



# **REQUEST FOR PROPOSALS**

## **RFP-ND-09-01**

***Canada–Ontario Affordable Housing Program  
Developing Affordable Rental Housing in Niagara***

**Issued: Wednesday, June 17, 2009**

**Closing Dates:**

**Early Start - Friday, July 10, 2009 at 12:00 noon**

**Later Start - Friday, July 24, 2009 at 12:00 noon**

***Providing and advocating for quality, safe affordable  
housing in Niagara***



# **NOTICE TO POTENTIAL PROPONENTS**

## **Request for Proposals RFP-ND-09-01**

### **DEVELOPMENT OF AFFORDABLE RENTAL HOUSING**

The Canada-Ontario Affordable Housing Program is an economic stimulus program intended to get Ontarians back to work through the development of affordable housing while addressing the affordable housing needs of the community.

This stimulus program is based on a “sooner the better” approach, and as such, there is a provision within this Request for Proposals to advance those submissions that meet the **Early Start** criteria.

All proposals will be required to meet the criteria described within this RFP. However, if you have a project that meets the additional following criteria you may want to submit it by the **Early Start** deadline noted below:

#### **Early Start Requirements**

- ✓ Early construction start – within 3 months of signing a Provincial Contribution Agreement
- ✓ Evidence of land ownership;
- ✓ Evidence of site plan, zoning and servicing approvals

All other proposals with a later construction date but can still meet the completion date of March 2011 will be given a longer timeframe for submission, evaluation and review.

#### **Select Submission Date**

- Early Start - Friday, July 10, 2009 at 12:00 noon
- Later Start - Friday, July 24, 2009 at 12:00 noon

#### **RFP Timing**

The following table shows key dates for responding to and getting information about this RFP timetable.

<b>Description</b>	<b>Dates/Times</b>	<b>Location</b>
Release of RFP	June 17, 2009	Niagara Regional Housing Campbell East Regional Administration Building 2201 St. David's Road Thorold, ON
Closing date for proposals	<b>Early Start – July 10, 2009 at 12:00 noon</b> <b>Later Start – July 24, 2009 at 12:00 noon</b>	
Information Sessions on RFP	June 23, 2009 at 7:00 pm Room CE101 June 24, 2009 at 10:00 am Room CE102	
Interviews with short listed proponents (if required)	During month of July 2009	

## Submission Requirements

The envelope used to submit your proposal must be clearly marked as follows:

**Company Name:** \_\_\_\_\_  
**Address:** \_\_\_\_\_  
\_\_\_\_\_

**RFP No. RFP-ND-09-01**

**Lora Beckwith, General Manager  
Niagara Regional Housing  
Regional Administration Building  
Campbell East  
2201 St. David's Road  
P.O. Box 344  
Thorold, ON L2V 3Z3**

*Note: A Proposal Submission Label has been included in Section 3, Form 16.*

### Proposals will not be considered unless:


1. Received by the date, time and address specified above;
2. Contains all 3 pages of the original signed FORM OF OFFER (Form 3) and all required submission forms;
3. Are original copies (submission by facsimile machine, email and/or a photocopy of a signature will **not** be accepted); and,
4. Are submitted in a sealed envelope.

Should you have any questions or require clarification on this RFP or the submission requirements, please direct your comments to:

**Janice Emeneau, Administrator, Housing Development  
Niagara Regional Housing  
905-682-9201 or 1-800-232-3292 extension 3931  
[janice.emeneau@niagararegion.ca](mailto:janice.emeneau@niagararegion.ca)**

Questions and answers regarding this RFP will be posted, along with any required addenda, on Niagara Regional Housing's website: [www.nrh.ca](http://www.nrh.ca)

**Section 1.0 Program Requirements**

In this section you will find information on the *Canada-Ontario Affordable Housing Program* criteria and submission requirements, instructions to proponents and the evaluation and selection process. You will find the symbol , which will assist you in understanding the program and submission requirements under this Request for Proposals (RFP). Please read this information carefully as it will assist you in completing your proposal package. Everything you need to know about submitting a proposal under this RFP and its evaluation is included in this section.

**Section 2.0 Terms and Conditions**

This section refers to all of the legal requirements under this program and RFP submission conditions which define your obligations. It is important to read this section carefully.

**Section 3.0 Submission Requirements & Forms**

After reading the above sections you should be ready to prepare a Business Plan and complete all of the required forms for submission under this RFP. All of the submission forms are found in this section. In addition to these mandatory forms, you may submit additional information as an appendix to the proposal submission realizing that it will be at the discretion of the Proposal Review Committee (PRC) as to whether or not this information is taken into consideration.

**Section 4.0 Agreements**

Successful proponents of this RFP process will be required to sign a Contribution Agreement with the Ministry of Municipal Affairs and Housing and a Municipal Housing Project Facility Agreement with Niagara Regional Housing in order to receive the capital funding dollars. This section describes the agreements and includes samples, where available, for your review. Potential incentives may be available through local municipalities and/or other sources. Additional agreements may be required to be signed with partners for any/all incentives in addition to the sample agreement enclosed.

**Section 5.0 Reference Section**

In order to assist you in the submission of your proposal, information on various contact names and other related information sources are included in this section.

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## **SECTION 1.0 PROGRAM REQUIREMENTS**

The Federal and Provincial governments have announced the following spending for affordable housing in Ontario until March 31, 2011:

- \$360 million for the development of affordable housing for low-income seniors and people with disabilities; and
- \$175 million to extend the Canada-Ontario Affordable Housing Program.

Although the Province has not as yet announced the specifics of the new programs, it is our understanding that the funding for the programs may be released in two phases. We anticipate that Phase I will include projects that are positioned for an early start and could begin construction within three (3) months of signing the Provincial Contribution Agreement. We anticipate that Phase II will accommodate longer term projects.

At this point in time it is our understanding that an **average** of \$120,000 per unit will be available under this program, to a maximum of \$150,000 per unit. The specific guidelines for the Canada-Ontario Affordable Housing Program will be released by the Province shortly and will be posted, along with any addendums to this RFP, on the Niagara Regional Housing website.

