

FULL AUTHORITY MEETING
Wednesday February 17, 2016 6:30 pm
Ball's Falls Centre for Conservation – Glen Elgin
3292 Sixth Avenue; Jordan, ON

A G E N D A

6:30 pm

Public Session

- ◆ **DECLARATION OF CONFLICT OF INTEREST**
- ◆ **ADOPTION OF AGENDA**
- ◆ **BUSINESS**

- (1) A. Annual General Meeting -----Draft Minutes AGM January 20, 2016
B. Full Authority Meeting ----- Draft Minutes FA January 20, 2016
C. Committee Minutes
 - *Watershed Floodplain Committee - January 13, 2016*
- (2) Business Arising From Minutes
- (3) Correspondence
- (4) Chairman's Remarks
- (5) Chief Administrative Officer Comments
- (6) Presentation – Internet live streaming Board Meetings – WeeStream

Reports for Information

- (7) Project Status Reports:
 1. *Watershed Management* -----**Report No. 13-16**
 2. *Operations*-----**Report No. 14-16**
 3. *Corporate Services*-----**Report No. 15-16**
- (8) Binbrook Splash pad - RFP ----- **Report No. 16-16**
- (9) Forestry & Tree and Forest Conservation Bylaw----- **Report No. 17-16**
 - *2015 Annual Report (attached)*

Reports for Consideration

- (10) Greater Niagara Forest Project----- **Report No. 18-16**
- (11) Welland River West Coastal Wetland Project ----- **Report No. 19-16**
- (12) Pollinator Gardens Grant Application ----- **Report No. 20-16**
- (13) Live-Streaming Board Meetings – Capital improvements----- **Report No. 21-16**
- (14) Other Business

Closed Session

- 1. Violations Status Verbal Report**

Public Session

- ◆ Resolution(s) from closed session
 - ◆ ADJOURNMENT
-

CORRESPONDENCE

- Conservation Ontario letter to Hon. Kathleen Wynne (dated January 21, 2016)
- Conservation Ontario letter to Deputy Clerk June Gallagher (dated Jan 20, 2016)

February 17, 2016 Full Authority Meeting



January 21, 2016

Honourable Kathleen Wynne, Premier
Legislative Building
Queens Park
Toronto, ON M7A 1A1

Dear Premier Wynne,

Re: Control of Invasive Species: *Phragmites australis* in Ontario

Conservation Ontario (CO) represents Ontario's 36 Conservation Authorities (CAs), which are local watershed management agencies that deliver services and programs to protect and manage water and other natural resources in partnership with government, landowners, and other organizations. As part of our mandate to conserve the environment for today and future generations, we have an interest in collaborating to facilitate effective, efficient and environmentally responsible management of European Common Reed or invasive *Phragmites australis* (here after referred to as *Phragmites*) in Ontario.

Phragmites is a rapidly spreading grass that can reach heights of five metres or more and is considered by reputable scientists to be the most aggressive invasive species of marsh ecosystems in North America and may be Canada's worst invasive plant. *Phragmites* poses a significant threat to biodiversity, society and the economy. It forms large, dense stands that negatively impact wildlife, block shoreline views and recreational access, pose fire risks, and impede drainage in roadside and agricultural ditches. There are no natural controls for *Phragmites* and therefore, human action is required to keep this plant in check. It is estimated that control projects in Ontario range between \$865 and \$1,112 per hectare (Ontario's Biodiversity Strategy, 2012) and that land managers in the United States spend over \$4.6 million per year restoring habitats impacted by *Phragmites* (Hazelton *et al.*, 2014). Because this plant grows so rapidly once established, the longer the plant is ignored the more effort and money is required to get it under control. Due to the significant, negative impact of this plant, non-action is not an option.

Invasive *Phragmites* has become so pervasive throughout southern Ontario that a large scale, well-coordinated effort is now required to achieve any meaningful results. To date, effective, efficient and environmentally responsible control efforts have been hampered by the lack of appropriate herbicides to deal with infestations in wet areas, the lack of a coordinated plan to stop continued spread, the lack of infrastructure to enable rapid response, the lack of financial and logistical support for community groups trying to deal with local invasions and the lack of an effective public education and awareness campaign.

During this past year the Ontario Ministry of Natural Resources and Forestry (MNR) has been actively engaged in addressing the challenges stated above. Staff involved on this file are to be commended for their tireless efforts in the process of getting the much-needed herbicides available in Ontario. However, without Ontario Ministry of Environment and Climate Change (MOECC) support and commitment to obtaining the herbicides required to control *Phragmites* and allowing aerial application in specific locations, we will not be able to restore and protect these invaluable wetlands.

Further, the commitment and support of the Ontario Ministry of Transportation (MTO) is needed to address the increased presence of *Phragmites* along provincial highways. This must be dealt with in a timely fashion if we have any hope of dampening further spread into our natural areas.

We are requesting your support and assurance that all of our Provincial agencies will be supporting and working with MNR on the following initiatives:

1. Expedited and streamlined approval of herbicides to enable control over water. Legal chemical treatment options in Canada are limited to two products, Weathermax® and Vision®. Although both products are glyphosate-based, neither can be applied over water because they also contain the surfactant polyethyloxyated tallowamine (POEA) which is harmful to aquatic life. The most safe, effective and efficient control of *Phragmites* thus far has been in the United States and has been achieved using glyphosate and imazapyr-based herbicides which do not contain surfactants. With the proper permits, these products can be legally used there and be applied over water and, when used in combination, have been shown to have a control efficacy of up to 100 percent after one treatment. The ability to use these water-safe herbicides to control *Phragmites* in sensitive habitats in Canada will significantly reduce potential harm to wildlife and be far more environmentally responsible than the use of the products currently available. Having access to these products will also allow for control in wet ditches which are major spread vectors and will significantly reduce control costs and improve efficacy for numerous *Phragmites* management programs already underway. Political assistance is requested to help expedite the regulatory approval process to allow for safe products in Canadian aquatic environments by the 2016 growing season so that control efforts can begin in earnest and in a responsible fashion to protect our biodiversity, reduce control costs and reduce negative impacts.
2. Expedited and streamlined approval of aerial treatments. There is also a need, on a restricted basis, for aerial herbicide application to enable the control of *Phragmites* in large, remote, and difficult to access locations. This control option is available in the United States and has been shown to be the best option for controlling large infestations in their coastal wetlands. Without this tool, control of *Phragmites* currently expanding throughout a number of large, provincially- significant coastal wetlands will not be feasible. Political assistance is requested to expedite the regulatory approval process to allow for this control tool at specific sites.
3. Establishing a province-wide *Phragmites* control program. *Phragmites* management is achievable, but only with a well-funded, well-coordinated *Phragmites* control program that will ensure effective, efficient and environmentally responsible locally driven efforts are initiated and supported. Funding to support this program should come from and be shared by federal, provincial and municipal governments, as well as concerned citizens

120 Bayview Parkway Newmarket Ontario L3Y 3W3
Tel: (905) 895-0716 Fax: (905) 895-0751 Email: info@conservationontario.ca

and environmental protection groups. Political assistance is required to financially and logistically support this initiative.

4. Controlling Phragmites along Provincial highways. Significant stretches of highways are infested with Phragmites which contributes to the continued spread of the plant to ecological areas. Control costs will only increase as *Phragmites* rapidly expands and therefore the sooner control efforts are implemented the more cost savings will incur. While substantial work is needed in southern Ontario, early control of *Phragmites* in northern Ontario and cottage country is important as well. Political assistance is required to make *Phragmites* control an annual priority within MTO.

Availability of the required tools, along with a large-scale, well-coordinated approach to this issue will help to protect biodiversity, reduce the impact on species at risk (SAR) and reduce the impact on Ontario's economy. This invasive plant can be dealt with effectively, efficiently and in an environmentally-responsible way but needs your support to make this happen. We are keen to collaborate on an effective control strategy. Without these efforts the loss of wetland habitat, reduction in biodiversity, impact on private landowners and impact on the economy will continue to increase.

Thank you for your consideration in supporting this issue. Please contact me at (519)376-6920 or Kim Gavine (General Manager, CO) ext. 231, if you would like to discuss this matter further.

Sincerely,



Dick Hibma, Chair Conservation Ontario

Cc: Honourable Bill Mauro, Minister of Natural Resources
Honourable, Glen R. Murray, Minister of Environment and Climate Change
Honourable Steven Del Duca Minister of Transportation
Conservation Authorities of Ontario (Chairs, CAOs)



June Gallagher, Deputy Clerk
The Municipality of Clarington
40 Temperance Street
Bowmanville, Ontario, L1C 3A6

January 20, 2016

Dear Ms. Gallagher,

Please be advised, after receiving notification that the Council of the **Municipality of Clarington approved Resolution #GG-074-15**, the following recommendation was endorsed on December 7th, 2015 by Conservation Ontario Council:

***THAT* Conservation Ontario's Council supports The Municipality of Clarington's submission on the *Municipal Act* Review (Resolution #GG-074-15: "That the Township of Scugog request that the Ministry of Municipal Affairs and Housing amend Section 142 (8) of the *Municipal Act* to include the requirement for Municipal approval for site-alterations and the requirement to abide by applicable Municipal Site-Alteration Bylaws for all areas within the Municipality") subject to this amendment making a clear distinction between aspects regulated by Conservation Authorities versus those regulated by Municipalities to prevent real or perceived regulatory overlap and duplication;**

***AND FURTHER THAT* the Municipality and Province consider as an alternative, amendments to the *Municipal Act* to increase the effectiveness of existing Municipal by law tools such as noise by-laws and nuisance by-laws;**

***AND FURTHER THAT* this resolution be forwarded to the Municipality of Clarington and the Minister of Municipal Affairs and Housing, and the Minister of Natural Resources and Forestry and the Minister of the Environment and Climate Change and the Association of Municipalities of Ontario.**

Should you have any questions regarding the above comments please contact myself (ext. 231) or Bonnie Fox (Manager, Policy and Planning) at 905-895-0716 ext. 223.

Yours Truly,

Kim Gavine
General Manager

c.c.: CAOs, All Conservation Authorities
The Honourable Ted McMeekin, Minister of Municipal Affairs and Housing
The Honourable Bill Mauro, Minister of Natural Resources and Forestry
The Honourable Glen Murray, Minister of the Environment and Climate Change
Gary McNamara, President, Association of Municipalities of Ontario

REPORTS FOR INFORMATION

- ❖ **REPORT NO. 13-16** – *Project Status - Watershed Management*
- ❖ **REPORT NO. 14-16** – *Project Status - Operations*
- ❖ **REPORT NO. 15-16** – *Project Status - Corporate Services*
- ❖ **REPORT NO. 16-16** – *Binbrook Splash pad RFP*
- ❖ **REPORT NO. 17-16** – *Forestry & Tree and Forest Conservation bylaw*

February 17, 2016 Full Authority Meeting

Report To: Board of Directors

Subject: Watershed Management Status Report

Report No: 13-16

Date: February 5, 2016

RECOMMENDATION:

That Watershed Management Status Report No. XX-16 be received for information.

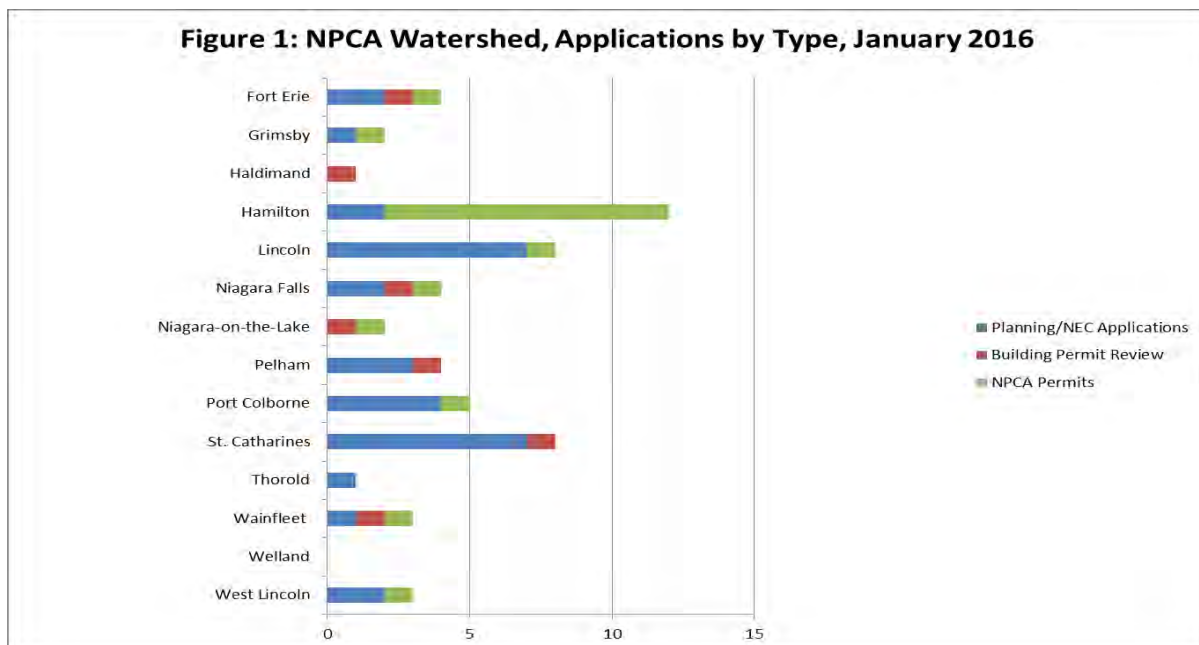
PURPOSE:

To update the Board on the Watershed Management Team's activities and achievements during January 2016.

BACKGROUND:

A. Plan Review & Regulations

Figure 1 summarizes the Plan Review and Regulations applications received in January 2016. In January there is often an increase in the number of NPCA permit applications as the City of Hamilton applies for permits for their 2016 roads and culvert work. Lincoln and St. Catharines were busy with Planning Act applications in January 2016.



1) Municipal and Development Plan Input and Review

The Watershed Management Department is responsible for reviewing *Planning Act* applications and Building Permit applications where there is a feature regulated by the NPCA. Under the Memorandum of Understanding (MOU) with Niagara Region, the NPCA reviews *Planning Act* applications with respect to the Region's Natural Environment Policies (Chapter 7 of the Regional Official Plan).

During January, 2016, the Watershed Management Department reviewed 25 *Planning Act* applications (various type and complexity), 7 Niagara Escarpment Commission Development Permit application, 7 Building Permit applications, and 12 property information requests. The lower application volume is typical for this time of the year. It is anticipated that application volume will start to increase by the end of March. Staff also responded to various inquiries from the public and local municipalities, as well as attended weekly consultation meetings with the local municipalities and conducted various site inspections. A breakdown of the application review is provided below.

Plan of Subdivision/Condominium	1
Site Plan Control	4
Official Plan Amendments	1
Secondary Plans	1
Zoning By-law Amendments	5
Consents to Sever (including lot line adjustments)	6
Minor Variances	7
Niagara Escarpment Commission Development Permits	7
Renewable Energy Projects	0
Building Permits	7
Property Information Requests	12

2) Construction Approvals

	PERMIT #	MUNICIPALITY	ADDRESS	WORKS PROPOSED/PURPOSE	REGULATED FEATURE	TOTAL DAYS	COMMENTS
1	3692	West Lincoln	811 Caistor Centre Road	New Ponds for Aquaculture	PSW Buffer	56	Complete Application not until December 10, 2015, therefore only 28 days to complete permit
2	3696	Grimsby	Aqua Blu	New Access for Development	Watercourse Alteration	51	Complete Application not until December 18, 2015, therefore only 18 days to complete permit
3	3704	Wainfleet	11847 Lakeshore Road	Concrete Patio Replacement and Cistern and Deck Install	Lake Erie Shoreline	28	

4	3709	Hamilton	427 Book Road East	New Home Construction	Lands adjacent to watercourse	17	
5	3711	Niagara Falls	Property West of 9914 Lyons Creek	New Home Construction	Lands adjacent to watercourse	2	
6	3712	NOTL	14569 Niagara River Parkway	Demolish existing home and Construct New Home	Slope Stability	15	
7	3713	Port Colborne	3153 Snider Road	Garage Addition	Lands adjacent to watercourse	9	
8	3714	Hamilton	Hall Road 300m west of Berry Rd	City of Hamilton Culvert Replacement Program	Watercourse Alteration	61	Complete Application not until January 8, 2016, therefore only 10 days to complete permit
9	3715	Hamilton	North of 4250 Westbrook Road	City of Hamilton Culvert Replacement Program	Watercourse Alteration	61	Complete Application not until January 8, 2016, therefore only 10 days to complete permit
10	3716	Hamilton	Hall Road Between Woodburn & Westbrook Road	City of Hamilton Road Ditching Program	Lands adjacent to watercourse	61	Complete Application not until January 8, 2016, therefore only 10 days to complete permit
11	3717	Hamilton	Berry Road Between Hall & Bell Road	City of Hamilton Road Ditching Program	Lands adjacent to watercourse	61	Complete Application not until January 8, 2016, therefore only 10 days to complete permit
12	3718	Hamilton	Westbrook Road Between Hall & Kirk Road	City of Hamilton Road Ditching Program	Lands adjacent to watercourse	61	Complete Application not until January 8, 2016, therefore only 10 days to complete permit
13	3719	Hamilton	Twenty Road East Between Upper James & Miles Road	City of Hamilton Road Ditching Program	Lands adjacent to watercourse	40	Complete Application not until January 8, 2016, therefore only 10 days to complete permit
14	3720	Hamilton	Kirk Road between Woodburn & Westbrook Road	City of Hamilton Road Ditching Program	Lands adjacent to watercourse	40	Complete Application not until January 8, 2016, therefore only 10 days to complete permit

15	3721	Hamilton	Seventh Road East, South of Mud Street	City of Hamilton Road Ditching Program	Lands adjacent to watercourse	40	Complete Application not until January 8, 2016, therefore only 10 days to complete permit
16	3722	Hamilton	Kirk Road 800m West of Westbrook Road	City of Hamilton Culvert Replacement Program	Watercourse Alteration	21	Complete Application not until January 19, 2016, therefore only 10 days to complete permit
17	3723	Lincoln	4245AB Academy Street	New Semi-Detached Home	Slope Stability	20	
18	3725	Fort Erie	Dominion Road East of Centralia	New Access for New Home Construction	Floodplain	8	

3) Watershed Biology

In the month of January the Watershed Ecological Technicians provided biology review for a variety of planning and regulations files, completing at least 15 site visits for planning pre-consultation or permit application review, including formal follow up with internal and external biology comments.

There has been an emphasis on information gathering and site visits for preconsultation meetings using the NPCA Property Information Tool and other resources, scoping and waiving of EIS requirements on behalf of Regional Policies, and the review of several Environmental Impact Studies.

Staff provided biology review for applications related to projects adjacent to wetlands, determining appropriate site-specific development buffers for wetlands and watercourses, existing lot of record residential developments, municipal culvert replacement programs and municipal drain maintenance projects.

The Supervisor of Watershed Biology attended several meetings for the Thundering Waters (Niagara Falls) file, as well as participating in the CityView testing, the Grand Niagara Secondary Plan (Niagara Falls), the Biodiversity Offsetting open house at Balls Falls, the Canadian Motor Speedway (Fort Erie) file, and a proposed wetland compensation project under NPCA's existing policies for non- Provincially Significant Wetlands.

4) Tree and Forest Conservation By-law – See Forest By-Law Summary Report

B. Projects / Programs

1) Source Water Protection Plan

- Ministry of Environment and Climate Change (MOECC) with met NPCA on January 21, 2016 to review the source protection program which is funded by the province. The review included a background review of the program at NPCA over the past 10 years,

as well as discussions on current issues and program budgets. This was the first of several program reviews that MOECC will be conducting across the province.

- NPCA also hosted a half-day coordination meeting between the source protection project managers from south central Ontario, and representatives from Conservation Ontario and MOECC.
- In early January, NPCA submitted a draft workplan to MOECC for the 2016-17 funding year.

