



**PROJECT NO.**  
**REQUEST FOR PROPOSAL**

Development of City-Owned Property

MAYOR: William Steele

Chief Administrative Officer: Scott Luey

CITY CLERK: AMBER LAPOINTE

**CLOSING DATE: DECEMBER 2, 2021**

**At. 2:00 p.m. local time**

**Document Release Date: November 8, 2021**

**Attn: Amber LaPointe, City Clerk**

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**DEFINITIONS**

The following definitions apply to the interpretation of the Bid Document;

1. "ADDENDUM" means a written change, addition, alteration, correction or revision to a bid, proposal or contract document. Addendum/Addenda may be issued following a pre-bid/pre-proposal site meeting/conference or as a result of a specification or work scope change to the solicitation.
2. An "AGREEMENT" means a legal document that binds the Corporation of the City of Port Colborne and the successful proponent to carry-out a project.
3. An "AWARD" is the acceptance of a Proposal in accordance with this Request for Proposal (RFP).
4. "CONSULTANT" means the provider of a service who, by virtue of professional expertise or service is contracted by the City of Port Colborne to carry-out a project.
5. "MANDATORY" refers to a specification or requirement that the Proponent must include in their Proposal and be capable of performing if they are the awarded the contract to carry-out the project. Instructions and specification that are requested by the words "shall" and/or "will" indicate the requirement is "mandatory".
6. "MAY" used in this document denotes permissive.
7. "OWNER" means the City of Port Colborne.
8. "PROPONENT" refers to any legal enterprise making a submission in response to this RFP.
9. "PROPOSAL" is a written offer, received from a person\company in response to an invitation to provide goods and/or services based on a Request for Proposal and the corresponding Terms of Reference.
10. "REQUEST FOR PROPOSAL" (RFP) means the document issued by the City of Port Colborne and used to solicit proposals from Proponents to provide goods, services or construction to the City, where it is not practical and/or possible to prepare precise specifications, or where "alternatives" to detailed specifications will be considered, which may be subject to further negotiation.
11. "SHALL" and "WILL" used in this document denotes imperative.
12. "SUCCESSFUL PROPONENT(S)" means a Proponent whose submission(s) has been accepted by the City.

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**1.0 General Background**

The Terms of Reference describes the Corporation of the City of Port Colborne's requirements for the consulting services required to develop a City-owned vacant property; 235-241 Welland Street.

**2.0 Community Background**

The City of Port Colborne (2016 population 18,306) is a lower-tier municipality on Lake Erie, at the southern end of the Welland Canal, in the Niagara Region of southern Ontario, Canada. The City is one of 12 municipalities that constitute the Regional Municipality of Niagara. The municipality offers the best of small and large city infrastructure and activities. While sharing similarities with other municipalities that have distinct urban and rural areas, Port Colborne's history and vision for the future is unique and makes it special.

Port Colborne is situated on the north shore of Lake Erie, at the mouth of the Welland Canal. It shares its boundaries with the Township of Wainfleet to the west, the Town of Fort Erie to the east, and the City of Welland and City of Niagara Falls to the north. Historically, the City of Port Colborne has benefited both from its proximity to large population centres in Southern Ontario and the Northeast United States, and its strategic location on the Welland Canal and Lake Erie.

**3.0 Project Objectives and Deliverables****Project Overview**

The vacant City-owned property, located at 235-241 Welland Street, has been declared surplus and the City would like divest this property. Redevelopment and revitalization of the City's east side is of paramount importance for Council and staff. The design guidelines for this property and the general area show a mixed-use development which will incorporate both commercial and residential uses.

**Planning Framework and Policies:**

The property at 235-241 Welland Street (the "subject property") is strategically located within the City of Port Colborne in the East Waterfront Area. The City has completed a Secondary Plan for the East Waterfront (refer to the City's Official Plan) which will guide development in this area. Key to the development of this area of the East Waterfront is the intersection of Welland Street, Clarence Street, and the key parks identified in the East Waterfront Secondary Plan. The Design Guidelines provide details on the East Waterfront Secondary Plan – policies and land use designations.

