the following:

- a. Late;
- b. Incorrect Fee/Schedule Breakdown document;
- c. Incorrect/missing envelopes;
- d. Incomplete documentation;
- e. Missing/incomplete Addendum;
- f. Bid not signed and/or sealed;
- g. Bid completed in pencil;
- h. Erasures, overwriting or strikeouts not initialed;
- i. Bids submitted by fax or e-mail.

15. BIDDER PERFORMANCE (LITIGATION):

In its sole discretion, the City may reject a bid if a bidder:

- a. Has, at any time, threatened, commenced or engaged in legal claims or litigation against the Corporation.
- b. Is involved in a claim or litigation initiated by the Corporation.
- c. Previously provided goods or services to the Corporation in an unsatisfactory manner.
- d. Has failed to satisfy an outstanding debt to the Corporation.
- e. Has a history of illegitimate, frivolous, unreasonable, or invalid claims.
- f. Provides incomplete, unrepresentative or unsatisfactory references.
- g. Has engaged in conduct that leads the Corporation to determine that it would not be in the Corporation's best interests to accept the bid.
- h. Has a conflict of interest or that which may be viewed as a conflict of interest either with or by the Corporation.

Bidders must sign and submit the Litigation and Conflict of Interest Statement. (see Attachment "E").

16. INDEMNIFICATION:

- a. The Successful Bidder shall indemnify and save harmless the City of Port Colborne, its elected officials, officers, employees and agents, from and against any and all claims of any nature, actions, causes of action, losses, expenses, fines, costs (including legal costs), interest or damages of every nature and kind whatsoever arising out of the negligence, errors, omissions, fraud or willful misconduct of the Successful Bidder, its officers, employees, agents and subcontractors, or any of them, attributable to or in connection

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with the delivery or performance of the goods and services contemplated in this RFP, except to the extent that same is attributable to or caused by the negligence of the City, its officers, employees and agents, or any of them.

- b. This indemnity shall be in addition to, and not in lieu of, any insurance to be provided by the Successful Bidder in accordance with the requirements of this RFP.
- c. The Successful Bidder shall further cause all registration of claims for construction liens or certificates of action under the *Construction Lien Act, R.S.O. 1990, c. C30*, as amended, and relating to any such work done by or on behalf of the Successful Bidder to be discharged or vacated, as the case may be, within ten (10) days of such registration or within ten (10) days after notice from the City.

17. EXCLUSION:

Except as expressly and specifically permitted herein, no Bidder shall have any claim for any compensation of any kind whatsoever, as a result of participating in this Request for Proposal, and by submitting a proposal each Bidder shall be deemed to have agreed that it has no claim.

18. PROPOSAL EXPIRY DATE:

Bidders hereby acknowledge that offers contained within their Proposal shall remain open for acceptance by the City for a period of not less than ninety (90) days from the closing date established for Proposals.

19. CONSULTATION:

- a. Consultation with City staff, Council, volunteers and community groups in the project area and representatives from a Technical Advisory Committee (if applicable) will be required.
- b. The following are proposed meetings at which the Successful Bidder will be required to have representation, as part of this RFP:
 - Attend regular meetings with City staff, as required.
 - Prepare and distribute meeting agenda one week in advance of meeting.
 - Prepare and distribute meeting minutes within one week of meeting.

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20. ACCEPTANCE OR REJECTION OF PROPOSALS:

- a. The City of Port Colborne reserves the right to discuss any and all Proposals, to request additional information from the consulting teams and to accept or reject any or all Proposals, whichever is in the best interest of the City.
- b. All Proposals may be subject to an evaluation process which may include interviews with a short list of potential Bidders for the selection process.
- c. An award will be made to the firm, which in the opinion of the City, is best qualified to meet the City’s requirements. The City will not be required to justify its decision to those firms not selected. The City will not be liable for any costs incurred by the consulting teams in the preparation of their Proposals.
- d. The City may at any time by notice in writing to the Successful Bidder suspend or terminate the services or any portion thereof at any stage of the undertaking. Upon receipt of such written notice, the Successful Bidder shall perform no further services other than those reasonably necessary to close out the Successful Bidder’s services. In such event the Successful Bidder shall be paid by the City for all services performed and for all disbursements incurred pursuant to this agreement and remaining unpaid as of the effective date of such termination.
- e. If the City is in default in the performance of any of the City’s obligations set forth in this agreement, then the Successful Bidder may, by written notice to the City, require such default be corrected. If, within thirty (30) days of receipt of such notice, such default has not been corrected the Successful Bidder may immediately terminate this agreement. In such event the Successful Bidder shall be paid by the City for all services performed and for all disbursements incurred pursuant to this agreement and remaining unpaid as of the effective date of such termination.