### **1.1 Intent of this Request for Proposals**

It is the intention of Niagara Regional Housing (NRH) in partnership with the Ministry of Municipal Affairs and Housing (MMAH) and Canada Mortgage and Housing Corporation (CMHC) to enter into agreements with successful proponents for the provision of capital funding for the development of affordable rental housing to be constructed within the Niagara region.

Allocation will be awarded through this Request for Proposals (RFP). Efforts will be made to distribute units fairly across the region, focusing on areas that demonstrate a high need for affordable rental housing. Therefore, otherwise qualified proposals may have to be rejected in order to achieve a region-wide geographical balance of distribution in the affordable units. The total available units will not be awarded to any one successful proponent or any one geographical location.

### **1.2 Length of the Program**

#### ***Affordability Period***

The program requires successful proponents to sign a Contribution Agreement with MMAH acknowledging their commitment to the program for the 20-year affordability period including a 5-year phase out period. The phase-out period of 5 years will ensure that at the end of the 20 years of affordability, current tenants will be protected from significant rent increases for at least 5 years as rent increases for existing tenants will be subject to the rent increase guidelines permitted by legislation.



**See Section 2.0 - Terms and Conditions, Item 2.18 for Management Responsibilities of the Proponent.**



**See Section 4.0 for a sample Contribution Agreement. Successful proponents will be required to sign the agreement once their proposals have been approved by the Ministry of Municipal Affairs and Housing (MMAH).**

### 1.3 Funding and Incentives

An **average** amount of \$120,000 per unit, to a maximum of \$150,000 per unit, is available under the *Canada-Ontario Affordable Housing Program*. This is the combined contribution of both the Federal and Provincial governments. All funding will flow during the construction period. Payments will be triggered by meeting specific milestones such as securities being registered on title, the acquisition of a building permit, the start of construction and occupancy.

#### ❖ **Project Development Funding**

Project Development Funding (PDF) of up to \$150,000 may be available to both private and non-profit developers for technical pre-development activities. For the purposes of the AHP, eligible PDF expenditures include:

- Fees/costs for professional and technical services including architectural, environmental engineering, planning, real estate, appraisal, mortgage brokerage, and legal; and
- Other technical costs as determined by the Province.

The maximum allowable amount of PDF to be allocated to a project is \$150,000. PDF cannot exceed the federal contribution to the project and is considered part of the overall AHP funding. PDF funding can be flowed to successful proponents upon signing a Contribution Agreement with NRH.

#### ❖ **CMHC Option**

The proponent may request to be exempted from the requirement for CMHC insurance in cases where the lending institution is comfortable in proceeding with financing without it. This decision **must** not impact on the security of any provincial or federal monies attached to the project.

Each project will be reviewed by NRH on a case by case basis based on the following criteria:

1. That waiving CMHC mortgage loan insurance be subject to the discretion of the lending institution in cases where proponents have proven sufficient equity to warrant waiving this insurance, and
2. That, NRH has assurances that waiving CMHC mortgage loan insurance does not add undue financial risk (such as higher interest rates) to the project.

#### ❖ **Regional/Municipal Incentives**

Proponents are encouraged to approach their local municipality or the Regional Integrated Community Planning Department for information on any existing contributions/incentives for the development of affordable rental housing within their

respective areas either under Smarter Niagara, Community Improvement Plans, or other local policy directions/initiatives. Municipalities may vary in the types of incentives they offer. Additionally, incentives may be dependent on individual project development criteria.



**See Section 5.4 for a list of Area Municipal Planners to obtain information on local municipal incentives.**

#### ❖ **Support Services**

Supportive housing units are those units that are occupied by households receiving formal support services to maintain their tenancy and live independently in the community. There is no funding for support services in this program.

To discuss the possibility of any residual funding for securing support services that might be coordinated and linked to these new housing units contact the regional and local offices of the Ministry of Health and Long Term Care (for persons with mental illness) and the Ministry of Community and Social Services (for persons with dual diagnosis).

### **1.4 Eligible Proponents**

#### **1.4.1 Eligible Proponents**

Proposals can be received from private-sector, non-profit or partnership ventures. This program provides an opportunity for builders and developers including private sector companies, service clubs, religious groups and non-profit and co-operative housing providers, and charitable organizations to participate. Partnerships that involve diverse business arrangements such as public/private ventures and private sector/not-for-profit partnerships in various forms (including head-lease arrangements) are encouraged. All applicants must have proof of legal incorporation either in Ontario or Canada.

Proponents must have a proven track record in developing and managing affordable rental housing projects, financial capability and capacity and experience working with the proposed tenant target population(s). Information regarding the capacity and financial capability of all partners and affiliates involved in the proposed development must also be identified in the submission.



**Ensure that this information is recorded in the Business Plan (Form 4) and attach proof of legal incorporation.**



**See Section 3.4 for a complete list of mandatory submission forms.**

#### **1.4.2 Equity Requirements**

Private sector developers must invest a minimum of 10% of the project's lending value for the project unless they have a partnership with a non-profit and/or charitable organization which would then lower the equity contribution to a minimum of 4%.

Charitable and non-profit organizations are not required to have owner's equity in their project to be eligible for funding. Projects proposed by non-profit or charitable organizations are still expected to meet all other program requirements and to compete for the amount of funding requested.

**R** All proponents must complete the Statement of Equity Contributions (Form 13). Evidence of minimum equity contribution from proponent's own resources or from third parties other than NRH must be provided and attached to Form 13.

**R** If equity requirement is in the form of land, this must be identified on the Proof of Ownership, Option to Purchase or Leasehold Interest in Land (Form 15).

### 1.4.3 Contributions/Incentives

Proponents may make their own contributions over and above the equity requirements of the program. Additional contributions may include in-kind contributions such as land, equity or cash from the voluntary sector, charitable or non-profit organizations and individual donors.

