



**Terms of Reference for the Provision of
ARCHITECTURAL SERVICES**

For

**DESIGN OF THE
Atikameksheng Anishnawbek's
Business Park Multi-Complex Office Building**

Prepared By: EXP Services Inc.

Date: September 24, 2018

Atikameksheng Anishnawbek
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1. INFORMATION TO PROPONENTS

1.1 GENERAL

This Terms of Reference defines the conditions and scope of services the Architect is to provide for the Atikameksheng Anishnawbek Business Park in the undertaking of the construction of a multi-complex office building. For the purposes of this document and future correspondence on the project, Architect means the Architect, or his representatives, selected for the assignment. This Request for Proposal was released on September 24, 2018. Sealed proposals for the completion of the scope of work will be received until 12:00 PM local time, on October 9, 2018.

Proposals must be complete, providing all the requested information. Submissions must follow the sequence outlined and be in the formats requested. A copy of all Addenda issued during the proposal period must be submitted with the proposal, signed, dated and sealed where required. Format of proposal submission may be by e-mail, or hard copy submission to the address listed below. Any proposals arriving after the stated closing time will not be considered.

Proposals must be delivered or e-mailed to the Project Manager:

Les Ranta
EXP Services Inc.
885 Regent Street
Sudbury, ON P3E 5M4
Email: Les.Ranta@exp.com

The proposal is to be open to acceptance for a period of sixty (60) days, beyond the closing date. The proponent must identify those persons who are authorized to negotiate on their behalf with Atikameksheng Anishnawbek. In addition, the proponent must also provide evidence of the capacity of the person signing the Proposal to bind the proponent should the proposal be accepted by Atikameksheng Anishnawbek.

1.2 ACCEPTANCE AND AWARD

Atikameksheng Anishnawbek reserves the right to accept or reject any proposal, in whole or in part(s) as Atikameksheng Anishnawbek deems fit, solely at Atikameksheng Anishnawbek's discretion, without liability on the part of Atikameksheng Anishnawbek. Atikameksheng Anishnawbek will not be held responsible for any cost incurred by any proponent associated with preparing or submitting a proposal for this project, should the proposal be rejected or the process canceled. Please note that Proposals which are incomplete, conditional, or obscure may be rejected.

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1.3 PRICES AND BUDGET

Atikameksheng Anishnawbek has strictly defined budgets for the work within this Contract and reserves the right to change the scope of this Contract to bring the proposal price within the available budget limits. Should it be determined that the changes in the scope of the Contract are of sufficient magnitude (10% of the total project), then Atikameksheng Anishnawbek may cancel the proposal call. At their discretion, Atikameksheng Anishnawbek may commence a new process in order to complete the project within the budget available.

1.4 PAYMENTS

Proponents must detail the payment schedule in their cost proposal (Schedule A). Such a schedule must be provided over the time span required to deliver the specified products. Proponents should note that Atikameksheng Anishnawbek must be invoiced on a monthly basis.

Subject to any discrepancies or deficiencies, Atikameksheng Anishnawbek shall pay approved invoices received within 30 days after the invoice date. All invoices will be subject to a 10% holdback. Payment of this holdback will be made only upon 100% completion of the project, including final documents and deliverables, to the satisfaction of Atikameksheng Anishnawbek. A summary spreadsheet shall be attached to all invoices which indicate the budgeted amount, total amount invoiced to date, invoice amount for the period and remaining funds for each task of the project.

1.5 OTHER INFORMATION

Atikameksheng Anishnawbek reserves the right to require proponents to produce any of the following:

- Appropriate insurance certificates
- Financial and corporate information
- Other additional assurances or protections as deemed necessary by Atikameksheng Anishnawbek.

1.6 OWNERSHIP OF DOCUMENTATION AND FREEDOM OF INFORMATION

Any and all documents, including proposals, shall become the sole property of Atikameksheng Anishnawbek and shall not be returned to the Proponent. They will be received and held in confidence by Atikameksheng Anishnawbek, subject to the provisions of the Freedom of Information and Protection of Privacy Act. Proponents may not use any materials provided for other purposes without the written permission of Atikameksheng Anishnawbek.

