



THE CITY OF WINNIPEG

REQUEST FOR QUALIFICATION

RFQ NO. 639-2010

DESIGN & CONSTRUCTION OF SPLASH PADS & WADING POOLS

TABLE OF CONTENTS

PART A – REQUEST FOR QUALIFICATION APPLICATION

Form A: Request for Qualification Application	1
---	---

PART B - REQUEST FOR QUALIFICATION INFORMATION

B1. Definitions	3
B2. Executive Summary	4
B3. Winnipeg	4
B4. Purpose of the Request for Qualifications Document	4
B5. Scope of Work	5
B6. General Conditions	5
B7. Project Schedule	5
B8. Procurement Process	6
B9. Enquiries	6
B10. Contract Administrator	7
B11. Addenda	7
B12. Conflict of Interest and Good Faith	7
B13. Confidentiality And Privacy	8
B14. Non-Disclosure	8
B15. No Collusion	9
B16. No Lobbying	9
B17. Eligibility	9
Submission Instructions	
B18. Submission Deadline	9
B19. Qualification Submission	10
B20. Form A: Request for Qualification Application	10
B21. Experience of Proponent	11
B22. Design/Construction Team	11
B23. Project Methodology/Design Philosophy	12
B24. General Qualifications	12
B25. Substitutions	13
B26. Non-Conforming Submissions	13
B27. Proponent's Costs and Expenses	13
Evaluation	
B28. Evaluation Criteria	14
B29. No Contract	15

PART B - REQUEST FOR QUALIFICATION INFORMATION

B1. DEFINITIONS

B1.1 When used in this Request for Qualification:

- (a) "**Break Payment**" means the amount determined by the City to be payable to each Proponent for wasted proposal development costs in the event that the procurement process commenced by issuance of this RFQ is terminated by the City after issuance of the RFP at a time when the City recognizes that Proponents have expended significant time and effort preparing to respond to the RFP;
- (b) "**Business Day**" means any Calendar Day, other than a Saturday, Sunday, or a Statutory or Civic Holiday;
- (c) "**Calendar Day**" means the period from one midnight to the following midnight;
- (d) "**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;
- (e) "**City Council**" means the Council of the City of Winnipeg;
- (f) "**Commissioning Date**" means that date when construction of the contemplated Project is complete, and the Maintenance Term commences;
- (g) "**Contract**" means the combined documents consisting of the Request for Qualification package, Request for Proposal package 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;
- (h) "**Contract Administrator**" means the person authorized to represent the City in respect of the Request for Qualifications unless otherwise specified hereinafter;
- (i) "**Contractor**" means the person undertaking the performance of the work under the terms of the Contract;
- (j) "**may**" indicates an allowable action or feature which will not be evaluated;
- (k) "**must**" or "**shall**" indicates a mandatory requirement which will be evaluated on a pass/fail basis;
- (l) "**Person**" means an individual, firm, partnership, association or corporation, or any combination thereof, and includes heirs, administrators, executors or legal representatives of a person;
- (m) "**Proponent**" means any Person or consortium submitting a Qualification Submission in response to this Request for Qualifications;
- (n) "**should**" indicates a desirable action or feature which will be evaluated on a relative scale;
- (o) "**Site**" means the lands and other places on, under, in or through which the work is to be performed;
- (p) "**Submission or Qualification Submission**" means that portion of the Request for Qualification which must be completed or provided and submitted by the Submission Deadline;
- (q) "**Submission Deadline**" means the time and date for final receipt of Submissions;
- (r) "**Substantial Performance**" shall have the meaning attributed to it in The Builders' Liens Act (Manitoba), or any successor legislation thereto;
- (s) "**Work**" or "**Works**" means the carrying out and the doing of all things, whether of a temporary or permanent nature, that are to be done pursuant to the Contract and, without limiting the generality of the foregoing, includes the furnishing of all Plant, Material, labour

and services necessary for or incidental to the fulfilment of the requirements of the Contract, including all Changes in Work which may be ordered as herein provided.