## 1.5 Eligible Projects

### 1.5.1 Types of Development

Eligible types of development include new construction, renovation and rehabilitation, additions to existing stock of all types, and conversion of non-residential buildings to rental. The focus for this program will be on new development with a preference given to projects that are ready to begin construction within three (3) months of signing the Provincial Contribution Agreement.

### 1.5.2 Location and Building Type

Proposals from all areas of the Niagara region are eligible. Building types under this program can be high-rise or low-rise apartment buildings, townhouses, row-houses or single detached.

**R** See Form 5 for a Proposal Summary that must be completed with details on the location and building type for the proposed project. This form must be reviewed by the local City Planning staff along with Form 9.

**R** See Form 7 for the Development Budget to include all costs related to the proposed project development and construction costs.

**R** See Form 9 for the Local Planning Department Proposal Review Form that must be completed and signed by your local municipal planning department in order to ensure that the project is supported at the local level and is eligible for construction within the required timelines of this RFP and program.

### 1.5.3 Project Size

Project submissions must be for a minimum of 3 new affordable rental housing units.

### 1.5.4 Unit Size

Units must be considered modest in size and should meet the following provincial requirements:

Maximum Unit Size by Building Type				
Unit Type	1-Bdrm	2-Bdrm	3-Bdrm	4-Bdrm
<b>Apartment</b>	60.4 m <sup>2</sup> 650 sq.ft.	79.0 m <sup>2</sup> 850 sq.ft.	92.9 m <sup>2</sup> 1000 sq.ft.	111.5 m <sup>2</sup> 1200 sq.ft.
<b>Townhouse (Row houses)</b>	65.0 m <sup>2</sup> 700 sq.ft.	83.6 m <sup>2</sup> 900 sq.ft.	102.2 m <sup>2</sup> 1100 sq.ft.	120.8 m <sup>2</sup> 1300 sq.ft.

NRH will allow for some variance in unit sizes where building design merits and local by-laws allow.

### 1.5.5 Unit Type

The focus of this program is on low-income seniors and persons with disabilities. Units that address the issues of aging in place and accessibility will be given priority. One bedroom units are preferred.

### 1.5.6 Energy Efficiency

Preference will be given to projects that incorporate highly energy efficient features, fixtures and design.

#### ❖ Lighting

Examples include metal halide and fluorescent lighting systems (T8, T5, CFLs), LED "EXIT" signs and lighting that is motion sensitive in garage and utility rooms.

#### ❖ Water

Examples include heating water by solar energy or by installing a tank-less water heater.

#### ❖ Building Design

Projects that do not already have a Building Permit must, at a minimum, meet the 2012 energy efficiency requirements of the Ontario Building Code.

The energy efficiency of the building design must be at least 25% higher than the reference building designed to the Model National Energy Code for Buildings or 18% higher the reference building designed to ASHRAE 90.1 - 1999 (without amendments) for buildings under Part 3 of the Building Code, and at least meet the performance of Energuide 80 for buildings under Part 9 of the building code.

If the project has already received site plan approval and/or has a building permit but does not meet the energy efficiency requirements and it is time or cost prohibitive to redesign the building and re-apply for a building permit, please make note of this in your application and discuss this situation with NRH staff.

❖ **Components and Appliances**

ENERGY STAR rated products must be used when available.

**1.5.7 Universal Design & Accessibility**

Include universal design and accessibility features that can be incorporated at no cost or low-cost. Some examples include:

**Universal Design**

- ❖ Smooth ground surfaces of entranceways, without stairs
- ❖ Lever handles for opening doors rather than twisting knobs
- ❖ Light switches with large flat panels rather than small toggle switches
- ❖ Lower light switches / higher outlets for plugs
- ❖ Environmental controls in accessible locations
- ❖ Buttons on control panels that can be distinguished by touch
- ❖ Bright and appropriate lighting, particularly task lighting

**Accessibility**

- ❖ An accessible building entrance on an accessible route – internal areas such as hallways and elevators – external amenities such as curb ramps, accessible parking areas and nearby crosswalks
- ❖ Accessible public and common use areas
- ❖ Door widths that accommodate a wheel chair - 950 cm (37.5") minimum
- ❖ A route into and through the dwelling unit that can accommodate a wheel chair
- ❖ Reinforced walls for grab bars
- ❖ Kitchen with adjustable counters
- ❖ Bathrooms that can accommodate a wheel chair

Innovative approaches should be used to control construction costs so there is minimal impact on the total operating costs and the rents can remain at an affordable level. Projects that include universal design features and/or accessible units to accommodate persons with disabilities will be given bonus points.

Projects must conform to Provincial Building Code standards and local by-laws, where they exist. For additional information on accessible design please see the Facility Accessibility Design Standards from the Regional Niagara website at <http://www.niagararegion.ca/government/works/pdf/2005-Facility-Accessibility-Design-Standards-web.pdf> .

- See Form 5 for the Proposal Summary that must be completed with information on project size, unit type and unit size.**
- Measures to incorporate energy efficiencies and universal design features and/or accessible units must be included in the Business Plan (Form 4).**

### 1.6 Ineligible Projects

Housing projects that are not eligible include nursing and retirement homes (although seniors' apartment buildings are eligible); secondary suites in ownership housing; mobile homes; shelters and crisis care facilities; ownership housing and projects with fewer than three units.

No project that displaces existing tenants, without submitting an acceptable relocation plan as part of the proposal, will be considered for approval. No project will be considered for which an occupancy permit has been issued prior to the submission date contained in this RFP.

