

TOWN OF FORT FRANCES

TERMS OF REFERENCE

FOR

NEW OFFICIAL PLAN AND COMPREHENSIVE ZONING BY-LAW

R.F.P. NO. 22-PD-07

APRIL 7, 2022

TABLE OF CONTENTS

SECTION 1	REQUEST FOR PROPOSAL	3
SECTION 2	GENERAL INFORMATION AND INSTRUCTIONS	4 - 8
SECTION 3	PROJECT DESCRIPTION	9 - 11
SECTION 4	PROPOSAL REQUIREMENTS	12 - 14
APPENDIX "A"	STATUTORY DECLARATION	

**TOWN OF FORT FRANCES
REQUEST FOR PROPOSAL**

FOR

NEW OFFICIAL PLAN AND COMPREHENSIVE ZONING BY-LAW

R.F.P. NO. 22 – PD – 07

The Town of Fort Frances wishes to obtain proposals from a reputable consulting firm to complete a review of the existing Town of Fort Frances Official Plan – 2011, as amended, and the Town of Fort Frances Zoning By-law 03/14, as amended, and to further develop a new Official Plan and Comprehensive Zoning By-law.

Sealed proposals, in quadruplicate and clearly marked shall be submitted to:

**Faisal Anwar, CAO
Town of Fort Frances
320 Portage Avenue
Fort Frances, Ontario P9A 3P9**

NEW OFFICIAL PLAN AND COMPREHENSIVE ZONING BY-LAW

R.F.P. NO. 22 – PD – 07

and must be received no later than:

Tuesday, May 3, 2022 AT 2:00 P.M. (CST)

Proposals will be opened publicly and read aloud immediately thereafter in the Committee Room of the Civic Centre, 320 Portage Avenue, Fort Frances, Ontario. Public participation will be via conference call at (807) 701-5975 Conference ID 237 319 912#

Microsoft Teams meeting

Join on your computer or mobile app

[Click here to join the meeting](#)

Questions regarding this proposal must be directed to Cody Vangel, Chief Building Official/Municipal Planner, at telephone (807) 274-9893 ext. 1312, facsimile (807) 274-8479, or email cvangel@fortfrances.ca.

The lowest or any proposal will not necessarily be accepted. The Town reserves the right to reject any or all proposals, to waive irregularities and informalities therein, and to award the Contract in the best interest of the Town in its sole and unfettered discretion. The accepted proposal must be approved by Council.

SECTION 2
GENERAL INFORMATION AND INSTRUCTIONS
INDEX

- 2.1 Intent of the Request for Proposals
- 2.2 Qualifications
- 2.3 Proposal Closing Date
- 2.4 Informal Proposals
- 2.5 Errors and Omission
- 2.6 List of Addenda
- 2.7 Tender Withdrawal and Award
- 2.8 Tax Management (HST)
- 2.9 Ontario Retail Sales Tax
- 2.10 Fax Transmittal
- 2.11 Municipal Freedom of Information and Protection of Privacy Act
- 2.12 Pages Numbered
- 2.13 Location of Fort Frances
- 2.14 Consultant's Insurance
- 2.15 Inquiries

SECTION 2

GENERAL INFORMATION AND INSTRUCTIONS

2.1 INTENT OF THE REQUEST FOR PROPOSALS

The purpose of the request for proposal is to retain a reputable consulting firm to undertake a review of the existing Town of Fort Frances Official Plan – 2011, as amended, and the Town of Fort Frances Zoning By-law 03/14, as amended, among other documents and supporting studies and to further develop a new Official Plan and Comprehensive Zoning By-law for the Town of Fort Frances.

2.2 QUALIFICATIONS

The lowest or any proposal will not necessarily be accepted. The Town reserves the right to reject any or all proposals, to waive irregularities and informalities therein, and to award the contract in the best interest of the Town in its sole and unfettered discretion. An accepted proposal must be approved by Council.

2.3 CLOSING DATE

The Request for Proposals closes at 2:00p.m. Local Time (C.S.T.), **Tuesday, May 3, 2022** and will be publicly opened immediately thereafter at the Committee Room, Civic Centre, Fort Frances, Ontario.

Four (4) copies of the proposal, fully completed, sealed and marked "**R.F.P. No. 22-PD-07**" must be delivered by mail or otherwise, to the Administrator, not later than 2:00 p.m. (C.S.T) on the closing date.

