REQUEST FOR PROPOSALS

RFP-MCC-2432

Municipal Planning Strategy and Land Use Bylaw Review

Municipality of the County of Cumberland

Upper Nappan Service Center

1395 Blair Lake Rd, Upper Nappan, NS B4H 3Y4

January 28, 2025

CLOSING: February 26, 2025 @ 2:00pm AST

Table of Contents

1.0 BACKGROUND **1**
1.1 CUMBERLAND COUNTY TODAY 1
1.1.1 Geographic Context 1
1.1.2 Environmental Context 2
1.1.3 Demographic Context 2
1.1.4 Indigenous Context 2
1.1.5 European Settlement 2
1.2 KEY AREAS OF FOCUS FOR THE REVIEW 3
1.2.1 Coastal Erosion 3
1.2.2 Density 3
1.2.3 Zoning 3
1.2.4 Renewable Resources/ Resource Extraction 4
1.3 GUIDING PRINCIPLES 4
2.0 WORK DESCRIPTION **5**
2.1 SCOPE OF WORK 5
2.2 PUBLIC ENGAGEMENT 6
2.3 AVAILABLE RESOURCES 7
2.4 DELIVERABLES 7
3.0 Proposal Contents **7**
3.1 WORK PLAN 7
3.1.1 Proposed Schedule 7
3.2 RFP PROPOSAL REQUIREMENTS 9
3.3 EVALUTION CRITERIA 9
3.4 FURTHER INFORMATION 11
4.0 Proposal SUBMISSION **11**
4.1 SUBMISSION OF PROPOSALS 11
4.2 CLOSING DATE AND TIME 12
4.3 AGREEMENT AND CONTRACT 13
4.4 OTHER TERMS AND CONDITIONS 13
4.5 DISPUTE RESOLUTION 14

5.0 GENERAL CONDITIONS **14**

5.1 SCHEDULE AND COSTS 14

5.2 PERSONNEL 14

5.3 SUB-CONSULTANTS 15

5.4 CONFIDENTIALITY 15

5.5 OWNERSHIP OF INFORMATION 15

5.6 SUCCESSFUL CONSULTANTS' RESPOSIBILITY 15

5.7 INSURANCE 15

5.8 REGULATIONS 16

5.9 PAYMENTS .....

1.0 BACKGROUND

1.1 CUMBERLAND COUNTY TODAY

Home to scenic views and unexpected indulgences, the Cumberland Region of Nova Scotia is home to three distinct sub-regions—Fundy Tides, Wentworth Valley, and Northumberland Shores—each offering unique and rewarding experiences at every turn. Explore some of our featured destinations.

Located in northwestern Nova Scotia, bordering with New Brunswick and a short drive to Prince Edward Island, Cumberland County is ideally situated on Atlantic Canada's major transportation corridor, the Trans-Canada Highway, and the Canadian National Railway that connects the Port of Halifax and the rest of Canada and markets throughout North America.

Within the Municipality of Cumberland there are approximately 20,000 residents, including the urban nodes of Parrsboro and Springhill and the villages of Pugwash and River Hebert.

Along the Northumberland Shore are beaches featuring some of the warmest waters north of the Carolinas, while the Fundy Shore is home to spectacular vistas and major attractions including the UNESCO World Heritage Site at the Joggins Fossil Cliffs, the Fundy Geological Museum in Parrsboro, scenic Cape d'Or near Advocate and the Cliffs of Fundy UNESCO Geopark.

There's also the scenic uplands of the Cobequid Highlands around Wentworth and the former town of Springhill, home to the Anne Murray Centre and the informative Springhill Miners Museum that honours the community's mining past and the high price paid by men who went underground to mine coal.

1.1.1 Geographic Context

Cumberland County is the second largest county geographically in the province. Cumberland has an incredibly diverse geography and includes five of the seven "ecodistricts" of Nova Scotia;

1. Northumberland Lowlands
2. Cumberland Hills
3. Cumberland Marshes
4. Cobequid Hills
5. Chignecto Ridges

In recent years, Cumberland County has been identified as an ideal area for resource extraction and the development of clean energy projects. Previously, Cumberland boasted

3 large scale wind farms. Now, Cumberland is receiving more applications than ever for clean energy projects.

