

RFP SCHEDULE 2

DESIGN CONSULTATION PROCESS

A1. Overview

A1.1 This Schedule 2 describes the design consultation process that the City will undertake prior to the Submission Deadline (the “**Design Consultation Process**”). The Design Consultation Process will consist of a series of Commercially Confidential Meetings and associated follow-up focused on assisting Proponents in developing designs that are compliant with the Technical Requirements set out in the Design Build Agreement. The Design Consultation Process will involve representatives and Advisors of the City and other stakeholders (collectively, the “**Design Consultation Team**”) and representatives of the Proponent and will be conducted in accordance with this Schedule 2 and the RFP.

A2. Design Consultation Process

A2.1 The Design Consultation Process will include the following Commercially Confidential Meetings, held pursuant to RFP Section C4.2(a)(i) and associated follow up:

- (a) design presentation meetings for the presentation of the Proponent’s proposed design as it develops (“**Design Presentation Meetings**”); and
- (b) the provision of written Design Feedback, as defined in Section A7 of this RFP Schedule 2, by the Design Consultation Team to the Proponents,

which are each and collectively referred to as “**Design Consultation**”.

A2.2 For clarity, all Design Consultations shall be commercially confidential, and the provisions of RFP Sections C.4.2(d) and C.4.2(e) shall apply to all Design Feedback.

A3. General Conditions of the Design Consultation Process

A3.1 The Evaluation Team and sub-committees of the Evaluation Team are prohibited from basing any part of their evaluation of a Proposal in this RFP Process on:

- (a) information obtained or shared;
- (b) the conduct of the Proponent or the Design Consultation Team; or
- (c) discussions that occur between the Design Consultation Team and the Proponent, during a Design Consultation.

A3.2 The Proponent shall ensure that each of its Proponent Team Members and each individual in attendance on behalf of the Proponent at any part of any Design Presentation Meeting is familiar with and abides by the terms of this Schedule 2.

A3.3 The Design Consultation Team will use reasonable efforts to distribute to all Proponents any new information provided by the Design Consultation Team to the Proponent during a Design Consultation. The Design Consultation Team may issue written responses to the Proponent addressing some or all of the questions raised by the Proponent during a Design Consultation and/or the City may issue one or more Addenda to resolve issues raised by Proponents.

- A3.4 All Proponent communications with the Design Consultation Team outside of the Design Consultation must be submitted to the Contact Person in accordance with RFP Section C.2.
- A3.5 If the Proponent wishes to follow-up upon anything said or indicated at a Design Presentation Meeting, or pursuant to any Design Feedback, the Proponent must submit an RFI in accordance with RFP Section C.2.
- A3.6 It is anticipated that during the Design Consultations, each Proponent will propose options and innovations in the development of its design submission. The Design Consultation Team will provide comments with regard to whether the proposed design submission is compliant with the Technical Requirements and may provide context and background information that might assist the Proponent in making decisions to ensure that its design submission is compliant with the Technical Requirements.
- A3.7 Certain Technical Requirements have already been designated by the City as not subject to innovations by the Proponent as detailed in Schedule 18 of the Design Build Agreement.
- A3.8 The Design Consultation Team will not suggest innovations or express preferences with regard to the Proponent's design during the Design Presentation Meetings, or pursuant to any Design Feedback, except to the extent that such preferences are embedded in the Technical Requirements.
- A3.9 The Proponent shall not release or discuss any specific pricing or costing information during the Design Consultations.

A4. Scheduling of Design Presentation Meetings

- A4.1 A summary of the sequence and anticipated topics that will be addressed at each Design Presentation Meeting are set out in Attachment 1 to this Schedule 2.
- A4.2 The Design Consultation Team has randomly assigned specific Design Presentation Meeting dates for each Proponent as set out in the Timetable. The identification of venue(s) for all Design Presentation Meetings will be confirmed with the Proponent by the Contact Person at a later date. The Proponent should note that the venue(s) for all Design Presentation Meetings will be located in Winnipeg.
- A4.3 Attendance by the Proponent at a Design Presentation Meeting is not mandatory. If a Proponent wishes to decline to attend a Design Presentation Meeting, the Proponent should submit a notice, via the Data Room (at the same location where the meeting agenda is submitted) at least 5 Business Days prior to the scheduled date for the Design Presentation Meeting. Proponents are strongly encouraged to attend Design Presentation Meetings and, in accordance with RFP Section C.4.2(b), a Proponent's failure to attend is at the Proponent's sole risk and responsibility.

A5. Attendance at Design Presentation Meetings

- A5.1 The Design Consultation Team will, in its discretion, determine which members of the Design Consultation Team will be present at any Design Presentation Meeting.
- A5.2 For the benefit of continuity, it will generally be expected that the Proponent representatives in the first Design Presentation Meeting will be the same Proponent representatives in all subsequent Design Presentation Meetings, except where the Design

Presentation Meeting focuses on disciplines or subject matter not previously included as an agenda item or matter discussed in a prior Design Presentation Meeting.

A5.3 The City has engaged a Fairness Advisor who will oversee the Design Consultation Process and the Design Consultations and report to the City.