The connectivity between downtown Port Colborne and the East Waterfront is a strategic priority for the City in its plans and policies. Connectivity is to be provided through the street and bridge network, parks and open space, cycling and pedestrian infrastructure, and the overall integration of design approach for both communities. Collectively, this is an integrated approach to placemaking in the most urban areas of Port Colborne.

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There are key community elements in the East Waterfront Secondary Plan that are to be translated into the redevelopment of the subject property. A brief description is provided below, proponents are to refer to the list of additional resources at the end of this section for fulsome information.

1. A Mixed-Use Community – the East Waterfront community includes existing and new opportunities for residential and mixed-use development. At the same time, the East Waterfront is a working waterfront with existing businesses along the Welland Canal and further outside the Secondary Plan Area.
2. Increasing housing supply – the mixed-use designation within the East Waterfront provides opportunities to increase housing supply through redevelopment of the subject property. There is an expectation that all mixed-use development lands, including the subject property, will include new housing to increase housing supply.
3. Clarence Street – this major City Street is a key access to downtown Port Colborne. There is an existing bridge across the Welland Canal that provides vehicular, pedestrian and cyclist access to downtown Port Colborne. Clarence Street provides a view corridor into the park system and development in the East Waterfront from Downtown Port Colborne and, conversely, into downtown Port Colborne. The view corridor into the parks and the development of the subject property is a priority for the City – refer to the Design Guidelines for View Corridor requirements.
4. Major Parks and Open Space – The commitment to parks and open space is key to leveraging value for investment in the East Waterfront.
5. Active Transportation – Immediately north of the subject property is the Friendship Trail which is a key active transportation corridor that connects the East Waterfront and Port Colborne easterly to Fort Erie. The Friendship Trail provides connectivity to the Greater Niagara Circle Route for both pedestrians and cyclists. The Greater Niagara Circle Route is a key active transportation corridor that connects pedestrians and cyclists along the Welland Canal from Lake Ontario to Lake Erie. It is a priority for the City and the development of the subject property that active transportation is integrated into each development – both public and private – in the East Waterfront. Please see the Design Guidelines for more details on active transportation requirements.
6. Brownfield Redevelopment – implementing the vision for the East Waterfront requires investment by both the City of Port Colborne and private proponents for new housing and public spaces. Reinvestment in brownfield sites for new mixed-use development and housing implements the City's commitment to environmental stewardship of land in the East Waterfront. Please refer to the East Waterfront Community Improvement section of this RFP.

**Design Excellence:**

To implement the City's overall vision for the East Waterfront, design excellence is a high priority. Design Guidelines have been developed for the subject property are to be used by proponents to develop their vision and design to achieve the City's overall vision, goals, and objectives. Priorities include, but are not limited to, the following:

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- a. Mixed commercial residential development<sup>1</sup>
- b. Integration of the development of the subject property with the overall community through active uses at grade including windows and doors at the street level
- c. Ensuring connectivity to the public realm on Welland Street for pedestrians and cyclists to and from the proposed development
- d. Providing high quality architectural design

See separate document for urban design guidelines.

Note to Proponents: The above description is an overview of the planning framework. Proponents shall review the “Additional Resources” documents listed at the end of this section. In the case of a conflict between the above and the Additional Resources documents, the latter shall prevail.

**East Waterfront Community Improvement Plan:**

In 2012 the City of Port Colborne adopted the East Waterfront Community Improvement Plan (“EWCIP”). The boundaries of the EWCIP are the same as the East Waterfront Secondary Plan Area. The EWCIP provides direction on the development and facilitating the implementation of the City’s plan for the East Waterfront. The funding programs for the East Waterfront Secondary Plan are:

- Façade Improvement
- Residential Grant
- Revitalization Grant
- Urban Design Study Grant

Proponents should refer to the most current program guides and application forms to understand these programs. The East Waterfront CIP is available on the City’s website.

