



THE CITY OF WINNIPEG

QUALIFICATION OPPORTUNITY NO. 446-2014

**REQUEST FOR QUALIFICATIONS FOR PROVISION OF VACTOR, HOT DIG AND
SOFT DIGGING CONTRACTORS FOR VARIOUS CITY LOCATIONS**

TABLE OF CONTENTS

PART A - BID SUBMISSION

Form A: Qualification Application	1
Form B: Qualification Questionnaire	3

PART B - BIDDING PROCEDURES

B1. Contract Title	1
B2. Intent of Qualification	1
B3. Submission Deadline	1
B4. Enquiries	1
B5. Addenda	2
B6. Qualification Submission	2
B7. Qualification Application	3
B8. Qualification	3
B9. Qualification Evaluation	4
B10. Opening of Bids and Release of Information	4
B11. Notification of Status	5

PART C - GENERAL CONDITIONS

C0. General Conditions	1
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PART D - SUPPLEMENTAL CONDITIONS

General

D1. General Conditions	1
D2. Scope of Work`	1
D3. Definitions	1
D4. Contract Administrator	2
D5. Suspension and Removal from the Pre-qualified Bidders List	2

Submissions

D6. Authority to Carry on Business	2
D7. Workers Compensation	2
D8. Insurance	2

Schedule of Work

D9. Commencement	3
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PART E - SPECIFICATIONS

General

E1. Applicable Specifications and Drawings	1
E2. Equipment	1

PART B - BIDDING PROCEDURES

B1. CONTRACT TITLE

B1.1 REQUEST FOR QUALIFICATIONS FOR PROVISION OF VACTOR, HOT DIG AND SOFT DIGGING CONTRACTORS FOR VARIOUS CITY LOCATIONS

B2. INTENT OF QUALIFICATION

B2.1 The intent of this submission is to provide the City with sufficient information to qualify Bidders to perform Hot Digs for Various City Locations from May 15, 2014 to April 30, 2017.

B2.2 Applicants wishing to be qualified shall complete the Qualification Application and the Qualifications Questionnaire documents.

B2.2.1 Additional pertinent information may be submitted to demonstrate qualifications more fully.

B2.3 Only Bidders qualified under this Request for Qualifications will be invited to bid on projects from the pre-qualified Bidder's list on a rotating basis.

B2.4 Qualification of Bidders to bid on prospective Work shall not be construed as a commitment by the City to award contracts to any Bidder or to pay any costs incurred by the Bidder in preparing a response or otherwise in relation to this statement.

B2.5 The City reserves the right to contact owners, owner's representatives and/or consultants that have been identified as well as the references provided in the Qualification Submission.

B2.6 The pre-qualified Bidder is obligated to inform the City, in a timely manner, of any changes to key personnel, ownership, bonding capability, financial position, security information, insurance or any other information which may affect its pre-qualified status with the City.

B3. SUBMISSION DEADLINE

B3.1 The Submission Deadline is 4:00 p.m. Winnipeg time, May 7, 2014.

B3.2 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 B3.1.

B3.3 The City reserves the right to add or delete Bidders during the period stated in D2.1 in the best interest to the City.

B4. ENQUIRIES

B4.1 All enquiries shall be directed to the Contract Administrator identified in D3.1(e).1.

B4.2 If the Applicant finds errors, discrepancies or omissions in the Qualification Opportunity, or is unsure of the meaning or intent of any provision therein, the Applicant shall notify the Contract Administrator of the error, discrepancy or omission, or request a clarification as to the meaning or intent of the provision at least five (5) Business Days prior to the Submission Deadline.

B4.3 Responses to enquiries which, in the sole judgment of the Contract Administrator, require a correction to or a clarification of the Qualification Opportunity will be provided by the Contract Administrator to all Applicants by issuing an addendum.

B4.4 Responses to enquiries which, in the sole judgment of the Contract Administrator, do not require a correction to or a clarification of the Qualification Opportunity will be provided by the Contract Administrator only to the Applicant who made the enquiry.

B4.5 The Applicant shall not be entitled to rely on any response or interpretation received pursuant to B4 unless that response or interpretation is provided by the Contract Administrator in writing.