2.4 INFORMAL PROPOSALS

All proposals provided and all entries shall be in ink or typewritten. Proposals which are incomplete, conditional or obscure or which contain additions not called for, erasures, alterations or irregularities of any kind, or in which any of the prices are obviously unbalanced, may be rejected as informal.

The Town reserves the right to disqualify proposals not submitted in strict accordance with the terms and conditions of the Terms of Reference.

2.5 ERRORS AND OMISSION

The successful firm shall examine the Terms of Reference Documents as soon as possible. Any errors, omissions or conflicts discovered shall be reported to the Chief Administrative Officer immediately.

Verbal instruction and/or communications will not be accepted.

2.6 LIST OF ADDENDA

During the request for proposals period, firms may be advised by Addenda of required additions to, deletions from, or alterations in the Terms of Reference Documents. All such changes shall become an integral part of the Terms of Reference Documents and shall be allowed for in arriving at the Total Proposal Price. All Addenda received during the request for proposals period shall be acknowledged. Addenda will be released up to three (3) days before RFP closure.

2.7 PROPOSAL WITHDRAWAL AND AWARD

Proposals received by the Administrator prior to Closing may be withdrawn upon written application

only. The last proposal received shall invalidate all previous proposals received from the same consulting firm. Withdrawal of proposals shall be by letter bearing an official company or corporation signature and seal only.

No contracts will be awarded until after the proposal has been approved by Council.

Council reserves the right to:

- i) reject any recommendation;
- ii) reject any or all proposals;
- iii) accept any proposal deemed to be in the best interest of the Town, or
- iv) disqualify proposals not submitted in strict accordance with requirements of the terms of reference documents.

Firms are informed that it is a condition of the Terms of Reference Documents that each proposal shall remain in force from the closing date of the request of proposal until forty-five (45) calendar days thereafter unless the consulting firm has been formally rejected.

2.8 TAX MANAGEMENT (HST)

As it is the responsibility of the consulting firm to determine levy and collection of the Harmonized Sales Tax (HST), amounts bid shall show separately the HST amount, or alternatively cite the basis of exemption in lieu thereof.

2.9 ONTARIO RETAIL SALES TAX

Where contracts are awarded to non-resident Ontario consulting firms, they are required to either:

- a) Provide a copy of a valid Retail Sales Tax Vendor Permit, or
- b) file with the Town a copy of the letter of compliance issued by the Ontario Retail Sales Tax Branch.

Failure to comply will result in 4% of each payment due to the Contract to be withheld for remittance to the Treasurer of Ontario.

2.10 FAX TRANSMITTAL

Proposals may be submitted by Fax transmittal (807-274-8479) subject to additional conditions:

- i) All terms and conditions outlined in the Terms of Reference apply, including duplicate fax transmittals
- ii) All original proposal documents and enclosures are received within forty-eight (48) hours of the closing date of the request for proposals, and
- iii) The Town assumes no responsibility whatsoever for proper receipt of such Fax transmittals.

2.11 MUNICIPAL FREEDOM OF INFORMATION PROTECTION OF PRIVACY ACT

The Town is governed by the Municipal Freedom of Information and Protection of Privacy Act, therefore consulting firms must accept that proposal contents can be made public as a condition of the request for proposal process.

2.12 PAGES NUMBERED

All pages of the proposal document submitted must be numbered.

2.13 LOCATION OF FORT FRANCES

The Town of Fort Frances is located in the District of Rainy River, approximately 350 kilometers west of Thunder Bay, Ontario and 425 kilometers East of Winnipeg, Manitoba. The Town is bounded to the north and the east by Couchiching First Nation and the unorganized Township of Miscampbell, to the west by the Township of Alberton, and to the south by the United States of America. Also, please note that Fort Frances is in the Central Time Zone.

Per Statistics Canada's 2021 Census of Population, the Town of Fort Frances indicated a population count of 7,466 in 2021, a decline from 7,739 in 2016.

2.14 CONSULTING FIRM'S INSURANCE

The successful consulting firm shall take out and keep in force throughout the duration of the Contract, a comprehensive policy of Professional Liability in the amount of not less than \$2,000,000.00 inclusive per occurrence.

The Town of Fort Frances shall be named as an additional insured thereunder, a certified copy of the policy or certificate thereof shall be deposited upon signing of the Agreement or as the Town may direct.

