



**TERMS OF REFERENCE AND REQUEST FOR  
PROPOSALS**

**ZONING BY-LAW REVIEW PROJECT**

**Issue Date: Thursday, November 1<sup>st</sup>, 2018**

**Proposal Submission Deadline:**

**Thursday December 6<sup>th</sup>, 2018**

Town of Penetanguishene  
Planning and Community Development Department  
10 Robert Street West  
Box 5009  
Penetanguishene, Ontario  
L9M 2G2  
705-549-7453 ext. 215

**TOWN OF PENETANGUIHENE**  
**ZONING BY-LAW REVIEW PROJECT**

INDEX TO REQUEST FOR PROPOSAL DOCUMENT

Section

- A        GENERAL INFORMATION
- B        TERMS OF REFERENCE
- C        PROPOSAL SUBMISSION REQUIREMENTS

**TOWN OF PENETANGUISENE**  
**ZONING BY-LAW REVIEW PROJECT**

SECTION A

GENERAL INFORMATION

**TOWN OF PENETANGUISHENE**  
**ZONING BY-LAW REVIEW PROJECT**

**Section A – General Information**

**Scope of Proposals**

The Corporation of the Town of Penetanguishene invites proposals for the provision of consulting services to develop a new Zoning By-law to replace the current and in effect Zoning By-law 2000-02, as amended. The objectives of the project are to: update the existing Zoning By-law to implement the new Town of Penetanguishene Official Plan (adopted June 2018), increase the clarity, intent and ease of understanding of the Zoning By-law, to update the land use zones and performance standards and to address emerging themes and trends in sustainable and resilient community planning.

**Terms of this Request for Proposals**

The Terms of Reference for this Project are set out in Section B of this document. The requirements of the proposal are set out in Section C of this document. All three sections comprise of the Request for Proposal (RFP) to prepare the Town's new comprehensive Zoning By-law.

**Questions and Clarifications**

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

- a) Questions shall be submitted via email to the Director of Planning and Community Development, Andrea Betty, MCIP, RPP, at [abetty@penetanguishene.ca](mailto:abetty@penetanguishene.ca).
- b) Questions shall be submitted by 12:00 pm (noon) on **Monday, November 19, 2018.**
- c) Answers to all submitted questions will be emailed to those posing questions and will also be posted on the Town's website on **Thursday, November 22, 2018.**

**Addenda**

The Town may choose to issue addenda to provide clarification or additional information to interested parties. The Addenda will be distributed to all who have submitted questions, those who were provided the document and posted on the Town's website. Addenda will be distributed using the latest contact information provided; therefore the onus is upon the interested parties to ensure the Town has the correct contact information. It is the consultant's ultimate responsibility to ensure they have received all addenda.

**Freedom of Information**

Any personal information required on the Submission Form is received under the authority of *Municipal Freedom of Information and Protection of Privacy Act*. This information will be an integral component of the proposal submission.

All written Submissions received by the Town become a public record, once a Submission is accepted by the Town of Penetanguishene, and a contract is signed, all information contained in them is available to the public, including personal information.

Consultants are reminded to clearly identify in their Submission material, any specific scientific, technical, commercial, proprietary, intellectual or similar confidential information, the disclosure of which could cause them injury or damage.

Questions about collection of personal information and the Municipal Freedom of Information and Protection of Privacy Act, 1989, R.S.O. 1990, Chapter M.56, as amended, should be directed to: Town Clerk, Town of Penetanguishene, 10 Robert Street West, Box 5009, Penetanguishene, ON L9M 2G2

### **Accessibility for Ontarians with Disabilities Act (AODA)**

In 2007, the Ontario Government adopted Ontario Regulation 429/07 respecting Accessibility Standards for Customer Service under the Accessibility for Ontarians with Disabilities Act (the “AODA”). All public sector organizations in Ontario, including the Town of Penetanguishene, must comply with this regulation by January 1, 2010. This Accessibility Standards for Customer Service regulation also applies to third parties that provide goods and services to members of the public on behalf of a public sector organization.