B2. EXECUTIVE SUMMARY

B2.1 The City is planning the construction of several splash pads as well as the enhancement of some existing splash pads and wading pools. It is expected that these projects will be delivered through a Design-Build process. In order to facilitate delivery of these projects the City is seeking to Qualify Design-Build firms and companies, or groups of companies and firms interested in participating in these projects.

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 City departments.

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 design, build and commission a number of spray pads, and wading pool enhancements that the City intends on building in the next year.

B4.2 The City invites qualified firms to submit a Qualification Submission in response to this RFQ.

B4.3 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 The Work to be done under the proposed contract(s) shall consist of the full scope of design, permitting, construction and commissioning of a number of splash pads and wading pool enhancements as well as associated site works to be designed and constructed over the next 18 months.
- B5.2 The City anticipates issuing Three (3) separate Requests for Proposals to pre-qualified bidders as follows:
- (a) Project 1 is a freestanding splash pad/wading pool which may include a small combination pump house, change room, washroom structure.
 - (b) Project 2 is the enhancement of three existing splash pads and/or wading pools as follows:
 - (i) Expansion of an existing freestanding splash pad.
 - (ii) Construction of a new splash pad adjacent to an existing wading pool.
 - (iii) Addition of a new waterslide and spray features to an existing wading pool
 - (c) Project 3 is the enhancement of two existing facilities as follows:
 - (i) A new splash pad associated with an existing outdoor pool.
 - (ii) A new splash pad associated with an existing indoor pool.
- B5.3 The major components of the Work are as follows:
- (a) Design and permitting of the project(s).
 - (b) Construction of the projects.
 - (c) Commissioning of the projects.
- B5.4 The Design-Build process needs to be structured to allow for the following reviews:
- (a) Review and audit by the following ;
 - (i) Universal Design Consultant (by the City)
 - (ii) An Aquatic Safety inspector.
 - (iii) Health inspector(s)
 - (b) Provide training of staff and commissioning of projects noted in B6.2.
 - (c) Produce presentation boards, illustrating the design, concept etc. and participate in a public open house to present the project.
 - (d) Review of the Design process by the City's project team at 30%, 60%, 90% and final stages.

B6. GENERAL CONDITIONS

- B6.1 The *General Conditions for Construction* (Revision 2006 12 15) are applicable to the Work of the Contract.
- B6.1.1 The *General Conditions for Construction* are available on the Information Connection page at The City of Winnipeg, Corporate Finance, Materials Management Division website at http://www.winnipeg.ca/matmgt/gen_cond.stm

B7. PROJECT SCHEDULE

- B7.1 Estimated Preliminary Schedule

Phase	Approximate Date(s)
1. RFQ Submission Deadline	August 26, 2010
2. Evaluation/Shortlist of Proponents	September 3, 2010
3. RFP Issuance (project 1)	September 9, 2010
4. RFP Submission Deadline (project 1)	September 28, 2010
5. Evaluation/Selection of Proponent (project 1)	October 8, 2010
6. Award/Preparation of Contract (project 1)	October 15, 2010

B8. PROCUREMENT PROCESS

- B8.1 The first stage of the procurement process for the Project is this RFQ. The City intends to invite no more than three Proponents to participate in the second stage of the procurement process, the RFP.
- B8.2 Following completion of the RFQ stage, the shortlisted Proponents will be invited to provide detailed proposals in response to up to three (3) separate RFP's. The City will evaluate the detailed proposals received from the Proponents and select the preferred Proponent for the purposes of concluding the RFP process.
- B8.3 Details on the RFP process will be provided to the Proponents at the completion of the RFQ stage.
- B8.4 An honorarium for proposal development costs of \$ 3,000.00 will be paid to each of the unsuccessful Proponents who have submitted a responsive proposal to the RFP and have agreed to transfer to the City all intellectual property rights (including waiving of moral rights) contained within the Proponent's proposal.
- B8.5 In the event that the City cancels the current procurement process for any reason, after issuance of the RFP, and after Proponents have incurred significant costs developing their proposals, the City will pay a Break Payment to each such Proponent of up to \$ 3,000.00 for proposal development costs provided that the Proponent first submits its proposal development work together with a transfer of all intellectual property rights (including waiver of moral rights).
- B8.6 The amount of the Break Payment will be proportionate to the amount of work completed and scheduled time expired for the RFP procurement process with maximum possible entitlement where cancellation occurs after final proposals have been submitted at the end of the RFP process.

