

REQUEST FOR PROPOSAL

RFP DS NO. 2025 – 01

DEVELOPMENT CAPACITY STUDY

DATE OF ISSUE: July 23, 2025

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APPENDICES

A: Professional Services Agreement

1. INTRODUCTION

The Township of Esquimalt (Township) is inviting qualified consulting teams to submit proposals to conduct a Development Capacity Study that will identify the potential impact of several variables (see Section 3 SCOPE OF WORK for list of variables) on future development capacity of the Township. The Township is experiencing significant development pressure with over 1000 multi-family housing units currently under construction and approximately 1500 multi-family units going through the rezoning or development permit process. In addition, the Department of National Defense is planning to increase the number of housing units on CFB Esquimalt. To help guide future development decisions by Council, it is necessary to identify how each of the variables may impact the feasibility of future development both temporarily and spatially. The results of the study will also help staff, residents, developers, and other interested parties to understand how each variable impacts development capacity.

The qualified consultant team should consist of members with expertise in the following areas:

- Urban planning.
- Civil engineering related to services provided in an urban environment.
- Parks and recreation planning.
- Transportation engineering and modeling.
- Geographic Information Systems (GIS) including extensive use of GIS for urban modeling.
- Urban economics.
- Demographic analysis.
- Urban design including urban ecology.

The consulting team should demonstrate successful completion of similar work.

The study will be directed by a municipal team led by the Director of Development Services with support from the Director of Engineering and Public Works and the Director of Parks and Recreation. This key municipal team will work with the consulting team to engage a wider municipal team at appropriate times to add their knowledge and expertise to the study.

PROJECT MANAGER:

Bill Brown, Director of Development Services.

PROJECT TEAM:

Bill Brown, Director of Development Services

Joel Clary, Director of Engineering and Public Works

Steve Knoke, Director of Parks and Recreation.

The successful bidder (consultant) will enter into the Professional Services Agreement (sample in Appendix A) with the Township of Esquimalt.

Note that the successful Proponent will need to report their greenhouse gas emissions associated with this project to the Township at the end of the project. The Township is obligated to report all greenhouse gas emissions from consultants to the province through the Local Government Climate Action Program (<https://www2.gov.bc.ca/gov/content/environment/climate-change/local-governments/local-government-climate-action-program>).

2. BACKGROUND

The Township of Esquimalt is primarily surrounded by water (Strait of Juan de Fuca along its southern boundary, Esquimalt Harbour along its western boundary, West Bay along its southeast boundary, and the Gorge Waterway on its northern boundary) other than its northwestern border which is co-terminus with the Songhees First Nation and the eastern border which is co-terminus with the City of Victoria (Vic West neighbourhood). Therefore, the Township cannot physically expand outwards. Except for the Gorge Vale Golf Course, which is Agricultural Land Reserve, and portions of CFB Esquimalt, which is federal crown land, there is very limited undeveloped land within the Township. This means that almost all future growth will occur through the densification of the existing built environment. This will result in buildings with increased site coverage or height or both.

Esquimalt's urban fabric and utilities were designed to accommodate primarily low-density development. Recently, most of the new development has been medium to high density residential with commercial uses on the ground floor. In fact, there are currently over 1,000 multi-family residential units under construction in the Township. As density increases, the carrying capacity of existing services to accommodate the growth may be reached or exceeded. It is necessary to undergo a development capacity assessment to determine how available services will be impacted by future development and to what degree. This assessment will identify which services are at, or likely to be at, capacity and when. In addition, because the development constraints will not be evenly distributed across the Township, it is necessary to identify where various constraints will impact future development. It is also important to identify which resources and projects may be needed to upgrade various services that are at capacity or will reach capacity in the next 20 years. The results of the Development Capacity Assessment will be used to guide Council, staff, developers, and the public to assess future growth patterns as well as provide Council with a decision-making tool to help adjudicate future planning applications. In addition, the use of GIS mapping will provide a visual decision support tool that will make spatial understanding of the various constraints easier. Furthermore, given the mandate from the provincial government to build enough housing over the next 20-years to meet the calculations of the Interim Housing Needs Report, it is imperative that Council have the best decision-making tools possible in order to facilitate the provision of this housing, and the concomitant commercial, institutional, and industrial development, in as cost-effective manner as possible using relevant planning principles.