B5. ADDENDA

- B5.1 The Contract Administrator may, at any time prior to the Submission Deadline, issue addenda correcting errors, discrepancies or omissions in the Qualification Opportunity, or clarifying the meaning or intent of any provision therein.
- B5.2 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.
- B5.2.1 Addenda will be available on the Bid Opportunities page at The City of Winnipeg, Corporate Finance, Materials Management Branch internet site at <http://www.winnipeg.ca/matmgt>.
- B5.2.2 The Applicant is responsible for ensuring that he has received all addenda and is advised to check the Materials Management Branch internet site for addenda regularly and shortly before the Submission Deadline, as may be amended by addendum.
- B5.3 The Applicant shall acknowledge receipt of each addendum in Paragraph 6 of Form A: Qualification Application. Failure to acknowledge receipt of an addendum may render a Bid non-responsive.

B6. QUALIFICATION SUBMISSION

- B6.1 The Qualification Submission consists of the following components:
- (a) Form A: Qualification Application;
 - (b) Form B: Qualification Questionnaire.
- B6.2 All components of the Qualification Submission shall be fully completed or provided, and submitted by the Applicant no later than the Submission Deadline, with all required entries made clearly and completely, to constitute a responsive Qualification Submission.
- B6.3 Bidders are advised not to include any information/literature except as requested in accordance with B6.1 and B2.2.1.
- B6.4 Bidders are advised that inclusion of terms and conditions inconsistent with the Qualification Opportunity document, including the General Conditions, may result in the Qualification Submission being determined to be non-responsive.
- B6.5 The Bid may be submitted by mail, courier, personal delivery, or by facsimile transmission.
- B6.6 If the Bid is submitted by mail, courier or personal delivery, it shall be enclosed and sealed in an envelope clearly marked with the Bid Opportunity number and the Bidder's name and address, and shall be submitted to:
- The City of Winnipeg
Corporate Finance Department
Materials Management Division
185 King Street, Main Floor
Winnipeg MB R3B 1J1
- B6.6.1 Samples or other components of the Bid which cannot reasonably be enclosed in the envelope may be packaged separately, but shall be clearly marked with the Bid Opportunity number, the Bidder's name and address, and an indication that the contents are part of the Bidder's Bid Submission.
- B6.7 If the Bid is submitted by facsimile transmission, it shall be submitted to (204) 949-1178.
- B6.7.1 The Bidder is advised that the City cannot take responsibility for the availability of the facsimile machine at any time.
- B6.8 Bids submitted by internet electronic mail (e-mail) will not be accepted.

B7. QUALIFICATION APPLICATION

- B7.1 The Applicant shall complete Form A: Qualification Application, making all required entries.
- B7.2 In Paragraph 3 of Form A: Qualification Application, the Applicant shall identify a contact person who is authorized to represent the Applicant for purposes of the Qualification.
- B7.3 Paragraph 7 of Form A: Qualification Application shall be signed in accordance with the following requirements:
- (a) if the Applicant is a sole proprietor carrying on business in his own name, it shall be signed by the Applicant;
 - (b) if the Applicant is a partnership, it shall be signed by the partner or partners who have authority to sign for the partnership;
 - (c) if the Applicant is a corporation, it shall be signed by its duly authorized officer or officers;
 - (d) if the Applicant 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.
- B7.3.1 The name and official capacity of all individuals signing Form A: Qualification Application shall be printed below such signatures.
- B7.3.2 All signatures shall be original.
- B7.4 If a Qualification Application is submitted jointly by two or more persons, the word "Applicant" shall mean each and all such persons, and the undertakings, covenants and obligations of such joint Applicants in the Qualification Submission and the Contract, when awarded, shall be both joint and several.

B8. QUALIFICATION

- B8.1 The Applicant 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; 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.
- B8.2 The Applicant 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 Branch internet site at <http://www.winnipeg.ca/matmgt>).
- B8.3 The Applicant 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); and
 - (d) have a minimum of one (1) worker/operator qualified under the Manitoba Hydro Contractor Safety Watching Course / Hot Dig Request Qualified operators on staff and available in accordance with D2.3 at all times during the period stated in D2.1.