B9. ENQUIRIES

- B9.1 All enquiries shall be directed to the Contract Administrator identified in B10.
- B9.2 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.
- B9.3 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 five (5) Business Days prior to the Submission Deadline.

- B9.4 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.
- B9.5 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.
- B9.6 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.
- B9.7 The Proponent shall not be entitled to rely on any response or interpretation received pursuant to B9 unless that response or interpretation is provided by the Contract Administrator in writing.

B10. CONTRACT ADMINISTRATOR

- B10.1 The Contract Administrator is Dean Spearman Landscape Architect, represented by:
Dean Spearman
83 Lafayette Bay
Winnipeg, Manitoba
R3T 3J9
Telephone & Facsimile No. (204) 261-4137
Email dean@spearman.mb.ca

B11. ADDENDA

- B11.1 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.
- B11.2 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.
(a) 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>
- B11.2.1 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.
- B11.3 The Proponent should acknowledge receipt of each addendum on Form A: Request for Qualification Application.

B12. CONFLICT OF INTEREST AND GOOD FAITH

- B12.1 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.
- B12.2 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.

- B12.3 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.
- B12.4 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 RFP has been issued, disqualification from the RFP process.

B13. CONFIDENTIALITY AND PRIVACY

- B13.1 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.
- B13.2 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.
- B13.3 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.
- B13.4 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.
- B13.5 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.

B14. NON-DISCLOSURE

- B14.1 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.
- B14.2 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.

B15. NO COLLUSION

- B15.1 Upon making a Submission to this RFQ, each Proponent shall declare that they have not participated in any collusive scheme or combine.
- B15.2 Proponents must ensure that their participation in this RFQ is conducted without collusion or fraud on their part or any of their team. Proponents and their team members shall not engage in discussions or other communications with any other Proponents or their team members regarding the preparation or submission of their responses to this RFQ. Breach of this provision may result in disqualification from the RFQ process or, if the City becomes aware of your breach of this provision after the RFP has been issued, from the RFP process.

B16. NO LOBBYING

- B16.1 Any form of political or other lobbying whatsoever in relation to the Project or with a view to influencing the outcome of this RFQ process is strictly prohibited. Failure to comply with this provision may result in disqualification from the RFQ process or, if the City becomes aware of your breach of this provision after the RFP has been issued, disqualification from the RFP process.

B17. ELIGIBILITY

- B17.1 No Persons involved with the City, or acting as a consultant or sub-consultant to the City on this project, are eligible to submit a Qualification Submission for this RFQ or participate in any manner whatsoever as a participant or advisor to any Proponent participating in this RFQ or subsequent RFP.

SUBMISSION INSTRUCTIONS

B18. SUBMISSION DEADLINE

- B18.1 The Submission Deadline is 4:00 p.m. Winnipeg time, August 26, 2010.
- B18.2 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 B18.1.
- B18.3 Qualification Submissions will not be opened publicly.
- B18.4 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.
- B18.5 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.
- B18.6 Qualification Submissions submitted by facsimile transmission (fax) or internet electronic mail (e-mail) will not be accepted.
- B18.7 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

B19. QUALIFICATION SUBMISSION

- B19.1 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) Design/Construction Team (Section C);
 - (d) Project Methodology / Design Philosophy (Section D).
- B19.2 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.
- B19.3 Proponents are advised that inclusion of terms and conditions inconsistent with the RFQ document will be evaluated in accordance with B28.1(a).
- B19.4 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.
- B19.5 Submissions and the information they contain will be the property of the City upon receipt. No Submissions will be returned.

