



THE VILLAGE OF
N A K U S P

Zoning Bylaw Request for Proposals 2021-03

**Closing date for submissions
2:00 pm PST April 16, 2021**

Village of Nakusp
91st 1st Street NW
Box 280
Nakusp, BC
VOG 1R0

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1. Purpose

The Village of Nakusp is seeking proposals from qualified consulting firms with proven experience in zoning regulations and bylaw preparation to undertake a renewal of the Zoning Bylaw.

Nakusp Council has identified the replacement of the current Zoning Bylaw (No 614- 2008) as a priority for 2021, expected completion by September 30, 2021 with the intention of adopting the new bylaw by December 31, 2021. The Village adopted an Official Community Plan in early 2021. It is the Village's intent is to have a new zoning bylaw that will enshrine OCP goals and objectives, enhance existing land use policies and support development related regulations in alignment with Council and community values. The new documents must reflect the capacity limitations of small municipalities regarding land use management.

Accordingly, the Village is requesting proposals from firms with proven experience in master planning, community and stakeholder consultation, regulations, development permit guidelines and bylaw preparation to assist the Village of Nakusp in achieving a new Zoning Bylaw that is technically sound, consistent with the direction of supporting planning documents, easy to interpret and reflective of local context.

Relevant documents including the Official Community Plan and the Zoning Bylaw with amendments thereto and additional background information can be found on the Village of Nakusp website at <http://nakusp.com/municipal-services/bylaws/>

2. Submission Date, Time, and Place

One (1) signed copy of the proposal and one (1) copy in PDF format marked "Attn: Cheryl Martens, Chief Administrative Officer Re: Village of Nakusp Zoning Bylaw Request for Proposals" must be delivered, mailed, or e-mailed to the Village of Nakusp at the address given below:

Village of Nakusp
91 1st Street NW, Box 280
Nakusp, BC V0G 1R0
Phone 250-265-3689
E-mail: cao@nakusp.com

Proposals must be received at the Village Office before 2:00 PM PST April 16, 2021. The Proponent bears all risk associated with delivering its Proposal by electronic submission, including but not limited to delays in transmission between the Proponent's computer and the Village's mail system.

Proponents wishing to make changes to their Proposals after submission but prior to the closing time may do so by submitting the revisions by email or hard copy to the address above. It also is the Proponent's sole responsibility to ensure their revisions were received at the e-mail or address set out above prior to the closing time.

Proposals received after the closing time will not be considered or evaluated.

A formal public opening of proposals will not take place due to COVID-19 limitations.

3. Enquiries

All enquiries should be directed to:

Cheryl Martens, Chief Administrative Officer
Telephone: 250-265-3689
E-mail: cao@nakusp.com

Information obtained from any other source is not official and should not be relied upon. Inquiries and responses will be recorded and may be distributed through an addendum at the Village's option.

Any questions regarding this Request for Proposals must be submitted at least five (5) working days prior to the closing date. Any questions submitted after this date may not be answered.

Proponents shall carefully examine the Request for Proposals documents and shall fully inform themselves as to the intent, existing conditions and limitations, which may affect their proposal submission. No consideration will be given after submission of a proposal to any claim that there was any misunderstanding with respect to the conditions imposed.

Proponents finding discrepancies or omissions in this Request for Proposals, or having doubts as to the meaning or intent of any provision, should immediately notify the above listed project contact. If there are any changes, additions, or deletions to the proposal scope, conditions, or closing date, Proponents will be advised by means of an Addendum issued by the Village. All Addenda become part of the proposal documents and receipt of Addenda should be acknowledged by the Proponent in the submission.

Verbal discussion between the Village elected officials or staff and a Proponent shall not become a part of the Request for Proposals or modify the Request for Proposals unless confirmed by written Addendum. The Village shall not be responsible for Proponents adjusting their proposals based only on oral instructions by any representative of the Village.

4. Community Background

The Village of Nakusp, incorporated in 1964, is in southern British Columbia in the West Kootenay region. It is beside the mouth of Kuskanax Creek, on the Upper Arrow Lake in the West Kootenay region of southeastern British Columbia. Lying between the Selkirk and Monashee ranges, the Village of Nakusp is known for its nearby hot springs and picturesque mountain lakeside setting. The Village of Nakusp is an ideal location for outdoor enthusiasts and the community lifestyle reflects this. The current population is approximately 1700. More detailed information regarding the history, land use, and surrounding regional context may be found in OCP documents.

