

REQUEST FOR PROPOSALS
LAND USE CONSULTANT FOR COMPREHENSIVE ZONING
REGULATIONS UPDATE

Town of Southbury
501 Main Street South
Southbury CT, 06488



RELEASE DATE: **01/06/2025**

DEADLINE FOR QUESTIONS: **01/30/2025**

RESPONSE DEADLINE: **02/06/2025, 11:00 a.m.**

REQUEST FOR PROPOSAL

PROFESSIONAL CONSULTING SERVICES

Summary

The Town of Southbury, CT (“Town”) is accepting statements of qualifications, generalized scope of services, samples of previous work including zoning regulations and/or a zoning map created by the consultant, and total cost proposals from qualified consulting firms to assist in the comprehensive review, organization, reformat and update of the Town’s Zoning Regulations and Zoning Map. Qualified candidates must have experience and knowledge in the field of municipal planning and zoning. Qualified candidates must show relevant experience in the writing, reformatting and updating of zoning regulations in Connecticut communities.

The Town is seeking a qualified candidate to fix technical issues in the existing Zoning Map. Qualified candidates must also have the ability to update the Zoning Map using programs compatible with the Town GIS system.

Interested firms having the qualifications and expertise to carry out the project in accordance with statutory and local requirements as defined herein must respond to this request on or before **February 6, 2025 at 11:00 a.m.**

Background

The Town of Southbury has recently adopted the 2023 update to the Plan of Conservation and Development (POCD). As a result, the Zoning Commission is initiating a substantial review and revision of the Zoning Regulations and Zoning Map. The Zoning Commission is seeking to amend and reorganize the regulations to be more user friendly; up to date with current planning, zoning, and engineering practices; aligned with environmental and climate change knowledge; and consistent with changes in State law.

The regulations were originally adopted in 1966, with many subsequent amendments since that time. Consequently, the current regulations are difficult to understand, contain outdated regulations and language, as well as a number of inconsistencies between sections in the Regulations. The Zoning Commission seeks to make these revisions so the Regulations will be more

comprehensive, organized, consistent, and in alignment with the Town's current planning, zoning and environmental practices.

The Town of Southbury is looking to review and update their Zoning Map as well. Thus, the Zoning Commission would like to have the map reviewed for minor technical errors, including but not limited to misalignment of zoning boundaries with property lines. Technical inconsistencies such as these should be corrected.

Project Details

The goal of this project is to work with the Town's Land Use Departmental staff and the Zoning Commission to perform a comprehensive review and rewrite of the Town of Southbury Zoning Regulations, including technical revisions to the Zoning Map. Potential candidates will review the existing regulations, zoning map, and POCD as well as other relevant documents, and may recommend additional objectives for the project.

Services to be Provided

The successful vendor shall work with the Southbury Zoning Commission and Land Use Departmental staff to recommend and adopt a comprehensive update to the Town's Zoning Regulations and Zoning Map with the following objectives and considerations in mind:

- Amend Zoning Regulations to implement recommendations within the 2023 POCD update,
- Update permitted land uses,
- Review consistency between the current Zoning Regulations, other Town ordinances and regulations and State Law,
- Update and improve the organization of the regulations,
- Improve the online accessibility and user friendliness of the Zoning Regulations, including but not limited to: visual/graphic aids, active links to relevant sections, a brief user guide, etc.,

- Design pertinent graphics that exhibit construction standards, design concepts and requirements,
- Incorporate models and best management practices to aid in ensuring quality development that is consistent with community values and development pressures, and
- Improve development standards, definitions, and procedures to be more straightforward.

Review and update of the Zoning Map shall coincide with the update of the regulations to include:

- Adjusting the Zoning Map as needed to conform with updated regulations, and
- Modifying zoning district boundaries with property lines where there are alignment errors.

Format for Submitting Statements of Qualifications

Responses to this request should include a comprehensive scope of work, estimated fee, and timeline including approximately five (5) working sessions with the steering committee, no less than two (2) sessions with the Zoning Commission, no less than two (2) public information sessions, one of which may include developers and/or representatives of other commissions, boards or agencies, and one (1) public hearing for adoption.

Included with the RFP submission should be a timeline with a proposed number of meetings with the Zoning Commission, the Town Attorney, the public, and other Town staff, as necessary. The successful vendor shall have drafts and final documents to be available in an easily editable format (e.g., MS Word, Publisher, or similar) and PDF suitable for posting on the Town's website. Working drafts as well as final drafts are required to be presented to the public prior to the final adoption of the regulation. The consultant will be expected to make these presentations to the public and to the Zoning Commission.

