



THE CITY OF WINNIPEG

REQUEST FOR QUALIFICATION

FOR A

PROCESS MONITOR

FOR THE CITY OF WINNIPEG'S STRATEGIC PARTNER PROCUREMENT

FOR

**LONG-TERM PLANNING AND IMPLEMENTATION OF CAPITAL AND
OPERATIONAL IMPROVEMENTS TO WINNIPEG'S WASTE WATER TREATMENT
FACILITIES**

RFQ NO. 531-2009

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PART B - REQUEST FOR QUALIFICATION INFORMATION

B1. DEFINITIONS

B1.1 When used in this Request for Qualification:

- (a) "**Business Day**" means any Calendar Day, other than a Saturday, Sunday, or a Statutory or Civic Holiday;
- (b) "**Calendar Day**" means the period from one midnight to the following midnight;
- (c) "**City**" means the City of Winnipeg as continued under The City of Winnipeg Charter, Statutes of Manitoba 2002, c. 39, and any subsequent amendments thereto;
- (d) "**City Council**" means the Council of the City of Winnipeg;
- (e) "**Contract**" means the combined documents consisting of the Request for Qualification package, detailed proposal submitted and any documents and drawings referred to and incorporated therein together with any submissions required to be made by the Contractor after award, and all amendments to the foregoing;
- (f) "**Contract Administrator**" means the person authorized to represent the City in respect of the Request for Qualifications unless otherwise specified hereinafter;
- (g) "**Contractor**" means the person undertaking the performance of the work under the terms of the Contract;
- (h) "**FIPPA**" means The Freedom of Information and Protection of Privacy Act (Manitoba);
- (i) "**may**" indicates an allowable action or feature which will not be evaluated;
- (j) "**must**" or "**shall**" indicates a mandatory requirement which will be evaluated on a pass/fail basis;
- (k) "**Person**" means an individual, firm, partnership, association or corporation, or any combination thereof, and includes heirs, administrators, executors or legal representatives of a person;
- (l) "**Process Monitor**" means a person who has satisfied the evaluation committee that they possess the qualifications described in this RFQ;
- (m) "**Project**" means, once the Strategic Partner has been selected, the planning, design, financing, procurement and delivery, on a long-term basis, by the Strategic Partnership, of capital and operational improvements to the City's wastewater treatment facilities, as further described in B2;
- (n) "**Proponent**" means any Person or consortium submitting a Qualification Submission in response to this Request for Qualifications;
- (o) "**RFQ**" means Request for Qualifications;
- (p) "**should**" indicates a desirable action or feature which will be evaluated on a relative scale;
- (q) "**Site**" means the lands and other places on, under, in or through which the work is to be performed;
- (r) "**Submission or Qualification Submission**" means that portion of the Request for Qualification which must be completed or provided and submitted by the Submission Deadline;
- (s) "**Submission Deadline**" means the time and date for final receipt of Submissions;

B2. BACKGROUND

B2.1 In November, 2008 the City of Winnipeg elected Council approved a recommendation "That the Winnipeg Public Service be authorized to begin the procurement of a Private Sector Partner

that could bring private sector experience to the design, construction, finance and potentially the operation of the North and South End Water Pollution Control Centers as well as potential operation of the West End Water Pollution Control Center, and that the Chief Administrative Officer be authorized to approve and issue the Request for Expressions of Interest (REOI) followed by a Request for Qualifications (RFQ) and the Request for Proposals (RFP)". A copy of the relevant Council Minute may be viewed at:

<http://winnipeg.ca/CLKDMIS/ViewDoc.asp?DocId=8794&SectionId=&InitUrl=>

- B2.2 The REOI process has been completed and an RFQ has issued to those respondents which fully responded to and participated in the City's Request for Expressions of Interest No. 100-2009-A issued March 2, 2009 ("REOI"). The deadline for submissions by respondents to RFQ 100-2009-B is July 21, 2009. It is intended that all respondents to the RFQ should be notified as to results of the RFQ Process by August 4, 2009.
- B2.3 In summary, the project is, once the Strategic Partner has been selected, the planning, design, financing, procurement and delivery, on a long-term basis, by the Strategic Partnership, of capital and operational improvements to the City's wastewater treatment facilities. The City, together with the Strategic Partner, are intended to develop a strategic plan inclusive of a complete program for capital development of the City's wastewater treatment facilities together with planned operational enhancements to finance and deliver capital projects now valued in the range of \$700 Million to \$1 Billion (CDN). The Strategic Partner will be procured from among the premier private wastewater treatment service providers with World Class experience responding to the RFQ process described above and the RFP which will ultimately issue in relation thereto.
- B2.4 Additional information about the Project may be viewed at the following website:

<http://winnipeg.ca/interhom/utility>

B3. WINNIPEG

- B3.1 Winnipeg is an important Canadian city, and the capital of the Province of Manitoba. Located in Western Canada, Winnipeg plays a prominent role in transportation, finance, manufacturing, agriculture and education. It is known as the Gateway to the West. The City is located near the geographic centre of North America. It lies in a flood plain at the confluence of the Red and Assiniboine rivers and started around the point now commonly known as The Forks. It is protected from flooding by the Red River Floodway. Winnipeg covers an area of 663 square kilometers.
- B3.2 The City of Winnipeg is the Capital city of the Province of Manitoba with a population of over 650,000. Composed of a broad range of diverse neighbourhoods and communities with numerous attractions (from arts and culture to sports and entertainment), Winnipeg is recognized as one of Canada's finest places to live, work and play. The City employs over 8,000 people and provides a full range of municipal services to the citizens of Winnipeg.
- B3.3 The political representation for the City is a Mayor and 15 Councillors, each representing a city ward. The current Mayor and Council were elected in October 2006. Their term of office ends in 2010.
- B3.4 The administrative structure for the City is a Chief Administrative Officer (CAO) providing overall supervision for the following departments: Corporate Finance, Assessment and Taxation, Internal Services, Community Services, Fire Paramedic Service, Winnipeg Police Service, Public Works, Transit, Water and Waste, and Planning, Property and Development.
- B3.5 Since 1992, overall municipal government revenues have not changed significantly. However, there has been a shift. Taxation revenues have decreased and fees and charges have increased. Property and business taxes made up 51% of the City's revenues in 1992. In 2003,

these same revenues accounted for 43% - a \$66 million reduction. During this same period, user fees and charges increased from 25% to 31% of City revenues – a \$66 million increase.

- B3.6 The City provides many services to its citizens. By service, the representation is distributed as follows: Public Safety (25%), Transportation (23%), Environmental (23%), Planning and Development (4%), Leisure and Wellness (15%), Internal Support (10%). For additional information on City services, refer to the City of Winnipeg web site at:

<http://winnipeg.ca/interhom/Departments/>

B4. PURPOSE OF THE REQUEST FOR QUALIFICATIONS DOCUMENT

- B4.1 The purpose of this Request for Qualifications (RFQ) is to identify experienced and capable Proponents to for the role as the Process Monitor.
- B4.2 The City invites qualified individuals to submit a Qualification Submission in response to this RFQ.
- B4.3 The role of the Process Monitor is to ensure that the procurement process is adhered to in a consistent manner and to ultimately provide its report on adherence to the procurement process.
- B4.4 After receiving the Submissions to this RFQ, the City will review all Submissions received and shortlist up to three of the most qualified Proponents. Only those Proponents on the shortlist will be invited to further submit a more detailed proposal.