**Niagara Region: Incentives and Smart Growth Design Criteria**

Niagara Region partners with municipalities such as the City of Port Colborne to support redevelopment in key priority areas within the Region and the City. As of the writing of this RFP, Niagara Region has a variety of brownfield programs available that share funding of the East Waterfront CIP programs. Proponents should contact Niagara Region for the most current information (Niagara Region Economic Development).

In addition, Niagara Region has established Smart Growth Design Criteria for various building typologies. One of these typologies is for residential/mixed use buildings over 5 storeys. The criteria document is attached as an appendix to this RFP – please consult Niagara Region to confirm this is the most current version. In addition, as Niagara Region uses these criteria for assessing incentive

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<sup>1</sup> Although other uses such as commercial (stand alone) and townhouses are permitted in the Official Plan, a mixed use building is the highly preferred development approach.

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availability, proponents are advised to review their design and financial analysis.

**Additional Resources:**

- City of Port Colborne Official Plan
- City of Port Colborne – East Waterfront Secondary Plan
- City of Port Colborne Zoning By-law
- East Waterfront Community Improvement Plan
- Niagara Region Smart Growth Criteria – Buildings over 5 storeys

**Project Scope****Review Team:**

A City's Project Review Team (PRT) will be established to receive and review the proposals before they are submitted to Council. The Team may consist of:

- Manager of Strategic Initiatives – Gary Long
- Economic Development Officer – Bram Cotton
- Planning Consultant – Rick Brady
- Planner – David Schulz
- Digital Service Squad Program Coordinator – Rob Fucile

**Site Overview**

The City-owned site is located at the corner of Welland Street and Clarence Street. This gateway property is identified as a Downtown Commercial zone in the Official Plan. Pertinent information is listed below and in the attached documents. (See *Attachment 'B'* for a site map)

**Address:** 235-241 Welland Street, Port Colborne, Ontario

**Minimum Bid Price:** \$319,900

**Size (all approximate):** 0.37 acres

North Property Line: 184.46 ft.

East Property Line: 82.71 ft.

South Property Line: 181.35 ft.

West Property Line (Frontage): 95.03 ft.

**City Stipulations:** To prevent speculation and land banking, the City will require the purchaser to enter into a Right to Reconveyance Agreement that stipulates that the owner must construct a building within a 2-year time frame or the City has the right to re-acquire the property.

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**Other Pertinent Information:** A Phase 1 ESA has been completed and is available upon request

**Surrounding land uses:** North – Commercial (Parkers Pub and Eatery)

East – Residential Dwellings

South – Residential Dwellings

West – Welland Street, Seaway Park, and Heavy Industrial Lands,  
Brennan Paving Limited (P-CH zoned lands)

**Zoning Information****Downtown Commercial Zone (DC)****General**

- a) No person shall use any lot or erect, alter or use any building or structure in any Downtown Commercial (DC) Zone except in accordance with the applicable provisions of Sections 2, 3 and 23.
- b) In addition to Section 23.1 (a), any lot may be subject to additional regulations or restrictions by the City, upper tier government or agencies as indicated in Section 1.3.

**Permitted Uses:** Allows for apartment buildings and commercial with apartments as an accessory. Full listing of permitted uses (DC) is show in *Attachment 'C'*.

Full listings of zoning requirements (DC) are shown in *Attachment 'D'*.

Full listings of parking requirements (DC) are shown in *Attachment 'E'*.

**4.0 Project Management**

The lead contact person for this project will be the City's Manager of Strategic Initiatives, Gary Long (email: [gary.long@portcolborne.ca](mailto:gary.long@portcolborne.ca); telephone: 905-835-2900 ext. 502).

