



NEWPCC Upgrade: Biosolids Facilities Project RFP No. 779-2021A Request for Information Form

Instructions to Proponents:

- Please submit **only one** RFI form per RFI question
- Send RFI form in Word format to "NEWPCCBiosolids@aecom.com"

To Be Completed By the Proponent	
Proponent RFI #:	0002
Name of Proponent:	
Date Submitted:	July 20, 2023
Reference Document: (include name of the document and the Article/Section reference)	RFP Term Sheet #15 – Termination of DPA
Other:	
Do you want this request for information to be “ commercially confidential ” in accordance with Section C2.2 of the RFP?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If yes, please provide explanation as to why the Request should be considered “ commercially confidential ”:	
Request	
Project Term Sheet Item #15 describes the event where there is a Termination of DPA, and that the Development Partner would remain liable for the City’s use of all deliverables. In the event this termination occurs, please specify in what manner the City will cap the liability of the Development Partner, including a reasonable cap on liability, an insurable standard of care, and appropriate waiver of consequential damages.	
To Be Completed by the City of Winnipeg	
RFI #:	0002
Date of Response:	July 26, 2023
Response	
The City will agree to a commercially reasonable liability cap that is consistent with market precedent in respect of liability arising from the City’s reasonable use of the deliverables following	



**NEWPCC Upgrade: Biosolids Facilities Project
RFP No. 779-2021A Request for Information Form**

termination of the DPA and intends to include an insurable standard of care in the DPA. In addition, the City confirms that the Development Partner will not be responsible for the City's indirect losses, including consequential damages.