

**REQUEST FOR PROPOSALS**  
To  
Prepare a  
Comprehensive Amendment to Zoning Ordinance

For:  
North East Borough, Erie County, PA

Prepared by:  
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# REQUEST FOR PROPOSALS

## SECTION I – PROJECT SUMMARY

### PROJECT TITLE

Comprehensive Amendment to North East Borough Zoning Ordinance

### ISSUING/ADMINISTERING AGENCY

Erie County “on behalf of” North East Borough

### CONTACT PERSON

*Any questions regarding the Scope of Work should be directed to:*

Will Rogers, Borough Manager

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### OBJECTIVE

The County of Erie, on behalf of North East Borough, is seeking proposals from qualified consultants to prepare a comprehensive amendment to the Zoning Ordinance of North East Borough, Erie County, PA.

### BACKGROUND INFORMATION

The current zoning ordinance (Ordinance No. 797) was adopted in 2010 and is cited as Chapter 27 of the Borough’s Code of Ordinances. In general it is modern in format and the need is for a comprehensive amendment, rather than a new ordinance. The purpose of this effort is three fold: 1) make necessary revisions to comply with Federal and State Law, 2) modernize the ordinance to current best practices, and 3) incorporate recent planning recommendations, including fair housing.

### PROPOSAL DUE DATE / SUBMITTAL

Proposals must be received at the Erie County Controller’s Office, Room 107, located at the Erie County Courthouse, 140 West 6<sup>th</sup> Street, Erie, PA 16501 no later than 10:00 am on Tuesday, August 25, 2015.

### PROPOSAL SUBMITTAL

An original and four (4) copies of the proposal shall be submitted. On the outside of the package containing the Proposal shall be the name and address of the consultant and a label identifying the package as “PROPOSAL – Comprehensive Amendment to North East Borough Zoning Ordinance”.

### PROPOSAL VALIDITY

A proposal may be withdrawn up until the date and time set for receiving proposals. Any proposal not so withdrawn shall, upon opening, constitute an offer for a period of sixty (60) calendar days to provide the services set forth.

## **SECTION I – PROJECT SUMMARY *(continued)***

### CONSULTANT SELECTION PROCESS

A Review Committee made up of Borough officials will review and rank each proposal based upon established criteria after which the Committee will recommend their top choice to the County for contract award.

### CONTRACT AWARD

Contract Award is anticipated by September 15, 2015 with a Notice to Proceed to be issued by October 1, 2015. It is anticipated that the entire effort will take six (6) months to complete. The contract awardee will be subject to the Terms and Conditions for Professional Services Contracts under \$10,000.

### FUNDING/BUDGET

This project effort is being funded with Community Development Block Grant (CDBG) monies the Borough receives pursuant to PA Act 179 of 1984. The Borough's CDBG program is administered by the County of Erie through the Department of Planning. The project budget is approximately \$6,000.

### LIABILITY REQUIREMENTS

Upon award, the successful firm shall provide and maintain insurance which indemnifies and holds harmless the County of Erie and North East Borough; its officers, employees and agents from and against any and all liability, damage, claims, demands, costs, judgments, fees, attorney's fees or loss arising directly out of acts or omission hereunder by the contractor or third party under the direction or control of the contractor. The successful proposer must furnish the County with Certificates of Insurance prior to commencement of work.

### DISCLAIMER

The County, on behalf of the North East Borough, reserves the right to: 1) accept or reject any or all proposals received; 2) waive any non-substantive deficiency or irregularity; 3) negotiate with any qualified Proposer; 4) award a contract in what it believes to be the best interest of the Borough; 5) cancel this request, in part or its entirety, if it is deemed to be in the best interest of the Borough; 6) reject the Proposal of any Proposer who has previously failed to perform properly and/or has failed to complete a contract within a specified timeframe; and 7) reject the Proposal of any Proposer that is not in a position to fulfill a resulting contractual obligation. This Request for Proposals (RFP) does not commit the County on behalf of North East Borough to award any contract, pay any pre-award expenses, or pay any costs incurred in the preparation of a proposal.

## SECTION II – PROPOSAL FORMAT

Proposals should include the following information:

1. **Cover Letter** - The cover letter should outline your firm's understanding of the assignment and must be signed by an authorized official empowered to commit the firm to a contractual arrangement with Erie County "on behalf of" North East Borough.

2. **Professional Staff** - Outline the names of the principals and key personnel who will be assigned to the project and provide professional resumes of each key member of the project team. Also, include a brief statement of the availability of key personnel of the firm to undertake the proposed project.