**5.0 Submission**

The Proposal should include items listed hereunder, but also include other considerations based on the Proponent's understanding of the project. Proponents are requested to adhere strictly to the instructions concerning submission. The following policy regarding the submission and opening procedures will be applicable.

**Three copies of the Proposal must be sealed and submitted to:**

**Amber LaPointe**, City Clerk on the  
2<sup>nd</sup> Floor, City Hall



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66 Charlotte Street,  
Port Colborne, Ontario, L3K 3C8

**By the following date and time:****December 2<sup>nd</sup>, 2021 at 2:00 p.m. local time**

Proposals received later than the time specified will not be accepted, regardless of the postal seal date. Proposals must be plainly marked to reveal the contents and the submitters name and address. Proposals received after this time will be unopened and returned.

Proposals shall be submitted in envelopes with the information on the front as shown in *Attachment 'F'*, as follows:

- Envelope 1 – Development Proposal
- Envelope 2 – Offer/Purchase Price

If you wish for clarification of specifications, do not use the envelopes submitted as it will not be opened prior to the Project opening.

The bid must be legible, written in ink, or typewritten. Any form of erasure, strikeout or over-writing must be initialed by the Bidder's authorized signing officer.

Key Contacts for inquiries regarding this RFP are as follows, and must be submitted **by email only**, and directed to the attention of:

**Gary Long****Manager of Strategic Initiatives****Email: [gary.long@portcolborne.ca](mailto:gary.long@portcolborne.ca)**

All proponents intending to submit a proposal are advised to register their intention at [gary.long@portcolborne.ca](mailto:gary.long@portcolborne.ca) to ensure access to clarifications and addendums.

City staff may clarify any aspect of a Proposal submission with the Proponent at any time after the Proposal has been opened. Any such clarification will not alter the Proposal and will not be constituted as a negotiation or renegotiation of the Proposal. The Corporation of the City of Port Colborne is not required to clarify any part of a Proposal. Any clarification of a Proposal by a Proponent shall not be effective until confirmation has been delivered in writing.

It will be the responsibility of the proponent to clarify any details in question before submitting their Proposal.

Any Proponent finding discrepancies or omissions in the documents or having any doubts concerning the meaning or intent of any part thereof, should immediately request clarification. Written instructions or explanations will then be sent to all proponents in the form of addenda to the RFP documents.

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Proponents may, reasonably in advance of the closing date and time, inquire into and seek clarification of any requirements of this RFP. Inquiries must be directed to the attention of:

**Gary Long****Manager of Strategic Initiatives**Email: [gary.long@portcolborne.ca](mailto:gary.long@portcolborne.ca)**No inquiries will be taken on the Closing Date.****6.0 Proposal**

Interested parties shall provide a brief Proposal, maximum 5 pages, not including the covering letter, résumés, company credentials, content page and appendices. Appendices are to be limited to résumés, project lists and corporate information.

**7.0 Obligations of the Parties**

The following items are general obligations of the Proponent and City:

Submission of a Proposal does not obligate the City of Port Colborne to acceptance and, as such, the City of Port Colborne reserves the right to accept or reject any Proposal, based on technical merit, interpretation of this Request for Proposal, cost effectiveness, timeliness, etc.

Acceptance of any Proposal will be subject to approval by City of Port Colborne Council. The selected Proponent will be required to enter into a written agreement with the City of Port Colborne before commencement of the project.

**8.0 Proposal Evaluation**

All Proposals will initially be reviewed and assessed based on non-cost criteria. A preferred proposal will be determined based on the ability to meet the requirements of this RFP. See **15.0 Evaluation and Selection of Proponents.**

**9.0 Confidentiality**

The City of Port Colborne will treat all bids as confidential. The City will comply with the Municipal Freedom of Information and Protection of Privacy Act, and its retention by-law pursuant to the Municipal Act, in respect of all bids. These reports will not include bid documents. The City will retain all copies of all bids successful or otherwise, and they will be destroyed in accordance with the City's Retention By-Law.