### 1.7 Rent Levels & Tenant Selection

Projects built under this program could have the following two levels of rents:

#### ❖ **Affordable Rents**

Average rents for all program-funded units must be set at or below 80% of the CMHC Average Market Rent (AMR). Housing units with rents at or below 80% of the CMHC AMR will be eligible to receive program funding. The 2008 CMHC AMRs at 80% are as follows:

2008 CMHC Average Market Rents at 80% by Area, Unit Type and Bedroom Size						
AREA	APARTMENTS			TOWNHOUSES		
	1-Bdrm	2-Bdrm	3+ Bdrm	1-Bdrm	2-Bdrm	3+ Bdrm
St. Catharines	550	651	741	**	626	706
Niagara Falls	548	621	680	**	**	689
Welland	493	574	613	**	**	**
Fort Erie	480	554	646	**	**	**
Wainfleet, Pelham, Grimsby, Lincoln, West Lincoln, Thorold, N-O-T-L & Port Colborne	478	579	702	**	**	**

\*\* N/A

Note: NRH will update the above figures for 80% of CMHC AMR annually, posted on the NRH website.

Preference will be given to projects that set rents below 80% of the CMHC AMR through the incorporation of innovative approaches (i.e., building design features, partnerships, increased equity contributions, use of surplus land or infill, etc.). It is

anticipated that the energy efficient measures will be fundamental in reducing utility costs, whether these costs are included in the rent or not.

Initial rents for program-funded units will be set at time of occupancy and will be no more than 80% of the current CMHC AMR for units of that size and area. Annual rent increases are subject to the rent guideline increases permitted by the *Tenant Protection Act*. This restriction on annual rent increases applies for the 20-year affordability period of the program. However, after 10 years, a business case may be submitted to NRH to increase rents to the CMHC AMR to cover unforeseen capital and energy costs. Proponents will be responsible for maintaining their own waiting list for the affordable rent units. However, proponents may wish to partner with NRH to identify households from the NRH affordable housing waiting list. At the proponent's request, NRH may offer support in the filling of the affordable units through the establishment of a subsidiary waiting list and the referral of potential tenants.

#### ❖ **Market Rents**

Proposed projects may, in addition to the required units eligible for program funding, incorporate units to be rented at market levels. Market rent units are not eligible for funding under this program and are not subject to any program requirements. Rents in this category are determined by the proponent taking into consideration what the market will bear and what income is required to sustain the financial viability of the project. Proponents will be responsible for maintaining their own waiting list for market rent units. Rents obtained for these units may be considered an additional revenue-generating source.

**R Refer to the statistical information in the chart in Section 1.7 to determine the affordable rents for your municipality and unit size(s).**

**R Include 80% CMHC average rents per unit size and type in Form 5 - Proposal Summary. Insert the appropriate rents in the chart for comparison to proposed first year rents.**

**R Use the 80% CMHC average market rents set out in the Section 1.7 in completing Form 6 - Proposed Annual Operating Budget – Years 1 to 5. This form must include a breakdown of the project rents by unit size in the revenue section for each year. When projecting market rents, utilize most current CMHC data available, and if beyond applicable year, factor in acceptable market rent increases.**

**R When preparing you proposed annual operating budget, please assume an annual rent guideline increase of 1.8% and an increase in your expenses based on an annual cost of living increase of 2.0 %.**

**R Evaluation of proposals will include review of the operating budget forecasts to ensure that projects are sustainable in the long term.**

## 1.8 Target Populations

The AHP is intended to create affordable rental housing for households that are on or eligible to be on social housing waiting lists. The focus is on the following target populations:

- Low-income seniors, and
- Persons with disabilities.

**At least one of the target population(s) identified above must be served by the proposed project. The intended target population(s) to be served must be identified in the Business Plan (Form 4).**

## 1.9 Maximum Household Income Limits

### ***Income Limits***

The program specifies household income limits and indicates that they must be established for units funded under the program at the time of initial tenancy. The 2009 Maximum Household Income Limits for this program are as follows:

#### Maximum Household Income Limits for Apartments:

1-bedroom - \$35,000  
2-bedroom - \$41,000

*Note: Maximum Household Income Limits may be revised by NRH.*

**Proponents should consider the maximum household income limits when they are establishing their marketing plans and include a detailed tenant rent-up plan as part of the Business Plan (Form 4).**

## 1.10 Reporting Requirements

### ❖ **During Construction**

Successful proponents will be required to submit documentation, as determined by NRH, that verifies the achievement of each construction milestone in order to have federal funding flowed during the development and construction phase.

### ❖ **After Construction**

An initial occupancy report as well as an annual report to NRH will be required to verify eligibility of selected tenants and confirm that rents remain at 80% of CMHC average market rents for the length of the program. Forms for initial income verification and annual reporting requirements to NRH will be provided to proponents prior to initial occupancy and be provided to the proponent on an annual basis. Annual reporting forms will be available on the NRH website.

## **SECTION 2.0 TERMS AND CONDITIONS**

### **2.1 Confidentiality**

1. NRH shall make every effort to safeguard the confidentiality of each submission.
2. NRH policy is to disclose only such information as is required by law. Please note that all submissions are subject to the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*.
3. In addition, certain RFP information may be disclosed to Council, and accordingly may become part of the public record. (i.e., total project costs, number of units, location).
4. Proponents may mark any part of their submission as confidential except the price(s) and their name. NRH will use its best efforts not to disclose any information so marked, but shall not be liable to a proponent where information is disclosed by virtue of an order of the Privacy Commissioner or any court or tribunal.

To safeguard your rights, you **MUST** mark each part of your applications that you wish confidential. (A rubber stamp or watermark to this effect is sufficient). Unless required, NRH will not disclose any information so marked.

### **2.2 Eligibility Criteria**

To be considered for funding, the proponent and the project must comply with all eligibility requirements of the *Canada-Ontario Affordable Housing Program*.

### **2.3 Security**

Security for funding is described in Section 4.0 – Agreements (*See sample Provincial Contribution Agreement – item 7, page 9*).

### **2.4 Response Costs**

All costs incurred including all work related to this Request for Proposals and materials supplied by proponents and any oral presentations shall be without cost to NRH.