1.1.2 Environmental Challenges

Cumberland has over 850 km of coastline which experiences varying degrees of impact to infrastructure due to sea level rise and storm surges. Cumberland County also has many floodplains and watercourses, which have experienced both natural flooding and flooding potentially due to climate change. The Municipality of Cumberland County has completed environmental studies in the past and is currently a stakeholder in many larger coastal impacts studies but does not have any strategic plans for addressing environmental issues in Cumberland.

1.1.3 Demographic Context

Historically, Cumberland has been a Municipality that has experienced generational population decline. With an aging population and low in-migration, Cumberland, like much of Nova Scotia, has experienced many population challenges in the past. In a 2021 census data showed that 28% of the population of Cumberland was aged 65+, which is the most prevalent age division in the county. However, in more recent years the County has seen growth in population, going from having a housing surplus to a housing deficit. Within the Municipality of Cumberland there are approximately 20,000 residents, including the urban nodes of Parrsboro and Springhill and the villages of Pugwash and River Hebert. Due to population influx, there is a growing interest among residents regarding secondary suites and developers are opting to build higher density dwelling options in the urban centers of Cumberland.

1.1.4 Indigenous Context

Cumberland County is in the district of Siknikt, a part Mi ‘maki of the traditional and unceded territory of the Mi’kmaki people. Mi’kmaw cultural history plays an important role in Cumberland, with many well-known locations in Cumberland having ties to Mi’kmaw legends. For example, Partridge Island, located off Parrsboro Harbor, is an important source of the sacred gemstone amethyst. The Fundy Shoreline plays a significant part in cultural identity for our first nations people and thus this Plan must respect and ensure engagement in this respect.

1.1.5 European Settlement

In 1605, the first European settlement in Nova Scotia was established, with Cumberland not being colonized until 1672. Colonizing Acadians brought with them land reclamation techniques, specifically dyke systems, as a flooding mitigation practice that is still in place today.

1.2 KEY AREAS OF FOCUS FOR THE REVIEW.

1.2.1 Coastal Erosion

Coastal communities in Cumberland County experience varying levels of coastal flooding, however with the rise of climate change and the increase in sea levels, the impacts experienced by the community have been identified as an area of focus. As many residents have converted their seasonal cottages into year-round, permanent homes, the increase in the intensity of storms and coastal erosion not only poses a risk to coastal properties but to the safety of residents themselves. The Municipality is awaiting detailed coastal mapping from the province. We anticipate having this information available by summer 2025. This data will be available to the successful consultant.

1.2.2 Density

Like many municipalities, Cumberland is experiencing a deficit in affordable housing. Cumberland needs zoning that can reflect and accommodate the modern housing needs of the County. There has been a growing interest in higher density developments, however densification efforts must work to create a balance between housing needs and neighbourhood character. A focus on housing density should be directed to areas with central services. Environmental conservation in the County should also be considered in this respect.

1.2.3 Zoning

Land in Cumberland County in some circumstances was zoned based on the geological features of a parcel, resulting in some lots being inaccurately zoned. For example, any parcels that contained class 2 or class 3 soils, were designated as Resource and zoned as Agriculture (AG), regardless of the lot's ability support agricultural activities or the surrounding context. For land use controls to be effective, we need to ensure that zoning can accurately reflect the existing and potential future land uses. Although the proposed zoning review should encompass all zones under all designations, there should be a larger focus placed on the zones within the Resource Designation. The successful consultant should be prepared to conduct extensive land use inventory.

During the zoning review, zoning requirements should also be reviewed to ensure requirements such as setbacks and lot sizes reflect modern construction practices and innovative settlement patterns.