B5. SCOPE OF WORK

- B5.1 A Process Monitor is being retained by the City to ensure that the procurement process is adhered to in a consistent manner and to ultimately provide its report on adherence to the procurement process.
- B5.2 The scope of the Process Monitor engagement is limited to monitoring and providing an opinion on the procurement process and contractor selection.
- B5.3 The Process Monitor reports to the City as to whether the:
- (a) the processes and decisions developed by the procurement project management are consistent with the procurement process laid out for the project; and
 - (b) those processes and decisions have been reasonably implemented and materially complied with by project management in delivering those aspects of the project.
- B5.4 The Process Monitor engagement is limited to the activities listed below. The major components of the work will include the Process Monitor meeting with the Project Team, at times requested by the Project Team to:
- (a) be made aware of all contract documents relating to the selection process;
 - (b) receive information updates and review project documents;
 - (c) ask questions to test the logic and merit behind key decision-making activities;
 - (d) verify that all respondents have access to the same information at the same time and that submissions are evaluated in an objective and consistent manner;
 - (e) verify that the selection process has been carried out in accordance with the evaluation and selection process outlined in Strategic Partner procurement documents including the Request for Qualification and Request for Proposal documents; and
 - (f) provide advice and perspective as may be requested by the Project Team.

B5.5 Further to B5.4, although it is not a requirement that the Process Monitor be resident to the Winnipeg area, all costs associated with attending meetings will be included in the detailed proposals noted in B4.4 and considered when evaluating the overall cost to the City.

B6. ENQUIRIES

B6.1 All enquiries shall be directed to the Contract Administrator identified in B7.

B6.2 Any Proponent who has questions as to the meaning or intent of any part of this document or who believes this document contains any error, inconsistency or omission should make an enquiry prior to the Submission Deadline requesting clarification, interpretation or explanation in writing to the Contract Administrator.

B6.3 If the Proponent finds errors, discrepancies or omissions in the document, or is unsure of the meaning or intent of any provision therein, the Proponent shall promptly notify the Contract Administrator of the error, discrepancy or omission at least three (3) Business Days prior to the Submission Deadline.

B6.4 If the Proponent is unsure of the meaning or intent of any provision therein, the Proponent should request clarification as to the meaning or intent prior to the Submission Deadline.

B6.5 Responses to enquiries which, in the sole judgment of the Contract Administrator, require a correction to or a clarification of the RFQ will be provided by the Contract Administrator to all Proponents by issuing an addendum.

B6.6 Responses to enquiries which, in the sole judgment of the Contract Administrator, do not require a correction to or a clarification of the RFQ will be provided by the Contract Administrator only to the Proponent who made the enquiry.

B6.7 The Proponent shall not be entitled to rely on any response or interpretation received pursuant to B6 unless that response or interpretation is provided by the Contract Administrator in writing.

B7. CONTRACT ADMINISTRATOR

B7.1 The Contract Administrator is:
Henry Hunter C Eng., P.Eng., LL.M
Contract Administrator
Corporate Finance Department
3rd Floor, 510 Main Street
Winnipeg, Manitoba R3B 1B9
Telephone No. (204) 986-2538
Facsimile No. (204) 986-3350
Email: hhunter@winnipeg.ca

B8. ADDENDA

B8.1 The Contract Administrator may, at any time prior to the Submission Deadline, issue addenda correcting errors, discrepancies or omissions in the RFQ, or clarifying the meaning or intent of any provision therein.

B8.2 The Contract Administrator will issue each addendum at least two (2) Business Days prior to the Submission Deadline, or provide at least two (2) Business Days by extending the Submission Deadline.

B8.2.1 The Addenda will be available on the Bid Opportunities page at the Materials Management Division's website at:

<http://www.winnipeg.ca/matmgt/bidopp.asp>

B8.2.2 The Proponent is responsible for ensuring that he has received all addenda and is advised to check the Materials Management Division's website for addenda regularly and shortly before the Submission Deadline, as may be amended by addendum.

B8.3 The Proponent should acknowledge receipt of each addendum on Form A: Request for Qualification Application.

B9. CONFLICT OF INTEREST AND GOOD FAITH

B9.1 Proponents must not include among their team, any business entity or individual who is, or is associated with, in any way, any consultant retained by the City in relation to the Project, including but not limited to consultants providing engineering, architectural, legal, process, finance or financial capacity advice or any Person likely to create a conflict of interest or a perception of conflict of interest.