2) Water Quality Monitoring Program

- Staff are currently updating databases, completing benthic identification of biological samples from 2015 and analyzing water chemistry data.
- NPCA staff have initiated surface water sampling at approximately 35 monitoring stations to assess watershed conditions in the winter season.
- Provincial Groundwater Monitoring Network (PGMN): Staff continue to visit monitoring wells for manual downloads and perform QA/QC check on groundwater level data as part of their routine data maintenance protocol.
- Staff attended the MOECC Biomonitoring Workshop and participated on MOECC Committee for Naturally Occurring Exceedances in Groundwater.
- To-date, the NPCA has received three applications under the Well Water Decommissioning Program for 2016.
- Staff have been processing data requests from other governmental agencies, consultants, and academic institutions.

3) Flood Control

a) Flood Forecasting and Warning

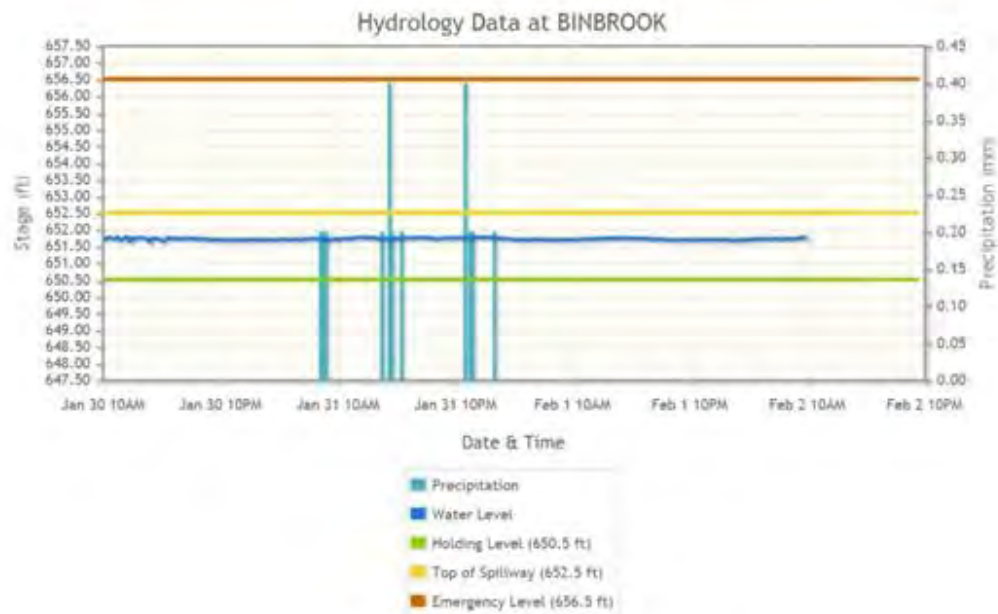
- Binbrook Reservoir – The reservoir is presently covered with ice. The water level is presently sitting approximately 1.25 feet (375mm) above normal operational holding level. In order to stabilize the ice sheet, discharge from the reservoir is minimal. Staff continue to monitor reservoir water levels on a daily basis and make adjustments as warranted.

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NIAGARA PENINSULA
CONSERVATION
AUTHORITY

Water Level & Precipitation Data



*CAUTION: All data is Provisional.

- Staff continue to monitor daily the water levels at our 14 stream gauge stations, climatic data at our 15 climate stations, and undertake routine maintenance, calibration, and inspections at all 29 installations, as part of the NPCA's routine Flood Forecasting and Warning duties. The public may access this real-time water level and rainfall information through the NPCA's website.
- In support of the Flood Forecasting and Warning program, staff are undertaking the seasonal winter snow surveys. On the 1st and 15th of each month from November to April, NPCA staff measure the snowpack (should one exist) at seven set locations throughout the watershed. These measurements are then analyzed to determine the amount of water present on the ground in the snowpack and the associated potential flood risk should the watershed experience a rapid melt. The information from the NPCA's snow surveys are also routinely sent to the Ministry of Natural Resources' 'Surface Water Monitoring Centre' in Peterborough in an effort to help keep the Province apprised of local watershed conditions.

b) Water Resource Engineering

- NPCA staff sit on the Region of Niagara's 'Building a Disaster Resilient Niagara' Steering Committee. The NPCA is also a sponsor of this event. This year's workshop took place on January 29, 2015 at the Fallsview Casino in Niagara Falls. The estimated audience of 200 people are comprised of representatives from both upper and lower tier municipalities, local police, fire, EMS and utilities staff as well as staff from federal and provincial agencies stationed in Niagara. The goal of this workshop is to identify partners and processes which can be used to help mitigate the severity of a disaster should one occur in this region.
- Staff continue to provide daily support to the Planning and Regulations program with respect to the analysis of natural hazards and the review of stormwater management engineering designs.

4) Restoration

Project Implementation – Watershed Plans

The Watershed Restoration Program is responsible for improving water quality, water quantity and biodiversity within the NPCA Watershed. The Restoration Program advances these areas through the implementation of comprehensive watershed plans. Staff are currently scheduling meetings with implementation committees and key stakeholder groups to plan collaboration opportunities for 2016.

Project Implementation – Voluntary Stewardship

The Restoration Program advances water quality and biodiversity improvement as recommended in NPCA priority watershed plans, through a cost-share incentive program. The program provides local landowners financial incentives to implement voluntary improvement projects on their properties.

Staff are currently implementing winter construction projects utilizing flexible contractor schedules and pricing for this time of year. Staff are working with our 2016 project partners, finalizing project designs, stewardship plans, quotations and implementation schedules. To date we have approximately 65 stewardship projects ready for implementation.

Niagara River Remedial Action Plan

- Under the new Canada-Ontario Agreement (COA), completing actions that will lead to delisting the Niagara River (Ontario) Area of Concern is a priority. To that end, Environment Canada renewed our 5-year agreement with the NPCA in 2015 for RAP Coordination and Project Management.
- The Ministry of the Environment & Climate Change (MOECC) is preparing a new Grant Funding Agreement with the NPCA for 2016/2017 for continued RAP Coordination and Project Management services. The agreement will include provisions to develop and implement a RAP Outreach and Community Engagement Strategy including continuing the work on the stand-alone RAP website.
- The Niagara River Ontario and New York RAP agencies have committed to work closely by sharing project information and seeking opportunities for cross border collaboration on joint RAP issues, as well as initiatives through the Niagara River Toxics Management Plan (NRTMP). A public meeting for the NRTMP is a goal for 2016.

Ramsar Designation

Next Steps for Designation:

To date, endorsement has been received by Ontario Power Generation, the Niagara Peninsula Conservation Authority, the City of Niagara Falls, and the Town of Fort Erie. The Agriculture Committee of NOTL met on February 3rd and they did not endorse the Ramsar designation. Town of Niagara-on-the-Lake staff will be taking a report to Council on February 29th.

If endorsements are obtained from the local governments, proof of engagement / support must be obtained for the proposed designation from each agency that has an interest in the River. These agencies / stakeholders would include aboriginal communities, local conservation clubs, businesses, etc.

5) Special Projects

- Staff provided comments on planning applications for Niagara Region and local municipalities under the Planning Memorandum of Understanding and, a proposed quarry expansion in the City of Hamilton under NPCA wetland policy.
- Staff assisted Operations with the (i) Ball's Falls Sewage System, (ii) the Cave Springs Water Resource investigation, and (iii) assessment of groundwater discharge at the St. John's Conservation Area.
- Staff continued the Bedrock Aquifer Study, tasks including: (i) Niagara WaterSmart end of year grant funding report, (ii) 2016 work planning with the Ontario Geological Survey and Natural Resources Canada, (iii) liaison with MacMaster University on geochemical analyses, and (iv) monitoring the existing network (see photo below).
- Staff presented to the MOECC at the source protection program review meeting held in January.

- Staff presented at the NPCA Biodiversity Offsetting Public Information Session held at Ball's Falls Centre on January 27, 2016.
- Staff attended a committee meeting at the Ministry of Environment and Climate Change. This committee is responding to the Provincial Auditor General's Source Protection Recommendation 5b on Public Notification of Naturally Occurring Groundwater Supply Chemical and Biological Concerns.
- Staff responded to water information requests from municipalities and consultants.



FINANCIAL IMPLICATIONS:

None


RELATED REPORTS AND APPENDICES:

None

Prepared by:


 Peter Graham, P.Eng. Director, Watershed Management

Respectfully submitted by:


 Carmen D'Angelo, CAO/Secretary-Treasurer

This report was prepared with consultative input from Suzanne McInnes, MCIP, RPP – Manager, Plan Review and Regulations, Brian Wright, P.Eng. – Manager, Watershed Projects, and NPCA staff.

Report To: Board of Directors
Subject: Operations Status Report
Report No: 14-16
Date: February 17, 2016

RECOMMENDATION:

That the NPCA Board **RECEIVE** Report No. 14-16 for information.

PURPOSE:

To provide Board members with an overview of work currently being undertaken by operations, strategic initiatives and ecological staff throughout NPCA's properties.

DISCUSSION:

Ball's Falls CA

The start of January has been busy with wedding bookings to fill in what was left for 2016 and into 2017. As of now, we have booked every Saturday in 2017 and are booking Fridays and Sundays.

During the month of January, we have received the following **wedding** deposits:

	2016	2017	Total
Church Deposits	5	3	8
Barn Deposits	3	11	14
Centre for Conservation Deposits	3	0	3
Outdoor Ceremony Deposits	1	0	1
TOTAL	12	14	26

During the month of January, we have received the following **Corporate** (non-wedding) bookings:

	Total
Elgin Room bookings	6
Glen Elgin Room bookings	2
TOTAL	8

During the month of January, **Regular Admission** has brought in the following:

	TOTAL
Adults	6
Students / Seniors	19
Max Car	1
Self Pay	14
TOTAL	40

Operationally we have started planning and collecting information and quotes for capital purchases and other projects, including the wireless microphones and WiFi Access Points necessary to support the Live Streaming initiative. As well as some of the building maintenance we don't get a chance to do during the prime operating season.

Respectfully Submitted by Nathaniel Devos, Park Superintendent at Ball's Falls Conservation Area

Binbrook CA - Operations

Ice Fishing – The park opened to the public for Ice Fishing on Monday January 25th. Due to mild temperatures, we have unfortunately had to suspend the program, as of Monday February 1st. Although we are continuing to plan for the annual Ice Fishing Derby that is scheduled for Saturday February 20th, the viability of the event, due to weather and safe ice thickness, has not yet been confirmed. We have now partnered with Bill's Bait (Upper James Street, Hamilton) as a primary sponsor of the derby.

Senior Park Staff, had the privilege and pleasure to be interviewed by the Glanbrook Gazette/Sachem to highlight our upcoming 2016 events and projects. That article was published in the Thursday January 28th edition of the Glanbrook Gazette/ Sachem. That article included information about the upcoming Ice Fishing Derby. The Glanbrook Gazette/ Sachem has always been very good to us in helping advertise the park and its events.

Blue Flag - The application and supporting documentation was forwarded to Environmental Defence Canada for review. We hope to hear back with a decision in the coming months.

Staffing Needs – Applications are being received through the NPCA Human Resources Department for Summer Staff Positions. The closing date is February 12th, 2016.

Capital - A number of Capital Project plans are in motion including developing an RFQ/ RFP for the design and build of a new \$500,000 splash pad. Other projects include; washroom upgrades, trail upgrades, new picnic tables, and scoping work on the park's water, wastewater, and electrical systems as outlined in the Park Master Plan.

Respectfully Submitted by Mr. Mike Boyko, Park Superintendent at Binbrook Conservation Area

Chippawa Creek Conservation Area

Park Staff have been busy with a number of Capital Projects. These projects include the complete reconstruction of a 40 meter board walk that is a part of the Dils Lake walking trail, pruning and cleanup of the large Black Walnut trees in the 15 amp camping area, the purchase and installation of new toilets and shower sensors in the older Comfort Station, and acquiring quotes for ceramic tile for the shower stalls in the older Comfort Station.

Within Park Operations, staff have been preparing the annual newsletter for Seasonal Campers, working with Active Networks (Reservation System Company) to update the reservation system, acquiring final payments of seasonal campers, and promoting and signing up new Seasonal Campers.

Respectfully Submitted by Rob Kuret, Park Superintendent, Chippawa Creek CA

Long Beach Conservation Area

Staff at Long Beach Conservation Area have been working on a number of Capital Projects. These projects include upgrades to Comfort Station #2 (South Side) and Comfort Station #3 (North Side). Upgrades include tiling shower stalls and replacing lighting and bathroom fixtures. Staff have also been actively leading the Ash Tree removal project on both sides of the park. 180 Ash Trees have been identified for removal. Short Hills Tree Service has been contracted to perform the work. All work is to be completed by March of this year.

From an Operations perspective, staff has been helping Active Networks (reservation system company) with updates for 2016 and have been working to fill Seasonal Camper spots throughout the park.

Respectfully Submitted by Mike MacIntyre, Park Superintendent, Long Beach CA.

Central Workshop – Gainsborough CA

The team at the Central Workshop continues to work on their own Capital Projects as well as those within the revenue parks. With the Capital Budget already approved, staff are moving forward with a number of equipment purchases.

Operationally, staff has been systematically dealing with hazardous trees within our parks and especially along trails and fence lines. Workshop staff, along with the NPCA Professional Registered Forester Dan Drennan, has been out to identify 50+ Ash Trees along 2 Mile Creek and 4 Mile Creek in Niagara-On-The-Lake that need to be removed this spring. Work has already started to remove those trees.

Respectfully Submitted by Mich Germain, Superintendent, Central Workshop

EVENTS STATUS REPORT

Children's Water Festival Update

Children's Water Festival registration is now closed. The program is full with 216 classes participating from 89 different schools. Currently there are 216 teachers, 4,749 students and 756 parents registered for the event. The total attendance is estimated to be 5,721. To date many logistical items have been completed, such as tent rentals, portable toilet rentals and the purchase of t-shirts. Transportation arrangements and volunteer recruitment is still outstanding and will be completed in the coming months. As always, we encourage volunteers to participate in this great event! Event Dates are May 10th-13th with set up beginning on Thursday May 5th continuing until May 9th.

Thanksgiving Festival Update

Festival applications for the 2016 event were made available on December 23rd. To date, 66 applicants and 11 musical acts have applied to the event. Applications close on March 31st. Additional email reminders to apply will be sent in February and March. We anticipate having a waiting list for this event.

Permit applications, Special Licensing, and municipally significant event designations will be pursued through February.

Respectfully Submitted by Brianne Wilson, Events Coordinator

ECOLOGIST STATUS REPORT

◆ **Cave Springs Conservation Area**

- a) To ensure all aspects have been covered in the Cave Springs Ecological Study, the document has been provided to several relevant field professionals to obtain a critique on the study, recommendations and ensure maintenance of the highest standards and quality.
- b) Further to the 2015 study, the staff Ecologist has established the 2016 hibernacula and maternity roosting study at the site to refine any further protection needs at the site. These are critical areas for the protection of these nine and many rare species.
- c) The Master Plan - public document is presently being completed, compiling all existing site studies and documents in "plain language" for the public.

◆ **St. Johns Conservation Area**

Staff is preparing the annual pond stocking at the site with sources and stocking licences.

◆ **Other Conservation Area Ecological Activity**

1. NPCA Hunting Program

Hunting Permits

Staff has issued an additional 31 hunting permits during the month of January resulting in a current total of 67 permits 2016; of these, 9 permits were issued to residents outside of our administrative area.

2. Environmental Health- Bats, Species in Need

The bat species routes have now been established in Niagara. The Ecologist will be surveying these three routes (i.e. in Niagara Falls, Lincoln and Pelham). Information on bat species and their critical habitat areas are limited in Niagara. This work is also assisting the Ontario Ministry of Natural Resources and Forestry (OMNRF) and the NPCA, adding to the provincial data base and overall program for protection of Species at Risk (i.e. endangered, threatened or special concern), assisting in the identification of migration routes and critical habitat areas, and helping to manage natural resources and a balanced environment, community and economic needs.

3. Conservation Area Resource Inventories

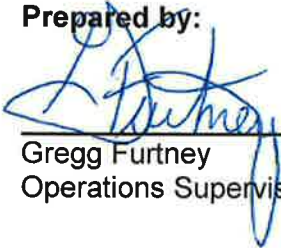
The staff Ecologist with the assistance of field staff has established the survey transects and protocol materials for amphibians and reptiles at two of our newer acquired sites (Lathrop and Wainfleet Acquisition Areas). These inventories will be completed in 2016 with the findings to provide baseline information for the site and assist in resource and site management decisions, as part of our Conservation practices. Only selected surveys are being completed based on available resources. Further studies of other plant and animals will be conducted at these sites, and other Conservation Areas, will be conducted to complete the Ecological Study of each site and update site resource information.

Respectfully Submitted by Kim Frohlich, Ecologist

RELATED REPORTS AND APPENDICES:

None

Prepared by:



Gregg Furtney
Operations Supervisor

Reviewed by:



Mark Brickell
Acting Director, Operations

Submitted by:



Carmen D'Angelo
Chief Administrative Officer
Secretary Treasurer

Report To: Board of Directors

Subject: Corporate Services Project Status Report

Report No: 15-16

Date: February 17, 2016

RECOMMENDATION:

That Corporate Services Project Status Report No. 15-16 be **RECEIVED** for information.

PURPOSE:

To provide the Board a summary of projects important to the Conservation Authority's business objectives.

DISCUSSION:

The project status report is to provide information pertaining to process improvements, initiatives in support of the strategic plan and supporting the organization to achieve its mission, vision and values.

Information Management & Technology Services:

- ◆ Validation of the custom configuration in CityView continues for the development tracking system implementation team. Workflows are being refined and system functions are being clarified in terms of specific NPCA business practices.
- ◆ Staff has collaborated with the Operations department and the NPCA's managed services provider with scoping out Access Point (AP) requirements for the Center for Conservation to improve Wi-Fi distribution and network security throughout the building.
- ◆ Staff performed updates of the Generic Regulations and screening layers to integrate December's floodplain and wetland updates. This included repairs of existing geoprocessing models (automation) to function with new databases now sourced on NPCA infrastructure.
- ◆ In terms of GIS System Administration, staff updated a number of external datasets as downloaded from Land Information Ontario (ANSIs, tile drains, roads, railways, trails). The first update of Niagara Region GIS data since departing their services was performed – integrated all layers into a new 'Niagara Region' dataset on external data DB. Staff updated and re-published web services to integrate all data updates, re-configured web mapping tools where necessary to include new data. Updates of all production GIS databases, web services and web maps from the development instance were executed to integrate all of the above.

- ◆ Created Welland River Floodplain maps for this month's public meetings.
- ◆ Conducted a training session of the Watershed Manager internal web mapping tool for Restoration department.
- ◆ Filled numerous additional staff requests for mapping (including Gord Harry Trail map for signage, ACER, Cave Springs (for Willowbank), OGS groundwater study).
- ◆ Staff attended and presented about GIS and Information Management activities at Source Water Protection review meeting with the MOE.
- ◆ Restoration Database updates were completed, staff added an additional 300 Community projects from 2004-2010 that were not previously included in data. A series of maps and statistics were also generated for the Restoration department.
- ◆ Our partnership with the Niagara College Post Graduate GIS Program continues with a review of a proposal from a student working on an NPCA project.
- ◆ The data mining, information research and input for NPCA Land Acquisition database, which chronicles how the Authority's properties were attained over the years, was completed.