Four (4) copies of the following items must be submitted no later than February 6, 2025 at 11:00 a.m.

- A. Company Background Materials: Provide information regarding the background, experience and reputation of the firm.
- B. Qualifications: Provide key personnel's professional background and extent of previous experience in all areas of necessary expertise. Include descriptions of each proposed consultant's role and the relationship of their expertise to the anticipated work for the Town.
- C. Availability: Include availability of personnel, the date the firm is available to commence the project and estimated length of time necessary for completion.
- D. Examples of Work: Provide examples of previous services similar to those outlined here.
- E. References: Provide a list of previous or current contracts that are similar to the Town's scope of services, including the following:
 - Services performed;
 - Contact information for clients to be used as a reference for verification purposes.
- F. Local Knowledge: Describe the extent of local knowledge of Southbury and/or communities with similar characteristics, development patterns and issues, especially those related to technical land use planning and regulation issues.

- G. Potential Conflicts of Interest: Provide the names of private parties whom you have represented before agencies of the Town as well as the general nature of your representation and other involvement.
- H. Litigation/Arbitration: List information on (a) any involvement in litigation or arbitration with municipal clients; and (b) all clients that have terminated your services prior to completion of any project within the past ten (10) years. Explain circumstances that led to it and describe the resolution.
- I. Proposed Scope of Work: Shall include a project description narrative, estimate of start and end date, quarterly timeline (anticipated sequence of events and timing of critical action items, meetings and deliverables), cost of entire project.
- J. Professional Liability Insurance: A minimum of \$1 million dollar liability insurance is required.

Selection Criteria

The Town will review and evaluate all complete proposals determined to have been submitted within the timeline described herein. All proposals shall be reviewed by a committee selected by the Town of Southbury. Proposals will be reviewed and evaluated by the committee based on the criteria below.

If deemed necessary by the committee, the Town of Southbury reserves the right to shortlist the proposals received and arrange for interviews/oral presentations to the committee as part of the selection process. Discussion, requests for additional information and negotiations may take place with the short list vendors to ensure clarification and to obtain a system that meets the requirements of this Request for Proposal.

The Town of Southbury shall select the responsible and responsive Proposal which is determined by the Town to be the best situated, most advantageous, and provides the greatest overall benefit to the Town on the basis of the criteria and evaluation factors included in this Request for Proposal. Cost shall be only one factor in the award decision. The Town expressly reserves the right to negotiate with the selected vendor prior to the award of any contract pursuant to this Request for Proposal.

No.	Evaluation Criteria	Scoring Method	Weight (Points)
1.	Background and Experience The candidate's background and professional expertise, including client references, as well as number, size and scope of previous projects similar to the proposed project.	Points Based	20 (20% of Total)
2.	Understanding and Approach The candidate's approach to the project demonstrated understanding of the work, scope of work, and timeframe.	Points Based	20 (20% of Total)
3.	Quality of Work The proven ability to submit a high quality completed project within the required timeline	Points Based	20 (20% of Total)
4.	Special Qualifications Including evidence of any special or innovative approaches that the firm has used.	Points Based	20 (20% of Total)
5.	Cost	Points Based	20 (20% of Total)

Submittal Information

Sealed proposals, clearly marked, "***PROPOSAL TO PROVIDE CONSULTING SERVICES RE: COMPREHENSIVE ZONING REGULATION UPDATE***" must be **submitted to the Office of the First Selectman by 11:00 a.m. on 02/06/2025.**

The Town reserves the right to reject any and all RFPs, or parts thereof, which are not in the best interest of the Town of Southbury.

The selected firm must provide:

1. Certificate of Non-Collusion
2. Affidavit of Compliance with Tax Laws
3. Copies of Professional Registrations and Licenses
4. Copy of current Professional Liability Insurance Policy Declaration

For more information, contact:

Jordan Marcinko, Land Use Administrator

203.262.0634

Jmarcinko@southbury-ct.gov

Code of Ethics/Conflict of Interest Ordinance

A. Definitions.

The following definitions shall apply to this Ordinance:

1. **Public Official** (or Public Office). An elected or appointed official, whether paid or unpaid, full or part-time, of the Town of Southbury. This includes being a member or alternate member of any board, committee, commission or agency that exists in the Town of Southbury government.
2. **Town Employee** (or Town Employment). A paid employee, full or part-time, of the Town of Southbury.
3. **Ethics Commission**. The Town of Southbury Commission on Ethics as authorized by Section 7-148h of the Connecticut General Statutes.
4. **Conflict of Interest**. A conflict of interest shall be deemed to exist if any Public Official or Town Employee has a Direct Interest or an Indirect Interest, in any purchase, contract, transaction, or decision involving his/her office, board, commission, agency or employment.
5. **Direct Interest**. An interest of a Public Official or Town Employee or any business, investment, or property in which such Public Official or Town Employee is an owner, member, partner, officer, employee or stockholder or has any other form of participation, that is a Financial Interest or an Adverse Interest in any purchase, contract, transaction or decision involving his or her office, board, committee, commission, agency or employment.
6. **Indirect Interest**. An interest of a family member within the fourth degree by blood or marriage or a person engaged in a close business relationship with a Public Official or Town Employee in any purchase, contract, transaction or decision involving the Public Official's or Town Employee's office, board, committee, commission, agency or employment which, if held by the Public Official or Town Employee directly, would meet the definition of a Direct Interest.
7. **Financial Interest**. A Financial Interest shall be deemed to exist if a person or entity with a Direct Interest or an Indirect Interest as defined herein might, directly or indirectly, derive pecuniary or financial gain or suffer loss from any Town purchase, contract, transaction, decision or employment.
8. **Adverse Interest**. An interest that is adverse to the interests of the Town with respect to the matter under consideration.
9. **Material Conflict of Interest**. A conflict of interest shall be deemed to be material where a reasonable person would conclude that a Financial Interest or Adverse Interest:
 - a. is incompatible, or would to a reasonable person appear to be incompatible, with the proper discharge of official duties; or

b. would tend to impair, or would to a reasonable person appear to impair, independence of judgment and action in the performance of official duties.

B. Declaration of Policy.

1. The proper operation of the government of the Town of Southbury requires that Public Officials and Town Employees be independent, impartial and responsible to the people; that governmental decisions and policies be made in the proper channels of the government structure and free from coercive or other improper influence; that Public Officials and Town Employees not use their positions for personal gain; and that the general public have confidence in the integrity of its government.

2. This Ordinance sets forth standards of ethical conduct to maintain and enhance responsible and effective public service by our Public Officials and Town Employees in the performance of their duties.

3. In the interest of ensuring that concerns regarding possible conflict of interests are promptly raised, this Ordinance permits a concern that a conflict of interest may exist to be raised by any person, regardless of whether the person would be considered an aggrieved party as that term is interpreted under Connecticut law. Any failure to observe the procedures set forth in this Ordinance shall not, however, afford a basis for an action for damages against the Town, any Town board, committee, commission, agency or employee, or any member of any Town board, committee, commission, or agency, or for challenging a decision, license, permit or other action of a Town Employee, board, committee, commission or agency or member of same by a person who would not, but for the provisions of this Ordinance, have standing to bring such an action.

C. Disclosure of Conflict.

1. Any Public official or Town Employee who has a conflict or potential conflict of interest as defined herein, whether or not such conflict or potential conflict is material, shall disclose the interest causing such conflict or potential conflict in writing to the Board of Selectmen.

2. Any Public Official or Town Employee who is a member of any Town board, committee, commission or agency who has a conflict or potential conflict of interest as defined herein, whether or not such conflict or potential conflict is material, shall, in addition to the disclosure required by this Ordinance, disclose the interest causing such conflict to such board, committee, commission, or agency and such disclosure shall be recorded in the board's, committee's, commission's or agency's minutes.

D. Determination of Materiality.

1. In the event that a disclosure or a claim of a conflict of interest with respect to any Public Official or Town Employee has been made to the Ethics Commission, and the Public Official or Town Employee does not disqualify himself/herself from

matters with respect to which the conflict of interest allegedly exists, the Ethics Commission shall promptly inquire into the facts of the matter and determine whether or not a conflict exists and if so, whether it is material.

2. In the event that a disclosure or a claim or a conflict of interest with respect to any Public Official or Town Employee who is a member of a Town board, committee, commission or agency has been made to such board, committee, commission, or agency and the member does not disqualify himself/herself from matters with respect to which the conflict of interest allegedly exists, the board, committee, commission or agency shall forthwith determine by a majority of those members present, excluding the member whose interest is in question, whether or not a conflict exists and, if so, whether it is material.

E. Disqualification.

If it has been determined that a material conflict of interest exists, the Public Official or Town Employee who has the conflict shall be disqualified from discussing or acting upon any matter encompassed by that conflict of interest, and shall leave the room during any public hearing, discussions or deliberations regarding the matter. Any Public Official or Town Employee may disqualify himself/herself even though the conflict of interest is not material.

F. Claim of Conflict.

If a formal written complaint is made to the Ethics Commission that any Public Official or Town Employee has an undisclosed conflict of interest, the Ethics Commission shall record and act upon the claim in accordance with its procedures as outlined in Section J.