Some variables that impact urban capacity are beyond the control of the municipality (e.g., landfill capacity and air quality). With a few exceptions as outlined below, these constraints will not be considered in this study. Rather, this study will primarily focus on those variables that are within the municipality's control (e.g., sanitary sewer capacity, carrying capacity of the park system, carrying capacity of recreational facilities, traffic management (all modes), and capacity of emergency services). In addition, this project will examine a select number of variables that, although beyond the municipality's control, may significantly impact future development (e.g., public transportation (BC Transit), potable water system via Capital Regional District (bulk water provider) and the City of Victoria (water distribution), sewage treatment capacity (Capital Regional District), and the capacity and distribution of the electrical system (BC Hydro). Under this situation, the most limiting variable (resource) at a specific point in time will define the Township's urban carrying capacity and hence its maximum population. The variables along with their thresholds will be used to ensure that the carrying capacity remains within pre-established limits to ensure that growth does not cause unacceptable impacts or to indicate that a growth limit has been reached.

All the variables are dynamic. At any one time a specific variable may determine the urban carrying capacity and then, because of a perturbation to the system, may be replaced by a different variable. For example, traffic congestion may be the variable that determines urban carrying capacity until autonomous vehicles are introduced, and result in far less congestion, at which time a different variable becomes the determinant of urban carrying capacity. Understanding which variables impact Esquimalt's urban carrying capacity is critical to ensuring that future development and the concomitant increase in population results in a vibrant and healthy community that is well serviced in a financially sustainable manner. By understanding the concept of urban carrying capacity, Council will have a framework against which it can test its decisions. Having access to data on variables, indicators, and thresholds related to urban carrying capacity will be a powerful decision-making tool for Council. It is imperative that Council, staff, residents, developers and other interested parties have access to a tool that can serve as a framework to guide both discussions and decision making about the future development in Esquimalt.

3. SCOPE OF WORK

PROJECT OBJECTIVES:

1. Develop a methodology to gather, catalogue, analyze, and display data for each variable identified in the SCOPE section to allow for future replication and trend analysis.
2. Gather current data related to each variable being studied.
3. Analyze each variable based on available information and determine its development capacity limit under current conditions.

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4. Where appropriate, map the spatial extent of the capacity limitations for each variable using software compatible with the Township's GIS.
5. Create a spatial heat map that superimposes all constraints with spatial boundaries that will display constraint magnitude. The map is to be compatible with the Township's GIS and capable of being displayed on the Township's website.
6. Identify the threshold for each variable after which time major resource allocation will be required to increase the threshold (e.g. at what population will a new or expanded recreation centre be required).
7. Identify indicators for each variable that allow it to be measured and monitored.
8. Write a report that includes a section for each constraint variable and the data sources, analysis methodology, capacity constraint, spatial extent of the variable.
9. For each variable provide an analysis of resources required to increase the threshold of the variable.

PROJECT SCOPE:

The project will examine how each of the variables in Table 1 may impact the development capacity in the Township based on information provided by the Township or gathered by the consultant through communications with key stakeholders. Unless specifically requested, the intent is for the successful consultant to rely on available information (example: out of scope is to create a water model for City of Victoria; instead, the consultant shall rely on information gathered from City of Victoria staff).

Table 1 Variables to be examined to determine potential impact of development capacity.

Variable to be Examined	Comments
Fiscal capacity of the Township to provide adequate services including tools available to finance growth	The consulting team will provide an analysis of costs and revenues attributable to the Township due to future growth. This analysis will also include a recommendation about whether to adopt a Development Cost Charges Bylaw or an Amenity Cost Charges Bylaw or both.
Tree Canopy Coverage	The consulting team will review the Township's methodology and determine if any modifications are required. They will also provide recommendations on areas where tree canopy should be increased.

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Variable to be Examined	Comments
Potable water supply and pressure	The consulting team will analyze the City of Victoria's water distribution system within the Township and identify any area that cannot support further development due to inadequate fire flows. In their analysis, the consultants will consider any future upgrades to the system that the City of Victoria is considering. In addition, the consultants will determine if the CRD water supply is likely to be a constraint in the next 20 years.
Sanitary Sewer Capacity	Consultants will consider the results of the Sanitary Sewer Asset Management Plan and how constraints in the system may impact development capacity in certain areas of Esquimalt. The consultants will consider the recommendations of the <u>Sanitary Sewer Asset Master Plan</u> when assessing the potential impact of the sanitary sewer system on development capacity. Successful candidate will be provided a copy of the Township's recently completed sewer model (modeled using SWMM).
Distribution and capacity of electrical transmission and distribution system	Given that current policy direction at all levels of government to electrify both the built environment and the transportation system, it is imperative that an analysis of both the electrical supply system and the electrical distribution system be completed to ensure that both systems contain enough capacity to accommodate future growth. The consultants will work with BC Hydro to identify specific areas within Esquimalt that may experience development constraints due to inadequate electrical supply or distribution. This includes an analysis of the impact of the lower kV distribution system used to service

