

## **SECTION 1 - INTRODUCTION**

### **1.1 Background**

The Development Review Division requires a roster of qualified peer reviewers for the provision of Deliverables, on an as-needed basis, for each following category:

- SCOPE A: *Air Quality and Odour Study, Noise, Vibration Study, Compatibility/Mitigation ("Nuisance Studies")*
- SCOPE B: *Rail Safety and Risk Mitigation (RSRM) Report*

### **1.2 Type of Agreement Proposed for Deliverables**

Respondents will be evaluated according to the criteria described in Part 2 – Evaluation, Negotiation and Award. Based on those criteria, certain Respondents will be selected for inclusion in the Roster List for the potential subsequent provision of Deliverables to the City.

The Agreement will be for a term of three (3) years, with an option in favour of the City to extend the Agreement on the same terms and conditions for one additional 2-year term.

The City reserves the right, at its sole and absolute discretion, to not include some or all of the optional terms as part of the award of contract or as may be stipulated in the agreement, in the event that the cumulative cost of such extension(s) enters the thresholds established by the Canada European Union Comprehensive Economic and Trade Agreement (CETA).

In such circumstances, notwithstanding any provision to the contrary contained herein, the City shall not be obligated to enter into the optional extension two (2) year term, and shall not be liable for any costs, damages, or penalties arising out of or in connection with its decision not to enter into such optional extension two (2) year term.

#### **1.2.1 Roster Work Assignment Process**

The City will allocate work assignments pursuant to the process described in Part 4 – Form of Agreement.

### **1.3 No Guarantee of Volume of Work or Exclusivity of Agreement**

The City makes no guarantee of the value or volume of work that will be assigned to the selected Respondents. Any agreement entered into pursuant to the RFSQ process will not be an exclusive agreement for the provision of the Deliverables. The City may contract with others for the same or similar deliverables to those described in this RFSQ or may obtain the same or similar Deliverables internally.

### **1.4 Respondent Consortium Information**

Where a consortium is responding to this RFSQ, the following shall apply:



## **Request for Supplier Qualifications – Doc5421410915**

### **Part 5 – RFSQ Particulars**

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- The Respondent shall identify itself as the sole Respondent.
- The Respondent shall list all other consortium members and what each will supply.
- The Respondent shall confirm that the Respondent shall assume full responsibility and liability for the work and actions of all consortium members with respect to the obligations to be assumed pursuant to this RFSQ, provided that the City shall be entitled to reject a proposed subcontractor.

#### **1.5 Applicable Trade Agreement(s)**

This RFSQ is subject to the following Trade Agreement(s):

☐ Canada Free Trade Agreement (CFTA)

☒ Canada-European Union Comprehensive Economic and Trade Agreement (CETA)

☐ Other: \_\_\_\_\_

☐ None applicable

Respondents should note that procurements falling within the scope of an applicable trade agreement are subject to that agreement but that the commercial rights and obligations of the parties shall be governed by the specific terms of each particular solicitation.

#### **1.6 Gender Diversity in City Procurements**

As part of City Council's support to enhance gender diversity on boards of corporations, all corporations conducting business with the City of Toronto are encouraged to utilize an intersectional analysis to strive to have gender parity on their corporate boards.

#### **1.7 The City of Toronto Social Procurement Program**

The goal of the City of Toronto Social Procurement Program is to drive inclusive economic growth in Toronto by improving access to the City's supply chain for diverse suppliers and leverage employment, apprenticeship and training opportunities for people experiencing economic disadvantage, including Indigenous Persons and those from equity-deserving communities. The City of Toronto expects its Respondents to embrace and support the City of Toronto Social Procurement Program and its respective goals. Social Procurement creates social value for the City in addition to the delivery of efficient goods, services, and works. The City of Toronto Social Procurement Program consists of two components: Supplier Diversity and Workforce Development.

For more information on the City of Toronto Social Procurement Program, visit:  
<http://www.toronto.ca/purchasing/socialprocurement>.

##### **1.7.1 Supplier Diversity**

The goal of supplier diversity is to increase the diversity of the City's supply chain by providing diverse suppliers with equitable access to competitive procurement processes.

In accordance with Section 1.3.2 of the City of Toronto Social Procurement Policy, points will be assigned to Respondents that submit information as part of their Response that will improve supplier diversity in the City's supply chain.

**[End of Section 1]**

## **SECTION 2 – THE DELIVERABLES**

### **2.0 General Purpose and Scope of the Deliverables**

#### ***Scope A - Air Quality and Odour Study, Noise, Vibration Study, Compatibility/Mitigation (“Nuisance Studies”)***

The Development Review Division requires a roster of peer reviewers for noise, air quality and odour emissions, and/or vibration studies, including a review of the completeness of methodology used, the appropriateness of the mitigation measures proposed, and recommendations in the report.