Format

- B19.6 Proponents should submit one (1) unbound original (marked "original") and five (5) copies plus one (1) copy in portable document electronic format (PDF) 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.
- (a) Each requirement should be addressed in a separate section clearly marked with the corresponding letter;
 - (b) Each section should contain no more than five (5) pages (standard 8.5x11 "), using a printing font with a 12 pitch. Any graphics included should be contained within the specified amount of pages;
- B19.7 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.

B20. FORM A: REQUEST FOR QUALIFICATION APPLICATION

- B20.1 Further to B19.1(a), the Proponent shall complete Form A: Request for Qualifications Application, making all required entries.
- B20.2 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.
- B20.2.1 If the Submission is submitted jointly by two or more persons, each and all such persons shall identify themselves in accordance with B20.2.

- B20.3 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.
- B20.4 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.
- B20.5 The name and official capacity of all individuals signing Form A: Request for Qualification Application should be printed below such signatures.
- B20.6 All signatures should be original.
- B20.7 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.

B21. EXPERIENCE OF PROPONENT

- B21.1 Further to B19.1(b), the Proponent should submit information in sufficient detail for the City to evaluate the qualifications of the Proponent(s) by providing:
- (a) examples of completed projects of similar size and scope;
 - (b) the details of the scope and value of each contract;
 - (c) the names of clients;
 - (d) three (3) references for recent projects similar in size and scope. Each reference should consist of a company name, contact name, email address, phone number and a brief description of the project.

B22. DESIGN/CONSTRUCTION TEAM

- B22.1 Further to B19.1(c), the Proponent should submit information in sufficient detail for the City to evaluate the qualifications of the design/construction team by providing:
- (a) Details of the consultants, sub-consultants and Contractors and Sub-Contractors as well as key personnel of same;
 - (b) A statement of experience of the team members identified including the number of contracts similar in size and scope;
 - (c) the names of clients;
 - (d) three (3) references for recent projects similar in size and scope. Each reference should consist of a company name, contact name, email address, phone number and a brief description of the project.

B23. PROJECT METHODOLOGY/DESIGN PHILOSOPHY

B23.1 Further to B19.1(d) the Proponent should submit information in sufficient detail for the City to evaluate the teams proposed approach to delivering the projects by providing:

- (a) Philosophy of approach
- (b) Quality control/ Quality Assurance
- (c) proposed methodology for organizing and managing the project;

B24. GENERAL QUALIFICATIONS

B24.1 The Proponent shall:

- (a) undertake to be in good standing under The Corporations Act (Manitoba), or properly registered under The Business Names Registration Act (Manitoba), or otherwise properly registered, licensed or permitted by law to carry on business in Manitoba, or if the Proponent does not carry on business in Manitoba, in the jurisdiction where the Proponent does carry on business; and
- (b) be financially capable of carrying out the terms of the Contract; and
- (c) have all the necessary experience, capital, organization, and equipment to perform the Work in strict accordance with the terms and provisions of the Contract.

B24.2 The Proponent and any proposed Subcontractor (for the portion of the Work proposed to be subcontracted to them) shall:

- (a) be responsible and not be suspended, debarred or in default of any obligations to the City. A list of suspended or debarred individuals and companies is available on the Information Connection page at The City of Winnipeg, Corporate Finance, Materials Management Division website at <http://www.winnipeg.ca/matmgt/debar.stm>

B24.3 The Proponent and/or any proposed Subcontractor (for the portion of the Work proposed to be subcontracted to them) shall:

- (a) have successfully carried out work similar in nature, scope and value to the Work; and
- (b) be fully capable of performing the Work required to be in strict accordance with the terms and provisions of the Contract; and
- (c) have a written workplace safety and health program, if required, pursuant to The Workplace Safety and Health Act (Manitoba);