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1.7 RIGHT TO AMMEND REQUIREMENTS

Upon awarding the contract based on the information submitted in proposals received, Atikameksheng Anishnawbek reserves the right to work with the successful proponent to modify any of the proposal components outlined in the RFP that are agreeable to all parties. In the event that the chosen proponent fails to act in good faith by refusing or failing to negotiate in a timely and reasonable manner, or fails to fulfill the intent of the RFP, or to execute the negotiated agreements, the proponent will be considered to have abandoned all rights and interest in the contract award and the award may be cancelled without penalty to Atikameksheng Anishnawbek. The award may then be made to the next highest ranked proponent or all proposals may be rejected at the sole discretion of Atikameksheng Anishnawbek.

1.8 CONFLICT OF INTEREST

Proponents are required to state any perceived or actual conflicts of interest that they might have with Atikameksheng Anishnawbek or its staff.

1.9 FORM OF PROPOSAL

The submitted proposal document must not exceed fifteen (15) pages in total, excluding appendices.

1.10 ERRORS AND OMISSIONS

It is understood, acknowledged and agreed that while this Terms of Reference includes specific requirements and specifications, Atikameksheng Anishnawbek shall not be held liable for any errors or omissions in any part of this Terms of Reference. While Atikameksheng Anishnawbek has used considerable effort to ensure an accurate representation of information in this Terms of Reference, the information contained in the Terms of Reference is supplied solely as a guideline for proponents.

The information is not guaranteed or warranted to be accurate by Atikameksheng Anishnawbek, nor is it necessarily comprehensive or exhaustive. Nothing in the Terms of Reference is intended to relieve the proponents from forming their own opinions and conclusions with respect to the matters addressed in the Terms of Reference.

1.11 PROFESSIONAL LIABILITY INSURANCE (Errors and Omissions Insurance)

The selected Architect will be expected to have insurance coverage of a minimum of Two Million Dollars (\$2,000,000.00) for each of General Liability, Professional Liability and Automobile Insurance in accordance with the Ontario Association of Architects (OAA) and regulations therein (copies to be attached to the Architectural Services Agreement).

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1.12 LEGAL CLAIMS

No proposal will be accepted from any person, or company, or Proponent which has claimed or instituted a legal proceeding against Atikameksheng Anishnawbek or against whom Atikameksheng Anishnawbek has a claim or instituted a legal proceeding with respect to any previous contract without prior approval by Council.

2 INTRODUCTION

2.1 EXECUTIVE SUMMARY – SCOPE OF ARCHITECTURAL WORK

This Request for Proposal is for the design of one office building providing a total of 12,000 square feet of floor space over one or two levels. The buildings will provide common zones and flexibility for customized office configurations. Common zones shall include lobbies and washrooms. The remaining space will be designed as a flex space to allow tenants to customize their individual office configurations.

The office building will be located on Lot 13 of the Atikameksheng Anishnawbek Business Park. The Proponent will be responsible for all building related engineering including, but not limited to, structural, mechanical and electrical engineering disciplines, and for all site design related to the lot ultimately chosen as the site.

2.2 GENERAL

Atikameksheng Anishnawbek First Nation (AAFN) is requesting proposals from qualified Architectural firms or individuals to provide design, documents for bidding, and Contract Administration for the construction of a Multi-Complex Office Building in the Atikameksheng Anishnawbek Business Park.

The Atikameksheng Anishnawbek Business Park is being planned to host commercial and light industrial businesses who are seeking a modern and convenient location in which to site their business operations. This proposal is related to construction of the subject building on Lot 13.

These Terms of Reference defines the requirements and scope of services for an Architectural firm to complete the design of the office building and to undertake contract administration services for its construction.

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2.3 LOCATION

Atikameksheng Anishnawbek is accessed via Municipal Road 55 and Reserve Road approximately 19 km west of the City of Greater Sudbury. The Business Park is located east of Reserve Road and is adjacent to Junction Creek.

The subject office building will be constructed on Lot 13 of the Business Park. Both lots will be serviced by municipal water and sewer, and utilities will include electrical, communications and natural gas. Lot 13 is 0.64 hectares in size.