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Variable to be Examined	Comments
	Esquimalt. In addition, the consultants will work with BC Hydro to determine what size/type of building triggers a customer substation and when a customer substation is required, how much additional density is required to offset the cost.
Public Transportation	The consultants will examine how the existing public transportation system may impact future development and be impacted by future development. The consultants will specifically identify areas where public transportation is not currently adequate to support additional development. In their analysis, the consultants will identify ways to maintain existing levels of transit service while density increases. The consultants will also identify the density level which may trigger the need for a transit hub. The analysis of this variable will be based on information gathered from BC Transit by the successful consultant.
Capacity of arterial roads to handle traffic	The consultants will conduct an overview study of the existing capacity of arterial roads and bridges to accommodate future development. They will also identify acceptable decreases to level of service that may come with growth and the opportunity to offset substandard levels through alternate modes of transportation. Due to the constrained nature of the Township's Road rights-of-way, the study will not consider adding motor vehicle lanes as a future option. Township staff will provide historic vehicle count data to assist with this review.
Carrying capacity of the parks system	The consultant will assess Esquimalt's existing parks system to determine their

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Variable to be Examined	Comments
	capacity to accommodate additional development and the concomitant increase in population. The consultant will also assess opportunities for park acquisition.
Carrying capacity of the recreation facilities	The consultants will examine the carrying capacity of Esquimalt's recreation facilities (Recreation Centre, Sports Centre, and Gorge Pavilion) to determine how much more development they can accommodate before expansion is required.
Emergency Services (police, fire, and ambulance)	Examine how new growth could impact the provision of emergency services such as police, fire, and ambulance.

EXTERNAL STAKEHOLDERS:

In conducting the study, consultants are encouraged to contact the following external stakeholders in order to get a better understanding of the impact of the variables on development capacity.

- BC Hydro
- BC Transit
- Capital Regional District
- Conseil Scolaire Francophone de la Colombie-Britannique No. 93
- Department of National Defence (CFB Esquimalt)
- Esquimalt Chamber of Commerce
- Greater Victoria Housing Authority
- Greater Victoria School District No. 61
- Kosapsum First Nation (previously referred to as the Esquimalt First Nation)
- Songhees First Nation
- City of Victoria (water)
- Urban Development Institute

CONSTRAINTS, RISKS, ASSUMPTIONS, ISSUES & DEPENDENCIES:

Certain variables analyzed in this study may be constrained by the quality and quantity of available data. The Township will make its best effort to provide as much data and as high a quality data as possible to the consulting team in a timely

manner. Risks are likely to be low given the nature of the study. Some assumptions may be required. These need to be identified in all reports.

Some data will be required from third parties. The nature of that data is beyond the Township's control; however, the Township expects the successful consultant to gather necessary information from key stakeholders to adequately inform their analysis of the variables to a level consistent with best practice. For each variable, the potential impact of new technologies (e.g. autonomous vehicles, advances in solar energy generation, artificial intelligence, and digitalization) and their possible impacts will be considered. For each variable, demographic trends will be considered.

3.1 SUMMARY OF DELIVERABLES

MEETINGS:

1. Project kickoff.
2. Weekly meetings as required between key project team members (online or in person – may be cancelled if there is nothing to discuss).
3. Meetings with key stakeholders to gather necessary information.
4. Review of initial data collection and analysis.
5. Review of draft report including GIS analysis.
6. Presentation of draft report by consultant to the Advisory Planning Commission.
7. Presentation of draft report by consultant to the Committee of the Whole.
8. Public open house to inform residents of preliminary findings.
9. Review of final draft report.
10. Presentation of final report to Council.