A6. Design Presentation Meetings

A6.1 The Design Presentation Meetings will be chaired by the Proponent and are intended,

- (a) to allow the Proponent to present its design submission in its development stage in order to demonstrate its compliance with the Technical Requirements;
- (b) to assist the Design Consultation Team in understanding the underlying issues and rationale behind matters raised by the Proponent with respect to the development of its design submission;
- (c) to allow the Proponent to raise questions with regard to the design requirements set out in the Technical Requirements which are relevant to the development of its design submission as part of its Proposal; and
- (d) to allow the Proponent to request feedback on the compliance of its proposed design with the Technical Requirements.

A6.2 The topics and expected submittals (the “**Design Presentation Submittals**”) for each Design Presentation Meeting are set out in Attachment 1 to this Schedule 2. Based on the topics and expected submittals for each Design Presentation Meeting, the Proponent must provide an agenda to the Data Room (in the Design Presentation folder), including time allocated to each topic, for each Design Presentation Meeting to the Contact Person by the deadline indicated in the RFP Data Sheet. The agenda may be used by the City to ensure the correct Design Consultation Team resources are available to support each meeting. The Design Consultation Team may, in its sole discretion, provide comments to the Proponent on its proposed agenda.

A6.3 At the end of each Design Presentation Meeting, the Proponent shall post to their specific link in the Data Room in the folder entitled “Proponent Submission” for the applicable Design Presentation a searchable pdf electronic copy and provide the Design Consultation Team with six (6) hard copies of:

- (a) materials presented at the Design Presentation Meeting; and
- (b) all submittals for the Design Presentation Meeting (Design Presentation Submittals).

A6.4 The searchable pdf electronic copy and hard copies for all presentation materials and submittals for the Design Presentation Meeting should match what was presented at the Design Presentation Meeting. In the event of inconsistencies, the hard copy data shall govern.

A6.5 The following shall apply with respect to submissions provided to the Design Consultation Team pursuant to Section A6.3:

- (a) Proponents should format any design briefs or descriptions to a maximum 11” x 17” size;

- (b) Proponents should format drawings at the drawing scales to maximum ISO A1 size and, to facilitate review, Proponents should submit a copy of all drawings reduced to a maximum 11” x 17” size;
- (c) if an individual drawing component will not fit on a single sheet at the required scale, the Proponent should provide a supplementary single-sheet drawing at as large a scale as possible on the stipulated sheet size;
- (d) Proponents’ drawings, plans and design narratives should be produced to demonstrate compliance with the Submission Requirements set out in Schedule 3, Part 2 of the RFP and the Technical Requirements, including, but not limited to Drawing title, legend, scale, key plan and north arrow, design and construction firm name, Proponent name, Project name, Design Presentation Meeting number and date prepared.
- (e) each document should include a document number and revision in accordance with the City’s Document Numbering Standard as provided in Appendix 18D – City Standards of Schedule 18 of the Design Build Agreement with the following amendments and clarifications:
 - (i) Class A documents (including drawings) should be numbered in accordance with the requirements of Conceptual and Preliminary Design Documents in the Project Document Numbering Standard in Schedule 18 – Technical Requirements. That is, the Source Code and Facility Code should be replaced with “PD”; and
 - (ii) each issue of the drawing as part of a Design Presentation Submittal should have the revision incremented (PA, PB, etc.) and the revision described as “Issued for Design Presentation Meeting X”, where X is the number of the Design Presentation Meeting;
- (f) drawings should be titled as follows:

North End Sewage Treatment Plant
(Area)
(Drawing Type)
(Drawing Content 1)
(Drawing Content 2)
- (g) the logo area of the drawings should have the Proponent’s name / logo clearly identified;
- (h) Proponent’s design briefs, presentation, and drawings should have consistent page and sheet numbering. The numbering for the pages and sheets for each section, separated in accordance with A6.5(f), should start at “01” and increase for each page or sheet accordingly. Each section should not restart the page or sheet numbering within the section. Prefixes and suffixes of page or sheet numbering will be permitted, but must remain consistent within each section;
- (i) Proponents should prepare a drawing list, including a list of all drawings in each section, separated in accordance with A6.5(f). At a minimum, the drawing list should include the sheet number and sheet title.

A7. Design Feedback

- A7.1 The Design Consultation Team intends to provide written feedback, to the Proponent on the materials submitted by the Proponent in the Design Presentation Meetings with respect to the compliance of the Proponent's design with the Technical Requirements (the "**Design Feedback**"). The Design Feedback is intended to be provided to the Proponent on or before the dates given in the Timetable.
- A7.2 The City will not provide written feedback on all the materials submitted by the Proponents, in its Design Feedback, nor does the Proponent need to ask whether each item is compliant in order to get feedback. The City will advise of design elements that, based on the information provided, are not compliant. If the City does not comment on a design element in the Design Feedback, then the City did not form the opinion that it was non-compliant. The absence of a comment cannot be taken to mean that the element is compliant, but it may mean that not enough information was provided to inform an opinion. Given that the purpose of the Design Feedback is to provide the Proponents with information on what is not compliant, the City will do its best to note any concerns it has regarding design elements.