A Peer Review will be limited to evaluating the completeness of a study's methodology, findings and recommendations, and use of applicable standards and/or guidelines. The scope of a peer review will not include verifying or reproducing any of the air quality or odour modelling or noise prediction modelling, or vibration analysis, or supporting calculations unless directed by a Manager, or their designate, responsible for the development application.

#### ***Scope B - Rail Safety and Risk Mitigation (RSRM)***

The Development Review Division requires a roster of rail safety and risk mitigation peer reviewers for Rail Safety and Risk Mitigation Reports submitted in support of development applications within the boundaries of the City of Toronto.

A successful qualified Supplier will evaluate the methodology, findings and recommendations regarding appropriateness and effectiveness of the rail risk mitigation measures proposed to be undertaken as part of a proposed development with adjacent rail infrastructure.

A Peer Review will be limited to evaluating the completeness of a report's methodology, findings and recommendations, and use of applicable standards and/or guidelines. The scope of a peer review will not include verifying or reproducing any of the modelling, analysis, or supporting calculations unless directed by a Manager, or their designate, responsible for the development application.

- .1 It will be the responsibility of the Peer Reviewer to:
  - i. ensure that the appropriate quality and quantity of Personnel is available to support the undertaking of Deliverables in a timely manner;
  - ii. ensure that the Deliverables are undertaken by professional, knowledgeable and accountable personnel; and
  - iii. ensure that personnel undertaking work assignments have the appropriate training and/or experience, and professional designations from the appropriate governing body in each field.

**Request for Supplier Qualifications – Doc5421410915**  
**Part 5 – RFSQ Particulars**

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**2.1 Project Management:**

The Peer Reviewer will be liaising with the City's Manager Community Planning responsible for managing the development application that is subject to a peer review. Meetings dates will be determined in consultation with the City's Manager Community Planning and will be subject to change at the sole discretion of the City's Manager Community Planning.

In this Section 2 – The Deliverables, any reference to the Manager Community Planning shall be understood as the City's manager responsible for managing the development application that is subject to a peer review and shall be deemed to include their designate.

**2.2 Scope A and Scope B**

**2.2.1 Scope A: Air Quality and Odour Study, Noise, Vibration Study, Compatibility/Mitigation ("Nuisance Studies")**

- a. Peer review of the methodology, findings and recommendations of a noise, odour, air quality and/or vibration studies in support of a development application within the boundaries of the City of Toronto.
- b. The peer review is limited to evaluating the completeness of a study's methodology, findings and recommendations and use of applicable standards and/or guidelines. The scope of the peer review will not include verifying or reproducing any of the air quality or odour modelling, or noise prediction modelling, or vibration analysis, or supporting calculations unless requested by the Manager Community Planning.
- c. The peer review will respond to the following questions related to noise, odour, air quality, and/or vibration:
  - i. Is the noise, odour, air quality, and/or vibration study(s) methodology complete and consistent with the applicable agreements, legislation and best practices?
  - ii. Does the noise, odour, air quality, and/or vibration study(s) include all requirements specified in the applicable agreements, municipal by-laws, and Provincial legislation?
  - iii. For noise studies, are the findings and recommendations consistent with a Class 4 designations, as pursuant to Ministry of Environment and Climate Change (MOECC) Environmental Noise Guideline, Stationary and Transportation Sources – Approval and Planning, Publication NPC-300, August, 2013, if applicable.
  - iv. What are the deficiencies, if any, in the methodology employed, findings and/or recommendations included in the noise, odour, air quality, and/or vibration study(s) under review?
- d. The materials that the Peer Reviewer will review include:

**Request for Supplier Qualifications – Doc5421410915**  
**Part 5 – RFSQ Particulars**

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- i. Site plan drawings and/or other documents submitted in support of the development application.
  - ii. Noise, odour, air quality, and/or vibration study(s) submitted in support of the development application.
  - iii. NPC-300 pursuant to Ministry of Environment and Climate Change (MOECC) Environmental Noise Guideline, Stationary and Transportation Sources – Approval and Planning, Publication NPC-300, August, 2013.
  - iv. Applicable City of Toronto, provincial and federal legislation, policies and guidelines that will inform the peer review.
  - v. Any agreements between the City and the applicant that include land use compatibility provisions or guidance on noise, odour, air quality, and/or vibration studies, and/or requirements.
  - vi. Any additional relevant documents that are identified by the Manager Community Planning or their designate, from the Development Review Division responsible for the development application.
- e. The Peer Reviewer will review additional information submitted by an applicant and/or their consultants or third party, to address comments of the Peer Reviewer, if requested by the Manager Community Planning.
- f. The Peer Reviewer will prepare a draft of the Peer Review Report and submit it to the Manager Community Planning for review and comment. This report will be provided digitally.
- g. The draft Peer Review Report will be reviewed by the Manager Community Planning, as well as the applicant, or their consultant(s), or any relevant City Division/City staff or third party. Any comments received from the Development Review Division, the applicant or their consultant(s), relevant City Divisions/City staff and/or third parties will be considered by the Peer Reviewer when revising the draft of the Peer Review Report.
- h. The Peer Reviewer may be required to attend one or two meetings with Development Review staff and/or the applicant's representatives and/or their consultants. Additional meetings may be requested through authorization in writing by the Manager Community Planning.
- i. The final Report and appendices will be in PDF format and be sent by email.
- j. The final Peer Review Report will be completed to the satisfaction of, and delivered to, the Manager Community Planning, within **28 working days** after the City has initiated the Peer Review Work Program. The peer review period can be extended beyond **28 working days** if authorized, in writing, by the Manager Community Planning.
- k. Tasks that are not included in this section 2.2 must be authorized, in writing, by the Manager Community Planning.

**Request for Supplier Qualifications – Doc5421410915**  
**Part 5 – RFSQ Particulars**

- I. For each peer review within **SCOPE A**, the Work Program is summarized in the Table below:

**Table 5-1 – Scope A Work Program**

Item #	Task	Description
1.0	<b>Peer Review Preparation</b>	
1.1	Introductory Meeting	Meeting with Manager Community Planning
1.2	Identification of Relevant Documents	Confirmation of documents for review
2.0	<b>Peer Review</b>	
2.1	Review of Noise, Air Quality, Odour and Vibration Studies and Relevant Information	Document Review, including relevant studies, drawings, comments, legislation, City policies, etc.
2.2	Draft Peer Review Report preparation	Prepare the draft Peer Review Report and Circulate to the City for Comment
2.3	Internal Review and Comment (City)	Discuss City Comments with Planner/Project Manager
2.4	Revision of Draft Peer Review Report (City Comments)	Revise the Peer Review Report based upon City Comments
2.5	External Review and Comment (Applicant)	Review and Respond to Comments provided by Applicant
2.6	Applicant Meeting #1 - Review of Applicant Comments and any additional information	1.5 hour meeting with City and Applicant
2.7	Memo - Peer Reviewer Responses to Applicant Comments	Memo providing Peer Reviewer Responses to Applicant Comments
2.8	Applicant Meeting #2 - Resolution of Outstanding Comments	1.5 hour meeting with City and Applicant
2.9	Finalizing Peer Review Report (City and Applicant Comments)	Final Peer Review Report, incorporating City and Applicant Comments

**2.2.2 Scope B: Rail Safety and Risk Mitigation (RSRM) Report**

- a. Peer review of the methodology, findings and recommendations of a Rail Safety and Risk Mitigation Report in support of a development application within the boundaries of the City of Toronto.
- b. The peer review is limited to evaluating the completeness of a study's methodology, findings and recommendations and use of applicable standards and/or guidelines. The scope of the peer review will not include verifying or reproducing any of the modelling, analysis, or supporting calculations unless requested by the Manager Community Planning.

**Request for Supplier Qualifications – Doc5421410915**  
**Part 5 – RFSQ Particulars**

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- c. The questions related to rail safety and risk mitigation that the Peer Reviewer will be required to include but are not limited to the following:
  - i. Is the Rail Safety and Risk Mitigation Report methodology complete and consistent with the applicable agreements, legislation and best practices as established in the FCM/RAC Guidelines for New Development in Proximity to Railway Operations (Guidelines)?
  - ii. Does the Rail Safety and Risk Mitigation Report include all requirements specified in the applicable agreements, municipal by-laws, and Provincial legislation?
  - iii. What deficiencies, if any, in the methodology employed, findings and/or recommendations included in the rail safety and risk mitigation report under review need to be addressed?
- d. The Peer Reviewer will review additional information submitted by an applicant and/or consultants or third parties who prepare technical reports for applicants, to address comments made by the Peer Reviewer, if requested by the Manager Community Planning.
- e. The Peer Reviewer will prepare a draft of the Peer Review Report and will submit it to the Manager Community Planning for review and comment. This report will be provided digitally. The Peer Review Report should not replicate the content of the Guidelines mentioned above or other relevant regulatory or reference materials unless specifically necessary to address deficiencies.
- f. The draft Peer Review Report will be reviewed by the Manager Community Planning, as well as the applicant, or their consultant(s), or any relevant City Division/City staff, or third party. Any comments received from the Development Review Division, the applicant or their consultant(s), relevant City Divisions/City staff and/or third parties will be considered by the Peer Reviewer when revising the draft of the Peer Review Report.
- g. The Peer Reviewer may be required to attend one or two meetings with Development Review staff and/or the applicant's representatives and/or their consultants. Additional meetings may be requested through authorization in writing by the Manager Community Planning.
- h. The Peer Reviewer will submit a revised final Peer Review Report for approval by the Manager Community Planning incorporating input from the Manager Community Planning, as well as adequately addressing comments received from the applicant or their consultant(s), relevant City Divisions/City staff and/or third parties.
- i. The materials that the Peer Reviewer will review for each Work Assignment include but are not limited to the following:
  - i. Site plan drawings and/or other documents submitted in support of the development application.