### **2.5 Project Completion Date**

The focus of this program will be on proposals that can be ready to start within 3 months of signing a Provincial Contribution Agreement and completed by March 31, 2011. Time will be of the essence in meeting project completion dates/commitments. Proponents must propose completion dates in their proposals. Building permits must be obtained following receipt of the Conditional Letter of Commitment from MMAH. Although the Province has not announced the specifics of the new programs as yet, it is our understanding that the funding for the programs may be released in two phases. We anticipate that Phase I will include projects that are positioned for an early start and could begin construction within three (3) months of signing the Provincial Contribution Agreement. We anticipate that Phase II could accommodate longer term

projects. Additional information will be posted on the NRH website as it becomes available.

## **2.6 Insurance**

Proponents must provide proof of the following insurance in a form satisfactory to and as requested by NRH:

- a) construction risk insurance of at least \$5 million;
- b) commercial general liability insurance of at least \$5 million;
- c) all risk property insurance for the project under development for its full replacement cost; and,
- d) such other insurance as NRH or MMAH may reasonably require.

The Province, NRH and CMHC may request indemnification in their respective standard forms.

## **2.7 Sub-Contract**

The successful proponent(s) will not, without the written consent of NRH, make any assignment or any sub-contract for execution of any work hereby quoted.

## **2.8 Announcement**

No announcement concerning the successful proposals will be made until a complete report is prepared and approved by NRH Board of Directors, Niagara Regional Council, MMAH and CMHC. Successful proponents will receive a Conditional Letter of Commitment from MMAH as notification of award.

## **2.9 Indemnification**

The successful proponent agrees to indemnify and save harmless NRH and Niagara Region from and against all actions, claims, and demands of any nature which may be made by any person or entity arising from or in connection with the services provided including all damage, losses, charges, costs and expenses which NRH or Niagara Region may incur or be liable for in consequence of any such claims, demands or actions or in consequence sustained to NRH's or Niagara Region's property or facilities.

## **2.10 Workplace Safety & Insurance Board Clearance**

The successful proponent must be in good standing with the Workplace Safety and Insurance Board and shall furnish NRH, as requested, with satisfactory evidence (Certificate of Clearance), of compliance with all provisions of the Workplace Safety and Insurance Act. The Broker must provide a replacement Certificate of Clearance upon expiry of each previous certificate (i.e. – every 60 days) during the term of the program. NRH reserves the right to hold the payment of the final, or any invoice, until a satisfactory Certificate of Clearance has been provided.

## **2.11 Failure to Perform**

Failure to comply with all the terms and conditions of this RFP, and failure to supply all documentation as required herein within the specified time period, shall be just cause for cancellation of the award. NRH shall then have the right to award to any other proponent, or to issue a new Request for Proposals.

## **2.12 Errors and Corrections**

NRH will make all necessary corrections to any proposal which is in error through addition or extensions, the corrected value prevailing.

## **2.13 Cancellation Provision**

The Contribution Agreement with NRH may be terminated by mutual consent between the proponent and NRH or by NRH, in the event of a default by the proponent, upon at least thirty (30) days written notice.

## **2.14 Informal Proposals**

Proposals which are incomplete, conditional or obscure, or which contain additives not called for, erasures, alterations or irregularities of any kind may be rejected as informal. NRH reserves the right to waive informalities at its discretion.

## **2.15 Work Safety**

All work performed under this RFP must be carried out in accordance with the terms and conditions of *the Occupational Health and Safety Act*, (latest revision).

## **2.16 Conflict of Interest**

The proponent shall disclose to NRH prior to allocation of the units, any potential conflict of interest. If such a conflict of interest does exist, NRH may, at its discretion, withhold the unit allocation until the matter is resolved or refuse to allocate.

## **2.17 Litigation**

NRH may, in its sole discretion, reject a proposal in the following circumstances:

- a) a party has commenced litigation against the NRH or Niagara Region and served its initiating document on NRH or Niagara Region, or NRH or Niagara Region has commenced litigation against a party and served its initiating document on the party;
- b) the litigation has not been resolved, either by tribunal decision (and expiry of any relevant appeal period), or by settlement, for at least one year;
- c) the party to the litigation has made a proposal in response to this RFP; and
- d) NRH or Niagara Region has determined that it would not be in NRH's or Niagara Region's best interest to accept the proposal.

- e) NRH can void the Agreement between NRH and the successful proponent should the proponent become a named defendant in a legal action involving a property dispute concerning the subject property, or otherwise, which would result in a work stoppage on the property named within the said agreement with NRH.

## **2.18 Management Responsibilities of the Proponent**

### **2.18.1 Year-end Reporting**

The proponent shall provide NRH within 5 months of the end of each fiscal year an annual information return in a form acceptable to NRH.

### **2.18.2 Statistics**

The proponent shall on reasonable notice, for statistical purposes, supply information with respect to the project as required by NRH from time-to-time, provided such information is reasonably available to the proponent.

### **2.18.3 Records**

The proponent shall:

- maintain financial records, including records related to rent collection and tenant income and eligibility verification (for the affordable units), in a form satisfactory to NRH;
- permit NRH to inspect such records at all reasonable times and on reasonable notice; and
- retain all such records that pertain to the project for not less than 7 years from the end of the first fiscal year to which the records relate.

### **2.18.4 Contact Persons**

The proponent shall identify in writing one or more contact persons, who are authorized by the proponent to respond on its behalf and who can respond to requests from NRH and receive and transmit information from NRH and shall give notice to NRH of any change in any contact persons.

## **SECTION 3.0 SUBMISSION REQUIREMENTS**

### **3.1 Instruction to Proponents**

#### **3.1.1 Receipt of Submissions**

NRH will only accept applications in the prescribed form delivered in the prescribed manner. All applications not received in this manner or that are incomplete will be ineligible.

#### **3.1.2 Date & Place for Receiving Proposals**

Proposals will be received by Lora Beckwith, General Manager, Niagara Regional Housing, Regional Administration Building, Campbell East, 2201 St. David's Road, P.O. Box 344, Thorold, ON L2V 3Z3, on or before:

- ❖ ***For Early Start – Friday, July 10, 2009 no later than 12:00 noon***
- ❖ ***For Later Start – Friday, July 24, 2009 no later than 12:00 noon***

***Proposals received after 12:00 noon local time will be returned unopened.***

#### **3.1.3 Submission of Proposals**

Proponents must submit **1 original** and **6 copies** of all submission forms and attachments and enclosed in an envelope addressed to: Lora Beckwith, General Manager, NRH at the address noted in Section 3.1.2, which clearly identifies the document(s) enclosed as a *Proposal*.