B9.2 If a Proponent considers that a particular relationship or association does not create a conflict of interest and will not create a perception of conflict of interest, but is concerned that the City could arrive at a different conclusion, the Proponent should fully disclose the circumstances to the City at the earliest possible date, and request that the City provide an advance interpretation as to whether the relationship or association will be likely to create a conflict of interest or a perception of conflict of interest.

B9.3 The Proponent declares that in submitting its response to this RFQ, it does so in good faith and will disclose to the best of its knowledge, whether there are any circumstances whereby any member of Council or any officer or employee of the City would gain any pecuniary interest, direct or indirect, as a result of the Proponents participation in this Project.

B9.4 Failure to comply with this provision may result in disqualification of your Submission from the RFQ process or, if the City becomes aware of your breach of this provision after the detailed proposals have been requested, disqualification from the detailed proposal process.

B10. CONFIDENTIALITY AND PRIVACY

B10.1 Information provided to a Proponent by the City or acquired by a Proponent by way of further enquiries or through investigation is confidential. Such information shall not be used or disclosed in any way without the prior written authorization of the City. The Proponent shall not make any statement of fact or opinion regarding any aspect of the RFQ and any subsequent proposal to the media or any member of the public without the prior written authorization of the City.

B10.2 The protection of personal information and privacy will be fundamental aspects of the Project. Proponents shall comply with all applicable privacy legislation, including but not limited to the Personal Information Protection and Electronic Documents Act (Canada) ("PIPEDA"). In addition, Proponents are advised that the City is subject to The Freedom of Information and Protection of Privacy Act (Manitoba) ("FIPPA") and that the Contractor will be expected to comply with the obligations imposed upon the City pursuant to FIPPA.

B10.3 To the extent permitted, the City shall treat all Submissions as confidential. However, the Proponent is advised that any information contained in any Submission may be released if required by City policy or procedures, by FIPPA, by other authorities having jurisdiction, or by law.

B10.4 All Qualification Submissions submitted to the City will be kept in confidence with the City for the sole purposes of evaluating and developing the best possible strategic option for the City. Qualification Submissions will become the property of the City. The City will have the right to make copies of all Submissions for its internal review process and to provide such copies to its staff and/or external advisors and representatives.

B10.5 All information will become and remain the property of the City; none will be returned. If the application contains any proprietary or trade secret information, said information must be indicated as such.

B11. NON-DISCLOSURE

B11.1 Proponents must not disclose any details pertaining to their RFQ and the selection process in whole or in part to anyone not specifically involved in their Submission, without the prior written approval of the City. Proponents shall not issue a news release or other public announcement pertaining to details of their Qualification Submission or the selection process without the prior written approval of the City.

B11.2 Proponents are advised that an attempt on the part of any Proponent or any of its employees, agents, contractors or representatives to contact any members of City Council or their staff or any member of City Administration other than the Contract Administrator with respect to this RFQ solicitation, may lead to disqualification.

SUBMISSION INSTRUCTIONS

B12. SUBMISSION DEADLINE

B12.1 The Submission Deadline is 4:00 p.m. Winnipeg time, **July 14, 2009**.

B12.2 The Contract Administrator or the Manager of Materials may extend the Submission Deadline by issuing an addendum at any time prior to the time and date specified in B12.1.

B12.3 Qualification Submissions will not be opened publicly.

B12.4 Qualification Submissions determined by the Manager of Materials to have been received later than the Submission Deadline will not be accepted and will be returned unopened.

B12.5 The Qualification Submission should be submitted enclosed and sealed in an envelope clearly marked with the RFQ number and the Proponent's name and address.

B12.6 Qualification Submissions submitted by facsimile transmission (fax) or internet electronic mail (e-mail) will not be accepted.