2.4 BACKGROUND

Atikameksheng Anishnawbek is a progressive First Nation community offering great potential for attracting businesses and leasehold opportunities. Atikameksheng Anishnawbek's land base also offers great potential for economic development initiatives such as those that may be established in the proposed 18 lot business park to be located on available First Nation land at the entrance of Atikameksheng Anishnawbek's territory.

As designed, the business park accommodates 18 lots, varying in size from 0.4 to 1.7 hectares (1 to 4 acres), with an average lot size of 0.7 hectares (1.7 acres). Available to lease to both Atikameksheng and external organizations, the business park would provide tenants with a full suite of utility services, as well as immediate access to the Provincial highway network and major industrial operations in Greater Sudbury.

The business park land is zoned for commercial and light-industrial use. In 2018, the first two lots of the business park will be available, (Lot 13 and 14). Both lots will be serviced by municipal water and sewer, and utilities will include electrical, communications and natural gas. Lot 13 is 0.64 hectares in size.

The proposed multi-use commercial complex which will offer office space for lease will be constructed on Lot 13 of the Business Park. Facilities will include separate offices, meeting rooms, and workspace and for this reason, Atikameksheng will require the services of an Architect in support of the design and construction of the 12,000 square feet multi-complex office building and associated site development.

The following information in relation to this project will be made available to the successful architectural proponent:

- Atikameksheng Anishnawbek Business Park Development Plan (Collins Barrow, February 2016)
- Whitefish Lake Atikameksheng Anishnawbek Business Park – Industrial Subdivision Drawings (Trow Associates Inc. December 3, 2010)

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- Atikameksheng Anishnawbek, Industrial/Business Park (KPMG Feasibility Study, 2010)
- Proposed Multi-Purpose Building (Perry + Perry Architect Inc. July 2009)
- Geotechnical Investigation (to be completed in Fall of 2018)
- Topographical Site Survey (to be completed in Fall of 2018)

3 SCOPE AND OBJECTIVES

The scope and objectives for the design and construction of the 12,000 square foot Multi-Complex Office Building in the Business Park includes:

- The Architect shall review all related previous reports and studies and confirm their concurrence of the findings and recommendations as they pertain to this project. If the Architect does not concur with the findings and recommendations, they shall immediately advise the Project Manager stating their reasons and briefly recommending actions.
- The Architect shall verify that the scope of work outlined is acceptable and if not propose changes with justifications, including innovations.
- Atikameksheng Anishnawbek core values shall be incorporated in the design including the Seven Grandfather Teachings of Wisdom, Truth, Humility, Respect, Love, Honesty and Bravery.
- The Vision Statement expressing that the Atikameksheng Anishnawbek has a positive, self-sustaining and wholistic quality of life shall be incorporated in the design.
- The Architect shall ensure the project objectives are achieved within the Project Team's approved schedule, within the approved budget and scope and ensure that these objectives are completed at the correct performance level.
- The construction of the office building and development of the site shall be made in consideration of placement on Lot 13. A plan of the lot is provided in Appendix B.
- The proposed space requirements, including conference room, lunch room, office space and rest room requirements are described in the programming information provided in Appendix B.

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- Conceptual plans should be based on the latest development of flexible office space design. The interior space divisions and facilities must be planned in consideration that future tenants should be provided with flexibility should they wish to change the layout of interior spaces.
- Participation in review of bids and selection of general contractor.
- Oversight and inspection during construction and preparations of letters of general conformance upon completion.
- Compliance with most recent requirements of Accessibility for Ontarians with Disabilities Act (AODA).
- Incorporate energy efficiency and sustainability in the design.
- Harmonization of architectural work with site design to ensure a seamless transition from interior to exterior spaces.
- The site shall be designed to City of Greater Sudbury standards including on-site stormwater management limiting post development runoff to pre-development levels and providing quality objectives of 80% total suspended solid (TSS) removal.
- As a minimum, 60 parking spaces shall be provided at the rear of the lot. Of these spaces, at least 10 shall meet AODA parking requirements.