21. RFP AND PERFORMANCE SCHEDULE – PRELIMINARY:

Action	Date (Approximate)
Submission of Proposals	October 23, 2018
Staff Review of Proposals	October 23 to 30, 2018
Interviews (only the top three or four Bidders will be selected for an Interview, if required.)	October 31, 2018
Council Award	November 12, 2018
Project Start-up	November 26, 2018

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Project performance and completion based upon the following schedule.

Action	Due Date
Project Start-up	November 26, 2018
50% Report Submission to City Staff	January 14, 2019
100% Report Submission to City Staff	February 25, 2019

22. EVALUATION AND SELECTION OF BIDDERS:

22.1 EVALUATION TEAM:

An Evaluation Team will evaluate the Proposals. The evaluations will be conducted using pre-determined criteria set out in this RFP. The City reserves the right to have a third party that will be subject to strict confidentiality obligations, review the Proposals to support and advise the evaluation team as necessary.

22.2 ADDITIONAL INFORMATION:

The Evaluation Team may, at its discretion, verify and make inquiries with respect to references given by a Bidder, and request clarifications or additional information with respect to any Proposal. The Evaluation Team may make such requests to only selected Proposals without making the same requests for all Proposals. The Evaluation Team may consider such clarifications or additional information in evaluating a Proposal.

22.3 OBJECTIVES:

The objective of the Evaluation and Selection Process is to identify the Proposal that effectively meets the requirements of this RFP and provides the best value to the City.

22.4 EVALUATION STAGES:

The Proposal evaluation will be comprised of the following stages:

- Stage 1: Evaluation of Mandatory Criteria
- Stage 2: Evaluation of Technical Criteria
- Stage 3: Evaluation of Cost Criteria
- Stage 4: Interviews/Reference Checks of Short Listed Bidders

22.5 SELECTION:

The Evaluation Team will rank the Bidders and will select the preferred Bidder.

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ATTACHMENT "A"
SCHEDULE

The following key dates listed are targeted as ones that will move this project forward.

The 100% Submission to City Staff must be completed by **February 25, 2019**.

Schedule

Action	Date (Approximate)
RFP Closing Date	October 23, 2018
Staff Report to Council and Award of RFP	November 12, 2018
Project Start-up	November 26, 2018
50% Completion – submission to City Staff	January 14, 2019
100% Submission to City Staff	February 25, 2019

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ATTACHMENT "B"

**SUMMARY OF PROFESSIONAL FEES
AND DISBURSEMENTS**

Excluding H.S.T.

Project: _____

Professional Firm: _____

Professional Liability Insurance: \$ _____ Expiry Date: _____

Comprehensive Liability Insurance: \$ _____ Expiry Date: _____

Automobile Insurance: \$ _____ Expiry Date: _____

Proposal Element 1: Collection of Relevant Information from Stakeholders

1.	Consulting	\$	_____
2.	Disbursements	\$	_____
3.	General Payroll Burden		_____ %
	Total	\$	_____

Proposal Element 2: Field Work/Visual Inspection

1.	Engineering	\$	_____
2.	Disbursements	\$	_____
3.	General Payroll Burden		_____ %
	Total	\$	_____

Proposal Element 3: Analyze Data and Prepare Detailed Reports

1.	Engineering	\$	_____
2.	Disbursements	\$	_____
3.	General Payroll Burden		_____ %
	Total	\$	_____

GRAND TOTAL \$ _____

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ATTACHMENT "C"
FEE SCHEDULE AND COST BREAKDOWN (EXAMPLE)

Project:
Name of Bidder:

Activity	Staff Fee Hr.	Labour						Costs								Total	Total Phase
							Total Hrs	Sub- Consultant	Equipment	Inspection	Other	Disbursement					
												Computer	Mileage	Report	Other \$		

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ATTACHMENT "D"
INSURANCE REQUIREMENTS

The City of Port Colborne's insurance requirements for consultants (the "successful bidder") are described below. The coverage provided by these policies shall not be changed or amended in any way or cancelled by the successful bidder unless approved by the City in writing.

COMPREHENSIVE GENERAL LIABILITY AND AUTOMOBILE INSURANCE

The successful bidder shall provide the City of Port Colborne with a certified copy of Third Party Liability in a form satisfactory to the City, as follows:

Policy to be written on the comprehensive form including Contractual Liability and Complete Operations with an inclusive limit of not less than five million dollars (\$5,000,000.00) Bodily Injury and Property Damage with a deductible not greater than five thousand dollars (\$5,000.00). The Liability Insurance Policy shall not contain any exclusions of liability for damage, etc., to property, building or land arising from the removal or weakening of support of any property, building or land whether such support be natural or otherwise.

Standard Automobile Policy on both owned and non-owned vehicles with inclusive limits of not less than five million dollars (\$5,000,000.00) Bodily Injury and Property Damage with a deductible not greater than five thousand dollars (\$5,000.00).