5. Project Scope

5.1 General

The primary objective of this project is to complete a replacement of the Village's Zoning Bylaw that is technically sound and is 'user friendly.' Additional objectives include implementation of the sustainable policies related to land use, inclusion of regulations to address specific land use issues and consistency within the Bylaw and complimentary to the newly adopted OCP.

5.2 General

The Village's current Zoning Bylaw was adopted in 2008 and has been amended many times since. The goal

is to create an internally consistent bylaw, to update the definitions section, and to consider deficiencies identified by staff.

The newly adopted OCP has changed the Village into several identifiable neighbourhood and changed Development Permit areas that are not comparable with the current Zoning bylaw. This should be considered in the replacement Bylaw.

Some other issues to be considered and incorporated into the Zoning Bylaw include short term rentals, air bnbs, RV and Trailer use as living accommodations in residential areas, consistency of zoning definitions, development and development permit area guidelines and regulations.

The successful proponent will be expected to achieve the following:

- A public and stakeholder engagement strategy that uses innovative and technical techniques to explore the community via meaningful public participation;
- A complete Zoning Bylaw that complies in all respects with current legislative requirements, is internally consistent, and is highly practical and workable document for staff and readable by the general public;
- Zoning layer to be built on Parcel Map to be consistent with the Regional District of Central Kootenay's GIS mapping system;
- Map data in format to be consistent with the Regional District of Central Kootenay's GIS mapping system;
- Map files in format to be consistent with the Regional District of Central Kootenay's GIS mapping system;
- Zoning Map(s) in PDF format for Bylaw Use;

5.3 Scope of Work

The Zoning Bylaw project is organized into the components outlined below. The following components of the project are identified as a guide to the tasks to be undertaken with associated deliverables to the Village. They are not exhaustive or limiting; the successful Proponent should expect to accommodate changing dynamics that may arise during the project.

- Project Initiation
- Technical Review and Issues Identification
- Community and Stakeholder Consultation
- Bylaw Preparation Including Maps
- Approval

Project Initiation

- Establish key staff level contacts and consultant team introduction
- Develop, with staff, a detailed work plan for the overall project with key deliverables identified
- Develop a community and stakeholder consultation strategy to maximize local resources, existing events and identify opportunities for meaningful public participation in a practical context given the current COVID-19 public congregation guidelines
- Deliverables: Detailed Work Plan and Community and Stakeholder Consultation Strategy
Technical Review and Issues Identification

Review Zoning Bylaw including the following components:

- Definitions, General Provisions
- Regulations for Specific Zones

- Review all relevant bylaws, policies, and plans
- Review extant Zoning Bylaw in relation to above bylaws, policies, and plans
- Consult with staff, Council, the public, and local First Nation communities to obtain local knowledge, identify known issues, assess priorities, identify local challenges and opportunities (issues identification)
- Deliverables: Report on recommendations to update the Zoning Bylaw, including improvements to format and use of graphics

Community and Stakeholder Consultation

- Conduct working or focus groups with draft recommendations for the Zoning Bylaw that include key stakeholders which are including, but not limited to, seniors and youth, business owners, the School District, First Nation communities.
- Working with the Village, employ enjoyable and interactive consultation and engagement methods that encourage meaningful public participation
- Collection and analysis of community and stakeholder input
- Deliverables: Report on community and stakeholder consultation, presentation of findings and technical review to Council

Bylaw Preparation

- Prepare Draft Zoning Bylaw by incorporating input from staff, Council, and community and stakeholder consultation
- Presentation to Council
- Organize and facilitate community and stakeholder consultation sessions, may include various formats and engagement methods
- Deliverables: Draft Zoning Bylaw (including Zoning Land Use Map) presentation to Council and public. Note that staff will review the recommended wording and format.

Approval

- Formulate final products in consultation with key staff
- Prepare final Zoning Bylaw
- Present at a Public Hearing
- Deliverables: Zoning Bylaw (including maps) and presentation at Public Hearing.