The Town of Penetanguishene requires all third party vendors to be compliant with the Accessibility Standards. To assist Vendors / Contractors with compliance with the AODA and the Accessibility Standards for Customer Service regulation, the Town of Penetanguishene has developed a booklet entitled “Understanding Accessible Customer Service ~ Vendors / Contractors”. The booklet is available on the website at, [www.penetanguishene.ca](http://www.penetanguishene.ca); follow the link for Accessibility.

It is the Successful Respondent’s responsibility to ensure that it is fully aware of, and meets all requirements under the AODA and associated regulations.

Further information on compliance can be found at the Ministry of Community and Social Services website: <http://www.mcsc.gov.on.ca/mcss/english/pillars/accessibilityOntario/accession/compliance>.

**Upon award and prior to commencement of the work, the successful Respondent(s) must provide confirmation of completion of AODA training.**

**TOWN OF PENETANGUISENE**  
**ZONING BY-LAW REVIEW PROJECT**

**SECTION B**

**TERMS OF REFERENCE**

## **Context**

The Town of Penetanguishene is a lower-tier municipality within the County of Simcoe and located on the southeast shores of Georgian Bay, often referred to as North Simcoe or Huronia, approximately 165 kilometres north of the City of Toronto. The Town is noted for its small-town character, welcoming multilingual citizens, mix of housing and employment opportunities and a diverse natural landscape. Penetanguishene recognizes its rich cultural history, dating back over 400 years, comprised of English, French, Métis and Indigenous communities. The Town is comprised of both urban and rural areas with an approximate population of approximately 9,000 as per the 2016 census. The Town offers a robust economy with focuses on manufacturing, health care, tourism and service industries as well as being home to the Waypoint Centre for Mental Health and the Central North Correctional Centre. The Town also sees a seasonal population of visitors and residents in the area and provides services to a broader population from the adjacent Town of Midland and Townships of Tiny and Tay.

## **Purpose**

The Town of Penetanguishene is issuing a RFP to solicit a qualified consultant to develop a new Zoning By-law for the Town of Penetanguishene. The Project is anticipated to begin in January 2019 and is to be completed no later than the second quarter in 2020. The new Zoning By-law will replace the current in effect Zoning By-law 2000-02, as amended. The purpose of the new Zoning By-law is to:

- reflect new policy initiatives and regulations in the *Ontario Planning Act*, the Provincial Policy Statement 2014, *Places to Grow Act* and Growth Plan 2017, and the County of Simcoe Official Plan;
- replace the existing and in effect Zoning By-law to implement the policies of the new Official Plan;
- increase the clarify, intent and ease of understanding of the Zoning By-law, incorporating explanatory or illustrative diagrams where appropriate to assist in interpretation;
- update land use zones and performance standards in accordance with the newly adopted local Official Plan;
- address emerging themes in community planning such as place-making, sustainability and resiliency.

The new Zoning By-law will provide a long term zoning plan for the Town of Penetanguishene that will focus on creating economic and sustainable growth as well as a strong, resilient and vibrant community while preserving the characteristics of our unique neighbourhoods. It will strategically develop the context of the Town while ensuring that development aligns with the policies of the adopted new Official Plan and other governing legislation.

## **Project Area**

The project area includes all lands located in the Town of Penetanguishene.

## **Scope of Work**

The Project is anticipated to start in January 2019 with a completion date no later than the second quarter of 2020. It is anticipated that the review will be undertaken in four major phases:

- Phase 1: Background Review Study
- Phase 2: Proposed Policy Direction
- Phase 3: Draft new Zoning By-law
- Phase 4: Refinement and Finalization of new Zoning By-law

It is required that the selected consultant will actively engage all stakeholders including Indigenous Communities throughout the process with each phase undergoing at least one (1) public consultation session. It is also the responsibility of the consultant to use various consultation methods such as open houses, surveys, brainstorming workshops, information sessions etc. to ensure all appropriate groups have been consulted and appropriate feedback has been received. Further, it is the duty of the consultant to explore emerging planning practices and incorporate such techniques into the new Zoning By-law.