Communications and Foundation:

- ◆ The Communications Department published its first quarterly report highlighting the NPCA's many achievements during the third quarter of 2015. The 10 page document gives readers a look at what the NPCA is doing in the areas of research and science, community partnerships, environmental improvement, regulation and safety. The report was distributed to political leaders at all levels throughout our watershed as well as other key stakeholders. The next issue will be the NPCA's Annual Report in March.
- ◆ Communications support continues on three fronts including Biodiversity Offsetting, Welland River floodplain mapping and the NPCA policy review. Dedicated websites, support materials, media relations and public information session coordination is being provided to the restoration and planning departments.
- ◆ The NPCA Foundation's Wild Game dinner, being held April 22nd, is shaping up nicely. Numerous hunters have come forward to donate meat. A menu has been prepared in consultation with a local chef, including wild game pizza. Some lead sponsors have come on board and tickets, just \$25 each, are now available. All net proceeds will go towards: new hunting/viewing blinds and Wood Duck boxes at both Binbrook and Mud Lake Conservation Areas, as well as fish habitat improvement projects at St. Johns Conservation Area.

Human Resources:

- ◆ Union Relations: Seniority established and posted.
- ◆ Union Relations: Employer/Employee Relations committee established
- ◆ Recruitment: Summer student postings up until February 12 – currently 150 applications received
- ◆ Recruitment: Developing interview training for Superintendents and Assistant Superintendents to ensure consistency during interview process
- ◆ Recruitment: Customer Service Representative Posted – 250 applications received
- ◆ Training: Working with Niagara College to develop “Managing in a Unionized Environment” training for NPCA management. (Estimated completion – March)

Prepared by:



David Barrick
Director of Corporate Services

Submitted by:



Carmen D'Angelo
Chief Administrative Officer
Secretary Treasurer

This report was prepared in consultation with: Cathy Kaufmann, Accounting Administrator; Geoff Verkade, Manager, Information Management and Technology Services; Kevin Vallier, Manager, Development & Communications; and Misti Ferrusi, HR Generalist.



Report To: Board of Directors

Subject: Information Report - Issuance of RFP for New Splash Pad at Binbrook

Report No: 16-16

Date: February 17, 2016

RECOMMENDATION:

That the NPCA Board of Directors RECEIVE Report 16-16 regarding the Binbrook Splash Pad Design and Build RFP for information purposes.

PURPOSE:

To make Board members aware that the RFP for the Design and Build of a new splash pad at Binbrook Conservation Area has now been developed and is scheduled to be issued on February 18, 2016.

BACKGROUND:

Through the Canada 150 funding program, NPCA has been approved to receive \$240,000 in matching funds for the construction of a new splash pad at the Binbrook Conservation Area. Led by Park Assistant, Alicia Powell, staff have prepared a Request for Proposal for the Design and Build of a \$475,000 splash pad and related mechanical building. The draft RFP is attached as Appendix 1.

FINANCIAL IMPLICATIONS:

The new splash pad and related mechanical building have been budgeted for in the 2016 Capital Budget. Completion of this project is necessary to receive the matching \$240,000 from the Canada 150 program.

RELATED REPORTS AND APPENDICES:

1. Draft RFP for the Design and Build of the Splash Pad at Binbrook

Prepared by:


Mark Brickell, Acting Director, Operations

Submitted by:


Carmen D'Angelo
Chief Administrative Officer/Secretary Treasurer

This report was prepared with the consultative input from: Alicia Powell (primary author of the RFP, Mike Boyko (Superintendent, Binbrook), Rob Shoalts (Capital Projects Coordinator, Gregg Furtney (Manager of Strategic Initiatives)

REQUEST FOR PROPOSALS

BCA-RFP01-2016

DESIGN, SUPPLY AND INSTALLATION OF A NEW RECIRCULATING SPLASH PAD,
TREATMENT FACILITY, AND REMOVAL OF CONCRETE

Date issued: February 18, 2016

SEALED PROPOSALS, clearly marked as to contents, will be received by no later than
4:00 p.m. EST on March 24, 2016.

DELIVER TO:

The Niagara Peninsula Conservation Authority

250 Thorold Road West, 3rd Floor

C/O Gregg Furtney

Welland, ON

L3C 3W2

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*APPENDIX A – BINBROOK CONSERVATION AREA MAP **ERROR! BOOKMARK NOT DEFINED.***

COMMUNICATIONS

All questions related to this Request for Proposal (RFP), or for clarification on completing the Proposal Submission Forms, are to be directed in writing to:

Single Point of Contact:

Gregg Furtney
 Conservation Areas Supervisor
 Niagara Peninsula Conservation Authority
gfurtney@npca.ca

All questions relating to this RFP should be made in writing no later than March 4th, 2016. The NPCA will not guarantee a response to any questions received after this deadline. The NPCA reserves the right to extend the closing deadline if required.

Written answers or clarifications to issues of substance shall be shared with all Proponents and will be issued as part of the RFP Documents in the form of an Addendum. Replies in any other manner will not be legally binding. All Addenda should be acknowledged on the Proposal Submission Form.

No verbal communications shall modify the terms, conditions, or terms of reference, unless they are confirmed in writing to all potential proponents by the NPCA in the form of an addendum.

Should a Proponent find omissions from or discrepancies in any of the RFP documents, unnecessary restrictions in the terms of reference, or should the proponent be in doubt as to the meaning of any part of this document, the proponent should notify the contact named above in writing prior to submitting a proposal. An addendum will be issued if it is determined that a correction, explanation or interpretation is necessary or desirable.

Addenda will be posted on the Biddingo website at www.biddingo.com/npca

If Proponents fail to report any discrepancies, errors or omissions to the NPCA as specified, Proponents will be deemed to have accepted all such terms of reference as being accurate, and the NPCA will not approve any alternatives or extra charges subsequent to acceptance of the proposal. Therefore, Proponents are encouraged to review the document in full before the deadline for questions.

SECTION 1.0**INSTRUCTIONS TO PROPONENTS****1. ELIGIBILITY TO PARTICIPATE**

Proponents **MUST** have obtained this document and be listed as a “Document Taker” on the NPCA’s [landing page biddingo.com](http://landing.page.biddingo.com). www.biddingo.com/npc

2. SUBMISSION OF PROPOSAL

Sealed submissions, one original and three (3) copies, in a clearly marked envelope which includes the prescribed form(s) as instructed are to be delivered to Niagara Peninsula Conservation Authority, 250 Thorold Rd. West, 3rd Floor, C/O Gregg Furtney, Welland, Ontario.

Submissions must be made by no later than 4:00 p.m. Local Time on March 24, 2016.

Submissions received after the deadline, whether delivered personally, or if mailed, regardless of postal markings, will not be opened and will be returned to the proponent. Fax or electronic (email) submissions will not be accepted.

3. GENERAL DESCRIPTION

The NPCA’s Operations Team is inviting interested Proponents to submit a proposal for the Design, Supply and Installation of a New Recirculating Splash Pad and Amenities, and the removal of concrete at Binbrook Conservation Area, Binbrook.

The Binbrook Conservation Area is a large, natural recreational park located in Binbrook, Ontario, south of Hamilton, located at 5050 Harrison Road, Binbrook. The Area is situated on Lake Niapenco, the headwaters of the Welland River running through the Niagara Region. The Area offers walking trails, picnic areas, sandy beach, pavilions, watercraft rentals, playground and a splash pad. The Binbrook Conservation Area is a very popular summer destination for local families and recreationalists.

The NPCA is inviting proposals for improvements to the Binbrook Conservation Area consisting of a New Recirculating Splash Pad, its accompanying amenities and the removal of waste concrete. (See Section 3 of this RFP for more details).

4. SCHEDULED MEETING AND SITE EXAMINATION

A general contractors meeting will be held at Binbrook Conservation Area at 5050 Harrison Rd., Binbrook, ON. The meeting will be held at **9:00 am on Friday, February 26th, 2016**.

This meeting is not mandatory to all proponents but is strongly recommended to proponents to view the proposed site, and current electrical and water supply to the site.

It is the responsibility of the proponent to examine all site conditions prior to providing a proposal on this project and to report all discrepancies to the NPCA for clarification.

Arrangements can be made to visit the Binbrook Conservation Area before or after the contractor meeting by contacting the Area directly at (905) 692-3228.

5. LATE SUBMISSIONS

Only submissions that have been time stamped by NPCA staff and received at the NPCA Reception Counter, 3rd Floor will be considered. It is the responsibility of the Proponent to ensure that their submission arrives on time at the designated location. The NPCA takes NO responsibility for proposals submitted via third parties and will NOT guarantee placement with Reception by closing time.

6. OPENING OF SUBMISSIONS

Proposals will be opened by NPCA staff; once the project has been awarded, the name of the successful proponent will be posted to the NPCA's [biddingo.com](http://www.biddingo.com) landing page at www.biddingo.com/npc

7. WITHDRAWAL OF SUBMISSIONS

A Proponent may withdraw their proposal by written notice on business letterhead, clearly identifying the project, signed by an authorized individual and received by NPCA Operations Department prior to the official closing time. Faxes will be accepted (905-732-1919) with the receiving time at Procurement Services being the "Official" time of receipt. The NPCA takes NO responsibility for fax transmittals NOT being received on time regardless of when they were transmitted.

If more than one (1) proposal submission is received under the same name for the same contract and no proposal withdrawal has been received, the Proposal contained in the Submission Envelope bearing the latest date and time shall be considered the intended Proposal. The first Proposal received shall be considered withdrawn and returned to the Proponent.

8. ADDENDUM / ADDENDA

All clarifications, and/or modifications to the proposal documents will be made by written addendum. All such modifications shall be incorporated into the proposal documents and shall be considered when determining the base bid. Replies to questions and modifications in any other manner will not be legally binding and the Niagara Peninsula Conservation Authority will assume no responsibility for oral instruction or suggestion provided by any NPCA representative or consultant.

It is the responsibility of the Proponent to check the biddingo.com landing page for any possible addenda.

Proponents will **not** be allowed to alter their submission in any way after the closing date and time has elapsed.

Proponents should acknowledge receipt of all Addendum / Addenda by inserting in the space provided on the Proposal Submission Form, the numbers of all Addendum / Addenda received during the bidding period.

9. **REJECTION OF PROPOSALS**

The Niagara Peninsula Conservation Authority reserves the right to reject any, or any part of, or all Proposals, or cancel this RFP and also reserves the right to award the contract to other than the highest scoring compliant proponent. The Niagara Peninsula Conservation Authority will not consider proposals where the Proposal Submission Forms are improperly or incompletely filled out.

The **Proposal Submission Forms** are supplied by the Niagara Peninsula Conservation Authority.

Proposals submitted to **250 Thorold Road, 3rd Floor, C/O Gregg Furtney, Welland, Ontario**, after the designated closing time on the due date will not be considered, regardless of the circumstances which resulted in the late arrival, and regardless of any postal cancellation date that may be imprinted on them.

The Proposal Submission Forms must bear a signature of an authorized person(s) of the proponent.

10. **PROPOSAL IRREGULARITIES**

All Proposals received by the NPCA are governed by its **Capital Projects Tender Policy**, which in part provides staff with guidance in determining the validity of all Bids.

Bid irregularities will be dealt with in accordance with the following table:

<u>Irregularity</u>	<u>Consequence</u>
• Late Bids	• Rejection
• Bid security not provided or not in the form or amount that is specified	• Rejection
• Bid security not signed by the Bidder or the bonding company	• Rejection
• Bids not completed in ink	• Rejection
• Signature missing from signature page	• Rejection
• Qualified Bids (Bids qualified or restricted by an attached or added statement)	• Rejection, unless allowed for in the Bid Solicitation
• Bids received on documents other than those provided in the request	• Rejection, unless allowed for in the Bid
• Part Bid (all items not Bid)	• Rejection, unless allowed for in the Bid

<ul style="list-style-type: none"> • Failure to attend a mandatory meeting 	<ul style="list-style-type: none"> • Rejection
<ul style="list-style-type: none"> • Bids containing errors in extensions, additions, or computations 	<ul style="list-style-type: none"> • The NPCA has the right to correct mathematical errors
<ul style="list-style-type: none"> • The Niagara Peninsula Conservation Authority will not accept Bids containing changes, erasures, overwriting, whiteouts, cross outs, or strikeouts, which are not initialed by the Bidder 	<ul style="list-style-type: none"> • Addendums not signed or acknowledged by the bidder may be declared informal if they have a financial impact on the submission.
<ul style="list-style-type: none"> • Bids which suggest that the Bidder has made a major mistake in calculations or the Bid 	<ul style="list-style-type: none"> • Decision will be made on a case by case basis and in consultation with the Manager of Procurement Services and the Legal Department
<ul style="list-style-type: none"> • Addenda not acknowledged 	<ul style="list-style-type: none"> • Addendums not signed or acknowledged by the bidder may be declared informal if they have a financial impact on the submission

11. **PROPOSALS IRREVOCABLE**

Proposal submissions are an offer to the NPCA, are open for acceptance for a period of one hundred and twenty (120) calendar days, and may not be withdrawn by the Proponent after closing.

12. **PROPOSAL SUBMISSION FORMS**

The unaltered Proposal Submission Forms must be completed in full, bearing a signature of an authorized person(s), and submitted in a sealed envelope, which should clearly identify the project description, RFP # and the Proponent.

Proposals must be typewritten or legibly written in ink with any erasures/corrections being initialed by the Proponent in ink. The Niagara Peninsula Conservation Authority will not accept proposals containing changes, erasures, overwriting, whiteouts, cross outs, or strikeouts which are **not** initialed by the Proponent, or proposals with any alterations to the original RFP document.

13. **REQUIREMENTS OF SUBMISSIONS**

The proposal package to the NPCA **must** at a minimum:

- 1) Be formatted as per section 4.3;
- 2) Site Layout Plan Drawings, minimum 11" x 17" size, print and computerized format showing clearly all equipment, concrete pad areas, splash components, drains, services, electrical chambers, colours, dimensions, etc.;
- 3) Contain Three-Dimensional perspective drawings showing the Splash Pad, minimum 11" x 17" size, print and computerized format;
- 4) Provide detailed responses to all items identified in Section 3 (Scope).
- 5) Complete and submit the following schedules;
 - Proposal Submission Form
 - Schedule IA – Pricing Schedule

- Schedule IIA – List of Subcontractors
- Schedule IIB – Key Personnel
- Schedule III – Bidders Experience in Similar Work
- Schedule IV – Project Management Plan
- Schedule V – Proposed Payment Schedule

14. PRICING

All prices as submitted shall include all costs such as, but not limited to, labour, travel time, equipment, truck charges, materials, overheads, warranty and profits, disbursements and other related charges in the performance of the work. No further changes shall be permitted by any Proponent beyond the prices provided in the submission. All prices must be quoted in Canadian Funds, inclusive of all applicable duties, taxes, any and all foreseeable costs required for the fulfillment of this contract.

All prices are F.O.B. destination, freight prepaid to Binbrook, Ontario unless otherwise specified.

15. AWARD

Award of this RFP shall be as recommended by the designated Niagara Peninsula Conservation Authority Operations Department, and conveyed as a PO by the NPCA to the successful Bidder or an executed agreement which has been signed by the NPCA and the successful Bidder.

A representative of the NPCA may issue to the successful proponent, a written acceptance in the form of a NPCA Purchase Order that will reference all pertinent documents and requirements. If issued, the Purchase Order # MUST appear on all correspondence and invoices.

16. REQUIREMENTS UPON ACCEPTANCE

Prior to award, the recommended Proponent is required to submit the following in a form satisfactory to the NPCA for execution within ten (10) calendar days after being notified by the NPCA:

- a) Insurance Certificate;
- b) a current copy of the Workplace Safety and Insurance Clearance Certificate, and
- c) Accessibility Standards for Customer Service Training Acknowledgement Form (see Section 6 – Appendices)
- d) Performance Security

17. PROponents INVOLVED IN LITIGATION WITH THE NIAGARA PENINSULA CONSERVATION AUTHORITY

It is a matter of great importance to the NPCA in the administration of this contract that the NPCA's relationship with the successful proponent should be as productive, amicable and harmonious as is reasonably possible.

For the purposes of this section:

- When:
- (a) "Threatening Litigation" refers to the transmission of a written threat to commence a judicial proceeding; and;
 - (b) "Pursuing Litigation" means actually commencing and / or continuing a judicial proceeding.
- (i) A proposal is received from a proponent who is threatening litigation or is pursuing litigation against the NPCA in relation to previous contracts awarded to that proponent by the NPCA; or,
 - (ii) A proposal is received from a proponent, against whom the NPCA is pursuing litigation,

Active or pending litigation against the NPCA by a proponent will prevent consideration of any proposal submitted by that proponent. Each proponent expressly agrees in submitting a proposal for this contract that, it shall have no claim for damages from the NPCA in consequence of such rejection whether or not the litigation, or threatened litigation with the NPCA which occasioned the rejection of the submission, has any merits, and whether or not it is successful or unsuccessful.

18. TRAINING REQUIRED ABOUT ACCESSIBILITY FOR ONTARIANS WITH DISABILITIES

Section 6 of Ontario Regulation 429/07 (Accessibility Standards for Customer Service), made under the *Accessibility for Ontarians with Disabilities Act, 2005*, requires that the successful proponent shall ensure that its employees, agents, volunteers, or others for whom it is at law responsible, receive training about the provision of the goods and services to persons with disabilities.

The training must be provided in accordance with the Regulation and shall include, without limitation:

1. a review of the purposes of the Act and the requirements of the Regulation
2. Instruct about all matters set out in Section 6 of the Regulation.

This training is available to you on-line at <http://www.mcsc.gov.on.ca/mcsc/serve-ability/splash.html> .

The on-line training takes about 20 minutes.

The successful proponent will be required to provide a signed acknowledgement form to the NPCA (specified in this document) that confirms their compliance with Section 6 of the Regulations.

SECTION 2.0**STANDARD TERMS & CONDITIONS****DEFINITIONS:**

- | | |
|--------------------------|---|
| 1) Award | is when the contract has been signed by both the vendor and the NPCA or a PO has been issued. |
| 2) Bid | is a Quote, Tender or Proposal submitted to the NPCA in response to a Bid Solicitation. |
| 3) Bidder | is a legal entity that submits a Bid. |
| 4) Bid Irregularity | is a defect contained within a response to a Bid Solicitation. |
| 5) Bid Solicitation | is an invitation for Bids from the NPCA for the purpose of entering into a Contract. |
| 6) Black Out Period | is the period of time that starts when the Bid Solicitation is issued, and ends at the Award. |
| 7) Compliant | means the response to the Bid Solicitation conforms to the mandatory requirements contained in the Bid Solicitation. |
| 8) Conflict of Interest | <p>a) is defined as a situation or circumstances, real or perceived that could give a Bidder or potential Bidder an unfair advantage during a Competitive Procurement Process or compromise the ability of a Contractor to perform its obligations under their Contract.</p> <p>b) is a situation when NPCA employee or a member of their family has a direct financial interest in a Contract or proposed Contract with the NPCA, and where the NPCA employee could directly influence the decision made in the course of performing their job duties, and also where they could indirectly influence the decision through exerting personal influence over the decision-makers.</p> |
| 9) Contract | is a binding agreement between two or more legal entities, awarded under this Procurement Bylaw. |
| 10) Contractor | is any legal entity to which a Contract is awarded. |
| 11) Litigation (Pending) | is whereby a potential claimant has demonstrated or manifested an intention to assert a possible claim. |
| 12) NPCA | is the Niagara Peninsula Conservation Authority |
| 13) Procurement Services | means the section of the Finance Department that is responsible for the Procurement of Goods and/ or Services for the NPCA. |
| 15) Proponent | a legal entity that submits a Proposal. |

- 16) Proposal is a submission received in response to a Request for Proposal, acceptance of which may be subject to further negotiations.
- 17) Purchase Order
 - a) a written confirmation of the Procurement of Goods and / or Services at a specific cost;
 - b) may be used as the NPCA's Contract with the Vendor to formalize all the terms and conditions of a proposed transaction, such as a description of the requested items, delivery schedule, terms of payment, and transportation.
- 18) Vendor is a supplier / seller of Goods and/or Services.