Identify any sub-consultants who may be working on the project and submit a professional resume for each key sub-consultant. Please note that the primary consultant will be required to assume responsibility for all services offered in the primary consultant's proposal, regardless of which firm provides them. The primary consultant shall be the sole point of contact with regard to contractual matters, including payment of any and all charges resulting from the contract. Any proposed subcontracting shall be stated in the proposal or approved by prior mutual agreement of the contracting parties.

3. **Qualifications and References** - Include a narrative of the firm's qualifications for the proposed project, including the types of services for which the firm is qualified. Provide a list of recent projects completed by the firm that demonstrate similar competencies that will be needed for this project. For each past project, include the name, title and phone number of a representative whom the County may contact to discuss your experience.

4. **Project Approach and Timeframe** - Provide a detailed description of the firm's approach to the project broken down by task. For each task, describe the activity, the method for conducting the activity, the intended results, products, any work or activity to be conducted by the County, Borough or its representatives, and the anticipated timeframe using a chart that shows by the month or week, expected completion for each project element to illustrate when each task will be undertaken and completed. Included in this section may be a discussion on any substantive or innovative ideas used in other similar projects, which you feel is applicable to this project.

5. **Fees** - Provide your firm's fees for performing the services required as detailed in your proposal. Identify the total cost for completing each work task. Include in the budget an itemized cost for each staff member assigned to the project and subcontractors, if applicable. Include a time chart by month or week to illustrate when each task will be undertaken and completed. The overall contract cost shall be stated as a total not-to exceed fee for the services outlined. This contract cost shall include the hourly billing rates of the staff, together with any added costs for direct or indirect expenses such as printing, mileage, data or sub-consultants.

## SECTION III – SCOPE OF WORK

The Borough of North East is seeking a consultant to prepare a comprehensive amendment to its zoning ordinance (Ordinance No. 797) which consists of PARTS 1 through 10 and which was adopted on September 8, 2010.

### Proposed Changes to Parts of Zoning Ordinance

**Part 1:** Retain as written except the Statement of Community Objectives. Amend this section with specific goals and policies for the Borough (see the Comprehensive Plan).

**Part 2:** Definitions - Essentially this is a technical section, and the current section should be reviewed relative to current zoning practice, use patterns and any special issues in the Borough. In addition, the definition of “family” and “group care facility” must be revised in light of the findings of the “Destination Erie” comments (*see Exhibit 1*). Also, delete definitions not needed or inappropriate for zoning.

**Part 3:** Essentially satisfactory. Amend if any districts are added.

**Parts 4 and 5:** These parts may require extensive involvement by Borough Council and the Planning Commission.

- Exclude the downtown from parking/loading requirements via an overlay district.
- Seriously consider a “Residential Limited Business” district along portions of Main and Lake. The idea of a RLB zone is to allow low-impact office type uses with minimal client/customer visits and consequently little impact upon residential uses nearby.
- Add modern uses; delete out-of-date uses or designations.
- 27-506 .c: Allow off-site parking, but require some type of confirmation, such as a lease, written agreement, ownership, etc. Also, consider shared parking arrangements with written agreements.
- In very densely developed, older, sections of the Borough consider on street public parking towards parking requirements with conditions.
- 27-507: Renewable Energy –Use some up to date guidelines
- Signage: Consider the Transportation Study recommendation of “branding” and incorporate standards for electronic signs.
- Require sign permits.
- Develop “specific criteria” for conditional uses. Cite these criteria in table of uses.

**Part 6:** Technical –602, C: List of nonconforming uses is no longer required by Planning Code. Delete.

**Parts 7, 8, and 9:** These are essentially technical, rewrite as needed to comply with current Pennsylvania Municipalities Planning Code.

**Note:** All proposed amendments to be delivered to Erie County and North East Borough in electronic (MSWord) and printed form. North East Borough will be responsible for copy and distribution of same.

**Proposed Work Program Meetings**

Hold two joint meetings involving the Borough Council, the Planning Commission, the Zoning Hearing Board as well as the Public. The first meeting is to review the work program and determine Borough concerns, the second to review suggested revisions.

**Proposed Ordinance Adoption Assistance**

Consultant is to attend the Borough Planning Commission Public Meeting on the proposed amendments, the Borough Council Public Hearing and present an overview on same, with power point and/or handouts as appropriate. Assistance is to follow the requirements of the PA Municipal Planning Code.