2.15 INQUIRIES

Questions regarding the Terms of Reference must be directed to:

Cody Vangel
Chief Building Official/Municipal Planner
Town of Fort Frances
320 Portage Avenue
Fort Frances, Ontario
P9A 3P9

Telephone: 807-274-9893 ext. 1312
Fax: 807-274-8479
Email: cvangel@fortfrances.ca

SECTION 3
PROJECT DESCRIPTION
INDEX

- 3.1 GENERAL INFORMATION ON THE STUDY
- 3.2 GENERAL SCOPE OF WORK
- 3.3 DURATION OF PROJECT
- 3.4 OFFICIAL PLAN
- 3.5 COMPREHENSIVE ZONING BY-LAW
- 3.6 DESCRIPTION OF WORK
- 3.7 AVAILABLE DATA AND INFORMATION
- 3.8 DELIVERABLES

SECTION 3

PROJECT DESCRIPTION

3.1 GENERAL INFORMATION ON THE STUDY

The successful consulting firm will undertake a review of the existing Town of Fort Frances Official Plan – 2011, as amended, and the Town of Fort Frances Zoning By-law 03/14, as amended, among other documents and supporting studies and to ultimately develop a new Official Plan and Comprehensive Zoning By-law for the Town of Fort Frances, as well as associated planning application forms. The study area will encompass all lands situated within the Town of Fort Frances municipal boundaries.

3.2 GENERAL SCOPE OF WORK

The primary objectives of this project are:

- a. To complete a comprehensive review of the Town's Official Plan and create a new municipal Official Plan consistent with the Provincial Policy Statement, the Planning Act and any other regulatory requirements;
- b. To create a Comprehensive Zoning By-law that responds to the changing nature of development in Fort Frances, that is technically and legally sound, consistent and is user-friendly.

Secondary objectives include implementation of the sustainable policies related to land use and inclusion of regulations to address specific land use issues and consistency within the by-laws. The successful consultant will be expected to achieve the following:

- A public and stakeholder engagement strategy, lead and arranged by the consultant, that uses innovative and technical techniques to explore the community and to shape its future via meaningful public participation;
- Complete an Official Plan that complies with all legislative requirements, sets out clear objectives and policies for landowners, developers, Council and Staff, and is aligned with other municipal strategies and plans;
- Complete a Comprehensive Zoning By-law that complies, in all respects, with current legislative requirements, is internally consistent, and is a highly practical and workable document for Staff and comprehensible to the public; and
- Through the use of the new Official Plan and Comprehensive Zoning By-law, further empower the Town to remain the Approval Authority for plans of subdivision, condominiums, severances and consents.

*The new Official Plan is subject to approval by the Ministry of Municipal Affairs and Housing (MMAH) and the project will not be complete until the document is approved by both MMAH and municipal Council.

3.3 DURATION OF PROJECT

It is anticipated that the Official Plan and Comprehensive Zoning By-law will be conducted throughout 2022-2023 with final completion, approval and adoption in 2023.

3.4 OFFICIAL PLAN

The Town's existing Official Plan (OP) was created in 2011 with approval coming in 2012 and has since seen approximately 6 amendments. Significant changes have occurred within the community since the last OP was developed, including the most notable decommissioning and ongoing demolition of the local (former) Kraft & Paper mill situated directly on the Rainy River at the Canada Customs Port of Entry. Additionally, the Town has acquired approximately 22 acres of vacant land situated on the upper Rainy River which is currently undergoing an Environmental study as part of the future development vision that was generated in 2020 through an Economic Development and Land-use Feasibility study for the subject lands.

The development of the new OP will include a robust and inclusive public and stakeholder consultation component to capture how current residents identify their community with the intention to use the information gleaned to inform and shape the growth of the Town for its current and future residents and visitors.

The creation of a new Official Plan will be a significant update with serious consideration given to the Town's direction for growth and related land use as well as environmental protection objectives.

This scope of work must follow, at a minimum, the legislative requirements identified under Section 26 of the *Planning Act*.

3.5 COMPREHENSIVE ZONING BY-LAW

The Town's existing Zoning By-law 03/14 was adopted in 2014 and has since seen approximately 26 amendments.