B12.7 Qualification Submissions shall be submitted to:

The City of Winnipeg
Corporate Finance Department
Materials Management Division
185 King Street, Main Floor
Winnipeg MB R3B 1J1

B13. QUALIFICATION SUBMISSION

B13.1 The Qualification Submission should consist of the following components:

- (a) Form A: Request for Qualification Application (Section A);
- (b) Experience of Proponent (Section B);

(c) References (Section C);

- B13.2 All requirements of the RFQ should be fully completed or provided, and submitted by the Proponent no later than the Submission Deadline, with all required entries made clearly and completely to constitute a responsive RFQ.
- B13.3 Proponents are advised that inclusion of terms and conditions inconsistent with the RFQ document will be evaluated in accordance with B19.2(a).
- B13.4 All Submissions received in response to this RFQ will be kept in confidence with the sole purposes of evaluating and developing the best possible strategic option for the City.
- B13.5 Submissions and the information they contain will be the property of the City upon receipt. No Submissions will be returned.

Format

- B13.6 Proponents should submit one (1) unbound original (marked "original") and four (4) copies plus one (1) copy in an MSOffice compatible electronic format on a standard CD. If there is any discrepancy between the electronic version and the original hard copy, the original hard copy shall take precedence.
- B13.6.1 Each requirement should be addressed in a separate section clearly marked with the corresponding letter.
- B13.6.2 Each section should contain no more than six (6) pages (standard 8.5x11 "), using a printing font with a 12 pitch. Any graphics included should be contained within the specified amount of pages.
- B13.7 The City reserves the right to make additional copies of all Submissions for its internal review process and to provide such copies to its staff and external advisors.

B14. FORM A: REQUEST FOR QUALIFICATION APPLICATION

- B14.1 Further to B13.1(a), the Proponent shall complete Form A: Request for Qualifications Application, making all required entries.
- B14.2 Paragraph 2 of Form A: Request for Qualifications Application shall be completed in accordance with the following requirements:
- (a) if the Proponent is a sole proprietor carrying on business in his own name, his name shall be inserted;
 - (b) if the Proponent is a partnership, the full name of the partnership shall be inserted;
 - (c) if the Proponent is a corporation, the full name of the corporation shall be inserted;
 - (d) if the Proponent is carrying on business under a name other than his own, the business name and the name of every partner or corporation who is the owner of such business name shall be inserted.
- B14.2.1 If the Submission is submitted jointly by two or more persons, each and all such persons shall identify themselves in accordance with B14.2.
- B14.3 In Paragraph 3 of Form A: Request for Qualifications Application, the Proponent shall identify a contact person who is authorized to represent the Proponent for purposes of this RFQ.
- B14.4 Paragraph 7 of Form A: Request for Qualification Application should be signed in accordance with the following requirements:
- (a) if the Proponent is sole proprietor carrying of business in his own name, it shall be signed by the Proponent;

- (b) if the Proponent is a partnership, it shall be signed by the partner or partners who have authority to sign for the partnership;
- (c) if the Proponent is a corporation, it shall be signed by its duly authorized officer or officers and the corporate seal, if the corporation has one, should be affixed;
- (d) if the Proponent is carrying on business under a name other than his own, it shall be signed by the registered owner of the business name or by the registered owner's authorized officials if the owner is a partnership or a corporation.

B14.5 The name and official capacity of all individuals signing Form A: Request for Qualification Application should be printed below such signatures.

B14.6 All signatures should be original.

B14.7 If a Submission is submitted jointly by two or more persons, the word "Proponent" shall mean each and all such persons, and the undertakings, covenants and obligations of such joint Proponents in the Submission, shall be both jointly and several.

B15. EXPERIENCE OF PROPONENT

B15.1 Further to B13.1(b), the Proponent should submit information in sufficient detail for the City to evaluate their qualifications for the role of the Process Monitor. Preference will be given to those who demonstrate that they meet all or the majority of the following:

- (a) broad commercial or professional knowledge and experience;
- (b) knowledge and experience relevant to infrastructure procurement;
- (c) experience with or understanding of public private partnerships;
- (d) knowledge and experience relevant to Manitoba market conditions; and
- (e) reputation and community standing appropriate to a Process Monitor.