SECTION 2.0**STANDARD TERMS & CONDITIONS****1. NPCA NOT BOUND**

The NPCA reserves the right to accept or reject any or all Proposals, in whole or in part, to accept a Proposal other than the lowest and/or to NOT accept any Proposal for any reason whatsoever, and to accept any Proposal if, upon evaluation analysis, it is considered to be in the Niagara Peninsula Conservation Authority's best interest. Award of the contract in its entirety or in part shall be in accordance with Niagara Peninsula Conservation Authority requirements.

2. MATHEMATICAL ERRORS (Unit Prices Prevail)

Should there be any error in extensions, additions or computations, The NPCA shall be entitled to correct such errors based upon the unit prices supplied, and the corrected total shall be considered as representing the intention of the bidder, and shall be used as the basis for comparison of proposal submissions.

3. OWNERSHIP OF SUBMISSION MATERIAL

In consideration of the right to Proposal being offered, the Proponent (by responding) releases all rights to the Proposal documents, which, on acceptance by Procurement Services, become the property of the NPCA.

4. INCURRED COST

The NPCA will not be liable, nor reimburse any Proponents for costs incurred in the preparation of Proposals, or any other services that may be requested as part of the bidding process.

5. TAXES AND DUTY

- i) The NPCA is subject to payment of Provincial and Federal (excise and H.S.T.) taxes imposed by the Provincial and Federal Governments. Should there be any approved variation in any tax or duty imposed by the Province of Ontario or the Government of Canada which becomes directly applicable to the goods/services or construction to be procured or provided during the term of this contract, the Proponent and the NPCA mutually agree to allow the appropriate increase or decrease in the prices as of the date they become effective. The onus is on the Proponent to bring to the NPCA's attention any such changes.
- ii) The Proponent shall allow in their prices for all Sales Taxes that may be required to pay on materials and equipment to be utilized or expended in construction and other works. Exception being; where the Proponent is in the position to claim for Sales Tax Rebates or input Tax Credits (ITCs) on the material used.

- iii) The Total Proposal price shall be deemed to be inclusive of all Duties, Federal and Provincial taxes applicable to the vendor's charges to the NPCA.
- iv) It is the Proponent's responsibility to investigate and otherwise familiarize themselves with all applicable federal and provincial tax laws as they relate to the specifications, and include related costs and the effect of available rebates / ITCs accordingly in the charges for all options.

6. NON-RESIDENTS

Canada Revenue Agency (CRA) Regulation 105, regarding Withholding Tax, is applicable to payments made to non-residents who provide their services in Canada. Further information on the income tax filing requirements for non-residents may be obtained on the CRA website www.cra.gc.ca and in the CRA guide T4058, Non-Residents and Income Tax:

Federal Withholding Tax regulations require that the NPCA withhold 15% from amounts paid to non-resident contractors for services provided in Canada, unless a waiver has been provided. These amounts are remitted to the Canada Revenue Agency (CRA) and are considered a "payment on account" of the non-resident's Canadian tax liability. Non-residents may apply to CRA for a waiver or reduction of the Withholding Tax.

7. GOVERNING LAW

The obligations of the parties and resolutions of any disputes shall be governed by and construed in accordance with the laws of the Province of Ontario and the federal laws of Canada, both as to interpretation and performance, and shall be treated, in all respects, as an Ontario contract. The parties shall attorn to the exclusive jurisdiction of the courts of the Province of Ontario.

8. COPYRIGHT

The copyright for respective purchased concepts and/or materials will become the property of the Niagara Peninsula Conservation Authority unless otherwise mutually agreed upon by the successful proponent and the NPCA.

9. ABILITY AND EXPERIENCE OF PROPONENTS

The NPCA reserves the right to reject any Proposal unless the Proponent is known to be skilled and regularly engaged in work of a character similar to that covered by the specifications of the work. The NPCA also reserves the right to reject a Proposal submitted by a Proponent who has defaulted on, or failed to satisfactorily complete, other similar work in the past.

In order to aid the NPCA in evaluating submissions, it may be necessary for each Proponent to supply the NPCA with additional information as specified in any special conditions. These may

include, but not be limited to, references for similar work, background, a list of equipment to be used, or evidence of appropriate licences, evidence of financial stability.

10. **FREEDOM OF INFORMATION**

All information supplied to the NPCA in this document becomes the property of the Niagara Peninsula Conservation Authority and is subject to the provisions of the **Municipal Freedom of Information and Protection of Privacy Act**.

The names of all Proponents and the Proposal amount of the successful Proponent will be disclosed publicly.

Proponents agree that all documentation and information contained in any Proposal Submission become the property of the Niagara Peninsula Conservation Authority and as such, may be subject to disclosure under the terms of the **Municipal Freedom of Information and Protection of Privacy Act**. Although the NPCA can in no way be responsible for any interpretation of the provision of this Act, if any Proponent believes any part of its Proposal Submission reveals any trade secret of the Proponent, any intellectual property right, scientific, technical, commercial, financial or labour relations information, or any other similar secret, right or information belonging to the Proponent and if the Proponent wishes the NPCA to attempt to preserve confidentiality of the particular trade secret, property right or information should be clearly designated as confidential.

11. **WORKPLACE SAFETY AND INSURANCE BOARD**

The Contractor shall provide the municipality with a current "Clearance Certificate" from the Workplace Safety and Insurance Board and the NPCA may, at any time during performance of the contract or upon its completion, require a further declaration that assessments or compensation required to be paid pursuant to the Workers' Compensation Act have been paid.

Safety in the workplace is accomplished by:

- removal of, or safeguarding against, environmental health and physical hazards,
- establishment of safe working practices,
- provision of safety devices,
- provision, use and maintenance of personal protective devices,
- provision and participation in appropriate training
- Compliance with the Occupational Health and Safety Act and Regulations.

12. **INSURANCE**

INDEMNIFICATION

The Consultant shall indemnify, save harmless and defend the NPCA, its directors, officers, board members, partners, agents and employees from and against all claims, demands, actions, losses, expenses, suits, proceedings, costs or damages of every nature and kind whatsoever which the NPCA, its directors, officers, board members, partners, agents and employees may suffer as a result of the negligence of the Consultant, its employees, officers, sub consultants or agents in the performance of this Agreement, including, but not limited to any suits or proceedings (including by any government agency) arising as a result of any violation or alleged violation of the Statutes or any regulations, policies and guidelines thereunder, as such statutes, regulations, policies and guidelines may be amended or replaced from time to time, and any legal costs associated therewith.

The Contractor, during the term of the contract, at its expense, shall take out and keep in full force and effect the following insurance policies:

- a) **Commercial General Liability Insurance** insuring all services, operations, products, and work as described in the contract. The policy will be extended to include bodily injury, property damage, personal injury and advertising injury, contractual liability, products- completed operations, contingent employer's, and owners and contractors protective liability to a limit of not less than two million dollars (\$2,000,000) per occurrence, with a preference of five million dollars (\$5,000,000) per occurrence.

The policy shall include a cross liability and severability of interest clause and be endorsed to name The Niagara Peninsula Conservation Authority as an additional insured;

- b) **Non-owned automobile insurance** to a limit of not less than one million dollars (\$1,000,000) and;
- c) **If applicable, automobile insurance (OAP1) for both owned and leased vehicles** with inclusive limits of not less than one million dollars (\$1,000,000).
- d) **Professional Liability Insurance / Errors and Omissions Insurance**, satisfactory to the NPCA, in the amount of not less than \$2,000,000 (TWO MILLION DOLLARS). This insurance shall include protection against claims that might be brought against the NPCA by an employee of the vendor and also protective coverage for all sub-contracted operations.

All policies of insurance shall:

- (i) be written with an insurer licensed to do business in the Province of Ontario;
- (ii) contain an undertaking by the insurers to notify the Niagara Peninsula Conservation Authority in writing not less than thirty (30) days prior to any termination or cancellation of coverage unless otherwise required by law;
- (iii) be non-contributing with and will apply only as primary and not excess to any other insurance or self-insurance available to the Niagara Peninsula Conservation Authority and;
- (iv) any deductible amounts will be borne by the Contractor.

Upon notification of intent to award the Contract and within ten (10) business days, the Contractor shall provide to the Niagara Peninsula Conservation Authority proof of insurance on a form of a certificate of insurance which has been signed by an authorized representative of the insurer which references the appropriate bid number. The Contractor will make available complete certified copies of all applicable insurance policies for examination if required by the NPCA.

Certificates of Insurance evidencing renewal or replacement of policies shall be delivered to the NPCA within fifteen (15) business days prior to the expiration or replacement of the current policies, without demand by the NPCA.

The NPCA reserves the right to require the Contractor to purchase such additional insurance coverage as the NPCA may reasonably require. The NPCA reserves the right to request such higher limits of insurance or otherwise alter the types of insurance coverage requirements as the NPCA may reasonably require from time to time.

It shall be the sole responsibility of the contractor to determine what additional insurance coverage and limits are necessary to fulfill its obligations in accordance to the contract.

13. INSURANCE CLAIMS

Claims or alleged claims received by the Contractor shall be dealt with immediately by the Contractor.

- (a) The Contractor shall retain an independent adjuster who will determine the Contractor's liability for all third party claims, and advise the claimant in writing of the determination of liability within sixty (60) days of service of the claim on the Contractor. Copies of such determination of liability shall be forwarded to the Niagara Peninsula Conservation Authority.
- (b) If the Contractor or the Contractor's independent adjuster fails to respond within the time noted in (a) or responds in a manner inconsistent with the evidence at hand, the Niagara Peninsula Conservation Authority reserves the right to have another independent adjuster review the claim and determine liability therefore. Any monies incurred by the Niagara Peninsula Conservation Authority to investigate, defend and satisfy any third-party claim where it was determined that the Contractor was liable will be deducted from monies owing to the Contractor by the Niagara Peninsula Conservation Authority.
- (c) If a claim is settled to the satisfaction of the Claimant, the Contractor shall provide the Niagara Peninsula Conservation Authority with a copy of the Claimant's Release. The Claimant's Release shall cover the interests of the Contractor and The Corporation of the Niagara Peninsula Conservation Authority, its employees, agents and anyone for whom it is in law responsible.

14. DEFAULT

In the event that the successful Proponent fails to properly, promptly, and fully carry out the work required by these documents, the NPCA reserves the right to notify the successful Proponent to discontinue all work under this contract, to advertise for new Proposals or carry out the work in

any way as the NPCA may, at its sole discretion, deem best. The Proponent further agrees to save and hold harmless the Niagara Peninsula Conservation Authority and/or its officers, agents, or servants from all loss, damage, liability, cost, charge or expense whatsoever which it, they or any of them may suffer, incur or be put to by reason of such default or failure.

15. TERMINATION

In the event that the contractor fails to comply with any provision of this agreement or otherwise fails to perform its obligations hereunder in a competent manner satisfactory to the NPCA, the NPCA may give the contractor notice in writing of such failure. In the event that the contractor has not remedied its failure within ten (10) days of the said notice, the NPCA shall be entitled to exercise any one or more of the following remedies:

- a) The NPCA may terminate the contract without further notice, and exercise its rights to the performance security provided by the contractor;
- b) The NPCA may withhold any payment due to the contractor hereunder until the contractor has remedied its failure;
- c) The NPCA may engage the services of another contractor to remedy the contractor's failure, and obtain reimbursement therefore from the original contractor. The said reimbursement may be obtained either through deduction from any amounts owing to the contractor hereunder, or through any other legal means available to the NPCA; or
- d) The NPCA may assert any other remedy available to it in law or equity.

Unless the NPCA expressly agrees to the contrary, any failure of the NPCA to exercise any of the foregoing remedies, or the granting of any extension or indulgences, shall not be prejudicial to any right of the NPCA to subsequently obtain such remedies.

16. SUSPENSION OF PROPONENTS

At the discretion of Procurement Services, any Proponent may be suspended from consideration of their Proposals for up to 3 years for default of delivery, unsatisfactory performance, safety concerns, lobbying and contravention of a Bid Solicitation document.

17. CONTRACTOR PERFORMANCE

Following substantial Performance, the Contract Administrator will prepare a report on the performance of the General Contractor. The report will rate performance in various categories including: organization, quality of work, public relations, supervisory staff, safety practices, clean up and time for completion. A copy of the completed report will be provided to the contractor.

Performance ratings will be used by the NPCA in analysing future bids by the Contractor. Copies of the report may be provided to other Owners or their agents.

A Contractor who scores a failing grade (<30) on their Performance Review will not be eligible to have any NPCA Project Awarded to them as either a General Contractor or a Sub Contractor. This

suspension period may last for a period up to 3 years from the date of the completion of the Failed Project. Any bid submission made during the suspension period will be returned, unopened to the Contractor.

- a) At the outset of a project, the NPCA shall institute a performance evaluation process in all contracts.
- b) The performance evaluation shall rate the performance of the Contractor on standard criteria adopted from time to time. The General Contractor shall be responsible for the performance of his Sub Contractors and will be evaluated as such. A copy of the Performance Evaluations and introductory letter shall be provided to the Contractor in advance of the contract, and shall remain constant for the duration of the contract. Performance issues must be noted in writing with a copy to the Contractor and a copy to the departmental project file. Performance issues must also be noted in any site meeting or project meeting minutes.
- c) The performance evaluation shall determine whether a Contractor will:
 - i) be allowed to bid for future contracts with the Niagara Peninsula Conservation Authority;
 - ii) be suspended from bidding on any contracts with the Niagara Peninsula Conservation Authority
- d) No bid will be accepted from any contractor during the term of the suspension. Any bid submitted by the Contractor will be returned, unopened to the address on the bid envelope. If the Contractor is listed as a Sub Contractor on another bid, the NPCA will notify the General Contractor that they will be unable to accept the submitted bid unless another Sub Contractor is identified. It is the suspended Contractor's responsibility to notify any General Contractors of their suspension with the Niagara Peninsula Conservation Authority.
- e) The Contractor may request a debriefing meeting to discuss the evaluation within thirty (30) calendar days following delivery of the evaluation. The request outlining any comments or concerns with the Performance Review rankings should be sent in writing to the Manager of the Project/Client Department for review. Only the comments and rankings of the Contractor Performance Review will be open for discussion. Any changes to the evaluation form and weighing criteria will not be entertained. If the Contractor remains unsatisfied with the outcome of the debriefing meeting, they can request in writing to the Manager of Engineering Services and Purchasing Agent, a further review by the Niagara Peninsula Conservation Authority Review Committee.
- f) Bids will not be accepted by the Contractor for work in the Niagara Peninsula Conservation Authority as a General or Sub Contractor during the review process.
- g) In reaching a decision, Staff shall be entitled to rely upon the evaluation criteria determined in advance of the project and the results of prior performance evaluations relating to other contracts performed by the same contractor or consultant.

18. SKID AND DRUM DEPOSITS

If returnable skids, drums or reels are supplied, the Vendor must indicate if an extra charge applies and if this is fully refundable. The NPCA prefers that the Vendor pick up skids, drums or reels when empty with no deposit or demurrage charge.

19. **INSPECTION**

All shipments shall be subject to final inspection after receipt by the Corporation at destination. Delivery to the Corporation is not to be an acceptance unless inspected and approved by the Corporation and subject to rejection based upon:

- a) defective products or workmanship discovered within minimum one year of the date of receipt
- b) latent defects, frauds and mistakes

20. **REJECTION**

- 20.1 If any of the goods are found at any time to be defective in material, workmanship, quality, quantity or otherwise not in strict conformity with the specifications or requirements of the original bid request and any subsequent order, the Corporation in addition to any rights to which it may have under warranties or otherwise shall have the right to reject and return such goods for full credit. All freight charges are to be at the Vendor's expense.
- 20.2 Without limiting the foregoing right of rejection, the Corporation shall have the right to require prompt replacement, repair or correction of defective work or goods at the Vendor's risk and expense. If the Vendor is unable or unwilling to effect such replacement, repair or correction the Corporation may do so by using its own workers, goods or facilities or by outside contract and shall be entitled to charge the original Vendor for excess costs directly or indirectly occasioned thereby.

21. **VENDOR RESPONSIBILITIES**

- 21.1 It is mutually agreed and understood that the Vendor shall not assign, transfer, convey, sublet or otherwise dispose of the, Proposal, or Contract or the right, title or interest therein, or the powers to execute the same, without the previous written consent of the NPCA.
- 21.2 Acceptance of a purchase order issued by the NPCA or a signed agreement for a bid or any part of a bid shall constitute a contract between the NPCA and the Vendor which shall bind the Vendor on his part to furnish and deliver the goods or services at the prices given and in accordance with the conditions of the bid and these Standard Terms and Conditions.

22. **CONTRACT AND VENDOR REQUIREMENTS**

The vendor hereby covenants and agrees that if their Proposal or any part thereof is accepted by the NPCA, they:

- a) Shall **perform** the contract in accordance with the specifications, terms and conditions under which it is awarded.
- b) Shall not, except with the consent of the Corporation in writing, release information relating to any subsequent order for **advertising**, promotional or technical purposes or otherwise give it publicity in any fashion, nor shall the name of the Corporation

be used for, or in connection with, any advertising or promotional purpose of the Vendor.

- c) Vendors are to treat information gained while working with the NPCA confidentially and not use it for any other project and return it to the NPCA if requested with no copies to be retained.,
- d) (i) Shall provide a complete list of all controlled products, hazardous materials, products containing hazardous materials, and all biological or chemical agents or devices or equipment producing or emitting a physical agent and any substance, compound, product or physical agent that is deemed to be, or contains, a designated substance as defined under the Act and the Regulations, which will be supplied or used in the work, before commencing. The Vendor/contractor shall provide appropriate information and **Material Safety Data Sheets**, where required, with the shipment
 (ii) Shall ensure that contractors, sub-contractors and all of their employees are trained in W.H.M.I.S.

23. **INVOICE REQUIREMENTS**

The Contractor will submit to the Niagara Peninsula Conservation Authority, Finance – Accounts Payable, an invoice for payment at the completion of work.

All applicable taxes are to be itemized separately on invoices, i.e. H.S.T. Include the purchase order number on each invoice. (Invoices will be returned if this information is omitted.)

The Proponent should enclose a proposed Payment Schedule and method of payment.

24. **PAYMENT TERMS**

Net 30 days after receipt of invoice unless a discount for quick payment is offered. No other terms of payment will be accepted whether stated / implied without written approval. Payment may be delayed if the goods and / or services are not acceptable to the Corporation.

HOLD BACK: The Niagara Peninsula Conservation Authority reserves the right to retain a hold-back of ten (10) percent of the total amount due on this contract for forty five (45) days past completion as security against a construction lien or other claims.

Holdback Improvements to NPCA lands or buildings valued at more than \$10,000 will have a 10%* payment hold back in effect for 45 days. This will be released upon confirmation that no liens related to the work have been registered against the NPCA.

Payments shall be subject to the holdback and other provisions of the Construction Lien Act.

SECTION 3.0

SPECIFICATIONS

3.1 PROJECT OVERVIEW

As previously stated in this RFP:

The NPCA's Operations Team is inviting interested Proponents to submit a proposal for the Design, Supply and Installation of a New Recirculating Splash Pad and Amenities, and the removal of concrete at Binbrook Conservation Area, Binbrook.

The Binbrook Conservation Area is a large, natural recreational park located in Binbrook, Ontario, south of Hamilton, located at 5050 Harrison Road, Binbrook. The Area is situated on Lake Niapenco, the headwaters of the Welland River running through the Niagara Region. The Area offers walking trails, picnic areas, sandy beach, pavilions, watercraft rentals, playground and a splash pad. The Binbrook Conservation Area is a very popular summer destination for local families and recreationalists.

The NPCA is inviting proposals for improvements to the Binbrook Conservation Area consisting of a New Splash Pad, its accompanying amenities and the removal of waste concrete.

3.2 SCOPE

This Request for Proposal is for the design, supply, installation and removal of all materials required to provide a recirculating splash pad facility and amenities generally described below and as shown on the attached map.

