



779-2021A ADDENDUM 03

PROGRESSIVE DESIGN BUILD OF NORTH END SEWAGE TREATMENT PLANT (NEWPCC) UPGRADE: BIOSOLIDS FACILITIES

URGENT

PLEASE FORWARD THIS DOCUMENT TO WHOEVER IS IN POSSESSION OF THE BID/PROPOSAL

ISSUED: August 16, 2023
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THIS ADDENDUM SHALL BE INCORPORATED INTO THE BID/PROPOSAL AND SHALL FORM A PART OF THE CONTRACT DOCUMENTS

Template Version: Add 2021-03-05

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 (q) of Form A-1 Master Step 1 Submission Form may render your Step 1 Submission non-responsive.

REQUEST FOR PROPOSALS

Add:

D4.3 Commercially Confidential Meetings – Step 1

- (a) The City may, in its sole discretion, convene commercially confidential meetings with Proponents on an ad hoc basis (each a “Commercially Confidential Meeting”). These Commercially Confidential Meetings may be bilateral meetings between the City (and its Advisors and representatives) and individual prospective Proponent teams to discuss Proponent feedback on the Project Term Sheet and the proposed contract model for the Project. The intent of the Commercially Confidential Meetings is not to provide general information about the Project or to engage in a question and answer session with Proponents. If Proponents have questions about the Project or the RFP or require clarification, Proponents should continue to use the RFI submission process set out in RFP Section D.2.2.
- (b) If the City intends to hold Commercially Confidential Meetings, the date for the Commercially Confidential Meetings shall be communicated to Proponents by Notice. Attendance at the Commercially Confidential Meetings is not mandatory and Proponents that do not request or attend a Commercially Confidential Meeting are still permitted to submit a Step 1 Submission. Proponents will be requested to provide agenda items for the proposed Commercially Confidential meeting in accordance with the instructions provided in the Notice.
- (c) A Proponent that wishes to request a Commercially Confidential Meeting may be required to register its team with the Contact Person in accordance with any procedure communicated to Proponents by Notice. Notwithstanding registration for a Commercially Confidential Meeting, Proponents may amend their team at any time prior to submission of their Step 1 Submission. The City reserves the right to reject a request for a Commercially Confidential Meeting from any party that proposes agenda items that are inconsistent with the intent of the Commercially Confidential Meetings described in RFP Section D.4.3(a).
- (d) The City has appointed a Fairness Monitor to monitor the RFP Step 1 in accordance with RFP Section B.4, the Fairness Monitor will attend all Commercially Confidential Meetings.
- (e) No statement, consent, waiver, acceptance, approval or anything else said or done in any of these Commercially Confidential Meetings by the City or any of its Advisors or representatives shall amend or waive any provision of the RFP Step 1, or be binding on the City or be relied upon in any way by Proponents, Shortlisted Proponents or their Advisors except when and only to the extent expressly confirmed in an Addendum to the RFP Step 1 issued in accordance with Section D.6.

- (f) Proponents and their Advisors and representatives and any of their attendees at Commercially Confidential Meetings acknowledge and agree that:
- (i) any statement made at a Commercially Confidential Meeting by the City or any of its Advisors or representatives is not and shall not be deemed or considered to be an indication of a preference by the City or a rejection by the City of anything said or done by the Proponent, or any of their respective Advisors or representatives;
 - (ii) any statement made at a Commercially Confidential Meeting by the City or any of its Advisors or representatives shall not and will not be relied upon in any way by the Proponent, or their Advisors or representatives for any purpose, including any purpose in connection with the RFP Step 1, the Project or otherwise, except and only to the extent expressly confirmed by Addendum in accordance with Section D.6, provided that the City shall not be under any obligation to confirm any information by Addendum;
 - (iii) if the need arises, the City may share process-related or Project-related information, including clarifying information, with all Proponents; and
 - (iv) the Proponent and their Advisors and representatives:
 - (A) shall participate in the Commercially Confidential Meetings in accordance with the guidelines, procedures and processes set out in the RFP Step 1 - Appendix A CCM Guidelines;
 - (B) waive any and all rights to contest and/or protest the RFP Step 1 and the processes and guidelines set out herein, including the Commercially Confidential Meetings, based on the fact that Commercially Confidential Meetings occurred or on the basis that information may have been received during a Commercially Confidential Meeting by another Proponent, or their respective Advisors or representatives that was not received by the Proponent, or any of their respective Advisors or representatives; and
 - (C) agree that the Proponent and their Advisors and representatives must treat information received at a Commercially Confidential Meeting as Confidential Information.