G. Gifts and Favors.

No Public Official or Town Employee shall accept or receive, directly or indirectly, anything of value (whether by rebate, gift, promise, obligation or contract for future reward or compensation or otherwise) for awarding or influencing the award of any decision, permit, license, contract or purchase order by the Town. Anything of value when in the form of a gift shall not be deemed relevant if the actual cost of that item is less than \$25.00.

H. Representation.

1. Without the prior written consent of the Ethics Commission, no Public official or Town Employee shall appear for compensation, except on behalf of the town, before any Town board or agency in which he/she was formerly employed or served as an official at any time within a period of one (1) year after termination of his/her service with the Town.

2. Without the prior written consent of the Ethics Commission, no current or former Public Official or Town Employee shall represent anyone other than the Town concerning any particular matter in which he/she participated personally and substantially while in municipal service.

3. No current or former Public Official or Town Employee shall disclose or use confidential information acquired in the course of and by reason of his/her official duties, for personal and/or financial gain for himself/herself or others.

4. No former Public Official or Town Employee who participated substantially in the negotiation or award of municipal contract or who supervised the negotiation or award of such a contract shall accept employment with a party to the contract other than the Town for a period of one (1) year after such contract is signed.

I. Independent Contractors.

Before hiring any consultant, independent contractor or other advisor, the Public Official, Town Employee, board, committee, commission or agency that proposes to hire the independent contractor shall inquire whether the independent contractor has any conflict of interest as that term is defined in this Ordinance or as defined in any code of ethics or similar code applicable to the independent contractor. Any such conflict shall be specified in the appropriate Town records (such as minutes of any relevant board, committee, commission, or agency). Prior to hiring any independent contractor with a conflict, the Public Official, Town Employee, board, committee, commission or agency proposing to hire the independent contractor must make a determination that the conflict is not material and/or that despite the conflict, the independent contractor should be hired. The decision and the reasons therefore must be a matter of public record.

No consultant, independent contractor or other advisor of the Town shall represent a private interest in any action or proceeding against the interest of the Town which is in conflict with the performance of his/her duties as such consultant, independent contractor or advisor. No consultant, independent contractor or advisor may represent anyone other than the Town concerning any matter in which he/she participated personally and substantially as a consultant to the Town. Neither shall such consultant, independent contractor or advisor disclose confidential information acquired while performing his/her duties for the Town, nor shall he/she use such information for the personal and/or financial interests of himself/herself or others.

J. Procedure.

All claims pertaining to a violation of this Ordinance shall be made, in writing, to the Ethics Commission in accordance with the rules and regulations promulgated by that Commission which shall be found in the Town of Southbury Ethics Commission Statement of Procedures. These rules shall require the Complainant to specify the facts that gave rise to his/her claim and the specific provision of this Ordinance that has been breached on a Form provided by the Ethics Commission. The Ethics Commission may, but is not required to consider claims made against individuals who are former Public Officials or Town Employees.

Any allegations and any information learned, supplied to or received from or by the Ethics Commission shall remain confidential until a finding of Probable Cause is determined by the Ethics Commission.

The Ethics Commission is authorized to issue advisory opinions at its discretion.

K. Penalties.

1. Any person who violates any of the provisions of this Ordinance may be censured or reprimanded or may be suspended or removed from Public Office or Town Employment, as the case may be, in the manner provided by law as recommended by the Ethics Commission with action by the Board of Selectman.
2. Any violation of this Ordinance shall render any purchase, contract, or transaction or any part thereof affected thereby voidable as recommended by the Ethics Commission with action by the Board of Selectmen.
3. Any violation of this Ordinance with respect to any decision of a board, committee, commission or agency shall be subject to any remedies deemed proper as recommended by the Ethics Commission with action by the Board of Selectmen and permitted by law.
4. The penalties provided above are in addition to any other penalties provided by law to address violations of the provisions of this Ordinance.

L. Concurrent Offices.

1. No Town Employee shall serve on any board, committee, commission or agency to which the Town Employee reports or acts as staff, except as otherwise stated in the Town Charter or Ordinances. Notwithstanding the foregoing, a Town Employee may serve on any board, committee, commission or agency in an advisory capacity.
2. Except as otherwise provided in the Charter or by Ordinance, the First Selectman, the Selectmen, the Town Clerk, members of the Board of Finance and members of the Ethics Commission shall hold no other Public Office, and the provisions of Section 9-210 of the General Statutes concerning incompatible Town offices shall apply to the officers described therein.
3. The restrictions set forth in Section L. 1 and Section L. 2 shall not apply to membership on any temporary or advisory only committee, task force, working group, or the like.
4. Subject to the restrictions set forth in applicable law, or by the Charter or by Ordinance, and in Section L. 2 of this Ordinance, nothing in this Ordinance shall prevent the appointment of the same person to more than one Public Office, provided the offices are not incompatible, provided the duties of the offices to which he/she is appointed may, in the opinion of the Ethics Commission, be satisfactorily fulfilled by one person, and provided further that inability to fulfill satisfactorily the duties of all offices to which he is appointed shall be cause for removal from any one or more of said offices.

