



934-2014 ADDENDUM 2

PROVISION OF LIENS AND SEIZURE SERVICES FOR THE WINNIPEG PARKING AUTHORITY

URGENT

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

ISSUED: November 3, 2014
BY: Colin Stewart
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**THIS ADDENDUM SHALL BE INCORPORATED
INTO THE REQUEST FOR PROPOSAL AND
SHALL FORM A PART OF THE CONTRACT
DOCUMENTS**

Template Version: Ar20131129

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

The following are answers to questions submitted by a potential bidder:

Q1. Is the Item order of E4.1 being a,b,c the Exact order in which monies the Contractor Collects prior to Vehicle Seizure to be remitted to WPA? If the above order is correct, this could leave the Contractor unpaid for its work, unsecured for its fees, and having no recourse but Small Claims Court to Recovery any costs of Processing. Please Clarify the WPA's intent and Position.

A1. The order is correct – E4.1 contemplates where a customer has made a partial payment prior to issuance of the Warrant to Seize or seizure of the vehicle, which the WPA would expect would only occur where the Contractor has offered the customer a payment plan. In any event, the WPA will not discharge the lien until all fees related to collection of the outstanding fines are paid in full.

Q2. Is the Item order of E4.2 being a,b,c,d,e the Exact order in which monies the Contractor Collects after a Vehicle Seizure and Auction to be remitted to WPA? In the event the reply is "Yes" this order would contradict the order described under the "Garages Keepers Act". In the ACT the Garage Keepers Fees and all reasonable Admin Fees take Priority over the outstanding fines. Please Clarify this concern

A2. The order of precedence between the *Personal Property Security Act* and the *Garage Keepers Act* is a legal question. The WPA has sought a formal legal opinion and, dependent on that opinion, section E4.2 may be amended as required.

Q3. E4.3 Where the proceeds of an auction are in excess of all above noted fees, the surplus shall be transferred to the Winnipeg Parking Authority for refund to the account holder.

Under the Garage Keepers ACT the overage of funds after the Account is Satisfied are payable to the Lien Holders or Owner. Traditionally these funds are remitted by the Garage Keeper. Please Clarify the WPA's Position.

A3. As the lien and seizure of the vehicle are under the authority of the *Summary Convictions* and *Personal Property Security Acts*, the WPA is required to remit any excess funds to the account holder.