



222-2007 ADDENDUM 3

Request for Proposal for Consultant Services relating to Public-Private Partnerships (P3's)

URGENT

PLEASE FORWARD THIS DOCUMENT TO WHOEVER IS IN POSSESSION OF THE REQUEST FOR PROPOSAL

ISSUED: May 4, 2007
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THIS ADDENDUM SHALL BE INCORPORATED INTO THE REQUEST FOR PROPOSAL AND SHALL FORM A PART OF THE CONTRACT DOCUMENTS

Template Version: Ar20070420

Please note the following and attached changes, corrections, additions, deletions, information and/or instructions in connection with the Request for Proposal, and be governed accordingly. Failure to acknowledge receipt of this Addendum in Paragraph 9 of Form A: Proposal may render your Proposal non-responsive.

PART A – PROPOSAL SUBMISSION

Replace: 222-2007 Proposal Submission with 222-2007 Addendum 3 - Proposal Submission.

The following is a summary of changes incorporated in the replacement Proposal Submission:

Form A(R1): Revise **Paragraph 5.** to read:

5. Offer The Bidder hereby offers to perform the Work in accordance with the Contract for the Price(s), in Canadian funds, set out in Section D of the Bidder's Proposal Submission.

PART B – BIDDING PROCEDURES

Revise **B6.8** to read:

- B6.8** Bidders are advised that inclusion of terms and conditions inconsistent with the RFP document will be evaluated in accordance with B16.1 (a).

Revise **B10** to read:

B10 Fees (Section D)

B10.1 The Bidder shall state:

- (a) the proposed fees for each task in the Bidder's proposed Project Approach/Methodology (Section C) indicating subtotals for each phase of the Work, for each of the three projects identified in D6.2. A total proposed fee shall also be provided.
- (b) hourly rates, in Canadian funds, broken down by individual team members included in B8.1 (c) for the Work identified in this RFP;
- (c) an estimate of the portion of Work (percent of time) that will be assigned to each team member engaged on the City's Contract;
 - (i) Different individuals may be required for each project. It will be up to the Bidder to include on their teams, individuals with sufficient knowledge to cover the extent of the City's needs for each project under consideration.
- (d) estimated disbursements, including travel and accommodation costs;
- (e) proposed schedule of payments.

- B10.1.1** Prices indicated shall not include the Goods and Services Tax (GST) or Manitoba Retail Sales Tax (MRST, also known as PST), which shall be extra where applicable.
- B10.2** Fees must remain fixed for a period of one (1) year from the date of award of Contract.
- B10.3** Fees will be negotiated on an annual basis, based on current market rates.

Clarification of **B14 INTERVIEWS:**

The City has not set the dates as yet, as it could be anywhere from May 15 to June 15.
Dates will only be set when we start to evaluate the proposals submitted and try to determine how long that evaluation will take.
The City will make every effort to accommodate the short-listed bidders by giving fair notice.

PART C – GENERAL CONDITIONS

Clarification of **C12 INDEMNITY:**

The clause states "...should...", allowing bidders to offer a revised indemnity provision, which will be evaluated.

PART D – SUPPLEMENTAL CONDITIONS

Revise **D2.1** to read:

- D2.1** The Contractor shall provide the City with consultant services and P3 expertise to assist the City to ensure a smooth transition through all processes required to achieve successful P3 projects.

The three projects identified in D6.2 will each require services and expertise in the following phases:

- (a) Phase I - Business Case development
- (b) Phase II - RFQ and RFP development and procurement
- (c) Phase III - Project construction

Add **D2.1.1** as follows:

- D2.1.1** All services required to perform the Work of the Contract are to be provided by the Contractor. The City will not be acquiring financial, accounting and legal services separately.

Add **D2.1.2** as follows:

- D2.1.2** Further to D2.1 (a), completion of the business cases is expected by September 1, 2007.

Revise **D2.2** (a) to read:

- (a) business case development including development of a template with supporting guidelines for use by the City for future business cases;

Add **D2.6** as follows:

- D2.6** Further to D2.1 (a), the business case refers to the Disraeli Bridge, two Winnipeg Police Facilities and McGillivray Blvd as identified in D6.2.

Clarification of **D5 PROVISION OF NO CONFLICT:**

The Contractor must not be working directly or indirectly for a bidder or contractor on one of the City of Winnipeg's P3 projects, while at the same time working in a consulting role for the City under this Contract.

Questions and Answers regarding **D10 SECURITY CLEARANCE**:

1. Q. What charges (pending or otherwise) and convictions will exclude someone from performing work?
 - A. Examples that would prevent working under the contract:
Robbery, Assault, Repeated property offences or theft over \$5000, public mischief charges
Enhanced checks, if required, include any association with individuals or groups with a criminal background which could include association by friends and family.
Examples that would NOT prevent working under the contract:
Highway Traffic Act offences, a shoplifting charge someone may have when they were a teenager, or any offence for which an individual may have received a pardon.
2. Q. To what degree and severity will the charges (pending or otherwise) and convictions be evaluated?
 - A. Charges are viewed on a case by case basis with emphasis on trying not to refuse anyone unless they appear to pose a threat to the security of the City or safety of the public.
3. Q. Is there a set time-frame or period of time that will be evaluated or period of history that would exclude someone from performing work on the project?
 - A. There is no time limit to what information is evaluated.
4. Q. Under section D10.3, it specifies that "convictions or pending charges related to property offences or crime against another person" exclude a person from working on the project. Is further detail into what exactly these "charges" and "convictions" are, and will exemption be made depending on circumstances and time?
 - A. See examples in Item 1 above. All cases are reviewed on a case by case basis.
Exemptions could be made depending on the circumstances of the offence.
5. Q. Will there be an arbitrator or group responsible for evaluating convictions and pending charges as they relate to the Criminal Record Search?
 - A. Winnipeg Police Service (WPS) has a specified Division that deals with evaluating convictions and pending charges.
6. Q. If so, who will that be made up of and is there an appeal process?
 - A. Appeals are allowed and are reviewed upon request. Refusal may be made on intelligence information which is not disclosed to the public or the applicant.
7. Q. How is this information going to be handled once it reaches the City of Winnipeg and who is going to hold on to this information? How will it be stored, and who will have access to it?
 - A. Criminal Record Search: Applications are stored at WPS. The Contractor provides the Contract Administrator with the original Certificate which is maintained by the Contract Administrator and not accessible by other personnel.
Enhanced security clearance: Applications are stored at WPS. Only verbal notification is given to the applicant or project manager.
8. Q. Under what circumstance could a request for an enhanced security clearance be required and if one is required?
 - A. Enhanced security clearance is required if the Contractor requires access to Winnipeg Police facilities or information.
9. Q. Will the employee be excluded from performing work while the enhanced security clearance is being completed if they are already performing work?
 - A. If the Contractor's staff members are already performing Work under the Contract, they will be allowed to continue that Work. They will not be allowed to work on Police facilities until they obtain further clearance.

Add **D11.3** as follows:

- D11.3** The City intends to award this Contract by May 31, 2007. Should the award of Contract be delayed, the date for the completion of business cases as identified in D2.1.2 will be adjusted accordingly.