B24.4 Further to B24.3(c), the Proponent shall, within five (5) Business Days of a request by the Contract Administrator, provide proof satisfactory to the Contract Administrator that the Proponent/Subcontractor has a workplace safety and health program meeting the requirements of The Workplace Safety and Health Act (Manitoba), by providing:

- (a) a valid COR certification number under the Certificate of Recognition (COR) Program administered by the Manitoba Construction Safety Association or by the Manitoba Heavy Construction Association's Safety, Health and Environment Program; or
- (b) a report or letter to that effect from an independent reviewer acceptable to the City. (A list of acceptable reviewers and the review template are available on the Information Connection page at The City of Winnipeg, Corporate Finance, Materials Management Division website at <http://www.winnipeg.ca/matmgt>)

B24.5 The Proponent shall submit, within three (3) Business Days of a request by the Contract Administrator, proof satisfactory to the Contract Administrator of the qualifications of the Proponent and of any proposed Subcontractor.

- B24.6 The Proponent shall provide, on the request of the Contract Administrator, full access to any of the Proponent's equipment and facilities to confirm, to the Contract Administrator's satisfaction, that the Proponent's equipment and facilities are adequate to perform the Work.

B25. SUBSTITUTIONS

- B25.1 If, following your Submission, you become aware that any Persons identified to participate in this Project will be unable or is likely to be unable to participate on this Project, you must immediately advise the Contract Administrator and indicate your proposed substitute Person. Failure to do so 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 RFP has been issued, from the RFP process.

B26. NON-CONFORMING SUBMISSIONS

- B26.1 Notwithstanding B19.1, with the exception of B18.4, 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.

- B26.1.1 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.

- B26.2 If the requested information is not submitted by the time specified in B26.1.1, the Submission will be determined to be non-responsive.

B27. PROPONENT'S COSTS AND EXPENSES

- B27.1 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

B28. EVALUATION CRITERIA

- B28.1 Proponents will have their Submissions evaluated in accordance with the following:
- (a) compliance by the Proponent with the requirements of the Request for Proposal or acceptable deviation therefrom: (pass/fail)
 - (b) qualifications of the Proponent and the Subcontractors, if any, pursuant to B24: (pass/fail)
 - (c) Experience of Proponent: 30%
 - (i) Experience of Firm/Company (10)
 - (ii) Experience of Key Personnel (10)
 - (iii) Aquatic Project delivery experience (5)
 - (iv) Relevance of projects and References (5)
 - (d) Design/Construction Team Organization/Experience; 40%
 - (i) Organization of Design Build team to deliver the project (15)
 - (ii) Design Build experience of team members working together on past projects (15)
 - (iii) Experience of personnel with public projects / aquatic projects. (10)
 - (e) Methodology 30%
 - (i) Methodology and Philosophy of approach (10)
 - (ii) Quality control/ Quality Assurance (10)
 - (iii) Co-ordination, Supervision, and Contract Administration (5)
 - (iv) Commissioning (5)
- B28.2 Further to B28.1(a) and B26, 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.
- B28.3 Further to B28.1(c), experience shall be evaluated considering the information submitted in reference to the Proponent's organization and plan, project experience and references submitted.
- B28.4 Further to B28.1(d), the design/construction team shall be evaluated considering the information submitted in reference to the Proponent's organization and plan, project experience and references submitted.
- B28.5 Reference checks to confirm information provided may not be restricted to only those submitted by the Proponent, and may include organizations representing Persons, known to have done business with the Proponent.
- B28.6 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.
- B28.7 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.

B28.8 In order for any Submission to be considered qualified, the Submission must obtain a minimum of 60% of the points for each category.

B29. NO CONTRACT

B29.1 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.

B29.2 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 issue the RFP, without incurring any liability in respect of costs or damages incurred by any Proponent or any member of a private sector team.

B29.3 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.

B29.4 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.

B29.5 The City reserves the right to disqualify any Proponent whose Submission, in the opinion of the City, contains false or misleading information.

B29.6 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.