**10.0 Informal/Incomplete Proposals**

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Proposals shall be rejected as informal/incomplete for any of the following:

- a) Late
- b) Incorrect Fee/Schedule Breakdown document
- c) Incorrect/Missing envelopes
- d) Incomplete documentation
- e) Missing/Incomplete Addendum
- f) Proposal not signed and/or sealed
- g) Proposal completed in pencil
- h) Erasures, overwriting or strikeouts not initialed
- i) Proposals submitted by fax or email

**11.0 Proponent Performance (Litigation)**

The Corporation may, in its sole discretion, reject a Proposal if a Proponent:

- i. Has, at any time, threatened, commenced or engaged in legal claims or litigation against the Corporation of the City of Port Colborne
- ii. Is involved in a claim or litigation initiated by the Corporation.
- iii. Previously provided goods or services to the Corporation in an unsatisfactory manner.
- iv. Has failed to satisfy an outstanding debt to the Corporation.
- v. Has a history of illegitimate, frivolous, unreasonable, or invalid claims.
- vi. Provides incomplete, unrepresentative or unsatisfactory references.
- vii. Has engaged in conduct that leads the Corporation to determine that it would not be in the Corporation's best interests to accept the Proposal.
- viii. Has a conflict of interest or that which may be viewed as a conflict of interest either with or by the Corporation.

Proponent's must sign and submit the Litigation & Conflict of Interest Statement. (*Attachment 'G'*)

**12.0 Exclusion**

Except as expressly and specifically permitted herein, no proponent shall have any claim for any compensation of any kind whatsoever, as a result of participating in this Request for Proposal, and by submitting a Proposal each proponent shall be deemed to have agreed that it has no claim.

**13.0 Acceptance or Rejection of Proposals**

The City of Port Colborne reserves the right to discuss any and all Proposals, to request additional information from the Proponent and to accept or reject any or all Proposals, whichever is in the best interest of the City.

All Proposals may be subject to an evaluation process.

An award will be made to the firm, which in the opinion of the City, is best qualified to meet the City's requirements. The City will not be required to justify its decision to those firms not selected. The City will not be liable for any costs incurred by the consulting teams in the preparation of their Proposals.

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Any consortium of companies or agencies submitting a proposal must certify that each company or agency of the consortium can meet the requirements set forth in the RFP.

**14.0 RFP Schedule**

RFP Issued	November 9 <sup>th</sup> , 2021
Deadline for questions	November 25 <sup>th</sup> , 2021
Deadline for staff response to questions	November 26 <sup>th</sup> , 2021
Submission of Proposals	December 2 <sup>nd</sup> , 2021
Staff Review Proposals	December 3 <sup>rd</sup> , 2021
City Council awards contract	December 13 <sup>th</sup> , 2021
Project Start-up	December 14 <sup>th</sup> , 2021

**15.0 Evaluation and Selection of Proponents****Objectives**

The objective of the Evaluation and Selection Process is to identify the Proposal that effectively meets the requirements of this RFP. Specifically, the Planning Framework and Policies as outlined in Section 3 of this RFP.

The City of Port Colborne has established the following general criteria for the selection of a company /proponent for this study:

- Demonstrated knowledge of developing vacant property, best practices, emerging trends, marketing and program administration;
- Adherence to the planning and development policies as highlighted in Section 3 of the RFP.
- Demonstrated understanding of the objectives of the City of Port Colborne;
- Proven ability to meet, either in-house or through sub-contractors, the project requirements on schedule and within budget;
- Proven ability to provide creative solutions and initiatives;
- Prior experience in conducting similar projects.