1.2.4 Renewable Resources/ Resource Extraction

Cumberland County has been identified as an ideal location for renewable energy. Within the past few years, Cumberland has seen an exponential increase in applications for wind farm developments. Cumberland needs detailed regulations surrounding wind farm and solar farm development, especially on a commercial scale. Additionally, Cumberland requires policy to be established regarding the protection of Marshland, to ensure administration of the Land Use Bylaw aligns with *the Provincial Agricultural Marshland Conservation Act (2000)*.

1.3 GUIDING PRINCIPLES:

The guiding principles speak to how this project shall be approached and carried out. Council, Staff, and others involved in this project are expected to base our actions on these principles.

- The plan review **will build upon current planning documents** and recent studies. Policies and approaches that are working or seem appropriate will be retained or implemented.
- **Respectful and inclusive engagement with community members.** We strive to create a safe environment for stakeholders to engage in productive dialogue and to create solutions for the complex issues associated with living and developing in Cumberland.
- **Iterative-** Policies will be revamped and revised based on on-going feedback and communication with stakeholders.
- **Sustainable –** Our commitment to being economically and environmentally sustainable, following the four pillars of sustainability, as per the existing MPS.
- This plan shall be **practical and manageable** for the Municipality of Cumberland County and the people and businesses who want to live, work, and operate here. It is critical that approvals are streamlined as much as possible. Policies should be **written in plain language** to ensure a clear and consistent understanding of the bylaw by people of varying backgrounds and knowledge bases.
- **Shared leadership** in the development of this plan.

2.0 WORK DESCRIPTION

2.1 SCOPE OF WORK

The Municipality of Cumberland County is seeking proposals to complete a comprehensive review and update the Municipality Planning Strategy and the Land Use Bylaw. All work perform under this project should align with the Statements of Provincial Interest.

- Develop a comprehensive public consultation process and communications strategy for the project to ensure meaningful feedback from residents, business owners, and seasonal residents (to be approved by Municipal Planner).
- Utilize the PlanCumberland brand as a public communication and education tool.
- Review and update the existing Municipal Planning Strategy and Land Use Bylaw for the Municipality of Cumberland County.
- Ensure the MPS is consistent with other policy related to the future wellbeing of the Municipality and conforms with provincial legislation, regulation, and plans.
- Review the future residential, commercial, industrial, resource, and institutional needs and revise the Municipal Planning Strategy, the Land Use Bylaw, and mapping accordingly.
- Identify policies to assist in linking growth in development of all uses to the provision of necessary infrastructure to responsibly accommodate growth with regards to sustainability.
- Integrate and improve the current policies relating to environmental challenges including adaptation to projected impacts of climate change. More specifically, policies must address the following issues at a minimum.
    - Rising sea level and increase in storm surges along Northumberland Strait
    - Rising sea level and potential flooding of the Chignecto Isthmus
    - Potential storm surge damage along the Bay of Fundy
    - Inland flooding
    - Water quality
    - Working with the Municipal Planner and Municipal Staff, to explore and develop strategies to address key theme areas such as;
        - Affordable housing
        - Healthy living
        - Economic development
        - Environmental and coastal protection
        - Agriculture
        - Aging population

    - Retention of young families
    - Water Quality
    - Historic property preservation
- Prepare a update and revised Municipal Planning Strategy and Land Use Bylaw and provide all necessary documentation required by the Municipality for approval and enactment of the new policies. This includes presentation of policies to council and the public, and all revisions necessary for ministerial approval.
- Prepare infographics and brochures to disseminate to the public, following the adoption of the new planning documents, explaining the changes made to the MPS and LUB and how these changes impact residents.
- Review current subdivision bylaws and related policies and make recommendations for updating them to complement the updated Municipal Planning Strategy and Land Use Bylaw.
- Periodic presentations to Council and Municipal Staff at public meetings on findings and work completed.

All work is to be complete May 2026 or earlier if possible.