The following is a description of each proposed phase of the Zoning By-law review and is intended to provide an overview of the process and describes, in a general way, the outcomes and deliverables of each phase of the project.

### Phase 1 Background Review/Study:

The intent of this Phase is to identifying themes that will need to be considered as part of the project. Examples of such themes include but are not limited to: affordable housing, second units and laneway housing, permitted uses and performance standards within employment lands, and accessory buildings regulations. In addition, the recent update to the Official Plan, the existing Zoning By-law, Zoning By-law Amendments, Minor Variance decisions, Ontario Municipal Board/Local Planning Appeal Tribunal decisions and by-law ambiguity, inconsistency and interpretation issues should be reviewed in this Phase. A deliverable of this phase includes a Technical Memorandum on By-Law Issues.

### Phase 2 Proposed Policy Directions

At the completion of Phase 1, the Technical Memorandum on By-law Issues will assist in the identification on the proposed policy directions. A Council Workshop would be a deliverable of this Phase to review the major issues identified in the Phase 1 work and to discuss with Council the proposed policy directions. The Workshop will also provide Council with an opportunity to identify any specific issues that they may have identified with the current by-law that should be addressed within the Phase 2.

Following the Council Workshop a series of Technical Memorandums would be prepared identifying: structure and formatting options, approach to zone exceptions, zones, mapping, definitions, general provisions, parking and loading, and performance



standards. The Technical Memorandums would identify options, and provide a recommended approach with the goal to obtain clear consensus and direction on the Town's new Zoning By-law.

#### Phase 3 Drafting of the Zoning By-law:

During this phase, the preparation of a Draft Zoning By-law will occur for the purpose of circulation internally, to agencies and stakeholders for review. The Statutory Public Open House under the *Planning Act* will also be held, which will include a presentation on the Draft document as well as comments from the public to be considered by Council. A deliverable of this Phase is the submission of a Draft Zoning By-law.

#### Phase 4 Finalizing of the Zoning By-law:

Preparation of the final Zoning By-law will be presented for the Statutory Public Meeting under the *Planning Act* for any additional refinements and then be considered by Council for adoption. The deliverable of this Phase is the submission of a Final Zoning By-law and adoption by Council.

### **Consultation and Meeting Requirements**

The Zoning By-law review will be guided by the Planning and Community Development Department as well as a Steering Committee with assistance from various other municipal departments as necessary.

The Steering Committee and the Planning and Community Development's role will be to:

- Provide technical input with regard to background study and proposed policy recommendations;
- Provide technical assistance and coordination for community engagement events, and to Council as necessary;
- Circulate and provide Notices in accordance with local policies and the *Planning Act*.

The proposal must include a description of the number and type of meetings and consultation opportunities proposed:

- Meetings with Town staff and Council and their purpose and proposed outcomes;
- Community Consultation meetings by number, type and proposed outcomes;
- Statutory meetings with Council as required by the *Planning Act*.

### **Available Information**

The Town will provide: the adopted Official Plan, including all background information prepared in support of the Official Plan, Natural Heritage System Report (2017), the current Zoning By-law, all Zoning By-law Amendments, all Minor Variance decisions, Community Development Manager Package (2015) which includes the Municipal Lands Inventory and Form of Development and Tax Revenue Analysis and GIS data as required.

## **Work Plan**

The selected consultant will be responsible for public consultation that will promote stakeholder engagement and input. The Planning and Community Development department will be responsible for all correspondence and will provide necessary guidance to the selected consultant. The proposal must provide a work plan indicating the timing for conducting each phase of the project, the time allocation for each task, the cost of each of the phase broken down by task and the date of final submission to the Town.

## **Project Budget**

The overall project budget has been set at a maximum upset limit of \$75,000, taxes included.