The functional requirements for the design and construction of the office building which are the responsibility of the Architect include:

- Identify and secure approvals required for the office building to ensure occupancy will be granted upon completion.
- Submit designs and participate with the Project Team in progress review meetings at the 30%, 60% and 90% design stage.
- Prepare tender drawings and specifications for the office building.
- Coordinate tender call for the office building.
- Provide Recommendation to the Project Team regarding Contract award.
- Provide site review of construction activities for the purpose of providing letters of general conformance for each architectural and engineering discipline at the completion of construction.

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- Certify contractor progress payment applications.
- Coordinate commissioning activities and provide Atikameksheng Anishnawbek with record of construction drawings, warranties, operation and maintenance manuals and project records.

4 SCHEDULE

The tentative schedule for the project is as follows:

1. Issuance of Architecture RFP Documents: September 24, 2018
2. Competition Closing Date: October 9, 2018
3. Award Recommendation of Architecture Firm: October 19, 2018
4. Design Completion: January 31, 2019
5. Construction Tender Call: February 18, 2019
6. Construction Tender Close: March 15, 2019
7. Construction Award: April 2, 2019
8. Office Building Construction: April 2 – November 31, 2019

5 MULTI-COMPLEX COMPETITION DETAILS

Communications/Official Point of Contact

The official point of contact for this Proposal Solicitation is Les Ranta, P.Eng. All communication shall be in writing via e-mail to **Les.Ranta@exp.com**, with copy to **Jackie.Prefontaine@exp.com**. All communications with the Owner during the procurement process shall be through the official point of contact.

Proposal Submission

Proposal submission shall be via e-mail to the official point of contact on, or before, **12:00 PM Noon, Tuesday October 9, 2018**.

Deadline for Questions

The Deadline for questions is **12:00 PM NOON, Tuesday October 2, 2018**.

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Proposal Evaluation

Proposals will be evaluated by the Atikameksheng Anishnawbek Business Park Steering Committee based on the proposals responsiveness to project needs and stated objectives.

Evaluation will be made in consideration of a proponent who is responsive to all administrative and technical requirements of the RFP and who has demonstrated qualifications and competence in the types of services required. Following are the elements of the evaluation matrix, with each element receiving equal weight:

1. Presentation of a vision for the project that is in line with the clients core values and beliefs.
2. Competence to perform the services required as demonstrated by education, technical training, general professional proficiency and specific project experience.
3. Ability to meet schedule requirements as demonstrated through workload assessment and organizational chart.
4. Past performance as described by project experience and supported by reference clients.
5. Demonstrated ability to provide cooperative and flexible office space design, and provide construction services.
6. Benefits of project experience related cost control, energy efficiencies, and creative design.
7. Value provided in the Statement of Professional Fees.

Proposal Award

Lowest or any proposal not necessarily accepted.

6 PROPOSAL SUBMISSION REQUIREMENTS

In additional to the Submission Form provided in Appendix A, it is expected that the Architect's proposal will contain the following:

Architect's Vision for the Project

The Architect should provide a statement that exhibits their vision for the completed office complex within the Atikameksheng Anishnawbek core beliefs.

Renderings, floorplans and photo essays are some of the media that may be used to present the Architect's vision of the project that may aid in the assessment of the Architect's conceptualization of the completed project.

Experience and Qualifications

The following information, as a minimum, must be included in the Architect's proposal:

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1. Name of Firm and location of Head Office and Branch Offices (if any).
2. A brief history of the firm and the range of services offered.
3. Years of experience of the firm and three (3) similar projects undertaken within the past 5 years. Provide client references for each.
4. Organization chart of personnel proposed for the project along with resumes of all participants.
5. Describe how the firm proposes to manage the provision of energy modeling, life cycle cost assessment, cost control, risk identification and mitigation.
6. Provide a list of projects currently under contract.

Statement of Professional Fees

The Architect should provide a statement of the professional fees for the architectural and engineering costs for the office building described including, but not limited to, structural design, electrical design, HVAC design, site plan design and landscape design.

Construction inspection and Contract Administration for the construction of the office building.

A statement of fee compensation shall be provided identifying if fees will be based on a percentage of construction cost or be based on lump sum compensation. Proponent shall not charge HST.