2.2 PUBLIC ENGAGEMENT:

Engaging the public is essential to the plan review process. Engagement is expected to be accessible and inclusive. To ensure the accessibility of public information sessions, it is expected that the successful proponent conducts a minimum of 1 session in each of the following communities:

- Pugwash/ Gulf Shore
- Parrsboro/Fundy Shore
- Nappan/Fort Laurence/ area surrounding Amherst
- Advocate/ Fundy Shore
- Southampton / Maccan / Mapleton
- Tidnish/ Amherst Shore/ North Port
- River Hebert/ Joggins
- Westchester/Wentworth/ Collingwood
- Springhill
- Little River, area surrounding Oxford
- Shinimicas/ Linden/ Port Howe
- Wallace/ Fox Harbour/ Malagash
- One additional flexible session

** Proponent should provide cost estimate for any additional community engagement sessions.

2.3 AVAILABLE RESOURCES

- All relevant GIS files
- PlanCumberland Brand Kit
- Internal Feedback Report denoting the problem sections of the Municipal Planning Strategy and the Land Use Bylaw, identified by Municipal Staff
- Use and support of the Municipal Website
- Use and support of the PlanCumberland Website (may transition to MCC website only)
- All available background studies and reports

2.4 DELIVERABLES

1. A comprehensive public consultation process and communication strategy for the project, in cooperation with Municipal Staff.
2. A revised and consolidated Municipal Planning Strategy (MPS)
3. A revised and consolidated Land Use Bylaw (LUB)
4. Recommendations for revising the Subdivision Bylaw and all related policies.
5. Public presentation of drafts to Council and all revisions necessary for adoption and ministerial approval.
6. All reports and documents including the LUB, MPS, and recommendations for amendments to the Subdivision Bylaw are to be provided in both Word and PDF formats and should incorporate accessible reading tools and measures.
7. All maps and datasets collected are to be provided in ArcGIS compatible formats,
8. All graphics developed as part of this project shall be provided in an appropriate format suitable to municipal staff.

3.0 PROPOSAL CONTENTS

3.1 WORK PLAN

This workplan serves as a starting point, the successful proponent may alter or add to this plan to ensure the best possible product and adequate public engagement can be conducted. In particular, the successful proponent must pay special attention to engagement tools and processes for the “complicated issues” where residents will have diverse and passionate viewpoints. The successful proponent must be adept in identifying and dealing with these issues so that the process does not create additional and unnecessary community conflicts or delays.

We also encourage the successful proponent to use a variety of engagement platforms, including on-line consultation tools. The Municipality of Cumberland County has a dedicated planning website titled PlanCumberland.ca, that was developed for the previous plan review in 2018. This website should be utilized for public engagement and information sharing as much as possible during this project. Proposals that do not provide consultation and engagement strategies with a clear focus will be scored appropriately. It is important that the successful proponent justifies and explains how the engagement tools used will further the community understanding and buy-in.

The approach must also consider the established timeline and must demonstrate how time will be allocated to each proposed phase of the review. The draft MPS and LUB, and the recommended changes to the subdivision bylaw must be submitted for review before October 31st, 2025.

3.1.1 Proposed Schedule

a. Project Initiation (March 2025 – April 2025)
    i. Contracted Awarded
    ii. Setting up a Plan Review page on PlanCumberland.ca or MCC Website

b. Background Review (April 2025- May 2025)
    i. Review Community Profiles and Stats
    ii. Review studies and reports.
    iii. Summary report of initial key issues and possible resolutions
    iv. Identification of Gaps

c. Citizen Engagement (May 2025 - March 2026)
    i. Community Engagement
    ii. Identification of “complicated issues” for more in depth consultation
    iii. “Complicated issues” may require additional engagement sessions to resolve.
    iv. Additional engagement opportunities designated for seasonal residents.

d. Council Engagement (May 2025 – September 2025)
    v. Explaining the planning process and project to Council

vi. Confirming overarching goals
vii. Confirm timelines.

d. Policy Development/ Drafting and Review (August 2025 - December 2025)
   i. In conjunction with Municipal Staff, the successful proponent drafts MPS and LUB recommendations
   ii. In conjunction with Municipal Staff, the successful proponent identifies and recommends policies and the subdivision recommendations required to ensure no conflicting policy.
   iii. Presentation to Council
   iv. Take the draft out to the community for further refinement and consultation.