A8. Design Development with the Preferred Proponent

- A8.1 Following identification of the Preferred Proponent and prior to Execution of the Design Build Agreement, the City may, in its sole discretion, choose to engage with the Preferred Proponent in order to further advance the development of the Preferred Proponent's design (the "**Preferred Proponent Design Review and Feedback**") in accordance with the following:
- (a) the Preferred Proponent Design Review and Feedback shall be undertaken in accordance with Schedule 5 to the Design Build Agreement;
 - (b) the City may, in its sole discretion, prescribe a date on which the Preferred Proponent Design Review and Feedback will commence, and the Preferred Proponent Design Review and Feedback shall end upon execution of the Design Build Agreement;
 - (c) upon achieving the Execution of the Design Build Agreement:
 - (i) all of the Preferred Proponent Design Review and Feedback shall be deemed to have been performed in furtherance of the Design Build Agreement that is executed and delivered;
 - (ii) the Preferred Proponent Design Review and Feedback shall be wholly included in the Design and Construction to be undertaken by the Preferred Proponent in accordance with the Design Build Agreement and reimbursed as part of the applicable Milestone Payment; and
 - (iii) there shall be no adjustment to the Financial Submission or to any payments from the City to the Preferred Proponent under the Design Build Agreement, including any Milestone Payment, as a result of the Preferred Proponent Design Review and Feedback;
 - (d) for clarity, the City shall not be liable to pay any amounts to the Preferred Proponent in respect of the Preferred Proponent Design Review and Feedback if the Preferred Proponent fails to achieve Execution of the Design Build Agreement

as a result of a breach by the Preferred Proponent of its obligations under the RFP prior to Execution of the Design Build Agreement.

Attachment 1 to RFP Schedule 2 – Design Presentation Meetings – Topics and Submittals

Design Presentation Meeting 1 (First Round)	
Duration	4 Hours
Design Presentation Topics	<ol style="list-style-type: none"> 1. Presentation of the highlights from the Design Report section of the Design Presentation Submittals 2. Presentation of the highlights from the Drawings section of the Design Presentation Submittals 3. Identification of any concerns with the Lands, Site(s) and Facility(ies) 4. Identify any concerns with the Affordability Threshold or the anticipated time to complete the project 5. General questions and concerns relating to the Technical Requirements
Design Presentation Submittals	<p>Design Report and Drawings</p> <ol style="list-style-type: none"> 1. Level of detail: High-level conceptual design 2. Civil Design <ol style="list-style-type: none"> 1. Site plan including major yard piping 3. Process Mechanical Design <ol style="list-style-type: none"> 1. Preliminary process design and sizing including process flow diagrams

Design Presentation Meeting 2 (Second Round)	
Duration	4 Hours
Design Presentation Topics	<ol style="list-style-type: none"> 1. Presentation of the highlights from the Design Report section of the Design Presentation Submittals 2. Presentation of the highlights from the Drawings section of the Design Presentation Submittals 3. Identify any concerns with the Affordability Threshold or the anticipated time to complete the project 4. General questions and concerns relating to the Technical Requirements 5. Identify the most significant Project risks (up to 10) and the methods to mitigate those risks
Design Presentation Submittals	<p>Design Report and Drawings</p> <ol style="list-style-type: none"> 1. Level of detail: Further design development for Civil and Process Mechanical Design. Conceptual design for Geotechnical and Hydrogeological, Structural, Building Mechanical, Electrical and Automation 2. Geotechnical and Hydrogeological Design <ol style="list-style-type: none"> 1. Scope of additional site investigation (if applicable) 3. Civil Design <ol style="list-style-type: none"> 1. Limit of site work 2. Construction access and arrangement 3. Site plan and grading 4. Structural Design 5. Process Mechanical Design <ol style="list-style-type: none"> 1. Plant hydraulics 2. P&IDs 3. Process area layouts 6. Building Mechanical Design 7. Electrical Design 8. Automation Design

Design Presentation Meeting 3 (Third Round)	
Duration	4 Hours
Design Presentation Topics	<ol style="list-style-type: none"> 1. Presentation of the highlights from the Project Schedule and Planned Resources section of the Design Presentation Submittals 2. Presentation of the highlights from the Design Report section of the Design Presentation Submittals 3. Presentation of the highlights from the Drawings section of the Design Presentation Submittals 4. Identify any concerns with the Affordability Threshold or the anticipated time to complete the project 5. Questions and concerns relating to the Technical Requirements (No substantial concerns are anticipated at this stage)
Design Presentation Submittals	<p>Design Report and Drawings</p> <ol style="list-style-type: none"> 1. Level of detail: Preliminary design, nearing readiness for Technical Submission. 2. Architectural Design 3. Geotechnical and Hydrogeological Design 4. Civil Design 5. Structural Design 6. Process Mechanical Design 7. Building Mechanical Design 8. Electrical Design 9. Automation Design <p>Project Schedule</p> <ol style="list-style-type: none"> 1. Project Schedule