REPORTS/MODELS:

- Draft Report
- GIS map layer for each variable that has spatial constraints.
- GIS heat map layer showing the cumulative impact of the spatial extent of constraints.
- Technical Report containing:
 - Sources of all data used in the assessment.
 - Explanation of methodologies used in the assessment.
 - Models used in the assessment.
 - Data management systems
- Data base(s)/spreadsheet(s) with all data used in the assessment.
- Final Report

The ultimate deliverable to Council will be a report that describes the various limits to growth and what that limit(s) is/are likely to be in terms of development and the spatial distribution of that development along with an estimated timeline to reach the limit based on various growth rate

scenarios. In addition, thresholds for each variable will be identified if they can be quantified along with a discussion about the interrelationship of various thresholds (i.e. what happens if a threshold for a variable is lowered and another threshold becomes the limiting factor).

3.2 DELIVERABLE DETAILS

3.2.1 Meetings

The bidders should account for the following meetings in their proposals with Township staff:

- Project kickoff meeting – Review the consulting team’s proposal with the consulting team and the Township’s project team to ensure a mutual understanding of expectations in terms of methodology, deliverables, and timelines.
- Weekly meetings as required with key consulting team members – meetings can be on-line or in person. Meetings will include a review of initial data collection and analysis to identify any data gaps or questions regarding analysis methodologies. The meetings will also address any issues that have arisen, or any concerns related to fulfilling the project’s requirements. Finally, the meetings will be used to coordinate next steps.
- Meetings with key stakeholders, where necessary, to gather information on variables outside of the Township’s control (examples: School Districts, BC Transit, BC Hydro, CRD, and City of Victoria).
- Presentation of draft report by consultant to the Advisory Planning Commission – the draft report along with any modeling results and GIS mapping will be presented to the Advisory Planning Commission for their review and comments.
- Presentation of draft report by consultant to the Committee of the Whole – once the draft report has been revised based on comments from staff and the Advisory Planning Commission, it will be presented to the Committee of the Whole along with any modelling results and GIS mapping. The GIS mapping will include preliminary heat mapping showing cumulative constraints to development.
- Public open house to review preliminary findings – following the presentation to the Committee of the Whole the draft report will be revised if necessary and the consulting team will prepare a public open house to share the findings with the public. This will involve preparation of all storey boards, PowerPoint presentations, along with room bookings and coordination with the Township’s Communications Manager to ensure adequate advertising of the open house via a communications plan. The Consultant will also be responsible for providing the Township with all the presentation materials in a digital format that can be uploaded onto the Township’s website so that people who are unable to attend the public open house can view all the materials. Note that any

methodology that involves the collection of private information will trigger the requirement for a Privacy Impact Assessment.

- Presentation of final report to Council – The final report will be presented to Council including the results of any modeling and the GIS heat map analysis.

3.2.2 Reports, Modelling, and GIS Heat Mapping

The following materials are required:

- Technical Report containing the following information:
 - Sources of all data used in the assessment.
 - Explanation of all analysis methodologies used in the assessment.
 - Explanations of all models used in the assessment. Any purpose-built models for data analysis will become the property of the Township of Esquimalt at the end of the project so they must be compatible with the Township's computer systems.
 - Data management system that explains where all the data originated from, how it has been analyzed, and where it is going to be stored once the study is finished.
- Draft Report containing the following information:
 - Preliminary identification of both temporal and spatial thresholds and indicators for each variable.
 - Preliminary results of initial data collection and analysis including identification of any data gaps. Which variables are likely to contribute the most to the Township's capacity to absorb more development and are there any spatial patterns that may impact future development.
 - Identification of any critical issues such as the inability to gain access to required data.
 - Are there any emerging trends that may impact the degree to which the variables may impact future development.
 - Are there any variables that were not included in the initial assessment that should be included.
 - If any modelling was done, an explanation of the model and the results of the model.
 - Initial results of GIS analysis including any heat mapping completed.
 - There should be a GIS map layer for each variable that has spatial constraints.
 - A GIS heat map layer showing the cumulative impact of the spatial (and temporal) extent of each variable that could limit development capacity.

- Final Report containing the following information:
 - Results of the detailed analysis of each variable and accompanying narrative explain how it impacts Esquimalt's future development capacity both temporally and spatially. This analysis will identify which variables are most likely to limit development capacity and which have limited impact of development capacity. This will involve the identification of thresholds and indicators for each variable.
 - Identification of any limitations to the use of the results due to data quality, data quantity, type of analysis used, uncertainty related to future trends, etc.
 - Copies of any GIS layers used to analyze data collected.
 - Copy of the heat map(s) showing the cumulative spatial distribution of variables and how they may impact future development capacity.
 - Economic analysis of the costs associated with overcoming development capacity constraints for each variable.
 - A proposed action plan outlining various options that the Council could take and the associated costs of the action to increase development capacity if Council was so inclined. The action plan will also forecast the population of Esquimalt associated with each action.
 - A recommendation whether or not to implement Development Cost Charges or Amenity Cost Charges or both.