e. Final Presentation & Approvals (January 2026 – April 2026)
   i. Share community input with the Council.
   ii. Make Final Revisions
   iii. Present MPS and LUB to Council for first and second readings
   iv. Present MPS and LUB to public during public hearing.
   v. Provide recommendations on changes to subdivision bylaw to the Municipal Planner

3.2 RFP PROPOSAL REQUIREMENTS

All proposals submitted should include, as a minimum, the following;

- A summary of the proponent's knowledge and experience with Municipal Planning and Plan Reviews
- A workplan, outlining the Scope of work proposed and a planned project approach, identifying key tasks, steps and methodologies.
- A Gantt (or similar) chart showing the project timeline, building on the proposed schedule above. Please include a minimum of one (1) week for each client review and acceptance where the time schedules requires.
- A SWOT analysis identifying any perceived challenges and risks this project may present and how the Consultant/Consulting Organization intends to mitigate and/or minimize those challenges and risks through their workplan.
- A communication and engagement strategy for the project
- The names, background, and knowledge of the successful proponent including who will be involved in the project, project team structure and Project Manager.

- The fees and expenses associated with the proposal in a separate envelop labelled "fee structure" This must include a detailed breakdown of roles, tasks, hours allocated and hourly rate of each team member and a lump sum fee for any additional public meetings and presentations required by Municipal Staff

The project team is expected to be enthusiastic and talented. Your previous work experience should demonstrate your innovation and knowledge of rural municipalities and small towns, design principles, environmental planning, creativity, and a solid understanding of municipal land use planning. Your submission should also show experience and knowledge of conflict resolution, facilitation, and community engagement techniques. The team must also demonstrate experience and knowledge in developing architectural controls and guidelines. The proposed team shall not change without prior written approval of the Municipal Planner.

3.3 EVALUATION CRITERIA

Responses to this "Request for Proposals" will be reviewed by a selection committee of senior staff who will report their findings to Council. All proposals must comply with all requirements outlined in this document and all submissions will be evaluated and ranked against the following criteria and associated weights:

Workplan	30%
Timeline	15%
Project Team Experience	15%
Project understanding and innovation	20%
Value for Money	20%
Total	**100%**

30% Workplan

- Approach and scope of services provided
- Demonstrated understanding of the project.
- Management of project and suitability of the proposed workplan, including work program components and a contribution matrix of all personnel, showing anticipated hours of involvement and individual rates to be included in the "fee structure" envelope;

15% Timeline

- Details, scope and pace of the proposed timeline, utilizing Gantt Charts as a visual representation of the time schedule,
- Ability to meet project timelines.

15% Project Team Experience

- Team composition and experience of the proponent and key team members with similar projects and the range of specified services;
- Relevant Council and Community Engagement experience in projects with similar scope and complexity;
- Proposed organizational structure and coordination of the individual team members including reporting relationships, identification of lead members, and communication;
- Availability of back-up personnel and/or provision to access specialized skills;
- Results of reference checks for previous projects.

20% Project Understanding and Innovation

- Consultants ability to identify and mitigate risks associated with the project.
- Demonstrated understanding of the project and the work required of the Consultants.
- Compliance with Work Description outlined in Section XX.
- Creative and achievable solutions
- Quality and Completeness of proposal

20% Value for Money

- Value for Money will be calculated through the following formula;
    - Price Score = **LPP / TP x PW**

      Where:
      LTP = Lowest Proposal Price of all Proponents/Bidders
      TP = Proponent's Price
      PW = Price Weighting (20 %)

3.4 FURTHER INFORMATION

All questions and inquiries related to this RFP must be directed **by email not later than 2:00 pm Atlantic Standard time February 17, 2025** to:

Shelby Hum, Procurement
Municipality of Cumberland
shelbyhum@cumberlandcounty.ns.ca

The Municipality reserves the right to share the nature of any such questions or inquiries, and any responses provided, in the form of Addenda.