**Project Review Team**

A Project Review Team (PRT) will review and evaluate the proposals. The evaluations will be conducted using pre-determined criteria set out in this RFP. The Owner reserves the right to have a third party that will be subject to strict confidentiality obligations, review the Proposals to support and advise the team as necessary. Once the PRT has completed their review and evaluation, the proposals will be sent to Council to review during a closed session meeting, pursuant to Section 239 of the Municipal Act. Council will make the final decision.

**Evaluation**

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The Proposal evaluation will be comprised of the following stages:

- Stage 1: Evaluation of Mandatory Criteria
- Stage 2: Evaluation of Technical Criteria
- Stage 3: Reference Checks of Short-Listed Proponents
- Stage 4: Evaluation of Cost Criteria

**Evaluation & Selection Criteria****Stage 1 - Evaluation of Mandatory Criteria**

Proposals that do not meet the mandatory criteria will be rejected without further evaluation.

**Stage 2 - Evaluation of Technical Criteria**

Subject to the evaluation Committee's right to reject an unacceptable Proposal under the Submission requirements; the Evaluation Committee will evaluate and score the Proposal information provided. For each criterion, each Proposal will be assessed and points will be awarded on the basis of the extent to which the requirements of the RFP documents are satisfied and the comparative merit of the individual Proposal as compared to other Proposals.

**Stage 3 - Reference Checks of Short-Listed Proponents**

The Evaluation Committee may consult with the references of the short-listed Proponents. Based on the feedback from references, the technical ratings may be adjusted.

**Stage 4 - Evaluation of Cost Criteria**

Evaluation of cost criteria will be conducted after evaluation of the technical criteria and references.

**Additional Information**

The Project Review Team (PRT) may, at its discretion, verify and make inquiries with respect to references given by a proponent, and request clarifications or additional information with respect to any Proposal. The PRT may make such requests to only selected Proposals without making the same requests for all Proposals. The PRT may consider such clarifications or additional information in evaluating a Proposal.

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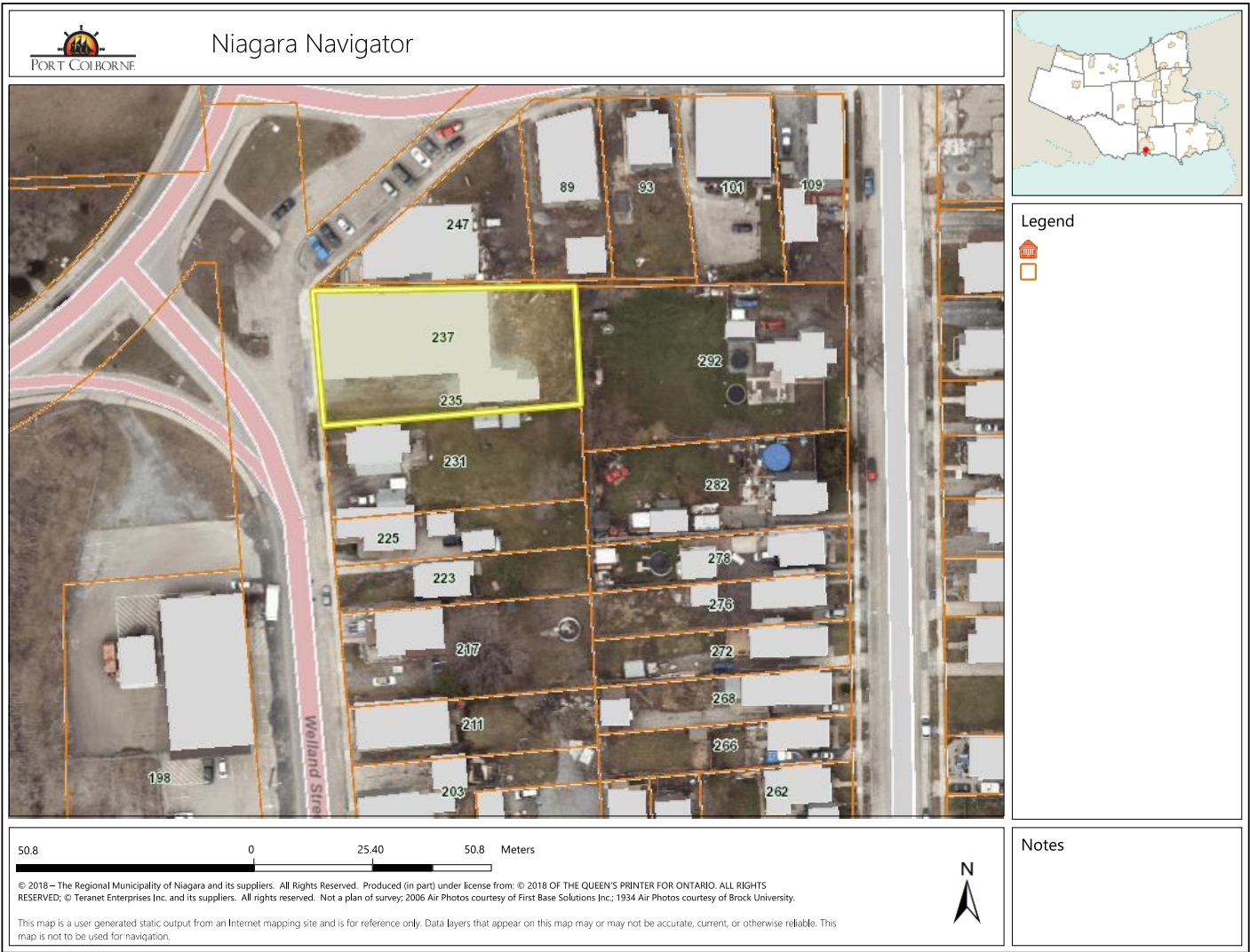
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**Attachment 'A'**  
**Mixed-Use Development**