For your convenience, a Proposal Submission Label (Form 16) is included to help identify your proposal. NRH will not be responsible for any proposal(s) which are lost or misplaced.

All prices must be clearly indicated and all extensions and lump sum prices written in figures. The proposal must not be restricted by a statement added to the submission form or by a covering letter, or by alterations to the submission form(s), as supplied by NRH, unless otherwise provided herein. Adjustments by fax or letter to a *Proposal* already submitted will not be considered.

All submission form(s) must be signed in the space provided on the form, with the signature of person(s) able to bind the corporation. If a joint bid is submitted, it must be signed and addressed on behalf of each of the proponents.

Catalogues, brochures and bulky documents must be submitted under separate cover and must be clearly identified as being supplementary appendix documents for this RFP. Consideration of this supplementary information will be at the discretion of the Proposal Review Committee.

### **3.1.4 Required Contents of Proposal Submissions**

Proposal submissions must include all of the items identified on the Proposal Submission Checklist (Form 1). All forms that are required to be completed for submission can be found in Section 3.4. Any and all attachments should clearly be identified with the proponent's name and the information that the attachment relates to. (i.e. recent audited financial statements).

For the completion of the Development Budget (Form 7) and the Proposed Operating Budget - Years 1 to 5 (Form 6), a line by line explanation should be provided and be clear to show how any estimated costs were arrived at. Construction costs should have an estimate by an architect or other field professional. Explanations should also be provided with any assumptions made regarding proposed operating budget costs. If estimated assessed values are used, proponents must attach the calculation along with an explanation for the estimation. (i.e. any tax savings calculations).

Supplementary information i.e., catalogues, brochures and bulky documents, may be submitted under separate cover.

### **3.1.5 No Obligation to Accept Proposals**

This RFP does not commit NRH and/or MMAH to award funds. NRH reserves the right to accept or reject any proposal for any reason whatsoever, and to accept any proposal if considered best for the interests of NRH and Niagara Region. The lowest priced proposal will not necessarily be accepted. All documentation is subject to review by NRH staff for mathematical accuracies and compliance with the program specifications and terms and conditions.

### **3.1.6 Alternate Proposals**

It is recognized that some proponents may wish to submit more than one response to this RFP. In such cases a separate Form of Offer (Form 3) must be submitted for each alternate offered and enclosed in the same envelope as the main proposal. These alternate proposals must be clearly identified as alternates and will be submitted under the conditions of this RFP.

In the event that a proposal does not precisely and entirely meet the requirements of this RFP, NRH reserves the right to enter into negotiations with the selected proponent(s) to arrive at a mutually satisfactory arrangement with respect to any modifications to the proposal.

### **3.1.7 Withdrawal of Proposal**

Companies will be permitted to withdraw their proposal, unopened, after it has been deposited, if such a request is received by NRH, in writing, prior to the closing date and time specified for this RFP.

Companies, who wish to withdraw their proposal after the RFP submissions have been opened, reviewed and/or awarded, maybe be subject to a penalty at the discretion of and as determined by NRH.

### 3.1.8 Clarification

It will be the proponent's responsibility to clarify any details in question before submitting a proposal. All questions should be directed to Janice Emeneau, Administrator of Housing Development, Niagara Regional Housing, at 905 682-9201 Ext. 3931. Questions and Answers regarding this RFP will be posted on NRH's website at [www.nrh.ca](http://www.nrh.ca). If there are any changes to the RFP requirements, an addenda will be issued to persons in receipt of the RFP. Copies of any/all addenda(s) will also be posted on the NRH website.

### 3.2 Selection Process

Project selection will be based on a competitive process. Selection will be governed by the consideration of which proposals (at NRH's discretion) best meet the requirements of the *Canada-Ontario Affordable Housing Program*. Proposals must outline the full amount and type of monies and/or other municipal assistance being requested to support the project and provide an assessment of feasibility and potential benefits and risks. In reviewing the proposals, NRH will consider all costs.

- NRH staff will review proposals and determine if complete. Incomplete submissions are not eligible and will not be reviewed by the Proposal Review Committee for consideration of program funding.
- A Proposal Review Committee (PRC) comprised of representatives from Niagara Regional Housing, Niagara Region – Integrated Community Planning; Corporate Services; Financial Services and Community Services departments and independent Technical/Program experts will evaluate the proposals.
- NRH staff and other various resources, where appropriate and if necessary, will provide support to assess the proposals.
- At the discretion of NRH, interviews may be conducted with short-list proponents to further clarify and assess the proposal, the qualifications and experience of the project team, equity and other contributions, operating budgets, project design concept, project marketing and tenant plan. These interviews, if required, will be held in the month of **July 2009** or as scheduled by NRH.
- Recommendations from the PRC will be formalized in a report by NRH staff to the NRH Board of Directors for review and approval.
- Following approval by the NRH Board of Directors, the recommended projects will be submitted to Regional Council for approval and then forwarded to MMAH for final approval. Final approval is anticipated in September for early start projects and in October for later start projects.
- Successful proponents will be notified by MMAH by way of a Conditional Letter of Commitment that sets out conditions for funding.
- Successful proponents will be required to submit interim and final project status reports tied to the completion of key project milestones and any associated payment schedules as determined by NRH and/or MMAH.
- NRH reserves the right to reject or decline any or all proposals submitted in response to this Request for Proposals. NRH reserves the right to solicit further information from proponents after the closing date for delivery of responses to this RFP.

Projects selected under the 2009 Canada-Ontario Affordable Housing Program must meet all of the eligibility criteria.

Any NRH commitment, financial or otherwise, will be established as part of a Municipal Housing Project Facility Agreement with the respective proponent that shall be registered on title.

