

Template Version: RFQ020140606 - Main RFQ

## PART A - REQUEST FOR QUALIFICATION APPLICATION

### FORM A-1 – MASTER RFQ SUBMISSION FORM

Name of Proponent:

Name of Proponent

Representative:

Address:

City / Province / Postal

Code:

Proponent Representative

Contact Name(s):

Title:

Telephone:

Fax:

Alternate Telephone:

E-mail:

The above named Proponent Representative hereby declares on its own behalf and, for clarity, on behalf of all Proponent Team Members that:

- (a) it has the power and authority to bind the Proponent for the purpose of the RFQ;
- (b) the Proponent is a:

- a sole proprietor
- a limited liability or general partnership
- a corporation
- an unincorporated consortium

carrying on business under the above mentioned Proponent name;

- (c) it acknowledges that all terms not otherwise defined herein shall have the meaning given to them in the RFQ;
- (d) the Proponent agrees to comply with and be bound by the requirements, terms and conditions contained in the RFQ;
- (e) the Proponent acknowledges its obligations regarding Confidential Information contained in B18 of the RFQ and agrees to be, bound by such terms, irrespective of whether the Proponent, potential Team Members or Team Members submit a Qualification Submission in the RFQ Process or are invited to submit or submit a proposal in the subsequent Request for Proposals process for the Project;
- (f) the information submitted in the Qualification Submission or otherwise related to the RFQ is accurate;
- (g) the information required by the RFQ has been provided in the Qualification Submission;
- (h) the Proponent recognizes that subject to provisions of B18, the information submitted will be treated as confidential and will be used only to establish the list of Prequalified Parties based on the RFQ;
- (i) the Proponent agrees that the information submitted may be clarified, verified and investigated by the City and that pertinent information may be obtained and hereby consent to such clarification, verification and investigation;
- (j) the Proponent agrees that the City is not obliged, in any way whatsoever, to carry out further clarifications, verifications or investigations of any Qualification Submission;
- (k) the Proponent understands that any omission or failure to substantially complete the Qualification Submission or failure to substantially comply with a requirement included in the RFQ may result in the Proponent being disqualified;

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- (l) the Proponent understands that it must submit a substantially complete Qualification Submission in accordance with the timelines and requirements of the RFQ and a failure to do so may result in disqualification of the Proponent;
- (m) the Proponent understands that the RFQ is not an offer to enter into any contract of any kind whatsoever and is not intended to create a bidding contract (often referred to as "Contract A");
- (n) the Proponent understands that the RFQ does not constitute any offer of work by the City;
- (o) the Proponent acknowledges B17 of the RFQ and understands that the Proponent may be disqualified if the Proponent or any Team Member breaches the provisions of B17, or has been convicted of carrying out inappropriate bidding or procurement practices or engaging in unethical behaviour in relation to a procurement process in Canada;
- (p) the Proponent confirms that the Proponent and each Team Member has conducted itself with integrity and propriety and has not engaged in any inappropriate bidding practices or unethical behaviour in the course of this RFQ Process, and there are no charges or investigations by a public body or convictions related to inappropriate bidding practices or unethical behaviour by the Proponent or any Team Member in relation to a tender or procurement in any Canadian jurisdiction that:
  - (i) are related to the Project;
  - (ii) may compromise the reputation or integrity of the City so as to affect public confidence in the Project; or
  - (iii) would contravene any applicable law or could have a material adverse effect on the Proponent or any Team Member in a way which could impair the Proponent or any Team Member's ability to perform its obligations under the DBF(O)M Agreement;
- (q) The Proponent certifies that the following addenda have been received by the Proponent and agrees that they shall be deemed to form a part of its Qualification Submission:

Addendum No. \_\_\_\_\_ dated \_\_\_\_\_  
Addendum No. \_\_\_\_\_ dated \_\_\_\_\_

**[NOTE TO PROPONENTS: Proponents to list and date all Addenda to RFQ issued by the City as part of the RFQ Process]**

- (r) this Form A-1 – Master Submission Form has not been modified in any manner, except to include the Proponent's required information and the Addenda information required by this Form.

In witness whereof, the Proponent Representative has executed this Form A-1 – Master RFQ Submission Form as of the date indicated below.

Date: \_\_\_\_\_

**Proponent Representative**

Per:

\_\_\_\_\_  
Name:

Title:

Per:

\_\_\_\_\_  
Name:

Title:

I/We have authority to bind the Proponent Representative and to bind the Proponent and each Proponent Team Member.