Workload Description and Proposed Work Schedule

The Architect should describe the ability to perform services based on current workload and the availability of adequate personnel, financial resources, equipment and facilities.

The Architect should provide a proposed work schedule reflecting workload constraints to ensure construction is completed according to the schedule milestones identified.

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APPENDIX A

Submission Form

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ARCHITECT CONTRACT REQUIREMENT

Architects Responsibilities

The Architect agrees to enter into a contract between Atkameksheng Anishnawbek and consultant for the work outlined in these Terms of Reference for a fee up to the maximum upset limit to be identified in the Architect's proposal. A standard professional services contract will be provided to Atikameksheng Anishnawbek by the successful Architect.

Adequate Information

The Architect shall acknowledge in their proposal that they have had adequate consultation with Atikameksheng Anishnawbek and access to sufficient information to enable them to provide a proposal and undertake the work identified herein.

Schedule A – Proponent's Declaration

(To be submitted with original copy of Proposal Submitted) To: Atikameksheng Anishnawbek

From: (the "Proponent") _____

I/We, _____, the _____ of _____

Hereby declare as follows:

- (a) I/We are the undersigned authorized signing officer of the Proponent.
- (b) That no person, firm or corporation other than the one whose signature or the signature of whose proper officers I attached below, has any interest in this Proposal of in the Project(s) proposed to be undertaken.
- (c) That this Proposal is made without any connection, knowledge, comparison of figures or arrangement with any other company, firm or person making a Proposal (unless performed under a "joint" agreement and so declared in the Proposal), and in respects is fair and without collusion or fraud.
- (d) That no Atikameksheng Anishnawbek employee, or Member of Council or member of its Committees, is or will become interested directly or indirectly as a contracting party.

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- (e) That all statements, schedules and other information provided in this Proposal are true, complete and accurate in all respects to the best knowledge and belief of the Proponent.
- (f) That I/We have examined the locality and site of the proposed project(s), as well as all the specifications relating thereto, prepared, submitted and rendered available on behalf Atikameksheng Anishnawbek, and hereby acknowledge the same to be part and parcel of any Agreement Documents to be let for the Project(s) therein described or defined, and do hereby propose and offer to enter into a contract to complete the Project and to provide for all of the labor and to provide, furnish, deliver, place and erect, all material mentioned and described or implied therein, including in every case freight, duty, exchange and sales taxes in effect on the date of acceptance of the Proposal, and all other charges, on the terms and conditions and under the provisions therein set forth, and to accept in full payment therefore, the sums calculated in accordance with the actual quantities and unit prices attached to this Proposal.
- (g) That the undersigned is hereby authorized by the Proponent to submit this Proposal and is authorized to negotiate all matters with Atikameksheng Anishnawbek representatives relative to this proposal.

Proposal submitted by: _____

Address: _____

City/Province: _____

Postal Code: _____

Name (please print): _____

Telephone Number: _____

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Schedule B – Proposal Cost Form

Project Description: Terms of Reference for the Provision of Architectural Services for Atikameksheng Anishnawbek.

Item	Description	# of Meetings	Upset limit
1	Design Phase	6	\$
2	Construction Phase	12	\$
	TOTAL		\$

This cost will be considered as an upset limit. The proponent will submit, with this proposal, a summary of hourly rates of positions that may be involved.