See separate document for urban design guidelines.

Attachment 'B'  
Site Map



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**Attachment 'C'**  
**Permitted Uses**

The following list outlines the permitted uses for a Downtown Commercial Zone (DC) property.

- a) Animal Care Establishment;
- b) Apartment Building;
- c) Apartment Building, Public;
- d) Brew Pub;
- e) Day Care;
- f) Drive-Thru Facility;
- g) Dwelling, Accessory
- h) Existing Motor Vehicle Gas Station;
- i) Existing Motor Vehicle Repair Garage;
- j) Food Vehicle;
- k) Hotel;
- l) Medical Clinic;
- m) Office;
- n) Personal Service Business;
- o) Place of Assembly/Banquet Hall;
- p) Place of Worship;
- q) Private Club;
- r) Public Use;
- s) Recreation Facility;
- t) Restaurant, Fast Food;
- u) Restaurant, Full-Service;
- v) Restaurant, Take-Out;
- w) Retail Store;
- x) Service Commercial;
- y) Social Service Facility;
- z) Studio;
- aa) Veterinary Clinic; and
- bb) Uses, structures and buildings accessory thereto



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**Attachment 'D'**  
**Zoning Requirements (DC)**

**Zone Requirements**

Minimum Lot Frontage	No minimum
Minimum Lot Frontage where used for Residential Purposes	6 metres
Minimum Lot Area	No minimum
Minimum Front Yard	No minimum
Minimum Interior Side Yard	No minimum
Minimum Interior Side Yard abutting a Residential Zone	No minimum
Minimum Corner Side Yard	No minimum
Minimum Rear Yard	No minimum
Maximum Height	26 metres
Maximum Gross Floor Area	100% of the lot area

**Additional Zone Requirements - Apartment Building, Apartment Building, Public**

Minimum Lot Frontage	18 metres
Minimum Lot Area per Unit	No minimum
Minimum Front Yard	No minimum
Minimum Interior Side Yard	No minimum
Minimum Corner Side Yard	No minimum
Minimum Rear Yard	No minimum
Maximum Lot Coverage	No minimum
Maximum Height	26 metres
Minimum Landscaped Area	25 percent
Minimum Floor Area for a Unit	50 square metres

**Additional Zone Requirements – Dwelling, Accessory**

Max Percent of Total Gross Floor Area	200 percent of the lot area
Minimum Floor Area	50 square metres
There is no maximum amount of accessory residential units in the same building provided required parking can be provided under Section 3 for each dwelling unit.	
An accessory residential unit is only permitted above downtown commercial uses.	