### 3.3 Request for Proposal Evaluation Summary

All submissions will be reviewed according to the criteria in the chart below.

“Early Start” proposals need to meet all the criteria in the chart as well as the following:

- Construction has to start within 3 months of signing a Provincial Contribution Agreement
- Evidence of site plan, zoning and servicing approval; and
- Evidence that land ownership / purchase / leasing arrangements is in place

<b>Criteria</b>	<b>Weight</b>
<p><b>Project Viability</b></p> <p>The proposed project will be evaluated with an emphasis on energy efficiency, accessibility and long-term financial viability. The following will be considered in the assessment of the project:</p> <ul style="list-style-type: none"> <li>• Reasonable construction costs are used for proposed project design;</li> <li>• Request for per unit and capital program funds is reasonable;</li> <li>• Equity requirements and any additional contributions/incentives meet the funding needs for the balance of construction costs;</li> <li>• Energy efficiency measures in project design mitigate utility costs;</li> <li>• ENERGY STAR rated products will be used when available;</li> <li>• Anticipated mortgage financing requirements (i.e., amount, terms, etc) support affordability of rents for the 20-year affordability period including five-year phase out;</li> <li>• Marketing plan is in place to ensure units are occupied in a timely fashion and reduces risk of vacancy loss; and</li> <li>• The operating budget demonstrates that:               <ul style="list-style-type: none"> <li>▪ rent levels can be maintained at 80% of CMHC affordable market rents for the 20-year affordability period including a five-year phase out;</li> <li>▪ market rent levels are affordable to target population(s) being served;</li> <li>▪ the balance between market rent and affordable units ensures financial viability;</li> <li>▪ there is an annual capital reserve contribution to meet capital needs over 20-year affordability period;</li> <li>▪ adequate support services are in place, where applicable</li> </ul> </li> </ul>	35%
<p><b>Development Plan</b></p>	35%

<b>Criteria</b>	<b>Weight</b>
<p>The proposed development plan will be evaluated with an emphasis on the site location, project design details and timelines for completion:</p> <ul style="list-style-type: none"> <li>• Land use planning approvals in progress (i.e. zoning and serviced for its intended use);</li> <li>• Project ready for occupancy by March 31, 2011;</li> <li>• Site for the proposed project has been purchased or there is a pending offer to purchase;</li> <li>• Proposed project will serve one or more target population(s);</li> <li>• The project location is appropriate for the intended target population(s) to be served (i.e. access to transit and other amenities);</li> <li>• Proposed project is in community where there is a demonstrated need for affordable rental housing for the intended target population(s) based on NRH centralized waiting list;</li> <li>• The site is located within a designated urban area that already has municipal development incentives in place (Community Improvement Plan areas);</li> <li>• Smarter Niagara principles are incorporated (i.e. compact neighbourhood, mixed land use, can walk to shopping and amenities, on transit route);</li> <li>• Universal design features are incorporated into common areas such as entryways, hallways, doorways etc.</li> <li>• Building and unit accessibility features are provided for those proposals that include the physically disabled;</li> <li>• Attainment of program objectives (affordability, quality, project mandate)</li> <li>• The projects is in close proximity to transit, schools and amenities</li> <li>• Projects that encourage partnerships (i.e. public/private, non-profit/municipal, housing/support service agency, etc.)</li> </ul>	
<p><b>Proponent Qualifications</b></p> <p>The experience, qualification and financial position of the proponent and the project team to design, develop and manage affordable rental housing will be reviewed according to the following:</p> <ul style="list-style-type: none"> <li>• References;</li> <li>• Construction and management experience;</li> <li>• Minimum equity contribution;</li> <li>• Most recent audited financial statements of proponent(s);</li> <li>• Company information including services/activities, Board of Directors, and any subsidiary corporations and their Board of Directors; and</li> <li>• Project team information including architect, engineer, consultants, contractors, suppliers and any partnership arrangements.</li> </ul>	30%
<b>Total</b>	<b>100%</b>

<b>Criteria</b>	<b>Weight</b>
<p><b>Bonus Points available for:</b></p> <ul style="list-style-type: none"> <li>❖ Equity contributions are above the required minimum levels (10% or 4%)</li> <li>❖ Projects that offer rents below 80% of the CMHC average market rents</li> <li>❖ Proposals that can guarantee an increased period of affordability of rents beyond the 20-year minimum period</li> <li>❖ Partnering with NRH to accommodate households from the NRH affordable housing waiting list</li> <li>❖ Proposals that incorporate water efficient fixtures</li> <li>❖ Proposals that incorporate energy efficient lighting</li> <li>❖ Brownfield redevelopment</li> <li>❖ Proposals that meet a Leadership in Energy &amp; Environmental Design (LEED) standard</li> <li>❖ Incorporating universal design into individual units</li> <li>❖ Projects with provisions for common meeting areas, laundry rooms and or bicycle rooms in the project design</li> <li>❖ Inclusion of “green space” into project design</li> </ul>	

**Please note:**

NRH reserves the right to reject otherwise qualified proposals in order to achieve region-wide geographical balance in the distribution of affordable units under this RFP.