4. PROPOSED SCHEDULING

This is the Township's preferred scheduling. Proponents are suggested to align their submissions as closely as possible to the schedule below. Full marks in the Schedule scoring will be provided if the proposed schedule is met. Marks will be reduced if the proponent's schedule is beyond the preferred. The Township encourages proponents that feel the timeline is unattainable to request a new completion date as a written question while the RFP is open for questions.

- RFP issued on July 23, 2025.
- RFP closes on August 29, 2025, at 2:00 P.M. local time.
- Notice of award on Week of September 15 to 19, 2025.
- January/February 2026 – Presentation of initial findings to the Advisory Planning Commission and the Design Review Committee.
- March/April 2026 – Present draft findings to the Committee of the Whole including GIS analysis.
- May 2026, Presentation of results at public open house (informing level of consultation).
- June/July 2026 – Present final report to Council.

5. PROPOSAL ENQUIRIES

All enquiries should be written and directed to:

Bill Brown, MCIP
Director of Development Services
Email: bill.brown@esquimalt.ca
Telephone: 250-414-7146

Inquiries can be made up to 2:00 p.m. local time on August 22, 2025

6. PROPOSAL REQUIREMENTS

Proposals will be clearly laid out to address the items listed below:

- **Title page:**
 - Reference the RFP number and title, the firm's address, the name and number of the contact person and the date of the Proposal.
- **Table of Contents**
- **Section 1 – Understanding and Methodology:**
 - The Proponent will outline their understanding of the scope of work and how they will deliver this work, including the following:
 - Clear understanding of the objectives and expected deliverables.
 - Proposed methodology for each phase of the deliverables
 - Preference will be given for Proponents that demonstrate an understanding of the Township's specific challenges.
 - Innovation and value-added services will be considered an asset.
- **Section 2 – Schedule:**
 - Provide a schedule that shows completion of the work based on the work plan and methodology provided.
 - Preference will be given to Proponents that meet the Township's proposed timeline described above.
- **Section 3 – Key Staff Qualifications and Roles:**
 - The Proponent shall provide information on key individuals that will be undertaking this Work and their capacity to complete this Work. This information should highlight how the various individuals will be involved in the Project and their relevant experience. Preference will be given for individuals with directly related experience.

- Capacity of key staff and level of involvement of specialists and experts will be a consideration during scoring.
 - If a sub-consultant/contract is to be utilized, this information should also be supplied.
 - The consultant shall also provide a brief corporate profile, covering the company's history, office location(s,) the corporate operating philosophy, etc.
- **Section 4 – References:**
- Provide a minimum of 3, maximum of 5 selected projects. Preference will be given to Proponents that demonstrate past projects that are like this project and demonstrate the Proponent's suitability.
 - Each reference shall contain the following:
 - Name of the contact person.
 - Position of contact person held in the previous project.
 - Phone number and email address.
 - Project name/description/cost of project
 - Name and role of relevant key staff listed in Section 3
- **Section 5 – Fee Proposal:**
- Provide a fee proposal for the required scope of work that is broken down by deliverable, including rates for the personnel identified in Section 3, a breakdown of hours, and information on all additional rates such as office charge, administration, disbursements, travel (etc.).
- **Section 6 – Insurance:**
- Provide information that details the Proponent's ability to secure insurance that meet the requirements of the request for proposal.

7. EVALUATION CRITERIA

The following criteria outlined below will be utilized in the evaluation of the Proposals.