**FORM A-2 – TEAM MEMBER CONSENT DECLARATION**

I, \_\_\_\_\_, am an authorized officer or director of \_\_\_\_\_  
("Team Member") and confirm for and on behalf of the Team Member and without any personal liability  
that:

- (a) the Team Member has read and understands the RFQ and acknowledges that all terms not otherwise defined herein shall have the meaning given to them in the RFQ;
- (b) the Team Member agrees to be bound by the requirements of the RFQ;
- (c) the Team Member consents to its inclusion as a member of the Proponent;
- (d) the Team Member confirms that the Qualification Submission accurately reflects the qualifications of the Team Member;
- (e) the Team Member consents to the City performing reference checks in accordance with the RFQ;
- (f) the Team Member understands and accepts the obligations imposed on it as a result of the Qualification Submission; and
- (g) declares that this Form A-2 – Team Member Consent Declaration has not been modified in any manner, except to complete the required information.

In witness whereof, the Team Member has executed this Form A-2 – Team Member Consent Declaration as of the date indicated below.

Date \_\_\_\_\_

**Team Member**

Per:

\_\_\_\_\_  
Name:

Title:

Per:

\_\_\_\_\_  
Name:

Title:

I/We have authority to bind the Team Member.

### FORM A-3 – CONFLICT OF INTEREST, CONFIDENTIAL INFORMATION AND LITIGATION DECLARATION

**[NOTE TO PROPONENTS: Notwithstanding the submission of this Declaration, Conflicts of Interest must be disclosed to the Contract Administrator as soon as one is discovered by the Proponent or a Proponent Team Member.]**

This Form A-3 - Conflict Of Interest, Confidential Information and Litigation Declaration is delivered pursuant to the RFQ. All terms not otherwise defined herein have the meaning given to them in the RFQ.

Notwithstanding the existence of and/or submission of this Declaration, the Proponent hereby acknowledges B17 and the Proponent's obligation to continue to declare all Conflicts of Interest as soon as one is discovered and is under a continuing obligation to disclose all Conflicts of Interest that exist or may exist in the future.

The Proponent Representative hereby declares on behalf of the Proponent, the Team Members and the Key Individuals that:

1. There is not nor was there any actual or perceived Conflict of Interest or any other type of unfair advantage in our submitting the Qualification Submission.  True  Not True

If the answer to the above statement is "Not True", attach, on a separate page, a list and explanation of situations, each of which may be a Conflict of Interest or an instance of unfair advantage, or which may appear as a potential Conflict of Interest or unfair advantage in the Proponent submitting the Qualification Submission

2. We have no knowledge of or the ability to avail ourselves of Confidential Information (other than Confidential Information which may have been disclosed by the City to the Proponents in the normal course of the Request for Qualifications) that is or was relevant to the Project or the Request for Qualifications evaluation process.  True  Not True

If the answer to the above statement is "Not True", attach, on a separate page, a brief explanation.

3. Neither the Proponent, the Team Members, nor any Key Individual are the subject of any adverse ruling or conviction determined in the last 5 years involving fraud, fraudulent misrepresentation or professional misconduct.  True  Not True

If the answer to the above statement is "Not True", attach, on a separate page, a brief explanation.

4. Neither the Proponent, the Team Members nor any Key Individual are involved in any litigation that is currently ongoing, either directly or indirectly (e.g. through a related party) that:
- a) is against or involving the City; or  True  Not True
  - b) may materially adversely affect the Proponent's, the Team Member's or the Key Individual's ability to participate in the Project; or  True  Not True
  - c) may materially adversely affect the City's reputation or Project procurement process if the City selects the Proponent as a Prequalified Party;  True  Not True

If the answer to any of the above statements is "Not True", attach, on a separate page, a brief explanation and include the following information: (1) plaintiff name; (2) defendant name; (3) year litigation initiated; (4) disputed amount (\$CAD); and (5) nature of dispute.

6. This Form A-3 - Conflict Of Interest, Confidential Information and Litigation Declaration has not been modified in any manner, except to complete the required information.
7. Full disclosure of the requirements set out in the RFQ has been made.

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In witness whereof, the Proponent Representative has executed this Form A-3 - Conflict Of Interest, Confidential Information and Litigation Declaration as of the date indicated below.

Date: \_\_\_\_\_

**Proponent Representative**

Per:

\_\_\_\_\_  
Name:

Title:

Per:

\_\_\_\_\_  
Name:

Title:

I/We have authority to bind the Proponent Representative and to bind the Proponent and each Proponent Team Member.