1. Design, supply and Installation of recirculating splash pad, with an approximate maximum area of 1500 m². Splash Pad must operate on a recirculating, water-recycling system in compliance with City of Hamilton Public Health standards;
2. Supply and Installation of insulated stand-alone utility building (minimum of 400 sq. ft.), designed to house Splash Pad manifold, electrical service panel, recirculating water treatment components and filters;
 - This is to include the supply of all materials, fabrication of custom components, and connection to water, mechanical and electrical systems. This building should be designed to be incorporated into the aesthetic of the proposed Splash Pad.
 - Additionally, this building should be designed considering the possibility of expansion or additions in future to accommodate washroom / change room and shower facilities.
3. Water controls and electrical panel – all to be enclosed in the utility building;
4. Hook-up of electrical services;
 - NPCA to provide electrical supply to the utility building
5. Hook-up to water and all water lines into the utility building and all other water lines to the splash pad;
 - NPCA will provide a 100mm diameter Class 235 DR-18 PVC water service to the site
 - Proponent to provide plumbing necessary for the installation of a water meter, and installation of a water meter, provided by the proponent.

- Drain ports for winterization

NOTE: Proponents must state the water and electrical needs corresponding to their proposed plan.

6. Complete wastewater discharge system (filter backwash) meeting City of Hamilton Public Health and Ministry of Environment and Climate Change (MOECC) requirements;
7. Non-Slip finish concrete splash pad surface (150mm depth minimum) complete with underlying compacted granular base materials and sub-drainage for frost protection. Approximate total area between 800m² and 1500m² as designed by proponent. Concrete pad must comply with City of Hamilton Public Health requirements;
8. Spray amenities for a range of age group users and range of abilities, including activation bollard;
 - Proponents must design an accessible splash pad
9. Refurbishing and installation of previously used spray features
 - Effort by the proponent should be made to incorporate existing splash pad components as designed by the proponent;
10. Removal of used concrete pad and base;
11. Restoration of all disturbed areas with topsoil and sod.

The budget for this project is firmly set at \$475,000.00 including taxes.

ADDITIONAL AMENITIES (please price separately)

In addition to the core scope of work listed above, the NPCA wishes to include additional amenities as options to proponent's submissions. These options are to be priced individually and due to allowances for deductions to work that would otherwise be included in the core scope of work are to be subtracted in the option price submissions. The NPCA reserves the right to add or delete these options without penalty.

Additional desired amenities are as follows;

1. Shade structure(s) with concrete pad situated adjacent to or surrounding the Splash Pad.
2. Landscape enhancements – e.g. Benches, natural rock seating and plantings – Proponent to develop a landscape plan suitable to compliment the design of the splash pad. Details of fixture / plant type and quantity to be outlined in the proposal for this option.

3. Splash pad perimeter boundary (fencing or structure) surrounding splash pad and its additional components. This should blend with the natural surroundings of the Area, but may be man-made or natural in construction. To be designed by the proponent.

3.4 **DESIGN PACKAGE**

A design package is provided in the Appendices showing the approximate location of the recirculating Splash Pad within Binbrook Conservation Area and the accompanying amenities. The Splash Pad is shown conceptually on the plan as a rectangular shape for basic representation only. Proponents are free to offer variations of this shape, with the splash pad area falling within the area as outlined. Proponents should aim to blend with landscape features of the Conservation Area, keeping in mind the desired size and location of the Splash Pad. This map will include an indication of where future development may take place at Binbrook Conservation Area in relation to the splash pad.

The intention of this project is to provide visitors of various ages and abilities with an exciting, high-end aquatic play experience, encouraging movement and imagination.

Attention should be given to the designing of the shape of the pad in order to minimize water spray drift onto adjacent amenities or overspill onto grass area to minimize slippery or muddy areas. Wherever possible, the pad shape and size should be designed to contain water spray and avoid over spill beyond the pad area in an effort to retain and recycle as much water as is possible.

Proposals shall indicate in detail the location of the splash pad and amenities together with control locations, structures, drain chambers, hydro and all other features.

3.5 **SPLASH PAD THEMES AND OPTIONS**

Proponents shall propose a minimum of two (2) themes or options for the Splash Pad that maximize the entertainment value and recreation of users. The NPCA shall reserve the right to select one of these themes and to pick / choose alternate (yet equivalent value) spray amenities.

Themes may include variations in the shape of the splash pad to incorporate age-group specific features and the styles of spray amenities to fit with a certain theme.

3.6 **SPRAY AMENITIES**

Spray amenities shall appeal to a range of user age groups and abilities, and shall be positioned in such a manner as to ensure optimal safety of all users.

Spray amenities should be incorporated and designed in such a way so as to encourage movement and recreation, and attract Conservation Area visitor to the Splash Pad.

Spray amenities provided by the proponent shall be new and shall be constructed of high-grade materials such as stainless steel and shall be coated suitable for outdoor exposure (i.e. protected from

UV and corrosion). Amenity vendor and / or manufacturer should provide support and maintenance / refurbishing services to the NPCA following installation.

All grade level spray amenities shall be furnished with appropriate winterization caps/plugs.

Nozzles, spray heads, spray caps and winter caps shall be fastened and removed from the play features using tamper resistant tools specifically designed for use with the proprietary nozzles, spray heads, spray caps and winter caps. The nozzles, spray heads, spray caps and winter caps shall be recessed into the spray amenities to avoid protrusion hazards.

The Proponent shall provide an accessory kit from the manufacturer of the spray amenities consisting of the necessary tamper resistant tools, touch up paint, spare PLC, operator's manual and maintenance manual, and other items as necessary for possession by the owner.

3.7 **ACTIVATION BOLLARD**

The activation bollard shall have no moving parts and run on a low voltage electrical supply. It shall be the direct interface between the user of the aquatic play area and the spray amenities. The activation bollard shall activate pre-programmed scenarios of the spray amenities when touched by the user.

3.8 **DRAIN SYSTEM**

A complete drain system shall be proposed by the Proponent including deck drains, grates, piping, traps and de-chlorination chamber.

Deck drains and grates shall be suited to ensure optimum safety of users and accordingly shall take grate opening size and non-slip surface into consideration.

All drains shall be designed to ensure adequate capacity based upon the flow rates of the splash pad. Outlet to the wastewater discharge shall be constructed with PVC or rigid HDPE pipe in accordance with OPSD 802.010

3.9 **ACCESSIBILITY**

All proposals shall provide full accessibility and shall be in conformance with Integrated Accessibility Standards Regulation 191/11, Design of Public Spaces Standards (Accessibility Standards for the Built Environment).

3.10 **HAND-OVER**

The proponent and/or manufacturer shall furnish the NPCA with at least two sets of complete installation and operating manuals. The installation manual will illustrate the installation of the entire system. It shall describe the start-up procedure and day to day operation of the system.

The proponent and/or manufacturer shall provide adequate training to Operations staff of the Niagara Peninsula Conservation Authority at the Binbrook Conservation Area to ensure the following: Opening of the facility, programming the operation of the facility, basic maintenance and troubleshooting, closing and winterizing the facility.

This shall include opening the facility upon completion by May 1st, 2017, and closing and winterizing the facility in the fall of 2017.

3.11 **WARRANTY**

- 3.11.1 Proponent to provide a standard industry warranty for components and features, and labour warranting against defects in design, material, moving parts, finishes and any other defects will be made right at no additional cost to the NPCA. Warranty shall commence from the date of the final acceptance by the owner and must be outlined in the proposal.
- 3.11.2 A maintenance holdback in the amount of two percent (2%) of the contract value will be retained following completion. The aforesaid holdback shall be released upon receipt of invoice only after;
 - a) The expiration of a two (2) year period from date of completion or any extension thereof as agreed upon with the proponent;
 - b) The proponent has submitted a letter from the Workers' Compensation Board certifying that he is in good standing with the Board;
 - c) The proponent has submitted a Statutory Declaration re Liens and payment of Account;
 - d) **There are no outstanding deficiencies**

3.12 **BUILDING PERMIT**

Proponents are advised that a building permit is required for this project, both for the placement of a utility structure larger than 100 sq. ft. And for plumbing related to water distribution and drains. Cost associated with obtaining a building permit, including the permit fees themselves, shall be included in the proponent's submission.

3.13 **SCHEDULE**

Splash pad and surrounding amenities **must be** complete and operational by May 1st, 2017. This is a hard-set deadline in compliance with the expectations outlined in the Canada 150 Grant.

3.14 **BUDGET**

The overall budget for the project is established firmly to be **\$475,000**. Proponent's proposals, including taxes, shall not exceed this amount.

3.15 **EXECUTION OF CONTRACT**

The successful bidder shall be notified in writing of the acceptance of their proposal. The Proponent shall be bound to execute the Agreement with the Owner within fourteen (14) days of contract award. Date of contract award shall be taken as the date on which the successful bidder is notified of the acceptance of their Proposal.

The successful Proponent shall submit the following to the Owner within fourteen (14) days of the contract award:

- a) A Performance Bond and Labour and Material Payment Bond for 100% of the contract amount, which includes HST. The said Performance Bond shall unconditionally guarantee that the work will be satisfactorily completed within the terms of the contract up to the face value of the bond. In other words the bonding company will be liable whenever the Contractor is liable. Without limiting the generality of the foregoing, such bond shall cover extensions to the contract, modifications thereto, and the 12 month maintenance agreement guarantee. The bonding company shall not replace a prime Contractor or Subcontractor without prior approval of the Owner. Bonding companies are subject to acceptance by the Owner. The Owner reserves the right to request substitute suitable bonding.

It is the Contractor's responsibility to advise the Bonding Company of any change in the scope or extent of the work encompassed in the construction contract.

- b) Confirmation of insurance coverage and if required, a certified true copy of the policies certified by an authorized representative of the insurer in a form satisfactory to the Owner. The insurance coverage must meet the requirements of General Condition GC6.0, "Insurance, Protection and Damage" with the following addition:
 - i) An endorsement certifying that the Owner is included as additional insured. For all projects constructed on roads or property owned by others, it shall also include the Owner as an additional insured.
- c) A certificate from Workplace Safety & Insurance Board certifying that the Contractor is in good standing with the Board.

3.16 **QUALIFICATION CRITERIA**

Proponents must have a proven record of Splash Pad design and construction. Proponents **must submit** a list of at least three (3) projects similar in size and scope to the aforementioned Niagara Peninsula Conservation Authority requirements.

Proponents **must also submit** contact names including phone numbers of representatives from the proponent's company who will be the main sales and service personnel responsible for the sales and service to the Niagara Peninsula Conservation Authority.

Proponents **must also submit** a detailed Project Management Plan, including names, qualifications and contact information for key team members to be associated with this project.

Proponents **must also submit** a Proposed Payment schedule according to their proposed work timeline.

Include all labour, design, service document preparation, equipment, disposal fees, permits, equipment and materials to complete the entire project to the full intent of the Contract Documents, unless clearly and specifically directed otherwise.

Additional amenities as aforementioned, priced separately, shall similarly include full cost to complete.

The NPCA will make choices for its Recirculating Splash Pad needs based upon the best value, and the selection criteria outlined in the following section. NPCA staff may visit the proponent's facility before making a final decision on a successful proponent.

SECTION 4.0

GENERAL REQUIREMENTS

1. RFP SCHEDULE

The following schedule is tentative and subject to change.

DESCRIPTION	DATE
RFP Issue Date	February 18, 2016
Pre-submission Meeting	February 26, 2016
Deadline for Questions	March 4, 2016 by 4:00 pm
Answers to Proponent Questions	March 10, 2016 (end of business day)
Closing Date	March 24, 2016, 4:00 pm
Evaluation of Proposals	Late March 2016
Notification of Top 3 Proponents	March 31, 2016
Proponent Proposal Presentations	April 7 and 8, 2016
Award	April 11, 2016

2. PROPOSAL SUBMISSION INSTRUCTIONS

- a) The proposal shall include mandatory pages noted in Section 1, Subsection 13
- b) Address and Identification of Submission

Proposals shall be delivered in a sealed package, clearly marked as to contents including RFP number, title, and closing date for submission.

Deliver to the following address:

The Niagara Peninsula Conservation Authority
 250 Thorold Road West
 3rd Floor, C/O Gregg Furtney
 Welland, ON. L3C 3W2

3. **PROPOSAL FORMAT**

In order for the selection committee to conduct a careful evaluation of all proposals, proposals must be clear, well ordered, detailed and concise. The Proponent is therefore requested to provide detailed specification and functional information.

A two (2) envelope system shall be utilized for this RFP, and formatted as follows:

Envelope #1

- One original “marked original” and three (3) paper copies of the Proposal in an envelope **excluding the Financial Proposal** and any attachments to such pricing schedules (if any)
- One (1) electronic copy (CD-ROM or USB key in either Microsoft Office or Adobe Acrobat format) of the proposal.

Envelope #2

- One (1) Original “marked as original” of the Purchase Price or Financial Proposal and any attachments to such pricing schedules.

Proposals submitted shall follow the section and numbering as identified throughout the RFP. Any changes or exception to terms and conditions are to be clearly identified and noted with the numbering issued throughout the RFP.

4. **EVALUATION & AWARD**

4.1 Evaluation of Proposals

The evaluation committee will be comprised of Niagara Peninsula Conservation Authority staff. The Committee will review and evaluate all compliant submissions. In conducting their evaluation, the evaluation committee may consult professional advisors, as the NPCA considers appropriate.

4.2 Interviews

The interviews of Proponents that have provided the Top Three (3) evaluated proposals will allow the NPCA to verify the scores, which the Evaluation Team has applied to those Proponents being interviewed. The interviewers will ask questions relating to the criteria set out in the RFP Documents, and the Proponent’s proposal. Proponents are not permitted to present any information not previously included in their Proposal. Interviews allow the Evaluation Team to consider its prior scoring of the Proposals and adjust any, all, or none of the scores up or down as the Evaluation Team agree in consensus.

4.3 Evaluation Criteria

The following are key criteria that will be used to evaluate the proposals. The NPCA will base its selection on a combination of the following criteria, as a minimum, using a numerical scoring system. Each category listed below reflects the goals and objectives of this project.

	Evaluation Criteria	Weight
1	Previous Splash Pad Experience: <ul style="list-style-type: none"> - Demonstrated related experience, projects of similar size - Quality of work performed to date - References for projects of similar size and scope 	25
2	Design Concept: <ul style="list-style-type: none"> - Meets and/or exceeds identified design criteria - Meets or exceeds outlines specifications (esp. recirculation system and treatment) - Considers safety and accessibility of users - Integrates with the Area aesthetic, including adjacent play equipment and beach 	40
3	Proposed Schedule: <ul style="list-style-type: none"> - Proponent provides a time/task breakdown schedule - Schedule meets or exceeds the hard deadline of May 1st, 2017 - Project management plan 	15
4	Value (Financial Proposal) <ul style="list-style-type: none"> - The proponents price, as submitted, provides good value - Provides alternatives and options - Components are proven durable and warrantied - Ability to afford additional amenities within the overall budget, while not compromising desirability of the splash pad 	20
	TOTAL Points Available	100

Comments / Follow-Up: _____

4.4 Determination of Successful Proponent

It is the intent for the NPCA to recommend the proposal with the highest overall point score and strongest proposal presentation. However the NPCA reserves the right to award this work to bidders whose pricing submissions does not exceed budget limitations, and as well reject submissions which

exceed budget limitations. While cost is clearly a very important factor, the NPCA will select a Proponent using all of the criteria listed above and make its determination of the best value.

Following the initial proposal review a discussion phase the evaluation selection committee may recommend an award to a specific proponent if clear cut superiority of an offer is proven or the evaluation committee may choose to utilize best and final offer if deemed to be in its best interest. All information will be kept under strict security until after an award recommendation has been made.

5. CONTRACTUAL RELATIONSHIP AND ORDER OF PRECEDENCE

- A. The parties acknowledge and agree that the following documents forms the contractual relationship between the NPCA and the Successful Proponent:
 - Purchase Order
 - RFP (including any addenda)
 - Proposal (including any clarifications)
- B. In the event of any conflict between the Exhibits, the provisions of these documents will prevail in the following order of precedence:
 - i. Any Change Order issued pursuant to this Purchase Order
 - ii. Exhibit "A" – Purchase Order
 - iii. Exhibit "B" - Purchase RFP (including any addenda)
 - iv. Exhibit "C" - Proposal (including any clarifications)
- C. In the event of a conflict between the provisions of the documents listed above, the document lower in the order of precedence will, where possible, be read down to resolve such conflict. If the conflict remains incapable of resolution by reading down, then the conflicting provisions will be severed from the document lower in the order of precedence without otherwise diminishing the enforceability of the remaining provisions of that document.
- D. In the event of a conflict between documents of the same type, later dated documents will prevail over earlier dated documents of the same type.

6. CONTRACT TERM

Work is expected to commence shortly after approval in April 2016. Proponents shall detail their schedule keeping in mind that it is the NPCA's desire to achieve completion of the project no later

than **May 1, 2017**. Proponents must consider the operating season from May 1 – Thanksgiving and regular operations in place at the Binbrook Conservation Area. Proponents may confer with Area staff to coordinate the best possible and most effective work schedule for both the Proponent and the Area.

7. OCCUPATIONAL HEALTH AND SAFETY ACT (OHSA) REQUIREMENTS

The Contractor agrees at all times to comply with Occupational Health and Safety Standards in the workplace and further agrees to adhere to Health and Safety Standards set out in applicable statutes and regulations and to comply with written Health and Safety Policies of the NPCA.

8. LABOUR DISPUTES

The obligations of the successful proponent hereunder shall continue unchanged throughout the occurrence of any labour disputes (including strike or lockout), whether the same occurs with respect to the employees of the NPCA, the proponent, or otherwise.

9. GUARANTEED MAINTENANCE AND WARRANTY

9.1 Upon completion of the Work, the Contractor shall maintain the Work for a warranty period of Twelve (12) Months after the date of substantial completion to the satisfaction of the NPCA/or Consultant, if any, both acting reasonably. The Contractor shall correct any imperfections due to material or workmanship. The decision of the NPCA/or Consultant, if any, both acting reasonably, as to the nature and cause of any imperfections and the necessity for the type of repair shall be final. If the Contractor fails to comply with the direction from the NPCA/or Consultant, if any, both acting reasonably, within fifteen (15) Calendar Days or immediately in the case of an emergency the NPCA/or Consultant, if any, both acting reasonably, may proceed under the Performance Bond or if it is holding a Letter of Credit, or Certified Cheque, it may draw upon it and complete the required work at the Contractor's expense.

9.2 The warranty given pursuant to this section shall not limit extended or other warranties on any items of equipment or material called for elsewhere in the Contract.

9.3 The Contractor shall, before final payment is applied for, to the extent permitted by the manufacturer and supplier, assign to the NPCA the benefit of any warranty by any manufacturers or suppliers in addition to the warranty as mentioned above.

10. BRAND NAME OR EQUIVALENT

Proposal submissions of a comparable product will be considered if it meets Niagara Peninsula Conservation Authority requirements.

- i. Any reference to the brand name or a particular manufacturer shall be understood to have been made solely for the purpose of establishing and describing required performance and quality levels of the product to be supplied, unless specified otherwise.
- ii. No reference to the brand name of a particular manufacturer shall be construed to restrict Proponents to that manufacturer, but proposals shall be deemed to be invited for equivalent and comparable equipment of any manufacturer.
- iii. Despite subsection (2), if an item other than the one specified is proposed, it is the Proponent's responsibility to demonstrate that the product meets the specifications, and the Proponent shall submit brochures or samples upon request and provide full specifications in detail on the item(s) bid. The NPCA shall be the sole judge (in its absolute discretion) as to whether a product meets specifications.

Proponents wishing to bid on an alternate product would need to compare the NPCA's specifications to their alternate product. It will not be the NPCA's responsibility to perform this comparison.

If there are disparities between the two products, the Proponent can contact Procurement Services in writing prior to submitting a proposal and identify all items of concern. If the NPCA is willing to consider the product with its differences, it could then be communicated in the form of an addendum prior to the closing date.

The acceptability of any alternate products will remain at the sole discretion of the Niagara Peninsula Conservation Authority. In the event a demonstration of the product is required to confirm equivalency, it will be conducted after the bid has closed. The cost of any testing requirements to establish acceptable equivalent or comparable products will be borne by the Proponent, unless otherwise stated by the NPCA.