- B8.4 Further to B8.3(c), the Bidder shall, within five (5) Business Days of a request by the Contract Administrator, provide proof satisfactory to the Contract Administrator that the Bidder/Subcontractor has a workplace safety and health program meeting the requirements of The Workplace Safety and Health Act (Manitoba), by providing:
- (a) a copy of their valid Manitoba COR certificate and Letter of Good Standing (or Manitoba equivalency) as issued under the Certificate of Recognition (COR) Program administered by the Construction Safety Association of Manitoba or by the Manitoba Heavy Construction Association's WORKSAFELY™ COR™ Program; or
 - (b) a copy of their valid Manitoba SECOR™ certificate and Letter of Good Standing (or Manitoba equivalency) as issued under the Small Employer Certificate of Recognition Program (SECOR™) administered by the Construction Safety Association of Manitoba or by the Manitoba Heavy Construction Association's WORKSAFELY™ COR™ Program; or
 - (c) 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/>).
- B8.5 The Applicant 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 Applicant and of any proposed Subcontractor.
- B8.6 The Applicant shall provide, on the request of the Contract Administrator, full access to any of the Applicant's equipment and facilities to confirm, to the Contract Administrator's satisfaction, that the Applicant's equipment and facilities are adequate to perform the Work.

B9. QUALIFICATION EVALUATION

- B9.1 Evaluation of Qualification Submissions shall be based on the following criteria:
- (a) Completeness of responses to stated requirements;
 - (b) Qualifications of key individuals;
 - (c) Hot Dig Request Qualified;
 - (d) References.
- B9.2 Further to B9.1(a), the Award Authority may reject a Qualification Submission as being non-responsive if the Qualification Submission is incomplete, obscure or conditional, or contains additions, deletions, alterations or other irregularities. The Award Authority may reject all or any part of any Qualification Submission, or waive technical requirements or minor informalities or irregularities, if the interests of the City so require.
- B9.3 Further to B9.1(b), the Award Authority shall reject any Qualification Submission submitted by an Applicant who does not demonstrate, in his Qualification Submission or in other information required to be submitted, that he is responsible and qualified.
- B9.4 Further to B9.1(c) the Award Authority may reject the Qualification Submission as non-responsive if the key personnel identified in Clause 1 of the Qualification Questionnaire, do not have the minimum experience specified.
- B9.5 Further to B9.1(d) the Award Authority may reject any Qualification submitted by an applicant whose references are of a continuously disapproving nature or whose work experience is not consistent with the qualifications required to perform a variety of Work for Vector Contractors for Hot Digs.
- B9.6 The City may request clarification from Applicants to assist in making its evaluations.

B10. OPENING OF BIDS AND RELEASE OF INFORMATION

- B10.1 Qualification Submissions will not be opened publicly.

B11. NOTIFICATION OF STATUS

- B11.1 All Applicants submitting this Qualification Application shall be notified regarding the acceptability of their submission.
- B11.2 The Request for Qualification does not commit the City to award any contracts or to defray any costs incurred in the preparation and submission of data pursuant to this request.

PART C - GENERAL CONDITIONS

C0. GENERAL CONDITIONS

- C0.1 Any work performed as a result of this Request for Qualifications will be subject to The *General Conditions for Construction* (Revision 2006 12 15).
- C0.1.1 The *General Conditions for Construction* are available on the Information Connection page at The City of Winnipeg, Corporate Finance, Materials Management Branch internet site at <http://www.winnipeg.ca/matmgt>.
- C0.2 A reference in the Qualification Opportunity to a section, clause or subclause with the prefix "**C**" designates a section, clause or subclause in the *General Conditions for Construction*.

PART D - SUPPLEMENTAL CONDITIONS

GENERAL

D1. GENERAL CONDITIONS

D1.1 In addition to the *General Conditions for Construction*, these Supplemental Conditions are applicable to the Work of the Contract.