A "Cross Liability" clause or endorsement.

An endorsement certifying that the City of Port Colborne is included as an additional named insured.

An endorsement to the effect that the policy or policies will not be altered, cancelled or allowed to lapse without thirty (30) days prior written notice to the City.

PROFESSIONAL LIABILITY INSURANCE

The Insurance Coverage shall be in the minimum amount of five million dollars (\$5,000,000.00). The successful bidder shall provide to the City proof of Professional Liability Insurance carried by the successful bidder.

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ATTACHMENT "E"
LITIGATION AND CONFLICT OF INTEREST STATEMENT

In its sole discretion, the City may reject a submission if the bidder:

- a. Has, at any time, threatened, commenced or engaged in legal claims or litigation against the City.
- b. Is involved in a claim or litigation initiated by the City.
- c. Previously provided goods or services to the City in an unsatisfactory manner.
- d. Has failed to satisfy an outstanding debt to the City.
- e. Has a history of illegitimate, frivolous, unreasonable, or invalid claims.
- f. Provides incomplete, unrepresentative or unsatisfactory references.
- g. Has engaged in conduct that leads the City to determine that it would not be in the City's best interest to accept the submittal.
- h. Has a conflict of interest, or that which may be viewed as a conflict of interest, either with or by the City (see below).

The bidder, all sub-consultants, and any of their respective advisors, partners, directors, officers, employees, agents, and volunteers, shall not engage in any activity or provide any services where such activity, or the provision of such services, creates a conflict of interest (actually or potentially, in the sole opinion of the City) with the provision of the work pursuant to the submission. The bidder acknowledges and agrees that a conflict of interest includes the use of confidential information where the City has not specifically authorized such use.

The bidder shall disclose to the City, in writing, without delay any actual or potential situation that may be reasonably interpreted as either a conflict of interest or a potential conflict of interest, including the retention of any sub-consultant or supplier that is directly or indirectly affiliated with or related to the successful bidder.

The bidder covenants and agrees that it will not hire or retain the services of any employee or previous employee of the City where to do so constitutes a breach by such employee, or previous employee, of the employee's, or previous employee's employment contract, or the previous employer's conflict of interest policy, as may be amended from time to time.

A breach these provisions by the bidder, any of its sub-consultants, or any of their respective advisors, partners, directors, officers, employees, agents, or volunteers, shall entitle the City to terminate the service agreement, in addition to any other rights and remedies that the City has in the service agreement, in law, or in equity.

I, the undersigned, have read, understood and agreed to the above provisions.

Dated this _____ day of _____, 2018.

Name of Authorized Signatory (print)

Signature (affix corporate seal)

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ATTACHMENT "F"
ENVELOPE SUBMISSION INFORMATION

Envelope 1

**Amber LaPointe
City Clerk
66 Charlotte Street
Port Colborne, Ontario L3K 3C8**

- a) PROPOSAL
- b) ADDENDUM (if applicable)

**PROJECT NO.: 2018-10
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CLOSING: TUESDAY, OCTOBER 23, 2018 AT 2:00:00 P.M. LOCAL TIME

BIDDER NAME: _____

Envelope 2

**Amber LaPointe
City Clerk
66 Charlotte Street
Port Colborne, Ontario L3K 3C8**

- a) SUMMARY OF PROFESSIONAL FEES
AND DISBURSEMENTS

**PROJECT NO.: 2018-10
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CLOSING: TUESDAY, OCTOBER 23, 2018 AT 2:00:00 P.M. LOCAL TIME

BIDDER NAME: _____

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ATTACHMENT "G"
EVALUATION CRITERIA

For the purpose of evaluation, the criteria outlined below will be utilized to score each Bidder's Proposal.

Category	Description	Points
Experience, Qualifications, Project Management	The Evaluation Team will consider the Bidder's demonstrated experience on similar engagements, key personnel and references where applicable. Bidders should include the features of their services that give them a competitive advantage and include the level of staff certification.	30
Financial	The total proposed pricing shall be inclusive, including, but not limited to, mileage, disbursements, and travel time along with all works as described within the RFP document. HST must be shown separately where applicable.	30
Quality and Completeness	The evaluation team will consider the Proposal's completeness. The presentation and ease of understanding will be evaluated. The ability to directly tie the Proposal back to the RFP's requirements will be ranked more favorably.	15
Work Plan and Timelines	The Proposal should include narrative that illustrates an understanding of the City's requirements and Services. The Evaluation Team will consider the general approach and methodology that the Bidder will take in performing the services. The Proposal narrative should include how the Bidder will complete the scope of services, manage the services, and accomplish the required objectives with the City's schedule, as well as include a description of the standards to be met and evaluated in the deliverable. Bidders shall provide a schedule of activities and associated costs over the proposed period of the engagement.	25