11. ENVIRONMENTAL SUSTAINABILITY

The Niagara Peninsula Conservation Authority is committed to preserving the environment and reserves the right to encourage the procurement of supplies and services with due regard to the preservation of the natural environment and to integrate sustainability considerations into product selection so that negative impacts on society and the environment are minimized throughout the full life cycle of the products; suppliers may be selected to supply goods made by methods resulting in the least damage to the environment, and/or to supply goods incorporating recycled materials where practical. Bidders are encouraged to include certified green product alternatives wherever possible with proof of third party certification (i.e. EcoLogo, Green Seal, Energy Star) for each product proposed. It is to be understood that total lifecycle cost analysis may be required to ensure that these supplies and services are financially viable and available at competitive prices.

12. EVIDENCE OF QUALITY

It is the bidder's responsibility to prove their product/service quality meets the Niagara Peninsula Conservation Authority's requirements and bidders may be required to submit evidence in a form

acceptable to the NPCA. Substitution of materials equipment or methods different from that outlined in the specifications / terms of reference will not be accepted unless provided for within the bid request document or without the written approval of the Niagara Peninsula Conservation Authority.

SECTION 5.0**PROPOSAL SUBMISSION FORMS**

RFP Number: BCA-RFP01-2016

Description: Design, Supply & Installation – New Recirculating Splash Pad & Amenities, Binbrook Conservation Area, Binbrook, ON

Closing Date: Friday, April 1, 2016

Time: 4:00 p.m. Local Time

Submitted To: The Niagara Peninsula Conservation Authority
250 Thorold Road West
3rd Floor, C/O Gregg Furtney
Welland, ON L3C 3W2

I/We the undersigned have read and understand this Bid document, and herewith agree to perform the work required in accordance with the document issued by Procurement Services, at the price(s) detailed in Schedule 1A- Pricing.

I/We acknowledge and agree that I/we have not assumed that any information concerning our operations, business or personnel or any other information required to be provided by me/us when submitting our Proposal is known to the NPCA, regardless of whether such information may be actually previously known to the NPCA or not. Further, I/we acknowledge and agree that all information to be provided by me/us is to be complete and full and in such detail as required.

I/We acknowledge that we have received addenda numbered ___ to ___ inclusive, and the prices submitted include the provisions set out in such addenda.

Work will commence as soon as possible following date of award, and in any event should be completed by _____.

Date of Earliest Commencement of Work upon award _____

Will your company accept a Visa Card as payment, either by telephone or in person?

YES ☐ NO ☐

NOTE: Vendors who accept payment by Visa cannot additionally charge a percentage of the sale over and above the quoted price of the product to the customer; this practice goes against the Merchant Agreement with Visa.

We certify that:

1. The party executing this document is authorized to sign the same.

2. To the best of my/our knowledge and belief the information provided in our proposal submission is correct.
3. Except as expressly and specifically permitted in the Instructions to Proponents, we shall not have any claim for any compensation of any kind whatsoever, as a result of participating in this RFP, and by submitting a RFP we shall be deemed to have agreed that we have no such claim.
4. To the best of my/our knowledge and belief our proposal submission is made without any connection, comparison of figures or arrangement with or knowledge of any other corporation, firm or person submitting a proposal for the same work and is in all respects fair and without collusion or fraud.
5. To the best of my/our knowledge and belief no member of the Council and no officer or employee of the Corporation of the Niagara Peninsula Conservation Authority is, will be, or has, become interested, directly or indirectly, as a contracting party, partner, stockholder, surety or otherwise in, or in the performance of the contract, or in the supplies, work, or business to which it relates, or in any portion of the profits thereof, or in any of the money to be derived therefrom.
6. My/Our proposal submission will remain open for acceptance for a period of 120 (one hundred and twenty) calendar days after the closing date and the Corporation of the Niagara Peninsula Conservation Authority may at any time within this period accept our proposal submission.
7. To the best of my/our knowledge and belief there is not nor was there any actual or perceived unfair advantage or conflict of interest in our proposal submission or our performing of or observing the contractual obligations of the proponent as set out in the contract.

Signatures:

Signed and submitted for and on behalf of:

Company Name

Address City Postal Code

X

Signature of Authorized Signing Officer

Print Name, Title

()

Telephone Number

Date

()

Fax Number

Email Address

SCHEDULE IA - PRICING SCHEDULE

The Proponent hereby offers to enter into a Contract referred to and to supply and do all or any part of the Work which is set out or called for in this Proposal call, at the unit prices, and/or lump sums, hereinafter stated. The Total Proposal amount shall include all costs incurred, including taxes and disbursements as well as mileage to and from the job sites within the Niagara Peninsula Conservation Authority. Travel Time will not be paid as a separate item and is to be included in the unit rates.

Proponents are required to complete this form and submit in Envelope #2 of the proposal submission. Proponents shall include and attach additional sheet(s) to demonstrate the full scope of their financial submission. For example; a detailed time/task breakdown of fees, hourly rate for applicable disciplines / personnel shall be identified and all applicable disbursements. Invoices submitted shall only be issued for actual work performed.

Proponent:

SERVICE DESCRIPTION	COST
Cost to Design, Supply and Install, New Recirculating Splash pad and Amenities* at Binbrook Conservation Area	\$
DISBURSEMENTS	\$
SUBTOTAL	\$
HST	\$
TOTAL	\$

* Items considered optional or additional cost to the base price of the project shall be clearly defined.

Company Name

Address City Postal Code

X

Signature of Authorized Signing Officer

Print Name, Title

()

Telephone Number

Date

()

Fax Number

Email Address

HST Business Number

Payment Terms (E.G. 2%-10 Days, Net 30)

SCHEDULE IIA - LIST OF SUB-CONTRACTORS

State OWN FORCES if a Sub-Contractor is not required for any of the trades listed; otherwise name work and Sub-Contractor proposed to be used.

The NPCA reserves the right to approve all proposed Sub-Contractors and where the NPCA objects to the use of any proposed Sub-Contractor, the Bidder shall use another Sub-Contractor acceptable to the NPCA. Any proposed changes to the approved list of Sub-Contractors subsequent to Contract award shall be subject to the approval of the NPCA.

The successful Bidder may be required to produce a schedule of references for all or any proposed Sub-Contractors.

The successful Bidder shall only use those Sub-Contractors approved by the NPCA and shall be held fully responsible to the NPCA for the acts and omissions of its Sub-Contractors.

TYPE OF WORK	SUB-CONTRACTOR	<u>CONTACT NAME & NUMBER</u>

Proponent Signature: _____

SCHEDULE IIB - KEY PERSONNEL

The following is a list of personnel who will actively supervise the work if we are awarded the Contract, with a record their experience, knowledge and ability. It is understood that the Work will be directed by the listed personnel and that no change can be made without prior written approval of the NPCA.

<u>NAME/TITLE</u>	<u>QUALIFICATIONS/EXPERIENCE</u>

Proponent Signature: _____

SCHEDULE III - BIDDER'S EXPERIENCE IN SIMILAR WORK

State other Owners, which have been supplied/serviced by the Bidder within the last *five (5)* years for projects of a scope and nature similar to the project described in this Call for Bids. The awarded Bidder may be required to produce schedule of written references upon request.

The NPCA reserves the right to consider, during the review of Bids, information provided in response to enquiries of references provided by the Bidder; poor reference(s) and/or an unsatisfactory safety record may result in the immediate rejection of the Bidder at the discretion of the NPCA.

In addition, any information received in response to enquiries made by the NPCA to third parties apart from those disclosed in the Bid in relation to the reputation, reliability, experience and capabilities of the Bidder may also be considered.

PROJECT DESCRIPTION	NAME AND ADDRESS OF OWNER	<u>OWNER CONTACT / REFERENCE</u> c/w e-mail address :

Pursuant to Section 29(1(a) of the Municipal Freedom of Information Act, I _____,
authorize the Corporation of the Niagara Peninsula Conservation Authority to contact any
person(s)/companies, be they listed above or not, for the purpose of obtaining reference
information.

Proponent Signature: _____

SCHEDULE IV – PROJECT MANAGEMENT PLAN

Proponents should provide a detailed Project Management Plan regarding how they intend to carry out their proposed plan and the process they intend to take in completing the project.

Please describe your Project Management Process including the development of a work breakdown structure, schedule, monitoring and controlling of schedule and budget, earned value reporting, weekly project reporting, risk assessment and mitigation, handling of change orders and communications management. Proponents may include additional points of their plan beyond those suggested below.

Please list all key team members and leaders and identify qualifications and experience of all key team members, who will be working directly on this project.

Work Structure
Work Schedule
Monitoring and Control
Reporting
Risk Assessment

Communications Management

Proponent Signature: _____

SCHEDULE IV – PROPOSED PAYMENT SCHEDULE

Proponents must provide a detailed expected payment schedule in accordance to their proposal and proposed work timeline.

Please include expected amounts, descriptions, dates in accordance with proposed timeline and accepted method(s) of payment.

Insert or Attach Spreadsheet or Table

Proponent Signature: _____

Report To: Board of Directors

Subject: NPCA Forestry and Tree and Forest Conservation By-law Status

Report No: 17-16

Date: February 17, 2016

RECOMMENDATION:

That the Board receive Report No. 17-16 regarding the status of NPCA Forestry activities and the Tree and Forest Conservation By-law, for information.

PURPOSE:

To provide an update on the status of Tree & Forest Conservation By-law and forestry activities being conducted by the NPCA Forester.

DISCUSSION:

By-law issues/main activities since January 12, 2016 include:

- ◆ Harvest operations approved under Good Forestry Practices (GFP) permits in woodlots located in Thorold, Wainfleet, Niagara Falls and Fort Erie were suspended in late January due to unfavourable ground conditions because of the mild weather. Operations will recommence when frost is in the ground and will be routinely monitored by the NPCA Forester to ensure conformance with permit conditions and operating conditions are suitable.
- ◆ Approved a GFP permit application for a woodlot in Pelham. Operations are planned for winter 2016.
- ◆ Provided instruction to a woodlot owner in the Point Abino area regarding the process for salvaging ash trees using good forestry practices. The woodlot would benefit from a selection harvest because of ash decline from Emerald Ash Borer. The owner was informed about the permit process and provided a list of reputable logging contractors and forestry professionals.
- ◆ Commenced work on Managed Forest Plans (MFP) for five Conservation Authority properties (Chippawa Creek, Balls Falls, Stevensville, Willoughby Marsh and Long Beach). The plans must be submitted to the MNRF by June 30, 2016. The purpose of a MFP is to guide the land owner in the management of their forest and values found within it. The intent of the Managed Forest Program is to foster ecologically sound forest management on private lands while providing a reduction in property taxes to landowners of forested land who prepare a plan and agree to be good stewards of their property.

- ◆ Responded to a tree cutting complaint from a property owner in south Wainfleet. The property in question does not have a woodland that would be covered under the bylaw. Instead it was sparsely covered with trees to a density not considered a woodland.
- ◆ Conducted an assessment with Operations staff at Woodend CA. The assessment dealt with trees that had bolts inserted through them to be used as anchors for a low-ropes apparatus
- ◆ Received and provided advice to persons calling about declining ash trees located in urban areas not covered by the By-law. Some inquired if the NPCA would remove their ash trees. They were informed that if the tree is on their property then they are responsible for its removal, or contact the adjacent owner if they are located on their land.
- ◆ Completed the 2015 Annual Report to satisfy a condition in the Service Level Agreement between the Region and the NPCA.

RELATED REPORTS AND APPENDICES:

1. 2015 Annual Report for the Tree & Forest Conservation Bylaw

Prepared by:

Dan Drennan

Dan Drennan,
R.P.F; Forester

Reviewed by:

Peter Graham

Peter Graham
Director, Watershed Management

Submitted by:

Carmen D'Angelo

Carmen D'Angelo
Chief Administrative Officer
Secretary Treasurer



NIAGARA PENINSULA
CONSERVATION
AUTHORITY

Niagara Region Tree And Forest
Conservation Bylaw (2008-30)

ANNUAL REPORT **2015**

INTRODUCTION

The Niagara Region Tree and Forest Conservation By-law 30-2008 exists to encourage the conservation and improvement of woodlands in Niagara through Good Forestry Practices. The By-law prohibits the clearing of woodlands except under specific circumstances and requires landowners to follow Good Forestry Practices when harvesting trees. This is done by requiring landowners to submit a forest management plan or a silvicultural prescription prepared by a Registered Professional Forester (or a member of the Ontario Professional Foresters Association) in order to obtain a permit.

In August of 2008 the Region of Niagara delegated administration of the By-law to the Niagara Peninsula Conservation Authority (NPCA). The NPCA is responsible for reviewing applications and issuing permits for timber harvesting within the Region. We also follow up on public inquiries and investigate violations, which sometimes lead to charges. For this reason NPCA forestry staff is designated as Provincial Offences Officers under the Provincial Offences Act. The NPCA employs one full-time staff, a Registered Professional Forester to administer the By-law.

The 2015 year marked the seventh year in which the NPCA administered the By-law on behalf of the Region. This report will summarize the activities undertaken throughout the year by the NPCA to promote Good Forestry Practices, educate the public and enforce the provisions of the By-law.

PERMITS

Good Forestry Practices (GFP) Permits are issued after an application is received and satisfies the necessary criteria. In 2015, 11 new GFP Permits were issued by the NPCA, 3 permits were carried over from the 2014 year. Two thirds of these permits were completed by the end of 2015.

Commenced in 2012 and continued on in 2015, strategies for managing woodlots for emerald ash borer (EAB) are required in prescriptions and tree marking for woodlots that have a significant component of ash. This strategy will continue into 2016 as the impact of EAB will only increase.

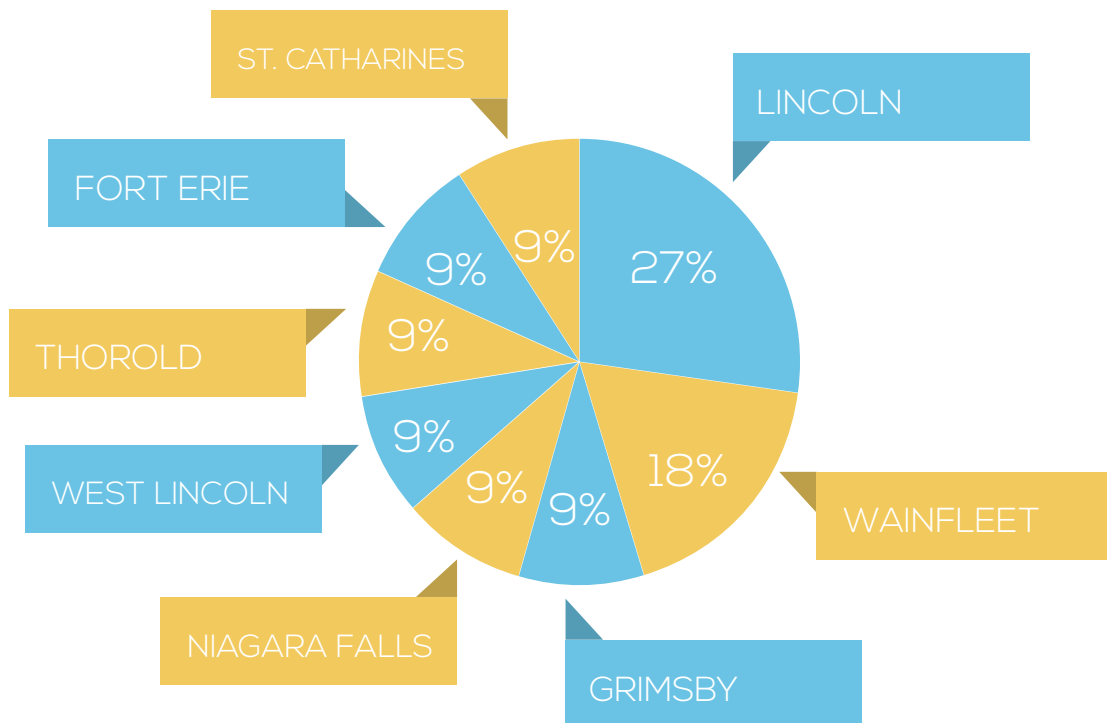
Landowners are provided a copy of a recent publication from the Ontario Woodlot Association, 'A Landowner's Guide to Careful Logging', when a permit is approved. The guide provides landowners with information on proper logging practices that will ensure good forestry is attained. The harvest inspections conducted by the NPCA are based on the contents in the guide.

All permits are subject to conditions which are specified and tailored to the characteristics of the individual site. For example, harvesting in woodlands with sensitive ground conditions will be conditional to the work being done while the ground is frozen in the winter, or during a dry period during the summer, to minimize soil disturbance. Failure to follow the conditions of a permit is considered a violation of the By-law. There were no incidents in 2015 where permit conditions were not complied with. Forest Bylaw staff maintained regular communication with logging contractors to ensure operations were suspended when ground conditions were not favourable.

11

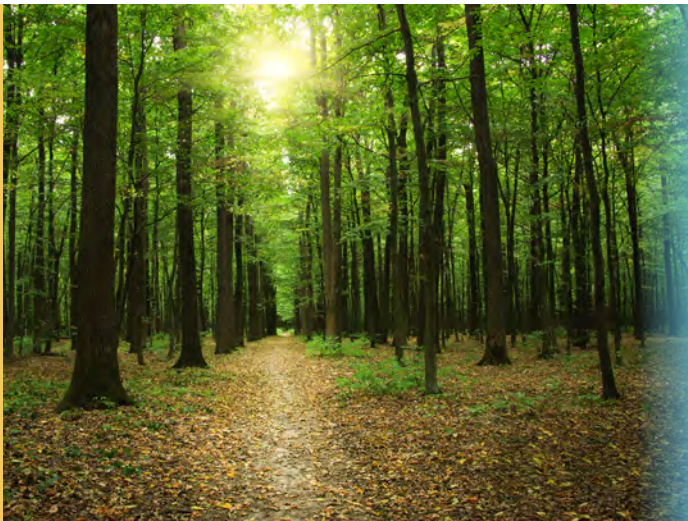
New Good Forestry Practice permits were
issued during the 2015 year.

FOREST HARVEST SUMMARY



DISTRIBUTION OF 2015 PERMITS BY MUNICIPALITY

BASIC STATISTICS OF HARVEST ACTIVITY BY MUNICIPALITY



Municipality	Hectares	Acres	Approx. # of Trees Removed
Fort Erie	8	19.7	187
Grimsby	2.5	6.2	81
Lincoln	12	30	728
Niagara Falls	4.5	11.1	113
St. Catharines	5.8	14.3	66
Thorold	21	51.9	1096
Wainfleet	13.3	38	949
West Lincoln	4	9.9	117
Total	71.1	175.7	3337

INSPECTIONS

Generally each permit site is inspected at least twice, many sites were visited multiple times. The first inspection occurs upon receiving the application. NPCA Bylaw staff visit the site and inspect the tree marking to ensure it follows good forestry practices. Any concerns with the tree marking and prescription will be noted and followed up with the landowner and/or certified tree marker. The permit may not be approved until any concerns are addressed. At this time NPCA staff also assesses the site conditions (soil) and any environmental values present which may be impacted by the harvest operation such as stick nests and streams. This will affect conditions that may be stipulated on the permit.

The operation may be inspected again while the work is underway and the crew is onsite. This gives NPCA Bylaw staff the opportunity to observe the precautions being taken and ensure that the permit conditions are being met.

Lastly the site is inspected again when the work has been completed. At this time NPCA Bylaw staff is able to verify that only trees that were marked have been removed and that all permit conditions are satisfied.

The result is that NPCA staff made approximately 62 site inspections on permits during 2015.

EDUCATION

In 2015 the NPCA continued to educate the public as well as groups and public agencies regarding the Bylaw.