**SECTION IV - EVALUATION CRITERIA**

Proposals will be evaluated on the following criteria:

EVALUATION CRITERIA	TOTAL POSSIBLE POINTS	POINTS AWARDED
1) Qualifications / Experience <ul style="list-style-type: none"> <li>a. Does the consultant have experience with similar type projects?</li> <li>b. If the consultant has previously done work for the community, how did he/she perform?</li> <li>c. Does the staff to be assigned to the project on a day-to-day basis have technical training and experience appropriate to the scope of work in the RFP?</li> <li>d. Does project success depend excessively upon subcontractors?</li> <li>e. Is the proposal dependent upon recruitment of key personnel?</li> <li>f. Are the reference checks supportive of the consultant’s ability to perform the work required within the RFP?</li> </ul>	35	
2) Consultant’s scope of work demonstrates an understanding of the project objectives. <ul style="list-style-type: none"> <li>a. Does the proposal respond comprehensively to the tasks outlined in the RFP?</li> <li>b. Does the proposal reflect a good understanding of the issues involved in the project?</li> <li>c. Has the consultant provided a clear description of how the work will be managed and how the consultant will coordinate with local officials?</li> <li>d. Has the consultant provided a step-by-step timetable for the work, with milestones indicating when key tasks will be performed and by whom? Does the schedule appear complete and realistic?</li> <li>e. Does the proposal indicate an understanding of the Municipal Planning Code (MPC) as well as Fair Housing Issues?</li> </ul>	30	
3) Overall quality and clarity of proposal. <ul style="list-style-type: none"> <li>a. Is the proposal clear, concise and understandable?</li> </ul>	5	
4) Utilization of MBE, WBE, MWBE, Section 3 Business <ul style="list-style-type: none"> <li>a. Is the proposal submitted by a Minority Business Enterprise (MBE); Women Business Enterprise (WBE); a combination MBE and WBE firm (MWBE); or a Section 3 Business?</li> <li>b. Is the proposal being submitted as a joint venture with a MBE, WBE, MWBE, or Section 3 Business?</li> <li>c. Is the proposal being submitted with subcontracting commitments to a MBE, WBE, MWBE, or Section 3 Business?</li> </ul>	5	
5) Total Project Cost <ul style="list-style-type: none"> <li>a. Is the proposed cost in line with the estimated project budget of \$6,000 to \$7,000?</li> </ul>	25	
TOTAL SCORE	100	

EXHIBIT 1

NORTH EAST BOROUGH

QUESTIONS	ANSWERS	COMMENTS
Residential Zoning Districts	R-A: Single-Family Residential	Even though zoning districts are limited, the ordinance is accommodating for multi-family units. Approximately 50% of the Borough is zoned multi-family which permits multi-family units up to 16 units per acre. High densities of multi-family, at 24 units an acre, are also a permitted use in C-1. Approximately half of the borough remains as developable land.
	R-B: Multi-Family Residential	
	C-1: Commercial	
Definition of Family	<p>*One or more persons related by blood, marriage, or adoption occupying a dwelling unit, including not more than four boarders, roomers, or lodgers</p> <p>*Less than six unrelated persons occupying a dwelling unit, living together and maintaining a common house.</p>	Unrelated individuals who can live together are limited to five (5). This restricts non-traditional families and unduly restricts unrelated individuals from sharing a dwelling unit to save on costs. Additionally, disabled group homes are not included in the definition of family which is inconsistent with the Fair Housing Act.
Definition and Regulation of Group Home	A facility which provides services in common household to more than two individuals, not related by blood marriage or adoption who are in need of supervision due to physical and/or mental handicap, age, disability, violation of a penal law, and adjudication of delinquency, and/or an addiction to drugs, and/or alcohol	Very broad and inclusive definition of group homes. However, group homes are only permitted as special exceptions in R-B and M-I. This is inconsistent with the Fair Housing Act as group homes should be treated as single family residences.
Definition and Regulation of Mobile Homes	A transportable, single family dwelling, intended for permanent occupancy, contained in one unit, or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations. A mobile home shall be a fixed as a permanent foundation by an approved anchorage system and skirting.	The ordinance does not define mobile homes as a single family dwelling unit as required by PA Supreme Court's decision in <i>Gelger vs. Zoning Hearing Board of North Whitehall (1986)</i> . Since mobile homes are not defined as single family units they are not permitted "by right" in areas allowing single family homes. Additionally, mobile homes are limited to only R-B as a special exemption.
<b>Date of Ordinance:</b> 1983		
<b>Amend through:</b> April 2011		