**Request for Supplier Qualifications – Doc5421410915**  
**Part 5 – RFSQ Particulars**

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- ii. Rail Safety and Risk Mitigation Report submitted in support of the development application.
- iii. Federation of Canadian Municipalities and Rail Association of Canada Guidelines for New Development in Proximity to Railway Operations, May 2015.
- iv. Relevant background information regarding the section of rail infrastructure adjacent to the proposed development as established by the City of Toronto's Terms of Reference for a Rail Safety and Risk Mitigation Report, including:
  - Typology of operation (Type A, B, C, D or E as per the Guidelines for Development Close to Rail Corridors & Yards Study (weblink);
  - If applicable, physical characteristics of Type (elevated, at grade, below grade; straight vs curved alignment);
  - Primary rail operation (Freight, Passenger, Both - it should be noted that both CP and CN Rail maintain rights to transport freight at any time along all rail lines in the City of Toronto);
  - Owner(s)/operator(s)/user(s) (i.e.: CN, CP, Metrolinx, Via, etc.);
  - Operating characteristics - presence of switches, existing/planned track design speed, track type (continuously welded, jointed), proximity of nearest station (if applicable);
  - Rail Corridor service expansion plans by all operators (10-Year Forecast);
  - Physical corridor expansion plans (property requirements); and
  - The City and other rail operators, owners and agencies as applicable may identify additional considerations to be examined that are specific to the subject site.
  - Applicable City of Toronto, provincial and federal legislation, policies and guidelines that will inform the Peer Review.
  - Any additional relevant documents that are identified by the Manager Community Planning or their designate, from the Development Review Division responsible for the development application.
- j. The Peer Reviewer will submit digital copies of the Final Peer Review Report including appendices in PDF format.
- k. The final Peer Review Report will be completed to the satisfaction of, and delivered to, the Manager Community Planning, within 28 working days after the City has initiated the Peer



**Request for Supplier Qualifications – Doc5421410915**  
**Part 5 – RFSQ Particulars**

Review Work Program. The peer review period can be extended beyond 28 working days if authorized, in writing, by the Manager Community Planning.

- l. Tasks that are not included in this Section 2 – The Deliverables must be authorized, in writing, by the Manager Community Planning.
- m. For each peer review within **SCOPE B**, the Work Program is summarized in the Table below:

**Table 5-2 – Table Scope B Work Program**

Item #	Task	Description
1.0	<b>Peer Review Preparation</b>	
1.1	Preliminary Discussion	Meeting with Manager Community Planning
1.2	Identification of Relevant Documents	Confirmation of documents for review
2.0	<b>Peer Review</b>	
2.1	Review of Rail Safety and Risk Mitigation Report and Relevant Information	Document review, including relevant studies, drawings, comments, legislation, City policies, etc.
2.2	Draft Peer Review Report preparation	Prepare the draft Peer Review Report and Circulate to the City for Comment
2.3	Internal Review and Comment (City)	Discuss City Comments with Planner/Project Manager
2.4	Revision of Draft Peer Review Report (City Comments)	Revise the Peer Review Report based upon City Comments
2.5	External Review and Comment (Applicant)	Review and Respond to Comments provided by Applicant
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**Request for Supplier Qualifications – Doc5421410915**  
**Part 5 – RFSQ Particulars**

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**2.3 Material Disclosures**

1. Management of Roster List  
The Roster List will be managed as described in Part 4 – Form of Agreement.
2. City of Toronto Fair Wage Policy  
The successful Respondent must be capable of complying with the City's Fair Wage Policy and applicable current Fair Wage Schedules. These documents can be accessed and reviewed at the following link: <https://www.toronto.ca/business-economy/doing-business-with-the-city/understanding-the-procurement-process/fair-wage-office-policy/fair-wage-policy/>

**[End of Section 2]**