B16. REFERENCES

B16.1 Further to B13.1(c), the Proponent shall include 3 (three) references for recent projects similar in size and scope in North America. Each reference shall consist of a company name, contact name, email address, phone number and a brief description of the project.

B17. NON-CONFORMING SUBMISSIONS

B17.1 Notwithstanding B13.1, with the exception of B12.4, if a Proponent's Submission is not strictly in accordance with any provision of this RFQ, the City may, at its option:

- (a) waive the non-conformance if, in the City's opinion, the non-conformance is immaterial;
or
- (b) reject the Submission as non-responsive if, in the City's opinion, the non-conformance is material.

B17.1.1 If the non-conformance is an omission, the City may, at its discretion, give the Proponent up to five (5) Business Days to supply the omitted material.

B17.2 If the requested information is not submitted by the time specified in B17.1.1, the Submission will be determined to be non-responsive.

B18. PROPONENT'S COSTS AND EXPENSES

- B18.1 Proponents are solely responsible for their own costs and expenses in preparing and submitting a Qualification Submission and participating in the RFQ, including the provision of any additional information or attendance at meetings.

EVALUATION

B19. EVALUATION CRITERIA

- B19.1 Pre-qualification of applicants will be based on the content of their submissions. Applicants are advised to present their information clearly and concisely.
- B19.2 Applicants will have their submissions evaluated in accordance with the criteria and weight factors indicated below:
- (a) Compliance by the Proponent with the requirements of the RFQ and degree of compliance with specifications or acceptable deviations therefrom;
 - (b) Experience (60%);
 - (c) References (40%).
- B19.3 Further to B19.2(a) and B17, the City may reject a Submission as being non-responsive if the Submission is incomplete, obscure or conditional, or contains additions, deletions, alterations or other irregularities. The City may reject all or any part of any Submission, or waive technical requirements or minor informalities or irregularities if the interests of the City so require.
- B19.4 Further to B19.2(b), experience shall be evaluated considering the information submitted in reference to the role of the Process Monitor.
- B19.5 Further to B19.2(c), references shall be evaluated considering the information submitted.
- B19.5.1 Reference checks will not be restricted to only those submitted by the Proponent, and may include organizations representing persons companies or individuals known to have done business with the Proponent.
- B19.6 The City has full power to conduct an independent verification of information in any Submission received and generally pertaining to the qualifications and experience of the Proponent and any proposed members of its team.
- B19.7 The City may, in its sole discretion, interview any or all Proponents during the evaluation process, to provide clarification or additional information in relation to its Submission.
- B19.8 In order for any Submission to be considered qualified, the Submission must obtain a minimum of 60% of the points for each category.

B20. NO CONTRACT

- B20.1 By submitting a Qualification Submission and participating in the process as outlined in this document, Proponents expressly agree that no contract of any kind is formed under, or arises from this RFQ, and that no legal obligations will arise. The City will have no obligation to enter into negotiations or a Contract with a Proponent, even though one or all of the Proponents are determined to be responsible and qualified, and the Submissions are determined to be responsive.
- B20.2 The City reserves the right and the full power to give notice in writing of any change to its Contract Administrator, amend any dates, schedules, limits and Scope of Work and any contract awarded, or to reject any and all Submissions, to launch a new or amended procurement process, or to decide that it will not request detailed proposals, without incurring any liability in respect of costs or damages incurred by any Proponent or any member of a private sector team.

- B20.3 Without limiting the generality of the foregoing, the City reserves the right and the full power to amend or cancel this RFQ, the procurement process or the Project at any time.
- B20.4 If the City proceeds to request a more detailed proposal, only to Proponents determined to be qualified under the RFQ process, the City will have no obligation to award a Contract where:
- (a) only one Submission is received; or
 - (b) in the judgment of the City, the interests of the City would best be served by not entering into a Contract.
- B20.5 The City reserves the right to disqualify any Proponent whose Submission, in the opinion of the City, contains false or misleading information.
- B20.6 Following the conclusion of the RFQ process, Proponents will be provided with information related to the evaluation of their Submission upon written request to the Contract Administrator.