Much of the educational activity takes place when members of the public phone or drop into the NPCA office and ask questions. Staff also conducted site visits when requested by the land owner to provide forestry knowledge and make them aware of Bylaw requirements. Staff is always available to answer questions and often spend considerable time going over the details of the bylaw and management strategies to deal with Emerald Ash Borer.

PROGRAM AREA DESCRIPTIONS

ENFORCEMENT - Any enforcement related matters which required action by Bylaw staff; **EXEMPTIONS** - Inquiries regarding exemptions which required evaluation by Bylaw staff; **INDIVIDUAL TREES** - Inquiries regarding individual trees on private property, most of which are outside the jurisdiction of the Bylaw; **PERMITS** - Matters regarding reviewing or issuing permits; **PUBLIC OUTREACH** - Inquires about by-law & other educational materials. Mail out of educational materials; **WOODLANDS** - Issues and inquiries centered on the application of the Bylaw to woodlands; **SITE INSPECTIONS** - Post-harvest site inspection; **PLANNING** - Land use planning inquiries.

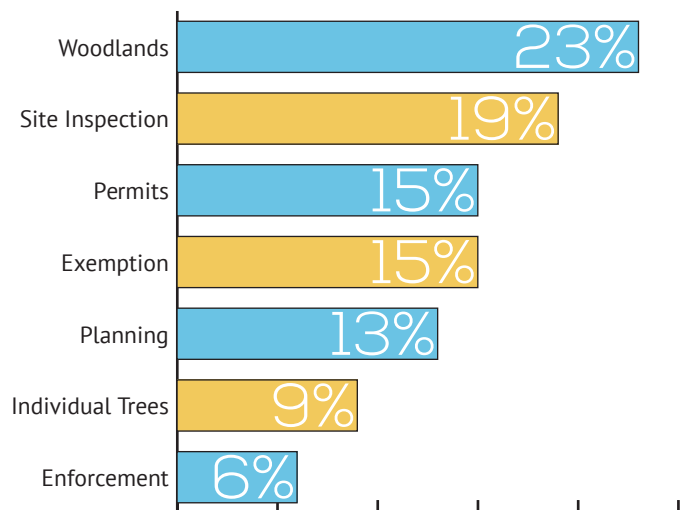
The NPCA continues to distribute the Bylaw booklet produced in late 2008 which explains the Bylaw, good forestry practices and the benefits of both. The booklet has been very well received and enjoys considerable demand.

The Forestry section on the NPCA website was enhanced in 2015. Emphasizes was put on Good Forestry Practices and the latest strategies for managing woodlots for Emerald Ash Borer.

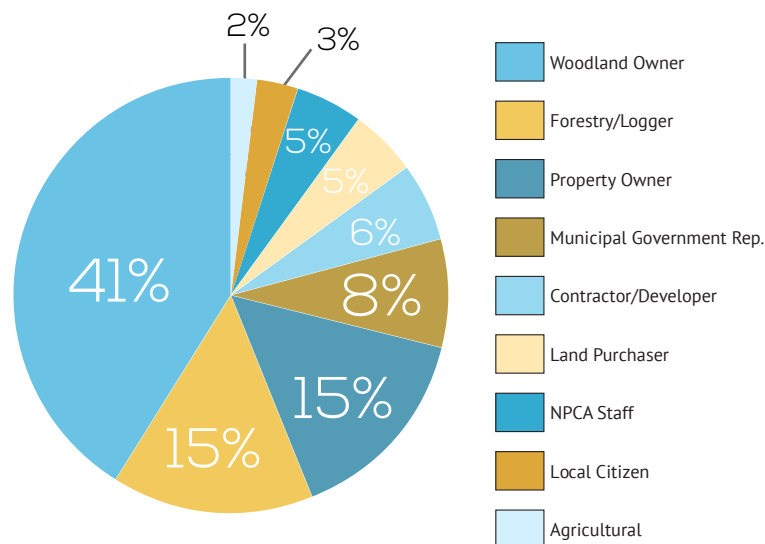
BYLAW INQUIRIES

Bylaw inquiries occur when Bylaw staff responds to an issue either presented by a member of the public or outside agency, or an issue initiated based on observations of Bylaw staff. Most are made by telephone. NPCA staff track inquiries for reporting purposes.

In 2015, Bylaw staff responded to 94 bylaw inquiries. Chart 1 indicates the number of inquiries by program area. The majority of the inquiries were about woodlands followed by site inspections and then permits. A brief explanation of program area's follows.



NUMBER OF INQUIRIES BY AREA



BREAK DOWN OF THE TYPES OF PEOPLE THAT MAKE THE INQUIRIES TO THE NPCA OFFICE. THE MAJORITY OF THE INQUIRIES ARE FROM WOODLOT OWNERS, FOLLOWED BY PROPERTY OWNERS & THEN CONTRACTORS

ENFORCEMENT AND CHARGES

Should it become necessary to initiate charges resulting from Bylaw violations, it is done under Part III of the Provincial Offences Act. This is referred to as commencement by information. There were no Bylaw infractions that required charges in 2015.

TRAINING AND DEVELOPMENT

The Bylaw staff conducted independent learning in order to remain current with respect to the practice of forestry in the region and the application of the Bylaw. Staff will attend applicable training opportunities when available.

Particular attention was made towards learning about forest management strategies for dealing with Emerald Ash Borer in Niagara's woodlands.

ADVISORY COMMITTEE

The Tree and Forest Conservation By-law Advisory Committee did not meet during 2015, as there were no issues brought up by NPCA that required additional meetings. The role of the committee is to review and provide advice or recommendations on matters of tree and forest conservation as requested by the NPCA.

CONCLUSION

2015 was the seventh full year in which the Bylaw was being administered by the NPCA. There were no issues with the NPCA's ability to carry out the role of administering the Bylaw for the Region. All aspects of the Bylaw, from managing Good Forestry Practice permits, enforcement and public education were conducted in a professional manner.

In 2016, it is expected there will be a revised version of the current Bylaw. The purpose of the revision is to improve the text and update sections where necessary.

Woodlot management strategies to deal with Emerald Ash Borer will continue to be a main concern in 2016. Current strategies will be used in woodlots that have a significant component of ash.



NIAGARA PENINSULA
CONSERVATION
AUTHORITY

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REPORTS FOR CONSIDERATION

- ❖ **REPORT NO. 18-16** – *Greater Niagara Forest Project (GNFP)*
- ❖ **REPORT NO. 19-16** – *Welland River West Coastal Wetland Project*
- ❖ **REPORT NO. 20-16** – *Pollinator Gardens Grant Application*
- ❖ **REPORT NO. 21-16** – *Live Streaming Board Meetings–Capital improvements*

February 17, 2016 Full Authority Meeting

Report To: Board of Directors

Subject: Greater Niagara Forest Project

Report No: 18-16 (Revised)

Date: February 17, 2016

RECOMMENDATION:

THAT **AFTER** the *Farm Region Wind Niagara Limited Partnership* (FRWN LP) has consulted and received consent from the locally impacted municipalities, the NPCA Board of Directors **AUTHORIZE** the Chief Administrative Officer to enter into negotiations with FRWN LP for the administration and management of the **Greater Niagara Forest Project**; and,

THAT the agreement be reported back to the NPCA Board of Directors for final approval.

PURPOSE:

To receive authorization to enter into negotiations for the administration and management of the **Greater Niagara Forest Project** that will realize the planting of over 10,000 trees, resulting in an increase in the overall tree canopy.

The Greater Niagara Forest Project (GNFP) aligns with the NPCA's Strategic Plan by "...*Identify(ing) potential new partners, funders and allies*".

GNFP will also benefit in "...*helping to achieve the goal of 30% forest cover in the Niagara Region*" as referenced in the Regional Tree and Forest Conservation By-law No. 30-2008.

BACKGROUND:

Representatives from FRWN LP approached staff to express an interest for the NPCA to enter into an agreement in order to manage the planting of over 10,000 trees. As part of the 230 MW Wind Power Project, the FRWN LP is required to mitigate identified impacts via a tree restoration plan.

DISCUSSION:

FRWN LP is constructing and operating a 230 MW Wind Power Project, which will result in 77 wind turbines – with associated structures and transmissions lines – within the municipalities of Haldimand County, Township of Wainfleet, Township of West Lincoln, and Town of Lincoln.

During the construction, the company is required to mitigate any impacts, which includes the planting of native trees. The tree planting is first to be conducted on the landowner's property or road allowance where construction has occurred. However, should the landowner refuse all or partial of the planting, the company is required to conduct the planting in another area of the municipality.

At a meeting hosted by FRWN LP on February 16, 2016, which included representatives from the locally impacted municipalities and the NPCA, there was concern expressed from the municipal representatives that the Greater Niagara Forest Project would not meet the intent and contractual language of the “road use agreements”. Although there was commentary that the NPCA would be an ideal partner (due to staff expertise), the municipalities requested that should the landowner refuse all or partial of the planting, the municipalities would determine the location of the tree plantings within their respective municipalities. Further, municipalities may want to receive the funding and allocate the trees to other tree planting projects.

Thus, **prior to any negotiations between the NPCA and FRWN LP**, there will be a need for FRWN LP to consult with the locally impacted municipalities in order to receive cooperation and consent via the “road use agreement”.

FRWN LP has inquired if the NPCA would be willing to administer the multi-year tree planting project. If agreed to, the NPCA would be responsible for:

- Creating a project team;
- Developing a project plan based on good forestry practices;
- Sourcing native trees for planting;
- Planting of trees (via use of sub-contractors, staff and/or volunteers);
- Establishing landowner agreements:
 - Landowner to enter into an agreement with the NPCA for the full or partial planting
 - If landowner refuses full or partial planting:
 - NPCA to conduct planting in conservation areas impacted by the emerald ash borer; and/or
 - Partner primarily with municipalities in the wind power project area (Haldimand, Wainfleet, West Lincoln, Grimsby and/or Lincoln) to conduct planting on municipal properties impacted by the emerald ash borer; and if available
 - Other municipalities within the watershed.
- Assessing and monitoring plantings over a defined period; and
- Reporting to FRWN LP on status of the project.

FRWN LP would be responsible for all funding of the project and to indemnify the NPCA on their mitigation obligations.

In the event the NPCA enters into an agreement, the project team would consist of:

Team Member	Project Position	Duties
Gregg Furtney	Manager	Management oversight
Kim Frohlich	Project Manager	Project oversight
Mich Germain	Arborist	Technical advice and sub-contractor agreements
Dan Drennan	Forester	Technical advice and good forestry practices oversight
Steve Gillis	Restoration Lead	Technical advice and landowner agreement coordination
Kerry Royer	Coordinator	Volunteer and Community Outreach Coordination
Kevin Vallier	Fund Manager	Fund Manager and fundraising coordination
Michael Reles	Communication	All project communications
Shiloh Berriman	FRWN LP Representative	Liaison between NPCA and FRWN LP
Grace Pasceri	FRWN LP Representative	Liaison between NPCA and FRWN LP
TBD	Municipal Representative	Liaison between NPCA and municipalities
TBD	Board Representative	GNRF Community Champion

Overall, the project will be marketed as the **Greater Niagara Forest Project (GNFP)**. The GNFP would benefit the watershed by mitigating the impacts of tree loss due to construction (a NRWC responsibility); with the added value of:

- Utilizing NPCA expert staff for project administration and management;
- Expanding the GNFP with other corporate fundraising for an overall net gain in mitigation efforts;
- Increasing the canopy within the watershed as part of the Region of Niagara's goal within the Tree and Forest By-Law;
- Focus on native species for the project;
- Rehabilitating areas devastated by the emerald ash borer; and
- Assist with municipalities with their tree/forest programs.



Greater Niagara Forest Project

Should negotiations prove to be successful, the NPCA would report back to the NPCA Board of Directors with a Business Plan and draft agreement related to the project for final approval.

FINANCIAL IMPLICATIONS:

FRWN LP would be responsible for all project costs, including an administrative fee imposed by the NPCA.

Project financing will involve the Niagara Peninsula Conservation Foundation (pending approval of the NPCF Board) in order to generate additional project funds.

Prepared and Submitted by:

Carmen D'Angelo
Chief Administrative Officer
Secretary Treasurer

This report was prepared with the consultative input from the Senior Management Team.

Report To: Board of Directors

Subject: Welland River West Coastal Wetland Project

Report No: 19-16

Date: February 17, 2016

RECOMMENDATION:

THAT the NPCA Board of Directors AUTHORIZE the CAO to partner with the Ontario Ministry of Natural Resources (OMNRF) in their proposal application, which would include an allocation of \$25,000 from OPG Reserves, to complete the *Welland River West Coastal Wetland Project* in 2016.

PURPOSE:

The purpose of this report is to apprise the Board of the *Welland River West Coastal Wetland Project* and obtain approval to partner with the OMNRF on this project.

BACKGROUND:

The OMNRF is applying for funding from the *National Wetland Conservation Fund* to construct a riparian wetland along the Welland River near Chippawa Creek Conservation Area . This application requires them to obtain matching funds. OMNRF has committed \$25,000 to date for the design, and will also be contributing in-kind staff time. In order to fulfill the remaining funding requirements, they are looking for other partners, including Land Care Niagara and the NPCA.

OMNRF obtained the services of Harrington-McAvan Ltd to develop wetland/marsh designs and the related estimated construction costs (see Attachment #1 – Design Brief). The ultimate objective of this restoration (wetland) project is to improve the physical diversity in the river. This will be accomplished initially by adding physical structure in the form of woody debris and ultimately by creating areas conducive to the permanent establishment of a more diverse species collection of flora and fauna. By installing natural woody structures in areas where sedimentation would normally occur, it can create relatively calm water and help move sedimentation downstream.

OMNRF met with the landowner some time ago and the landowner is very supportive of this project. OMNRF are striving to create some coastal wetlands to, among those benefits noted above, create some fisheries habitat.

The objectives of the project fit well within the stewardship and restoration goals of the NPCA, as we actively pursue partnership opportunities to increase ecological initiatives in Niagara. The

NPCA's close working relationship with the MNRF has resulted in the implementation of numerous wetland restoration projects to date.

This project also fits within our guidelines for funding projects utilizing the Welland River funding from Ontario Power Generation (OPG). The recommended approach in utilizing these funds was to undertake projects that will improve the existing environment of the river by expanding restoration, educational and awareness programs and other initiatives that target water quality and habitat improvements in the River. Projects which demonstrate an improvement to water quality, habitat quality, fish spawning, public access and creating floodplain riparian wetlands would be prioritized for funding. Based on the good fit and multiple benefits that can be derived from partnering with the OMNRF on this riparian wetland project, it is recommended that the NPCA use OPG reserves to fund this initiative.

The plan is to start construction in 2016 if the OMNRF can secure the necessary funding.

FINANCIAL IMPLICATIONS:

This project would require the NPCA to utilize \$25,000 of the OPG funds.

RELATED REPORTS AND APPENDICES:

1. Design Brief – "Welland River West Coastal Wetland Project" (February 2015)
Illustrated copy will be made available at the board meeting.

Prepared by:




Peter Graham, P.Eng.
Director – Watershed Management

Reviewed by:



Jocelyn Baker
Manager – Restoration and RAP

Submitted by:



Carmen D'Angelo
Chief Administrative Officer / Secretary Treasurer

Design Brief

Welland River West Coastal Wetland Project

Prepared for the
Ministry of Natural Resources & Forestry

February 2015

Harrington McAvan Ltd

6882 14th Avenue, Markham, ON L6B 1A8

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E: markham@harringtonmcavan.com



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Context

Rivers in general are agents of erosion and dynamic in nature. As such, they are a product of their watersheds. The Welland River is generally a low gradient watercourse, flowing through a clay plain which is primarily in agricultural use. Source water for the river is primarily surface runoff from precipitation with some flow augmentation from an upstream reservoir. As would be expected, this would create a predominance of fine clay bedload, elevated nutrient content, and warm temperatures.

The river is also managed to provide water for hydro generation at Niagara Falls. This has created conditions which stop the flow of water, creating an empondment and thus changing the normal "flushing" of the river. The lack of flushing tends to trap sediments and nutrients in the channel, shifting them back and forth daily. The instability and poor water quality also creates conditions which restrict aquatic plant growth and minimize physical habitat diversity. This is a contributing factor to water quality downstream in the Niagara River and Lake Ontario.

Ideally, a river maintains itself in a dynamically stable condition. That is, while water, bedload, nutrients, and life forms move through the valley, they tend to continually maintain and refresh the physical habitat and species assemblages. The point bar that is there before and after a storm is in the same location but is made up of different material. In this reach, the normal processes have been altered so much that normal channel features are not maintained. The substrate is a combination of silts and clays and organic material which shifts on a daily basis but is seldom moved downstream. This is more typical of a delta marsh or a lakeshore than a river. We would expect, therefore, that establishing a marsh or coastal wetland feature here would be the most appropriate and resilient form of habitat enhancement and that it would support a native species assemblage in the river.

While, for the most part, this part of the river shifts, rather than flows, there are times when downstream flows are significant and any enhancements which are proposed will have to accommodate such flows without causing increased erosion or flooding.

The syphons downstream of the site are an artificial constriction in the flow which are susceptible to clogging with large, woody debris. Any structures proposed must therefore be secured such that they do not dislodge and move downstream.

Objectives

Ultimately, the objective of this restoration is to improve the physical diversity in the stream. This will be accomplished initially by adding physical structure in the form of woody debris and ultimately by creating areas conducive to the permanent establishment of a more diverse species assemblage of flora and fauna.

The structures should be designed to increase the roughness of the bed and shallow zone to “still” the water and allow suspended solids to settle out. The physical structure creates a more diverse physical habitat which can be used by aquatic organisms to colonize the site.

Once the site begins to stabilize, the water column will become clearer and a more diverse, complex vegetative community can become established, providing increased physical diversity and supporting a more complex aquatic ecosystem. Such systems are typical of marshes and are capable of adjusting to dynamic conditions, repairing themselves, and expanding beyond their original confines.

As the marsh expands, downstream flow will increase slightly in the open water areas, helping to move sediments downstream.

Rationale

Woody debris is a natural material in rivers and native aquatic ecosystems have evolved to take advantage of the habitat which they create. It is capable of shifting and anchoring itself in place for long periods of time.

By installing natural woody structures in areas where sedimentation would normally occur, we can create relatively calm water, promote sedimentation, and provide physical diversity. Smaller branches can protrude above the water as they will easily shear off or bend when subjected to forces such as high flows or ice movement.

The bulk of the structure should be below the surface so that higher flows pass over, rather than exert force on the structure.

It is important that the structure can shift and adjust as rivers are dynamic and always changing, but in this case it is essential that the structures are not allowed to move downstream to the siphons. For this reason they also need to be anchored.

Sweepers have been used extensively to add woody debris and provide sedimentation in rivers to sift flows in degraded channels. Generally, made of conifer trees angled downstream and anchored in place with stakes, rocks, or cables on the inside bends of rivers. The proposed design utilizes this system.

Concept

The area selected is on the inside bend of the river, downstream of a point. In this area, the floodplain is low and the water shallow with a deep bed of unconsolidated sediment. The river has a minimum width of about 40 metres at the point upstream of the site, however, in this area the river is wider. The sweepers will be installed so that they occupy the excess width and leave an unobstructed 40 meter wide channel.

The woody structures will be installed with the main structure below water and embedded in the sediment. The structures will angle up (pointing downstream), so that ice and flow will tend to slide over them moving downstream. Only smaller branches will be left above water as these can shear off if ice flows move over them.

Each structure will be weighed down at the upstream side with large boulders which can be either round or angular as they are not expected to move in the river. All trunks in the structure will be cabled together and anchored in the bank by a buried concrete deadman to ensure that the structure does not move downstream. At the channel side, a smaller concrete anchor will be cabled to the structure and pressed deep into the sediment. This will hold the end in place but will also allow some shifting. In a catastrophic event, this anchor will shift first and allow the structure to pivot on the bank deadman to hold it in place. The small anchor will be covered with round stone to provide flexible weight on the anchor and physical habitat where some scour may occur to keep it clean.