6. Budget

The Village of Nakusp is requesting Proponents to provide a budget to complete the “Village of Nakusp Zoning Bylaw Project”. The budget breakdown shall provide details and fees for each of the work modules.

A schedule of rates for each project personnel will be included with the proposal. An estimate of the time required for each task, the fee for the labour component and the expenses for each task of the Scope of Work, and others if proposed by the Proponent, shall be included in the budget.

The estimated fee for each task shall be regarded as an upset amount and shall not be exceeded without prior approval of the Village and such approval will only be considered for changes in the scope of the work required due to factors that could not have been anticipated with information available at the time of submitting the proposal.

The Proponent shall honour the quoted proposal price for 60 days from closing date.

Costs related to public consultation, including meeting room rentals and advertising, will be the responsibility of the Village of Nakusp. Costs associated with Bylaw review from the Village of Nakusp's staff will be the responsibility of the Village of Nakusp.

7. Project Management

The consultant will report to the Chief Administrative Officer, who is also the primary staff liaison. The Chief Administrative Officer will provide information to the consultants as required, and will be available for meetings, discussion, and review of draft concepts.

8. Project Submissions

The Proponents are required to provide the following information:

1. Description of the team's expertise and qualifications
2. Description of the responsibility and tasks of each member of the team
3. If sub-contractors or partners are utilized in the Proposal, they must be identified and a description of their expertise and qualifications, responsibilities and tasks must be provided
4. Proposed work program and timeline of key tasks, deliverables, and budget allotments corresponding with each task. Work plan will include an engagement plan outlining tasks associated with public and stakeholder consultation from project start up to completion
5. Total fee for service including all relevant taxes, travel expenses and other disbursements. The fee must be honoured for sixty (60) days from the closing date of this Request for Proposals
6. Reference to three (3) projects of similar size and scope completed by individual/firm
7. Two (2) named references who may be contacted concerning the performance of the Proponent on recent, similar projects
8. Authorization: The proposal must be signed by an authorized representative of the Proponent

It is expected that Proponents will review and demonstrate an understanding of current Village documents in their response to the Village's Request for Proposals for the "Village of Nakusp Zoning Bylaw Project." Relevant Village of Nakusp documents and background information can be found on the Village's website at <http://nakusp.com/municipal-services/bylaws/>

9. Evaluation of Proposals

The technical merits of proposals will be evaluated in accordance with the following criteria:

- | | |
|---|-----|
| a) The Firm(s) including: | |
| i) Experience with similar projects | |
| ii) General related experience | |
| iii) Local office resources, experience, and operations | 15% |
| b) Personnel, Project Manager and Team Members including: | |
| i) Experience on similar and related projects | |
| ii) Public and stakeholder engagement experience | |
| iii) Qualifications | |
| iv) Local knowledge | 15% |
| c) Methodology including: | |

i) General approach	
ii) Team organization	
iii) Proposed activities	
iv) Project control and reporting	
v) Understanding of project objectives	
vi) Quality and presentation of the proposal	
vii) Proposed level of effort	
viii) Attention to sustainability	30%
d) Timeline for completion of project	15%
e) Price and perceived overall value of services proposed	25%

Any sub-consultants or partners will be evaluated using the same criteria.

10. Acceptance of Proposals

This Request for Proposals shall not be construed as an agreement to purchase goods or services. The Village is not bound to accept the lowest priced or any proposal of those submitted. The Village is under no obligation to receive further information, whether written or oral, from any Proponent.

The Village reserves the right to reject any proposal and to accept any Proposal notwithstanding any non-compliance with this Request for Proposals. The Village may select any proposal for acceptance or negotiation with the Proponent by selecting the proposal which the Village, in its sole unrestricted discretion and on the basis of such criteria as it considers appropriate, deems to be in the best interests of the Village.

If a proposal contains a defect or fails to comply with the requirements of the proposal documents, which in the sole discretion of the Village is not material, the Village may waive the defect and accept the proposal.

No Proponent shall have any claim for any compensation of any kind whatsoever, as a result of participating in the Request for Proposals, whether in respect of proposal preparation costs, loss of anticipated profit, or any other matter whatsoever, and by submitting a proposal each Proponent shall be deemed to have irrevocably waived any such claim.