### **3.4 SUBMISSION FORMS (Complete Listing)**

<b>Form Number</b>	<b>Form Title</b>
1.....	<b>Proposal Submission Checklist</b>
2 .....	<b>Mandatory Eligibility Checklist</b>
3 .....	<b>Form of Offer</b>
4 .....	<b>Business Plan</b>
5 .....	<b>Proposal Summary</b>
6 .....	<b>Proposed Annual Operating Budget – Years 1 to 5</b>
7 .....	<b>Development Budget</b>
8 .....	<b>Project Funding Worksheet</b>
9 .....	<b>Local Planning Department Proposal Review Form</b>
10 .....	<b>Reference Form</b>
11 .....	<b>Tax Compliance Declaration Form</b>
12 .....	<b>Fairness is a Two-Way Street</b>
13 .....	<b>Statement of Equity Contributions</b>
14 .....	<b>Statement of Insurance Provisions</b>
15 .....	<b>Proof of Ownership, Option to Purchase or Leasehold Interest in Land</b>
16 .....	<b>Proposal Submission Label</b>

## **SECTION 4.0 AGREEMENTS**

### **4.1 Agreements Summary**

Successful proponents will be required to enter into the following agreements:

- ❖ **Provincial Contribution Agreement** with MMAH defines the terms of the program including the federal funding and the ongoing requirements to provide affordable housing for the term of the program. This agreement is signed when all conditions set out in the Conditional Letter of commitment from MMAH are met which include obtaining a building permit, certificate of insurance, confirmation of owner equity and approved mortgage financing. Funds will be flowed based on a “Schedule of Funding” that forms part of this agreement. (See Agreement 1 for Sample)
- ❖ **Municipal Housing Project Facility Agreement** with NRH details the requirements during the development phase, pre-occupancy and post-occupancy phases and the ongoing annual reporting requirements for the affordable units. This agreement is signed within 18 months of receiving the Conditional Letter of Commitment from MMAH. (See Agreement 2 for Sample)
- ❖ **Contribution Agreement(s)** with others may be required where contributions are made to the proponent. Parties to these agreements could include the local municipality and/or any other parties providing a source of funding or contribution to their proposed project.

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### ❖ **Failure to Comply**

Proponents who fail to comply with any of the program design features, or breach any of the above agreements, could be required to repay any/all capital funding, in-kind services or donations, Municipal or Regional incentives and/or be subject to a penalty fee.

## **SECTION 5.0 CONTACT INFORMATION**

For further information the following is a list of contact names and numbers that may assist you in understanding the submission requirements for your proposal, completion of the required forms and program information.

### **5.1 Affordable Housing Program inquiries:**

**RFP inquiries:** Janice Emeneau  
Administrator of Housing Development  
Niagara Regional Housing  
905-682-9201 extension 3931  
toll free 800-232-3292 extension 3931  
fax 905-687-4844  
janice.emeneau@niagararegion.ca

OR

**Program inquiries:** Maryellen Maclellan  
Manager of Community Programs  
Niagara Regional Housing  
905-682-9201 extension 3938  
toll free 800-232-3292 extension 3938  
fax 905-687-4844  
maryellen.maclellan@niagararegion.ca

### **5.2 CMHC Funding & Mortgage inquiries**

Brett Barnes  
Corporate representative  
Canada Mortgage and Housing Corporation  
905-832-7274  
bbarnes@cmhc.ca  
www.cmhc.ca

### **5.3 Smarter Niagara inquiries:**

For general information on the Niagara Region Smarter Incentives Program please visit [www.niagararegion.ca/living/smartgrowth/pdf/PUB-102.pdf](http://www.niagararegion.ca/living/smartgrowth/pdf/PUB-102.pdf). For information on incentive programs applicable to your application, please consult the local municipal planning department (contact information on page 23).

For information on excellence in urban design, specifically the Region's Smart Growth Principles, please visit the Smart Growth Urban Design Guidelines at [www.niagararegion.ca/living/smartgrowth/pdf/ModelGuidelinesProject.pdf](http://www.niagararegion.ca/living/smartgrowth/pdf/ModelGuidelinesProject.pdf)

For information on accessible design requirements please visit [www.niagararegion.ca/living/smartgrowth/pdf/ModelGuidelinesProject.pdf](http://www.niagararegion.ca/living/smartgrowth/pdf/ModelGuidelinesProject.pdf)

## 5.4 Area Municipal Planners Contact List

<b>Municipality</b>	<b>Planning Department Contact</b>	<b>Phone Number</b>	<b>Email</b>
Region of Niagara	Alan Gummo	905-984-3630 ext. 3380	<a href="mailto:alan.gummo@niagararegion.ca"><u>alan.gummo@niagararegion.ca</u></a>
Fort Erie	Rino Mostacci	905-871-1600	<a href="mailto:Rmostacci@forterie.on.ca"><u>Rmostacci@forterie.on.ca</u></a>
Grimsby	Keith Vogl	905-945-9634	<a href="mailto:kvogl@town.grimsby.on.ca"><u>kvogl@town.grimsby.on.ca</u></a>
Lincoln	Kathleen Dale	905-563-8205	<a href="mailto:kdale@lincoln.ca"><u>kdale@lincoln.ca</u></a>
Niagara Falls	Alex Herlovitch Bob Bolibruck	905-356-7521	<a href="mailto:aherlovitch@niagarafalls.ca"><u>aherlovitch@niagarafalls.ca</u></a> <a href="mailto:bbolibruck@niagarafalls.ca"><u>bbolibruck@niagarafalls.ca</u></a>
Niagara-on-the-Lake	Stephen Bedford	905-468-3266	<a href="mailto:Sbedford@notl.org"><u>Sbedford@notl.org</u></a>
Pelham	Craig Larmour	905-892-2607	<a href="mailto:Clarmour@town.pelham.on.ca"><u>Clarmour@town.pelham.on.ca</u></a>
Port Colborne	Dan Aquilina	905-835-2900	<a href="mailto:danaquilina@portcolborne.com"><u>danaquilina@portcolborne.com</u></a>
St. Catharines	Paul Chapman	905-688-5600	<a href="mailto:Pchapman@stcatharines.ca"><u>Pchapman@stcatharines.ca</u></a>
Thorold	Adele Arbour	905-227-6613	<a href="mailto:Aarbour@thorold.com"><u>Aarbour@thorold.com</u></a>
Wainfleet	Chuck Miller	905-899-3463	<a href="mailto:planning@township.wainfleet.on.ca"><u>planning@township.wainfleet.on.ca</u></a>
Welland	Donald Thorpe	905-735-1700	<a href="mailto:don.thorpe@welland.ca"><u>don.thorpe@welland.ca</u></a>
West Lincoln	Brian Treble	905-957-3346	<a href="mailto:btreble@westlincoln.ca"><u>btreble@westlincoln.ca</u></a>