The goal is to create an internally consistent by-law, which is user friendly for administration, developers, and the public, with a simple but diverse definition section, and to consider, among other matters, several areas of improvement identified by staff over the years. This Comprehensive Zoning By-law is to be created to align with the Town's new Official Plan and to consider the following matters of interest including but not limited to:

- Business development areas
- Permitted encroachments
- Pop up patios
- Land locked parcels
- Dog parks & splash parks
- Railway setbacks and studies
- Social services uses
- Tenting and camping provision
- Second dwelling units
- Breweries (including micro and nano)
- Parking requirements
- Accessory buildings (including fabric shelters)
- Decks
- Sea-can storage containers
- Food trucks
- Recreational use trailers on property
- Rainy Lake Islands
- Group homes
- Mobile home parks
- Multiple main buildings on lot
- Well and septic special provisions
- Consistent use of definitions and regulations
- Ease of understanding, use and overall presentation
- Integration of other current plans and studies

3.6 DESCRIPTION OF WORK

The review of the existing Official Plan (OP) and Zoning By-law and the creation of the new Official Plan and Comprehensive Zoning By-law will be organized into six components as outlined below. This list is meant to be a guide and is not exhaustive or limiting. The successful proponent should expect to accommodate changing dynamics for the project.

- Project Initiation
- Pre-consultation & Community Exploration
- Technical Review, Research and Issues
- Community and Stakeholder Engagement
- Official Plan and Zoning By-law Preparation development and review
- Adoption; and
- Submission

3.7 AVAILABLE DATA AND INFORMATION

The following documents are accessible via the encrypted hyperlink:

- [Official Plan \(2011\) and schedules, \(not consolidated with amendments\)](#)
- [Zoning By-law 03/14 and schedules, \(not consolidated with amendments\)](#)
- [Town of Fort Frances Community Improvement Plan](#)
- [Town of Fort Frances Strategic Plan](#)
- [Town of Fort Frances Asset Management Plan](#)

Consultants interested in obtaining the following reports and information must provide a data share link for the following documents to be submitted:

- Town of Fort Frances Active Transportation Plan
- Land Use and Economic Development Feasibility Study for the Redevelopment of the Shevlin Wood Yard and Gateway to Fort Frances
- Existing planning application forms
- Town of Fort Frances – Brand Standards – 2014
- Current Official Plan and Zoning By-law amendments

The Town will provide the following **to the successful consultant**:

- Existing GIS shapefiles and mapping
- Strategic Land Use Plan (Draft) – Former Fort Frances Mill Properties

3.8 DELIVERABLES

The consultant is responsible for providing the Town with the following items:

- Ten (10) bound copies, including all maps, illustrations, and schedules of both the final Official Plan and Zoning By-law
- One (1) unbound copy, including all maps, illustrations, and schedules of both the final Official Plan and Zoning By-law
- Updated Official Plan, Land use and zoning maps in digital file format compatible for municipal use (ArcGIS)
- Two (2) USB drives with Word and PDF electronic copies of the draft and final Official Plan and Zoning By-law, including all maps, illustrations and schedules
- All documentation submitted shall meet AODA requirements

- All required meeting materials for workshops, public open houses, public meetings, etc. (digital and print); and
- Any supporting items as mutually agreed by the Town and consulting team
- New forms for all planning applications in Word format (i.e. zoning amendments, official plan amendments, site plan control, minor variance, etc)

SECTION 4

PROPOSAL REQUIREMENTS

INDEX

- 4.1 PROPOSAL REQUIREMENTS SUBMITTED BY CONSULTING FIRM
- 4.2 PROPOSAL EVALUATION
- 4.3 OCCUPATIONAL HEALTH & SAFETY PLAN
- 4.4 CONTRACT

SECTION 4

PROPOSAL REQUIREMENTS

4.1 PROPOSAL REQUIREMENTS SUBMITTED BY CONSULTING FIRM

The proposals prepared by the consultants will clearly indicate that the study will be carried in accordance with the **Terms of Reference 22-PD-07**.