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APPENDIX B

Lot Plan

Building 1 Space Programming Information

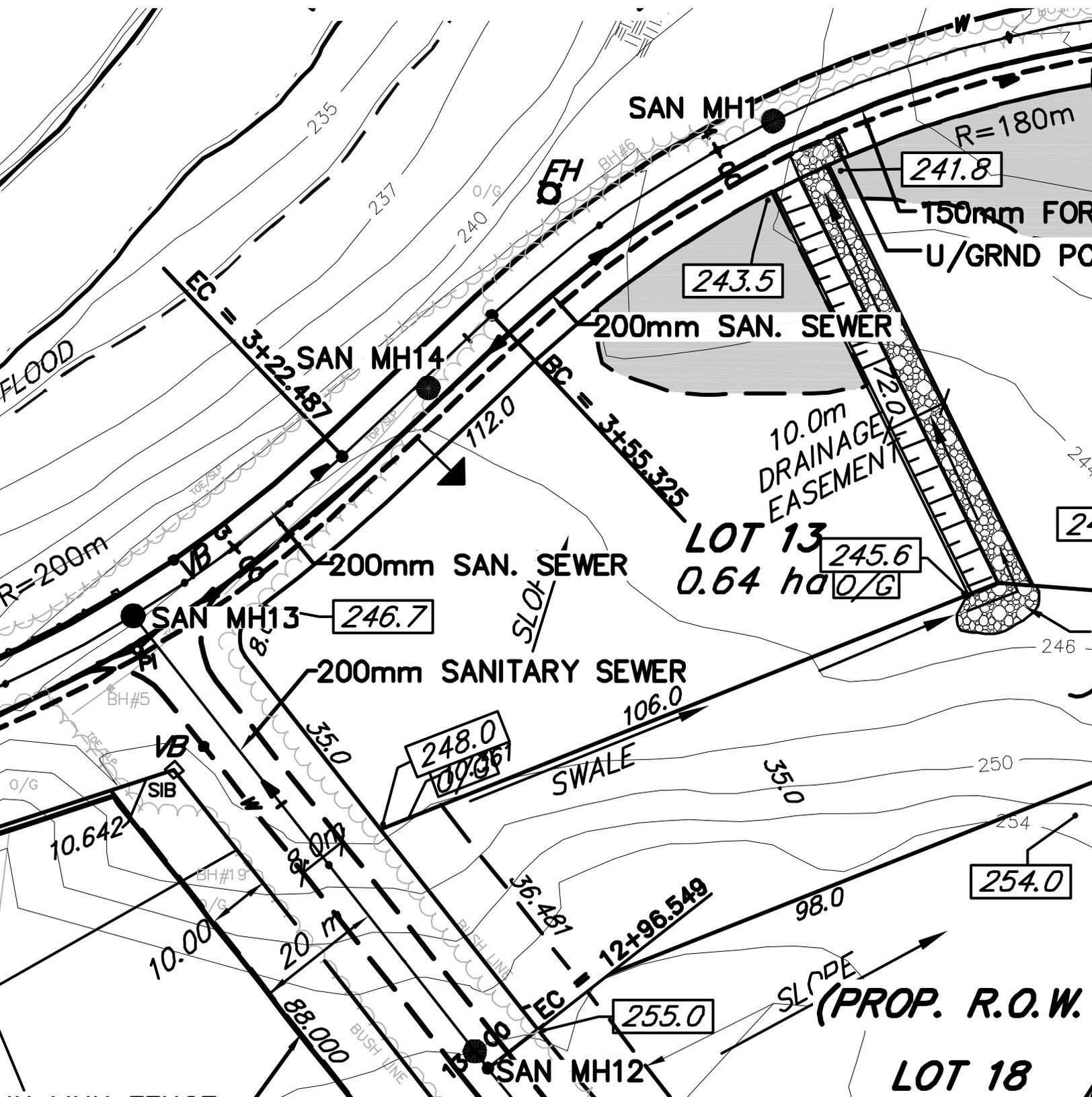


FIGURE 1 - LOT PLAN

BUILDING 1

SPACE PROGRAMMING INFORMATION

- Approximately 12,000 square feet total
- Reception/waiting area – 300 sq. ft.
- Four family access rooms – 150 sq. ft. each
- Four children's mental health rooms with sound dampening – 150 sq. ft. each
- Information technology closet – 100 sq. ft.
- Space for 50 workstations – 110 sq. ft. per worker
- 10 supervisor/manager offices – 120 sq. ft. per worker
- Staff kitchen area – 600 sq. ft.
- Janitorial closet – 100 sq. ft.
- Storage – 150 sq. ft.
- Staff and client washrooms – 150 sq. ft. each
- Male and female change rooms with showers – 90 sq. ft. each
- Large boardroom – 400 sq. ft.
- Exercise/Relaxation room – 150 sq. ft.