D2. SCOPE OF WORK

D2.1 The Work to be done under the Pre-qualified Bidders List shall consist of Vactor, Hot Dig and Soft Digging or any other related type of Work as specified by the Contract Administrator or designated representative for the period of May 15, 2014 to April 30, 2017.

D2.2 The Work shall be done on an "as required" basis during the term of the Pre-qualified Bidders List in accordance with D2.1.

D2.2.1 The type and quantity of Work to be performed under this Pre-qualified Bidders List shall be as authorized from time to time by the Contract Administrator and/or designated representative.

D2.2.2 Subject to C7.4, the City shall have no obligation under the Pre-qualified Bidders List to purchase any quantity of any item in excess of its actual operational requirements.

D2.3 A crew shall consist of a minimum of one (1) employee/worker who is Hydro Vac Hot Dig Operator Qualified through the Manitoba Hydro Contractor Safety Watching Course.

D2.4 Response for emergency repairs must be provided the same day on an as required basis, hours paid will be actual on the job time noted and approved by the Contract Administrator or designated representative.

D2.5 Travel time to and from the Work Site shall be at the Contractor's own time and expense (except after normal business hours call out). Hours paid will be for actual on the job time with allowance for picking up materials, noted and approved by the Contract Administrator or designated representative.

D2.6 If asbestos or other hazardous materials are encountered during the Work of the Contract, the pre-qualified Bidder/Contractor shall stop all Work and notify the Contract Administrator immediately. Removal of hazardous materials shall be dealt with by the City and the Contractor shall await further instructions by the Contract Administrator or designated representative.

D2.7 Further to B9.4 the Contract Administrator, or designated representative, may require further qualification information in regards to the qualifications of key personnel when specific technical work is warranted.

D3. DEFINITIONS

D3.1 When used in this Bid Opportunity:

- (a) "**Applicant**" means any person submitting this Qualification package for the purposes of Qualifying as a Bidder of Vactor Contractors for Hot Digs;
- (b) "**Bidder**" means a Bidder who is pre-qualified to bid on the Work (part of the Pre-qualified Bidders list);
- (c) "**COR**" means Certificate of Recognition. The Workplace Safety and Health Division of Manitoba Labour and Immigration recognizes COR certification as a demonstration that a company has an effective safety & health program.
- (d) "**HOT DIG**" means excavating around energized primary cables without a Manitoba Hydro safety watcher present.

- (e) “**SECOR**” means the Small Employer Certificate of Recognition Program. It’s an occupational health and safety accreditation program that verifies a fully implemented safety & health program with meets provincial standards.

D4. CONTRACT ADMINISTRATOR

- D4.1 The Contract Administrator is:

Tim Evinger
Supervisor of Maintenance Water
Water & Waste Department
Telephone No. (204) 805-2727

D5. SUSPENSION AND REMOVAL FROM THE PRE-QUALIFIED BIDDERS LIST

- D5.1 Suspension and/or removal from the Pre-qualified Bidders List may be made by the Contract Administrator, at his/her sole discretion, for any failure on the part of the Contractor to meet any of the obligations in the work resulting from this Request for Qualification.

SUBMISSIONS

D6. AUTHORITY TO CARRY ON BUSINESS

- D6.1 The Contractor shall 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 Contractor does not carry on business in Manitoba, in the jurisdiction where the Contractor does carry on business, throughout the term of the Contract, and shall provide the Contract Administrator with evidence thereof upon request.

D7. WORKERS COMPENSATION

- D7.1 The Pre-qualified Bidder shall be registered with the Workers Compensation Board of Manitoba, shall provide and maintain Workers Compensation coverage throughout the term of the Contract, and shall provide the Contract Administrator with evidence thereof upon request.