Criterion	Weighting
Fee Proposal	30%
Key Staff Qualifications and Roles	25%
Understanding and Methodology	20%
Innovation	10%
References	10%
Project Schedule	5%

8. AVAILABLE INFORMATION

The following information is available to the Proponent:

Resource	Available at
• Data from the Township's Geographic Information System	Contact Township of Esquimalt Development Services Department
Designing Density Report	Designing Density Report Final to Township of Esquimalt Dec 2019.pdf
• Tree Canopy Coverage data	Contact Township of Esquimalt Development Services Department
• Capital Regional District Extreme Heat Information.	https://heat.prepareyourself.ca/
• Origin/Destinations Study (CRD)	https://www.crd.bc.ca/docs/default-source/regional-planning-pdf/transportation/crd-2022-origin-destination-household-travel-survey-report.pdf?sfvrsn=5aec13ce_1
• Biennial traffic counts	Contact Township of Esquimalt Engineering Department
• Official Community Plan	Esquimalt OCP 2020-01-09.pdf
• Zoning Bylaw	CORPORATION OF THE TOWNSHIP OF ESQUIMALT
• Sanitary Sewer Asset Management Plan	Contact Township of Esquimalt Engineering Department
• Financial Plan	financial-plan-by-law-2025-no-3159-schedulespdf
• Active Transportation Network Plan	Esquimalt ATNP Final Plan Feb28-22-Rev 4.pdf
New Public Safety Building Design and Program	Contact Fire Chief

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• Housing Needs Report with 2024 Update	2020-crd-housing-needs-assessment-2024-updated
• Trends in bus use (BC Transit)	Contact BC Transit

9. GENERAL INSTRUCTIONS FOR THE PROPONENTS INCLUDING CLOSING DATE, TIME, AND DELIVERY REQUIREMENTS

The following instructions, terms and conditions apply to all Proposals related to this Request for Proposal.

- 9.1 The Corporation of the Township of Esquimalt expressly reserves rights to the following:
- 9.1.1 To accept any Proposal.
 - 9.1.2 To reject any and/or all irregularities in the Proposal submitted.
 - 9.1.3 To reject any and/or all Proposals.
 - 9.1.4 To accept a Proposal that is not the lowest cost.
 - 9.1.5 To make decisions with due regard to quality of service and experience, compliance with requirements and any other such factors as may be necessary in the circumstances.
 - 9.1.6 To work with any Participant whose Proposal, in the opinion of the Management, is in the best interest of The Township.
 - 9.1.7 To cancel or re-issue the RFP.
- 9.2 Four (4) hard copies of the proposal and one (1) digital version on a USB memory stick, signed by a person authorized to legally bind the proponent to the statements made in the response to this RFP shall be enclosed in a sealed envelope clearly marked with, RFP DS No. 2025 – 01 Development Capacity Study”, addressed to the Director of Development Services and delivered to the Township of Esquimalt, third floor – Development Services, 1229 Esquimalt Road, Esquimalt, BC, V9A 3P1 by:

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Time: 2:00 p.m.

Date: August 29, 2025

Proposals will not be opened in public.

- 9.3 A Proposal will not be considered if it is deemed to be incomplete in any fashion or unsigned by the appropriate authority.
- 9.4 Any Proposal received after the hour and date specified will not be considered and will be returned unopened.
- 9.5 Telephoned, emailed, or faxed Proposals will not be accepted.
- 9.6 Modification of a Proposal after RFP closing date will result in the return of the Proposal.
- 9.7 Any contract that may be entered into as a result of this Proposal will be subject to the laws of the Province of British Columbia.
- 9.8 It is the responsibility of the Proponent to thoroughly examine these documents and satisfy itself as to the full requirements of this RFP.
- 9.9 While the Township has used considerable effort to ensure an accurate representation of information in this RFP, the information contained herein is supplied solely as a guideline for Proponents. The information is not guaranteed to be accurate, nor is it necessarily comprehensive or exhaustive. The Township will assume no responsibility for any oral information or suggestion(s).
- 9.10 Proponents are solely responsible for their own expenses in preparing a response and for subsequent negotiations, if any. If The Township elects to reject all responses, The Township will not be liable to any Proponent for any claims, whether for costs or damages incurred by the Proponent in preparing the response, loss of any anticipated profit in connection with any final contract, or any other matter whatsoever.
- 9.11 All documents, reports, proposal submissions, working papers or other materials submitted to The Township shall become the sole and exclusive property of The Township and as such, are subject to Freedom of Information Legislation. To request documentation confidentiality, proponents must submit a covering letter, with their proposal, detailing the specifics of their request.