Upstream and downstream of the main structure, single trees weighted with boulders and cabled to deadmen in the bank will be installed to gradually transition between the structure and the existing shore.

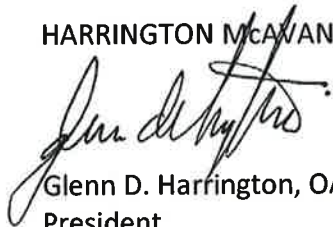
Environmental Controls

All work within the floodplain and in the staging area must be contained by a silt fence installed and maintained to prevent soil from eroding and entering the floodplain or the river. This fence will be inspected daily and any silt removed when it accumulates.

Any work in the water will be enclosed by an aquatic silt fence, designed to allow suspended sediment caused by the installation of structures to settle out in a minimum of 48 hours. The aquatic silt barrier shall only be installed around the work being done immediately, and will be removed 48 hours after the work is complete to minimize the potential to interfere with flow. Work shall only be done within the timing window dictated by MNRF.

All disturbed areas will be graded smooth immediately and seeded to prevent erosion. All unused branches will be stored in the storage area and removed from the site when the work is complete.

HARRINGTON McAVAN LTD.



Glenn D. Harrington, OALA, FCCLA
President

Preliminary Cost Estimate

Project: Welland River West Coastal Wetland Restoration
Project Number: 14-25
Prepared By: Harrington McAvan Ltd.
Date: 27-Feb-15



Site Preparation				
Item	Quantity	Unit	Unit Price	Subtotal
Site Mobilization/Demobilization/Contract Administration/ Mark-up	1	l.sum	\$ 10,000.00	\$ 10,000.00
Silt fence (dry)	80	l.sum	\$ 20.00	\$ 1,600.00
Silt fence (submerged)	350	l.m.	\$ 30.00	\$ 10,500.00
Tree Protection Fencing	400	l.m.	\$ 10.00	\$ 4,000.00
Subtotal				\$ 26,100.00

Wetland Restoration				
Item	Quantity	Unit	Unit Price	Subtotal
Sweeper	22	each	\$ 750.00	\$ 16,500.00
Woody Sediment Barrier	80	l.m.	\$ 325.00	\$ 26,000.00
Live Fascine	140	l.m.	\$ 65.00	\$ 9,100.00
Corduroy Path	10	l.m.	\$ 30.00	\$ 300.00
25-50mm natural roundstone	60	m3	\$ 70.00	\$ 4,200.00
Anchor 'A'	13	each	\$ 6,500.00	\$ 84,500.00
Anchor 'B'	7	each	\$ 1,500.00	\$ 10,500.00
Subtotal				\$ 151,100.00

Planting				
Item	Quantity	Unit	Unit Price	Subtotal
<i>Cornus sericea</i>	55	each	\$ 28.75	\$ 1,581.25
<i>Viburnum trilobum</i>	35	each	\$ 33.75	\$ 1,181.25
Subtotal				\$ 2,762.50

Summary				
Site Preparation Subtotal			\$	26,100.00
Wetland Restoration Subtotal			\$	151,100.00
Planting Subtotal			\$	2,762.50
Subtotal			\$	179,962.50

Report To: Board of Directors

Subject: Grant Application – Pollinator Gardens

Report No: 20-16

Date: February 17, 2016

RECOMMENDATION:

That Report No. 20-16 be received; and,

That the NPCA Board of Directors direct staff to enter into a Transfer Payment Agreement with the Province of Ontario in order to carry out the Pollinator Garden Project.

PURPOSE:

Board members are asked to pass this motion to allow for the transfer of monies from the Province of Ontario to NPCA, in order to carry out the Pollinator Garden Project.

BACKGROUND:

Community Outreach Coordinator, Kerry Royer submitted a grant application to the Ontario Community Environment Fund, for the establishment of 3 pollinator gardens, on NPCA properties. These gardens are to be established at Smith-Ness Conservation Area, Niagara Falls; St. Johns Valley Centre, Pelham; and Stevensville Conservation Area, Fort Erie. An overview of the project is attached as Appendix 1.

DISCUSSION:

The project has been approved and the funder has asked the NPCA Board to pass the motion recommended in this report.

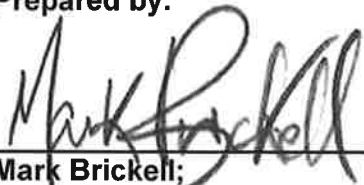
FINANCIAL IMPLICATIONS:

NPCA will receive \$9,056 from the Ontario Community Environment Fund.

RELATED REPORTS AND APPENDICES:

1. Pollinator Garden Project Overview

Prepared by:



Mark Brickell;
Acting Director, Operations

Submitted by:



Carmen D'Angelo
Chief Administrative Officer /Secretary Treasurer

This report was prepared with the consultative input from: Kerry Royer

Project Overview

**Subject: Grant Application – Ontario Community Environment Fund:
Pollinator Garden Project**

In November 2014 the Niagara Peninsula Conservation Authority submitted a grant application for the Ontario Community Environment Fund.

When a business spills a contaminant or does not comply with Ontario's environmental rules, environmental penalties may be issued. The Ontario Community Environment Fund uses money collected from these penalties to support environmental improvement projects in the watershed areas where a violation happened.

Projects focus on:

- environmental cleanup
- research and education about spills and restoring the environment
- how to prevent or manage spills

Priority for funding will be given to projects that clean up or restore the environment.

All applications will be evaluated for environmental and community benefit and technical merit.

Grant Amount: \$9,056.00

The NPCA received notification on December 2nd 2015 that we were the successful applicants for our proposal of three pollinator gardens in NPCA Conservation Areas.

Project Description:

The purpose of the project is to increase awareness about the issues facing bees/pollinators in Niagara and to restore their habitat in some of our publicly accessible Conservation Areas (CAs). This would serve as a pilot project with the hopes of expanding the program into other CAs in the future. This project will not only benefit the pollinators, it will also benefit other insects that rely on native flora.

The objective of the project is to create pockets of native plants in under-used parts of our CAs that are currently being maintained as mown grass. These pockets could help shorten the distance between similar patches of plants along travel corridors for pollinators in our watershed. The project aims to be inclusive of the community by engaging others in all aspects, including site preparation, planting, watering, education and after-care.

The scope of the project will be the creation of three (3) pollinator gardens on CA properties. The gardens will be created using native flora that is beneficial to a variety of pollinators, including bees/wasps, butterflies, birds, etc. The garden will be prepared by removing sod and rototilling. Native species will be planted by NPCA staff and members of the surrounding community. They will need to be watered for one summer to ensure survival. This will be done by NPCA and community partners, if possible. The project will include an educational sign beside the garden. These gardens could be expanded year after year as the plants can easily be divided.

Proposed sites for pollinator gardens:
Smith-Ness Conservation Area, Niagara Falls
St. John's Valley Centre, Pelham
Stevensville Conservation Area, Fort Erie

Purpose:

Pollinators are organisms that help transfer pollen from one flowering plant to another. This fertilizes plants so that they can produce seeds and fruit. With over 700 native species in Canada, bees are the most common pollinators. Other pollinators include butterflies, moths, wasps, flies, some types of beetles, hummingbirds and certain bats. Bees and other insect pollinators are critical to the production of many crops and play an essential ecological role. Crops that depend on the work of pollinators include tree and berry fruit, canola, alfalfa, squash, and melon. (Health Canada). An estimated 35% of crops depend on pollinators and 90% of wild plants need pollinators. The value of the pollinating service has been estimated at \$112 billion US worldwide.

Declines in honeybee and other pollinator populations have generated considerable scientific and public interest both in Canada and internationally. A number of factors are seen as potential contributors to these declines and no single factor has been identified as the cause. The available science suggests that multiple factors acting in combination may be at play, including loss of habitat and food sources, diseases, viruses and pests, and pesticide exposure. (Health Canada)

This project will address the "habitat loss" portion of the problem directly by creating habitat on our CA properties. In addition, education of the general public about the use of pesticides and about increasing native species into their landscaping will help to address some of the other problems. This project will provide great opportunities for members of the community to become actively involved with the environmental

conservation of their community. Through public education we can ensure that wildlife habitat will continue to exist on private lands as well as public lands.

Environmental and Community Benefits

The greatest benefit will be the increased habitat for pollinators. Certain species of pollinators rely on very specific food sources. For example Monarch butterflies feed exclusively on Milkweed plants in the caterpillar phase of their lifecycle. Our project will aim to plant a variety of species that are specific to different butterfly, bee and other pollinator species. The plants will provide food source for many different living organisms. The community will benefit from the pollinating service provided by the pollinators, ensuring our food source is sustainable. The pollinating service has economic, social and cultural impacts in our watershed and therefore we should be doing what we can to encourage it. The project will increase awareness about the issues facing the pollinators and empower people in the community to become better stewards of their lands.

Short-Term Benefits:

- Increased habitat/food source for pollinators
- Community involvement opportunity
- Getting community out to our CAs

Long-Term Benefits:

- Foster a positive relationship between the NPCA and community
- Ensure sustainability of crops/food sources in Niagara watershed
- Public more aware – could increase stewardship initiatives on their own property
- If successful could be expanded to other CAs
- Plants could be seed source for other NPCA stewardship programs

Report To: Board of Directors

Subject: Live Streaming of Board Meetings – Necessary Capital Purchases

Report No: 21-16

Date: February 17, 2016

RECOMMENDATION:

1. That Report No. 21-16 be received; and,
2. That staff be authorized to install 3 additional Wi-Fi Access Points at the Centre for Conservation and 15 additional wireless microphones; and,
3. That these funds come out of capital reserves.

PURPOSE:

To seek Board approval for unbudgeted capital purchases required to support the Live Streaming of Board Meetings initiative.

BACKGROUND:

At the January NPCA Board Meeting, a motion was passed authorizing “staff to enter into negotiations with Wee Stream to establish a contract for the 2016 meeting schedule for their services at a fixed rate.” (Report No. 06-16 – Attached as Appendix 1)

In order to support this initiative, staff is recommending that additional equipment be purchased to ensure adequate bandwidth and quality sound. Specifically, staff is recommending that additional Wi-Fi Access Points be installed at the Centre for Conservation and that additional wireless microphones be purchased so that microphones need not be shared.

DISCUSSION:

Staff is recommending the addition of 3 Access Points to enhance the Wi-Fi reliability, at the Centre for Conservation. The cost of this work has been estimated to be approximately \$2,000. In addition, staff is recommending the purchase of an additional 15 wireless microphones to eliminate the need for sharing and to ensure a higher quality audio output. Assuming we use the same supplier as before, the cost of this portion of the project would be approximately \$18,550. As these items were not included in the 2016 Budget, staff is seeking Board approval to purchase these items out of capital reserves.

FINANCIAL IMPLICATIONS:

Not to exceed \$23,000. The enhanced Wi-Fi connection will allow us to charge Glen Elgin room users a premium for Wi-Fi access.

RELATED REPORTS AND APPENDICES:

1. Report No. 06-16

Prepared by:



Mark Brickell
Acting Director, Operations

Submitted by:



Carmen D'Angelo
Chief Administrative Officer
Secretary Treasurer



Report To: Board of Directors

Subject: Internet Live Streaming of NPCA Board of Directors Meetings Update

Report No: 06-16

Date: January 20, 2016

RECOMMENDATIONS

THAT:

- 1. The Internet Live Streaming of NPCA Board of Directors Meetings Update Report No. 06-16 be received; and,**
- 2. The Board approve the selection of the *Wee Streem* service provider as the Niagara Peninsula Conservation Authority's live streaming solution of choice; and,**
- 3. The Board approve staff to enter into negotiations with *Wee Streem* to establish a contract for the 2016 meeting schedule for their services at a fixed rate.**

PURPOSE

To recommend a solution to the NPCA Board of Directors with regards to broadcasting Board of Directors meetings online.

BACKGROUND

At the October Board of Directors meeting a request was made to inquire about the Authority's capabilities to potentially live stream future meetings via the internet. This was to compensate for the fact that monthly meetings had transitioned to occur during day time hours which makes it difficult for members of the public to attend in the gallery and witness proceedings.

At the December Board of Directors meeting Report No. 132-15, 'Live Streaming Board of Directors Meetings', was presented for information purposes detailing a critical path to this objective that was quickly identified by staff and based on the initial recommendation of its IT managed services provider. The members directed staff to follow up with further information as detailed in this report.

CONSIDERATIONS

The Wi-Fi capability at the Balls Falls Center for Conservation was questioned in terms of supporting livestreaming. Internet service is provided to the Center wirelessly via the Niagara Wireless Internet Company (NWIC) which eliminates the need to alternatively install a costly fiber solution to the site. The current package provides 50 Mbps (mega bits per second) bandwidth with a 40 Mbps download commit, and 10 Mbps upload, which is sufficient to support livestreaming video in High Definition (HD). NWIC offers more bandwidth packages should a future service upgrade for the site be required.

The primary issue with the Center for Conservation is redistributing the adequate internet signal provided by NWIC throughout the site. The office area is hardwired with network jacks however the rest of the building, including the Glen and Elgin rooms as meeting facilities, are serviced through local Wi-Fi networks managed on site by staff through commercial routers that are old and designed for home use. Staff recommends installing professional Access Points (APs) throughout the facility where necessary to provide proper coverage. The firewall system that was installed onsite during the recent IT migration and facilitates the Balls Falls VPN (Virtual Private Network) to the NPCA network and datacenter in Welland, can be configured with the improved APs to set up several secure and public Wi-Fi networks for the Center for Conservation with various upload and download specifications. This would address the Wi-Fi issue in the Center itself and also provide a potential revenue stream via the provision of secure Wi-Fi services that could be charged along with facility rentals. They would also complement the APs installed in the valley ahead of the 2015 Thanksgiving festival completing the Wi-Fi access for the entire property.

A preliminary cost estimate of \$8000 was proposed in the 2016 capital budget for Wi-Fi Access Point upgrades at the Center for Conservation but was deferred. Staff is currently reconfirming this value.

Staff's current understanding of legal ramifications and any records retention issues associated with the live streaming of meetings would be dependent upon what the corporate Records Retention Schedule dictates. Without any definitive guidance for this type of media from the Municipal or Conservation Authorities Acts, or an official NPCA Records Retention Policy and associated Schedule, the Authority has some discretion. For reference, the Region's retention period for digital audio recordings of Council is dependent on server capacity as determined by their IT department. Staff will follow up with legal counsel ahead of any potential broadcast to address any outstanding requirements and inform the members in a follow up report for information.

SOLUTIONS

As requested, staff consulted Regional Staff about how the Region of Niagara does live streaming. The Region uses YouTube's live streaming functionality which is a free service. Streamed events through YouTube's functionality is recorded and stored through the Region's user 'channel'. Capture of the video is done with the Region's own multiple camera infrastructures preconfigured to various views of the council chambers so that the broadcast can alternate between various feeds using a switcher and production software. Cogeco comes in and actually produces the Council Meetings since they broadcast the recording on their local television channel, and

Regional staff produces any Committee meetings that are streamed. Cogeco was contacted and indicated they had no interest in providing this service to the NPCA.

SkyComp recommended that the Authority utilize an online service called *Livestream* (www.livestream.com). Livestream provides a solution to both broadcast and watch live events in High Definition (HD) video quality through the internet. Like YouTube, it is a cloud based solution and unlimited in terms live streaming with no charge for viewer hours or bandwidth usage. The service is subscription based and costs \$199/month billed annually, however requires some minor hardware acquisitions. The total estimated cost for LiveStream as an option is \$6,400 for a year including capital investments.

Staff also investigated *UStream*, an alternative online live streaming service to LiveStream. Ustream would also have the same minor hardware requirements, however its subscription rate is based on viewable hours, and the most adequate package to meet the perceived needs is \$499/month. As a result the total estimate cost for UStream as an option is \$10,000 for a year including capital investments.

WeeStream, a Niagara based technology company, was also approached for information on their services. They also broadcast live events in High Definition over the internet using small wireless cameras for a multi-camera broadcast with just one operator. WeeStream also uses YouTube since it's the most popular and recognizable video platform in the world. The advantage that WeeStream offers is that it manages the production of the broadcast using its own equipment and supplies its own LTE based internet connect to upload from. Their current pricing is a \$400 flat fee with \$50 for every half hour (or part thereof) exceeding three hours. As a result the total estimate cost for WeeStream as an option is \$6,000 for a year, assuming meetings last 4 hours on average.

CONCLUSIONS

The WeeStream solution is the most turn-key and of minimal impact to staff while remaining the most cost effective. Staff would like to recommend WeeStream as the NPCA's live streaming service provider and enter negotiations with them to see if they can determine a flat rate for a year's worth of board meetings and to address the unpredictable duration of meetings to alleviate excessive costs should meetings transpire longer than 4 hours.

The estimated cost of \$6,000 was not part of the 2016 budget.

IMPLEMENTATION

Staff are targeting the March 2016 Board of Directors meeting for the first broadcast assuming WeeStream is available to service the event with the available notice.

ALIGNMENT TO NPCA's 2014-2017 STRATEGIC PLAN

The NPCA Strategic Plan focuses impart on transparent governance and enhanced accountability through clear and respectful communication. Ensuring the NPCA's stakeholders and the broader

public can watch Board of Directors meetings live through the internet as an alternative to attending directly in the gallery makes Authority proceedings highly transparent.

ATTACHMENTS

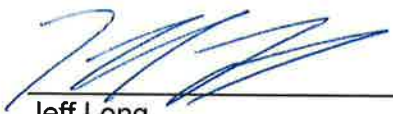
1. WeeStroom Brochure

Prepared by:



Geoffrey Verkade
Supervisor, Geographic Information Services

Reviewed by:



Jeff Long
Sr. Manager, Corporate Services

Submitted by:



Carmen D'Angelo,
Chief Administrative Officer / Secretary-Treasurer



WeeStream

Multi-Camera Live Video Streaming & Recording

What Wee Do

Wee broadcast and record your live events in High Definition over the internet. Wee use small, wireless cameras to capture every angle while remaining minimally invasive. Productions include split-screen, pic-in-pic, etc.

Why WeeStream

Only WeeStream provides High-Definition, multi-camera live broadcasts at an affordable price. We use cutting edge technology to simultaneously control many HD cameras & execute live production with just one operator.

Live Streaming

The internet is everywhere; phones, laptops, tablets, smart-TVs, computers, etc. WeeStream delivers your event to all platforms – anywhere YouTube is available.

Video Archiving

Immediately after your live event/stream has finished, the full High Definition video is archived on YouTube. Watch it & share it over and over and over again.

Technology

Wee use small, wireless cameras that can be mounted and hidden almost anywhere. Wee also go everywhere; indoors, outdoors, remote areas – you name it.

Internet Usage

Wee provide our own internet connection so your bandwidth & data are not affected. YouTube hosts the video. You simply embed & link the video on your platforms (website, social media, etc.) without concern.

Why

YouTube is the most popular & recognizable video platform in the world. Everyone has the app loaded on their phones, Smart TVs & tablets.

All ages & skill sets are comfortable accessing and navigating YouTube. It is incredibly easy to view, link, embed & share your live stream.

Security

Wee can restrict access to your live stream (and ensuing video) based on your privacy preference. You control who watches.

Pricing

\$400 Flat Fee
\$50 For every ½hr. (or part thereof) exceeding 3hrs.

Brandon Schram
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info@weestream.com



Resolution No. FA - 19 - 16

FULL AUTHORITY MEETING

The 20th day of January, 2016

Moved by: _____ A. Jeffs

Seconded by: _____ J. Diodati

That, the Internet Live Streaming of NPCA Board of Directors Meetings Update Report No. 06-16 be received; and,

That, the Board approve the selection of the *Wee Streem* service provider as the Niagara Peninsula Conservation Authority's live streaming solution of choice; and,

That, the Board approve staff to enter into negotiations with *Wee Streem* to establish a contract for the 2016 meeting schedule for their services at a fixed rate.


Chairman

☒ CARRIED

☐ LOST

☐ AMENDED

☐ RECORDED VOTE