The Village reserves the right to cancel this Request for Proposals at any time and for any reason, and in so doing to reject all proposals, and will not be responsible for any loss, damage, cost or expense incurred or suffered by any Proponent as a result of such cancellation.

The Village reserves the right to enter into negotiations with one or more Proponents concerning the terms and conditions of the services to be provided, and expressly reserves the right through such negotiations to request changes, alterations, additions or deletions from the terms of any proposals received.

The Village reserves the right to select one or more Proponents for further consideration following the initial proposal evaluation process. The Village may require in-person presentations or interviews with Proponents selected for final consideration, prior to negotiating a contract.

The acceptance of any proposal is subject to funding and may require approval of the Council.

11. Successful Proponent and Contract

The successful Proponent will be invited to enter into a Consultant agreement (contract) with the Village of Nakusp for the provision of consulting services. The agreement will be based on this Request for Proposals, the proposal submitted including the tasks to be carried out, the personnel committed, the fees to be charged and any negotiated changes to any of the foregoing.

12. Form of Agreement

Should the Village and a Proponent enter an agreement for the performance of some or all the services contemplated under this Request for Proposals, it is expected that the following clauses will be included in that contract:

12.1 Insurance

The Consultant will be required to provide and maintain professional liability insurance in an amount not less than \$2,000,000.00 insuring the Consultants' liability resulting from errors and omissions in the performance of professional services under the Contract. Proof of insurance must be provided to the satisfaction of the Village.

12.2 Indemnity, Risk and Warranty

The Consultant shall indemnify and save harmless the Village, its elected and appointed officers, its employees, and agents from and against any and all losses, claims, damages, actions, causes of action, costs and expenses the Village may sustain, incur, suffer or be put to at time either before or after the termination of the contract, where the same or any of them are based upon, arise out of or occur directly or indirectly by reason of any act or omission of the Consultant or of any agent, employee, officer, director or sub-contractor of the Consultant pursuant to this contract, excepting liability arising out of an independent negligent act of the Village.

12.3 Compliance with Laws

The Consultant shall comply with the laws of British Columbia (including Village of Nakusp Bylaws) applicable to the project. The Consultant shall strictly comply with the current Occupational Health and Safety Regulations and Workers Compensation Act and remain in good standing under the Act during the term of work under Contract with the Village. Other applicable federal, provincial, and local regulations or policies concerning the health and safety of workers and the general public shall also be followed.

13. Conflict of Interest

Proponents are to include, with their proposal, and at any subsequent time when requested to do so by the Village, full details of any financial or personal relationship or affiliation between the Proponent, or any of its officers or employees or proposed subcontractors and the Village, or any of the Village's respective elected or appointed officials, officers and employees and shall promptly advise the Village of any change to the foregoing from time to time.

14. Freedom of Information and Protection of Privacy

Proponents are advised that the Village is subject to the provisions of British Columbia's *Freedom of Information and Protection of Privacy Act* and that the Village may be required to disclose all or part of a proposal.

A Proponent may stipulate that trade secrets included in their proposal are supplied in confidence and the

release of which could significantly harm their competitive position; however, the Village’s disclosure obligations will be governed by the *Freedom of Information and Protection of Privacy Act* and Proponents are advised to review that Act for further information.

15. Liability for Errors

While the Village has expended considerable efforts to ensure an accurate representation of information in this Request for Proposals, the information contained herein is supplied solely as a guideline for Proponents. The information is not guaranteed to be accurate by the Village, nor is it necessarily comprehensive or exhaustive. Nothing in this Request for Proposals is intended to relieve Proponents from forming their own opinions and conclusions with respect to the matters addressed in the Request for Proposals.

16. Confidentiality

Any Proponent and any other person who, through this Request for Proposals process, gains access to confidential information of the Village is required to keep strictly confidential all information which in any way reveals confidential business, financial or investment details, programs, strategies or plans, learned through this Request for Proposals process. This requirement will continue with respect to such information learned by the successful Proponent, if any, over the course of any Contract for service which arises out of this Request for Proposals process.

17. Ownership of Documents

All proposals and other documents and materials submitted in response to this Request for Proposals shall become the property of the Village.

The material produced, furnished, and used by the Consultant as a result of any Contract resulting from this Request for Proposals shall become the exclusive property of the Village upon completion of the work.