- 9.12 Except as expressly and specifically permitted in these General Instructions to Proponents, no Proponent shall have any claim for any compensation of any kind whatsoever, as a result of participating in the RFP, and by submitting a proposal each Proponent shall be deemed to have agreed that it has no claim.
- 9.13 The Proponent warrants that the Proponent is not employed by The Township, nor is an immediate relative of such an employee, if the goods or services to be supplied under this Proposal are intended to be supplied to the department in which such employee works.
- 9.14 If the Proponent is a company, the Proponent warrants that none of its officers, directors, or employees with authority to bind the company is an immediate relative of employees of The Township, if the goods or services to be supplied under this proposal are intended to be supplied to the department in which such employee works.
- 9.15 In this section “Immediate Relative” means a spouse, parent, child, brother, sister, brother-in-law, or sister-in-law of a municipal employee.
- 9.16 If any director, officer, employee, agent, or other representative of a Proponent makes any representation or solicitation to any Mayor, Councillor, officer, or employee of The Township with respect to the Proposal, whether before or after the submission of the Proposal, The Township shall be entitled to reject or not accept the Proposal.
- 9.17 The key personnel named in the Proponents RFP response, shall remain in these key positions throughout the project. In the event that key personnel leave the firm, or for any unknown reason are unable to continue fulfilling their role, the Proponent must propose a suitable replacement and obtain written consent from The Township. Acceptance of the proposed replacement is at the sole discretion of The Township.
- 9.18 Any and all addendums to this RFP opportunity will be forwarded to all prospective Proponents. It is the sole responsibility of participants to ensure they have provided accurate contact information to receive all addendums prior to RFP closing.
- 9.19 Proponents responding to this competitive process agree to the terms and conditions of the Proposal opportunity as issued by The Township. Submissions shall not contain any alterations to the posted document other than entering data in the spaces provided or including attachments as necessary. Participants who alter the document as issued may be disqualified from this competition.

- 9.20 The Proponent shall indemnify and save harmless The Township and its officials, officers, employees and agents from any claim, lawsuit, liability, debt, demand, loss, or judgment (including costs, defence expense and interest) whatsoever and howsoever arising either directly or indirectly as a result of the granting of this contract or the use of The Township's property or facilities.
- 9.21 The Proponent shall waive all rights or subrogation or recourse against The Township as a result of the granting of this contract or the use of The Township's property or facilities.
- 9.22 The Proponent shall indemnify and pay The Township promptly, on demand for any loss or damage to The Township's property and facilities arising either directly or indirectly as a result of the use of the property or facilities under the terms of this contract.
- 9.23 The successful proponent must possess an inter-municipal or non-resident business licence and will be required to provide evidence of same.
- 9.24 The Proponent must be registered and remain in good standing, throughout the terms of this contract with WorkSafeBC and will be required to provide evidence of same.
- 9.25 INSURANCE
- 9.25.1 The Proponent shall, at their own expense, provide and maintain until the completion of the Project the following insurance in a form acceptable to The Township with an insurer licensed in British Columbia:
- 9.25.1.2 Comprehensive General Liability Insurance \$2,000,000.00
- 9.25.1.3 Professional Liability \$1,000,000.00
- 9.25.2 The Proponent shall provide and maintain Comprehensive General Liability Insurance with a minimum limit of \$2,000,000 and Professional Liability with a minimum limit of \$1,000,000 inclusive per occurrence, for bodily injury, death, and property damage. Such policy shall include:
- 9.25.2.1 The Township and its officers, employees, officials, agents, representatives, and volunteers as Additional Insured
- 9.25.2.2 Cross liability and a waiver of subrogation or recourse against The Township

- 9.25.2.3 Thirty (30) days prior written notice of cancellation or reduction in coverage in favour of The Township, to be delivered by registered mail to the attention of the Risk Manager at the address of Municipal Hall.
- 9.25.3 The Proponent shall be responsible for any deductibles or reimbursement clauses within the policy.
- 9.25.4 The Proponent shall provide The Township with a Certificate of Insurance prior to the commencement of the Proponent programs and within two weeks of the expiry date of the policy to evidence renewal of the policy and continuous coverage.
- 9.25.5 The Township shall be under no obligation to verify that the coverage outlined in Clause 9.25.2 is adequate for the needs of the Proponent.
- 9.26 The successful Proponent will enter into a contract in the format as in the attached in Appendix A, including all conditions included in the RFP.
- 9.27 All Proposals shall be irrevocable to remain open for acceptance for at least (60) sixty days after closing time, whether or not another Proposal has been accepted.

10. BEST OFFER

- 10.1 The Township will notify the successful Proponent that its Proposal has been selected as the Best Offer.