## **Deliverables**

The selected consultant will be required to provide the following to the Town during the conclusion of the Zoning By-law project:

1. Fifteen (15) bound hard copies of all draft and Memorandums;
2. Fifteen (15) copies of the final Zoning By-law for adoption;
3. One (1) electronic PDF version of all draft and Memorandums;
4. One (1) electronic PDF version of the final Zoning By-law;
5. One (1) electronic copy in PDF, JPG, or TIFF or compatible version of all plans, illustrations, and/or drawings produced during the project;
6. All GIS information created as part of the project including all final schedules to the Zoning By-law.

**TOWN OF PENETANGUISENE**  
ZONING BY-LAW REVIEW PROJECT

SECTION C

PROPOSAL SUBMISSION REQUIREMENTS

### Required Proposal Format

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

- i. Five (5) hard copies and a USB of the proposal should be submitted including a letter of submission signed by an authorized representative of the consultant.
- ii. Proposals shall be less than 10 MB in size and shall be less than 50 pages in total length. Proposals shall be limited to standard letter format (21.59 cm x 27.94 cm). Cost Estimates and Work Plan/Timing may be in larger formats. **Proposals larger than 10 MB or longer than 50 pages in length will not be accepted.**
- iii. Proposals must outline the cost of conducting the review listed in the Terms of Reference both as a total price, total plus HST and cost per task format.
- iv. The proposal shall include a Work Plan/Timing for the review and the projected and expected time frame for the review.
- v. The proposal will include a summary of the Consultant's professional information and history and relevant experience shall be included (a maximum of three (3) relevant experiences are required).
- vi. Proposals must be submitted with a minimum of three references listed for contact respecting recent and relevant projects.

### Evaluation Process and Criteria

The review and selection of consultants will be done by the Planning and Community Development and the Chief Administrative Officer. 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. Proposals will be evaluated based on the following criteria and weight:

Degree to which the proponent responded to the RFP	30%
Qualifications/Experience of the Project Team	25%
Total Price/Cost	25%
Creative Approach to Consultation and Project Process	10%
Ability to Meet the Anticipated Schedule	5%
Innovative Approaches and Value Added	5%

### Interviews

Consultants may be asked to attend an interview with the Planning and Community Development prior to the final consideration.

### **Assumptions and Contract**

The selected consultant will be expected to enter into a Contract with the Town addressing the full scope of the work and its obligations to perform the work in compliance with all applicable Federal and Provincial requirements and with the Town's Health and Safety requirements. The selected consultant will indemnify the Town from all costs, charges and 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.

### **Contract Award**

The final authority to award the Project rests solely with the Chief Administrative Officer of the Town of Penetanguishene. Consultants are advised that the lowest cost proposal, or any, will not necessarily be awarded the contract as the selection will be based on the evaluation criteria and cost is only one of the criteria. The Town will not be responsible for any preparation costs incurred by the Consultant submitting a proposal and will not pay for any travel expenses to participate in interviews or contract negotiations.

### **Submission of Proposals**

Proposals are to be submitted in hard copy format only with a USB having a digital version of the proposal. A letter of submission signed by an authorized representative of the Consultant to:

Town of Penetanguishene  
10 Robert Street West  
Penetanguishene, Ontario  
L9M 2G2  
Attention: Andrea Betty, MCIP RPP  
Director of Planning and Community Development  
Subject: Zoning By-law Review Proposal

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 all documents required have been submitted. Submitting a proposal confirms and certifies that the prospective consultant has read and fully understands and accepts the terms of the RFP and its requirements.

### **Submission Withdrawal or Alteration**

Any Submission may be withdrawn in writing or in person by an authorized representative prior to the scheduled time for Submission Closing, or authorized

postponement thereof. Submissions received after the date and time of closing will not be considered.

**Submission Deadline**

Proposals must be received by 12:00 p.m. (noon) on **Thursday December 6, 2018.** Proposals received after this deadline will not be considered.