D8. INSURANCE

- D8.1 The Contractor shall provide and maintain the following insurance coverage:
- (a) commercial general liability insurance, in the amount of at least two million dollars (\$2,000,000.00) inclusive, with The City of Winnipeg added as an additional insured, with a cross-liability clause, such liability policy to also contain contractual liability, unlicensed motor vehicle liability, non-owned automobile liability and products and completed operations, to remain in place at all times during the performance of the Work and throughout the warranty period;
 - (b) if applicable, Automobile Liability Insurance covering all motor vehicles, owned and operated and used or to be used by the Contractor directly or indirectly in the performance of the Work. The Limit of Liability shall not be less than \$2,000,000 inclusive for loss or damage including personal injuries and death resulting from any one accident or occurrence;
 - (c) Evidence of insurance to reference Bid Opportunity 446-2014 and if the operations include either underground work, surface work or both. Commercial general liability deductible to be expressly stated on the certificate of insurance and must not exceed \$5,000.00.
- D8.2 Contractors (i) not operating licensed equipment with attached apparatus and (ii) not operating unlicensed equipment will be allowed to provide coverage as detailed under B8.1(b) only;

provided that both conditions are met and that their insurance certificate clearly states that the "Excluding Operation of Attached Machinery Endorsement" does not apply to the operations of the Contractor. (Example: Under MOI Special Risk Extension this would be an SEF 30 Endorsement). All other provisions detailed in clauses D8.3 to D8.7 apply. The deletion of the Commercial General Liability requirement under clause D8.2 is not a recommendation by the City that a Contractor operate without CGL cover. Deductibles shall be borne by the Contractor.

- D8.3 All policies shall be taken out with insurers licensed to and carry on business in the Province of Manitoba. All policies shall be taken out with insurers licensed to and carry on business in the Province of Manitoba.
- D8.4 Deductibles must be expressly stated on the certificate of insurance and must not exceed \$5,000.00.
- D8.5 Pre-qualified Bidders shall provide the Contract Administrator with a certificate(s) of insurance, in a form satisfactory to the City Solicitor, at least two (2) Business Days prior to the commencement of any Work but in no event later than seven (7) Calendar Days from notification by the Contract Administrator.
- D8.6 The Contractor shall not cancel, materially alter, or cause each policy to lapse without providing at least fifteen (15) Calendar Days prior written notice to the Contract Administrator.
- D8.7 The City shall have the right to alter limits and/or coverage's as reasonably required from time to time during the continuance of this agreement.

SCHEDULE OF WORK

D9. COMMENCEMENT

- D9.1 The Bidder/Contractor shall not be placed on the Pre-qualified Bidders List or commence any Work that results from this Request for Qualifications until:
- (a) the Contract Administrator has confirmed receipt and approval of:
 - (i) evidence that the Contractor is 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;
 - (ii) evidence of the workers compensation coverage specified in C6.15;
 - (iii) evidence of the Workplace Safety and Health Program specified in B8.3(c);
 - (iv) evidence of the qualifications in accordance with B8.3; and
 - (v) evidence of the insurance specified in D8.

PART E - SPECIFICATIONS

GENERAL

E1. APPLICABLE SPECIFICATIONS AND DRAWINGS

- E1.1 *The City of Winnipeg Standard Construction Specifications* in its entirety, whether or not specifically listed on Form B: Prices, shall apply to the Work.
- E1.1.1 *The City of Winnipeg Standard Construction Specifications* is available on the Information Connection page at The City of Winnipeg, Corporate Finance, Materials Management Branch internet site at <http://www.winnipeg.ca/matmgt>.
- E1.1.2 The version in effect three (3) Business Days before the Submission Deadline shall apply.
- E1.1.3 Further to C2.4(d) and C2.4(f), Specifications and Drawings prepared by the City for Work resulting from this Request for Qualifications, shall govern over *The City of Winnipeg Standard Construction Specifications*.

E2. EQUIPMENT

- E2.1 The Contractor shall have a Class N3D Soft Dig – Hydro Vac Unit
- (a) The Contractor shall have the following items on the Hydro Vac units
 - (i) Neoprene on suction nozzle;
 - (ii) Lance to have isolating tip;
 - (iii) 1200 PSI on Lance;
 - (iv) 120 Degree Water Temperature on Lance;
 - (v) 3000 C.F.M. Air Suction.
 - (b) Contractor shall have the ability and clearance to work independently to expose underground utilities while working within parameters set by Gas, Hydro, Cable Company, Water and Sewer.
 - (c) This equipment is considered to be used in underground work evidence of insurance as stated in B8.1(c) must be provided.