Addenda will be issued if, in the opinion of the Municipality, they are warranted.

4.0 Proposal Submission

4.1 SUBMISSION OF PROPOSALS

Proposals marked "Municipal Planning Strategy and Land Use By-Law Review" will be received up until **2:00 pm Atlantic Standard Time, February 26, 2025 (the Submission Deadline)** and must be addressed **either to:**

Shelby Hum, Procurement
Upper Nappan Service Centre
Municipality of Cumberland
1395 Blair Lake Road, Upper Nappan, NS B4H 3Y4

Or to:

Shelby Hum, Procurement
Municipality of Cumberland
procurement@cumberlandcounty.ns.ca

Proponents choosing to submit their Proposal physically to the Upper Nappan Service Centre must submit 3 paper copies and 1 digital PDF copy. The digital copy must be submitted on an appropriately labeled USB drive.

Proponents choosing to submit their Proposal to the email address above must send it as a single digital PDF attachment. Proponents submitting their Proposal by email must

request confirmation that the email and attachment have been received, and until such confirmation is provided, must assume their Proposal has not been received. The Municipality's email system does not accept emails larger than twenty megabytes (20 MB).

Proposals received after the Submission Deadline and incomplete Proposals may not be accepted, at the sole discretion of the Municipality. The Municipality reserves the right to reject any or all proposals. The Municipality reserves the right to accept a proposal that is not the lowest price or to accept any proposal which it may consider to be in its best interests. The Municipality reserves the right to waive formality, informality, or technicality with the acceptance of proposals for this work. Any proposal not supported by the information requested in this RFP may be rejected. The Municipality reserves the right to negotiate with any Proponent who has submitted a proposal as deemed in the best interest of the Municipality. The Consultant whose proposal is accepted by the Municipality is hereafter referred to as the "Successful Consultant".

The opening of the Proposals will not be public. The successful Proponent will be advised following acceptance by Municipal Council.

4.2 CLOSING DATE AND TIME:

Proposals must be received no later than **February 26, 2025, by 2:00pm AST**. Late proposals will not be accepted and will be returned unopened. Proposals submitted must be duly signed by an authorized person. The Municipality will proceed with public openings, but the contents of each proposal will remain undisclosed. Proponents will be advised of the results after the contract has been awarded.

It is anticipated the successful proponent will be selected within 30 days of closing and notice shall be sent to all other proponents that their proposals have not been selected.

4.3 AGREEMENT AND CONTRACT

The terms and conditions of the proposal submitted by the proponent are to remain firm and irrevocable from the RFP closing date, for a period of sixty (60) days. Upon acceptance of a Proposal, the Municipality requires that a written contract be entered into with the Successful Consultant. The accepted Proposal and this Request for Proposals will be included in that contract and the Request for Proposals will take precedence over the Proposal unless the contrary is explicitly stated in the Proposal. Proponents may include their preferred contract format as part of their Proposal.

The Municipality wishes to firmly establish the total cost of the consulting work prior to entering into the Contract. The Municipality requires that Proposals include a detailed estimate of the total cost including all fees, expenses, and disbursements. Actual costs that exceed the estimated total cost without prior written approval of the Municipality will not be paid.

4.4 OTHER TERMS AND CONDITIONS

Proponents must be prepared to include in the contract of services any oral or written representations, undertakings, or guarantees that are made prior to the final agreement, including the entire response to this RFP or parts thereof.

Proposals not submitted in permanent, unalterable ink will be rejected. The County of Cumberland shall pay no fee to any firm for the preparation or delivery of its Proposal in response to the Municipality's Request for Proposal. The Municipality will not be responsible for any costs, expenses, losses, damages, or liability incurred by the proponent as a result of or arising out of the submission of any proposal or due to the Municipality not accepting or rejecting the proposal.

In any case of disputes over the completeness, accuracy and/or interpretation of this RFP, the versions of such documents held by the Municipality will be considered correct. Information, offers, commitments or instruction obtained by any source other than the Municipality will not be binding on the Municipality.

