

**SPECIFICATIONS  
AND  
BID DOCUMENTS**



**REQUEST FOR PROPOSAL  
Professional Consulting Services  
Comprehensive Zoning Regulation Refresh**

**TOWN OF SOUTHBURY  
501 MAIN STREET SOUTH  
SOUTHBURY, CONNECTICUT**

**August 31, 2021**

# **REQUEST FOR PROPOSAL PROFESSIONAL CONSULTING SERVICES**

## **Organization and Refresh of Zoning Regulation**

The Town of Southbury, CT (“Town”) is accepting statements of qualifications, generalized scope of services, and total cost proposals from qualified consulting firms to assist in the comprehensive review, organization, and reformat of the Town’s Zoning Regulations. Qualified candidates must have experience and knowledge in the field of municipal planning and must show relevant experience in the writing, reformatting and updating of zoning regulations in Connecticut communities. 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 **September 30, 2021 @ 12:00 pm.**

## **Introduction**

Southbury is located in New Haven County and boasts a population of close to 20,000 residents. The Town’s Zoning Regulations were originally adopted in 1966. There have been subsequent amendments since that time. The Regulations require reformatting to address inconsistencies, outdated regulations and language, and ultimately rectify and consider new legislation. 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.

## Scope

The goal of this project is to work with the Town's Land Use Departmental staff and the Zoning Commission to reformat and organize the existing Zoning Regulations. Additionally, the Town is in the process of updating its Plan of Conservation and Development (POCD). This project of organizing and refreshing the Zoning Regulation would be a two-part project. Phase 1 would include:

- Addressing procedural and administrative changes to the Zoning Regulations
- Reformatting, rewording, and organizing the Regulations into a more user friendly, comprehensive document.
- Updating the Regulation to address and consider new legislation and statutory changes.

Since the Town has separate Planning and Zoning Commissions, the Planning Commission will be focused on the POCD, while the Zoning Commission will focus on the Zoning Regulation refresh. Once the Zoning Regulations are revamped and the POCD is complete, this will begin Phase 2 of the Zoning Regulation update. This will include:

- Making minor adjustments to align the Zoning Regulations with the POCD.
- Amending to implement and reflect both the POCD and the Affordable Housing Plan.

## Services to be Provided

This approach would result in a contemporary, functional set of Zoning Regulations after Phase 1, which would be completed before the adoption of the POCD. After the Phase 1 organization, the Zoning Regulations would be amended as necessary to reflect the POCD. The end result would be organized and comprehensive Regulations that smoothly incorporate the new POCD.

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. Phase 1 and 2 working drafts as well as both final drafts 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.

## **Format for Submitting Statements of Qualifications**

Four (4) copies of the following items must be submitted no later than the due date and time specified in this request.

- 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 their relationship of their expertise to the anticipated work for the Town.
- C. **Examples of Work:** Provide examples of previous services similar to those outlined here.
- D. **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.
- E. **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.
- F. **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.
- G. **Cost of entire project.**

## Selection Criteria

The Town will select the firm that has the highest level of qualifications for the required services, based on the below criteria. The Town retains the right to negotiate the final terms with whichever firm it selects.

Evaluation of responding firms will be based on the following criteria and other criteria such as the Town deems appropriate:

1. Professional qualifications of required staff in each of the necessary technical disciplines described under Scope.
2. Qualifications for and experience with comprehensive municipal consulting, including the capacity and capability of the firm to perform the work on schedule.
3. The firm's familiarity and experience with the Town of Southbury and the services it requires, including previous project work and services provided to the Town. Similar experience with similar towns will also be considered.
4. Demonstrated ability to provide services in a timely and thorough manner.
5. Cost for the entire project.

## Submittal Information

Sealed proposals, clearly marked, "***PROPOSAL TO PROVIDE CONSULTING SERVICES RE: COMPREHENSIVE ZONING REGULATION REFRESH***" must be **submitted to the Office of the First Selectman by Thursday September 30, 2021 at 12:00 pm.**

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:

Jessica Townsend, Land Use Administrator  
203.262.0634

[landuseadmin@southbury-ct.gov](mailto:landuseadmin@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.

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CONTRACTOR

BY:

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Authorized Signature & Title

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Address

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Date