Each consultant's proposal must contain at least, but is not necessarily limited to the following:

- 1) A work chart or work schedule showing the timing of the major tasks and milestones
- 2) The consulting firm shall describe their previous work of this type, highlighting their experience and expertise with the specific requirements of this project. If the firm intends to partner with others to complete certain components, the experience and expertise of those partner companies must also be described, citing previous relevant work.
- 3) The consulting firm shall identify the Project Manager and other staff, and list the responsibilities of each. Qualifications of the firm's Project Manager and key personnel should be outlined. Any substitution of staff during the course of the project works will not be permitted without approval of the Chief Building Official/Municipal Planner.
- 4) Maximum total cost of the project, for each the Official Plan component and Zoning By-law Component, broken down by deliverable, where major tasks or milestones, field inspection work, report writing, printing costs and other disbursements are listed separately.
- 5) Per diem rates for key personnel involved in the project and an estimate of the number of hours that project staff will spend on each specific task.
- 6) A listing of any special circumstances required to complete the project.
- 7) Identify any possible gaps in the Terms of Reference and how these gaps will be taken into account in the project activities.
- 8) Submit a listing of previous projects of similar scale or type completed for Municipal clients.
- 9) Four (4) hardcopies of the proposal & plus one electronic version will be submitted in pdf format
- 10) All Documents will be in MS (Word & Excel) Office Format.

4.2 PROPOSAL EVALUATION

The Town of Fort Frances will review the proposal submitted by each individual firm during May 2022. A scoring system will be utilized on the following categories:

- 1) Quality of the proposal submitted including approach and methodology
 - Ease of understanding;
 - General approach;
 - Proposed public and stakeholder consultation;
 - Understanding of project objectives;
 - Quality and presentation of the proposal; and
 - Proposed level of effort.

- 2) Experience in completing similar plans
 - Experience with similar projects;
 - Experience with rural northern communities;
 - Experience with municipalities of 10,000 people and less; and
 - Familiarity and experience in Northwestern Ontario.

- 3) Key Personnel assigned to the project
 - Public and Stakeholder Engagement experience;
 - Qualifications; and
 - Local knowledge, understanding of the area, and direct experience

- 4) Proposal Cost and perceived overall value of services proposed

- 5) Work plan & schedule

It should be clearly understood that the Town of Fort Frances has the right to assign weighting to each of the 5 above mentioned categories and if any proposal submitted fails to include any mandatory requirements as outlined in the Terms of Reference, the proposal is automatically disqualified.

4.3 OCCUPATIONAL HEALTH & SAFETY PLAN

The proposed Occupational Health and Safety Plan shall outline the firm’s general approach to Occupational Health and Safety.

The consulting firm will be responsible for meeting all of the “employer” obligations under the Occupational Health and Safety Act (OHSA) and shall ensure that all work is carried out in accordance with the OHSA and all applicable regulations. This includes but is not limited to, the duties to: provide a safe workplace; provide information and educate the workers on workplace hazards; appoint a competent supervisor; prepare and provide a health and safety policy; implement a comprehensive health and safety program to support the policy; and take every reasonable precaution to protect the health and safety of workers.

The firm shall submit a statutory declaration with the proposal: Appendix “A”.

4.4 CONTRACT

The consulting firm shall include a draft contract of engagement with their proposal.

The consulting firm shall enter into a contract with the Corporation of the Town of Fort Frances. The contract shall indicate that work to be undertaken shall be done to the satisfaction of the Municipality according to the request for proposal and for the amount agreed upon by the two parties. The contract shall also indicate that no additional money shall be paid to the consulting firm for any additional work for which prior authorization has not been given in writing. The contract shall contain, as a minimum, the Request for Proposal and the Proposal accepted.

APPENDIX "A"
STATUTORY DECLARATION

STATUTORY DECLARATION

In submitting this proposal, I/We, on behalf of _____
Legal Name of Company

certify the following:

- (a) I/We have a health and safety policy and will maintain a program to implement such policy as required by clause 25(2) (j) the *Occupational Health and Safety Act*, R.S.O. 1990, c.O.1, as amended, (the "OHSA").
- (b) With respect to the services being offered in this proposal, I/We and our proposed sub-contractors, acknowledge the responsibility to, and shall:
 - (i) fulfill all of the "employer" obligations under the OHSA and ensure that all work is carried out in accordance with the OHSA and its regulations.
 - (ii) ensure that adequate and competent supervision is provided as per the OHSA to protect the health and safety of workers; and
 - (iii) provide information and instruction to all employees to ensure they are informed of the hazards inherent in the work and understand the procedures for minimizing the risk of injury or illness.
- (c) I/We agree to take every precaution reasonable in the circumstances for the protection of worker health and safety, as required under the OHSA.

Dated at _____ this _____ day of _____ 2022.

(Authorized signing agent for the Consulting firm)

(Title)

(Telephone Number)