4.5 DISPUTE RESOLUTION

If a dispute arises out of, or in connection with this RFP, or subsequent Contract, the parties agree to meet to purse negotiation or other dispute resolution process before resorting to litigation.

All information exchanged during this meeting, or any subsequent dispute resolution process shall be regarded as "without prejudice" communications for the purpose of settlement negotiations and shall be treated as confidential by the parties and their representatives, unless otherwise required by the law. However, evidence that is independently admissible or discoverable shall not be rendered inadmissible or non-discoverable by virtue of its use during the dispute resolution process.

5.0 GENERAL CONDITIONS

5.1 SCHEDULE AND COSTS

The Successful Consultant shall contact a designated employee of the Municipality weekly to provide an update on the progress of the work. A copy of the updated Contract Schedule indicating progress to date shall be produced for the Municipality monthly or more frequently, if requested.

The Successful Consultant shall promptly advise the designated contact employee of any differences or expected changes from the cost and schedule included in their Proposal. No expenditures beyond the agreed amount will be permitted without prior written approval by the Municipality. If the Successful Consultant is of the opinion that tasks being requested are outside the scope of the contract, they must immediately advise the designated contact employee in writing, including an explanation of why the work is considered outside the contract and what solution or additional compensation is proposed to remedy the issue.

5.2 PERSONNEL

Proponents are advised that the Municipality expects the personnel listed in the Proposal to perform the work indicated and written permission must be obtained before changing any member of the work team. In the case of personnel being changed, the Municipality requires that the new personnel being assigned have a similar length and breadth of experience relevant to this project as the personnel being replaced and otherwise be acceptable to the Municipality.

5.3 SUB-CONSULTANTS

Proponents are advised the listed sub-consultants/sub-contractors and their work scope cannot be changed without the written permission of the Municipality. Failure to comply with this provision will be considered a breach of contract and may result in termination of the Contract.

5.4 CONFIDENTIALITY

Information provided by the Municipality is to be treated as confidential and is not to be disclosed to any third party without the written permission of the Municipality except as necessary to perform the Contract.

5.5 OWNERSHIP OF INFORMATION

Proponents are advised that all information produced during the project, including, but not limited to, models, design notes, criteria, graphs, figures, maps, specifications and drawings, is to be considered the property of the Municipality. A reproducible hard copy and an electronic copy of the final design criteria, notes, models, reports, specifications and drawings shall be turned over to the Municipality upon completion. This shall include an electronic copy of all reports in PDF format.

5.6 SUCCESSFUL CONSULTANTS' RESPONSIBILITY

The Successful Consultant shall indemnify and save harmless the Municipality, its officers and employees from and against all claims, demands, losses, damages and costs of any kind based upon injury or death of a person or damage to or loss of property arising from any willful or negligent act, omission or error on the part of the Successful Consultant or their servants in carrying out the Contract.

5.7 INSURANCE

The Successful Consultant shall, without limiting its obligations or liabilities, maintain commercial general liability insurance coverage to a minimum of $5,000,000, and professional liability (errors and omissions) insurance coverage to a minimum of $5,000,000 and shall include proof of coverage and level of coverage forthwith upon acceptance of their Proposal.

5.8 REGULATIONS

The Successful Consultant shall comply with all existing Federal, Provincial and Municipal regulations, guidelines, and standards and other authorities having jurisdiction.

5.9 PAYMENTS

Payments shall be based on invoices submitted monthly by the Successful Consultant and supported in such detail as the Municipality may request. Invoices shall indicate individual person hours; rate and extended amount; individual mileage; rate and extended amount; and expenses by category.

Payment will be made on a net thirty (30) day basis from receipt of invoice provided that the Municipality has approved work that is being billed. Incomplete or unsatisfactory work will result in reduced compensation to the Successful Consultant as deemed appropriate by the Municipality. No payment made by the Municipality under the Contract shall constitute acceptance of work or products that are not in accordance with the requirements of the Contract.