**Additional Zone Requirements – Attached Accessory Use**

Max Percent of Total Gross Floor Area	50 percent
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**Attachment 'E'**

**Parking Requirements (DC)**

- a) With the exception of buildings containing dwelling units, all lands zoned Downtown Commercial shall be exempt from the parking and loading requirements of this By-law.
- b) Buildings containing residential dwelling units will be subject to the residential parking provisions of Section 4 of this By-law.

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**Attachment 'F'**  
**Envelope Submission Information**

***Envelope #1***

**Amber LaPointe  
City Clerk  
City of Port Colborne  
66 Charlotte Street  
Port Colborne, ON L3K 3C8**

a) DEVELOPMENT PROPOSAL

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**Consultant:\_\_\_\_\_**

***Envelope #2***

**Amber LaPointe  
City Clerk  
City of Port Colborne  
66 Charlotte Street  
Port Colborne, ON L3K 3C8**

a) OFFER/PURCHASE PRICE

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**Consultant:\_\_\_\_\_**

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**Attachment 'G'**  
**Litigation & Conflict of Interest**

The Corporation may, in its sole discretion, reject a submission if the Proponent:

- i. Has, at any time, threatened, commenced or engaged in legal claims or litigation against the Corporation of the City of Port Colborne.
- ii. Is involved in a claim or litigation initiated by the Corporation.
- iii. Previously provided goods or services to the Corporation in an unsatisfactory manner.
- iv. Has failed to satisfy an outstanding debt to the Corporation.
- v. Has a history of illegitimate, frivolous, unreasonable, or invalid claims.
- vi. Provides incomplete, unrepresentative or unsatisfactory references.
- vii. Has engaged in conduct that leads the Corporation to determine that it would not be in the Corporations' best interests to accept the submittal.
- viii. Has a conflict of interest or that which may be viewed as a conflict of interest either with or by the Corporation. (see below.)

The *Proponent*, all of the *Sub-consultants*, and any of their respective advisors, partners, directors, officers, employees, agents, and volunteers shall not engage in any activity or provide any services where such activity or the provision of such services creates a conflict of interest (actually or potentially, in the sole opinion of the *Corporation*) with the provision of the *Work* pursuant to the *Proposal*. The *Proponent* acknowledges and agrees that a conflict of interest includes the use of *Confidential Information* where the *Corporation* has not specifically authorized such use.

The *Proponent* shall disclose to the *Corporation*, in writing, without delay any actual or potential situation that may be reasonably interpreted as either a conflict of interest or a potential conflict of interest, including the retention of any *Sub-consultant* or *Supplier* that is directly or indirectly affiliated with or related to the *Proponent*.

The *Proponent* covenants and agrees that it will not hire or retain the services of any employee or previous employee of the Corporation where to do so constitutes a breach by such employee or previous employee of the employee or previous employee's employment contract or the previous employer's conflict of interest policy, as it may be amended from time to time.

A breach of this Article by the *Proponent*, any of the *Sub-consultants*, or any of their respective advisors, partners, directors, officers, employees, agents, and volunteers shall entitle the *Corporation* to terminate the *Proposal*, in addition to any other rights and remedies that the *Corporation* has in the *Proposal*, in law, or in equity.

We, the undersigned, hereby disclose any acts of litigation or any conflict of interest.

.....  
Dated this            day of            , 2021.

Signature of Authorized Person Signing for  
Company (Company Seal)