M. Meetings.

1. Members Attendance. Public Officials who are members of boards, committees, commissions, and agencies are expected to attend all meetings of such boards,

committees, commissions and agencies or attend meetings in accordance with the by-laws or other duly adopted rules of the group to which they belong. However, it shall not be deemed to be a violation of this Ordinance if Public Officials who are members of boards, committees, commissions, and agencies comply with the standards set forth in Section 512 of the Town Charter. For the purposes of this Ordinance only, the attendance standards set forth in Section 512 shall apply to both elected and appointed members of boards, committees, commissions and agencies.

2. Alternates' Attendance. Public Officials who are alternate members of boards, committees, commissions and agencies are expected to attend all meetings of such boards, committees, commissions and agencies, or attend meetings in accordance with the by-laws or other duly adopted rules of the group to which they belong. However, it shall not be deemed to be a violation of this Ordinance if Public Officials who are alternate members of boards, committees, commissions and agencies comply with the standards set forth in Section 512 of the Town Charter. For the purposes of this Ordinance only, the attendance standards set forth in Section 512 shall apply to both elected and appointed alternate members of boards, committees, commissions and agencies.

3. Voting. All Public Official members or seated alternate members of boards, committees, commissions and agencies who are qualified to vote, shall vote on all matters upon which a vote is held by such board, committee, commission or agency unless there shall be reasonable cause for abstention and said cause is stated and recorded in the minutes of the meeting.

4. Statement of Reasons. In every case where the action of any board, committee, commission or agency is subject to a right of appeal to another administrative body or to the courts of the State of Connecticut, a statement of the reasons for its action shall be included in the minutes of the meeting.

NOTICE TO CONTRACTORS
CODE OF ETHICS/CONFLICT OF INTEREST ORDINANCE

The Town of Southbury has amended its Code of Ethics/Conflict of Interest Ordinance to become effective on February 27, 2017 and is included in this package. The Contractor shall comply with all applicable provisions of said Ordinance. The Contractor acknowledges receiving a copy of said Ordinance, a copy of which is attached hereto and made a part hereof. The Contractor further agrees that any instance of its violating any provisions of the Code of Ethics/Conflict of Interest Ordinance will be sufficient cause for the Town to terminate any or all of the Contractor's contracts or pending contracts with the Town. The Contractor agrees that the above clause will also be incorporated in all of its contracts with its subcontractors and consultants.

ACKNOWLEDGEMENT OF RECEIPT

I have **read** the above Code of Ethics/Conflict of Interest Ordinance, and agree to abide by its terms.

ORDINANCE RECEIVED BY: _____ (Print name)

_____ (Signature)

_____ (Date)

The successful bidder must submit satisfactory proof of insurance and a signed Indemnification Certificate.

INDEMNIFICATION CERTIFICATE

To the fullest extent permitted by law, the contractor shall indemnify and hold harmless the Town of Southbury, and agents and employees of said Town from and against claims, damages, losses and expenses, including but not limited to attorney's fees, arising out of or resulting from performance of the work, provided that such claim, damage, loss or expense is attributable to bodily injury, sickness, disease or death, or to injury to or destruction of tangible property (other than the work itself) including loss or use resulting therefrom, but only to the extent caused in whole or in part by acts or omissions of the contractor, a subcontractor, anyone directly or indirectly employed by them or anyone for whose acts they may be liable, regardless of whether or not such claim, damage, loss or expense is caused in part by a party indemnified hereunder.

Such obligation shall not be construed to negate, abridge, or reduce other rights or obligations of indemnity which would otherwise exist as to the Town of Southbury. In claims against any person or entity indemnified under this paragraph by an employee of the contractor, a subcontractor, anyone directly or indirectly employed by them or anyone for whose acts they may be liable, the indemnification obligation under this paragraph shall not be limited by a limitation on amount or type of damages, compensation or benefits payable by or for the contractor or a subcontractor under workers' or workmen's compensation acts, disability benefits acts or other employee benefits acts.

CONTRACTOR

BY:

Authorized Signature & Title

Address

Date