



THE CITY OF WINNIPEG

REQUEST FOR QUALIFICATION

RFQ NO. 154-2016

**REQUEST FOR QUALIFICATION FOR THE RESTORATION OF WINTER AND
SUMMER BOULEVARD CUTS**

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PART B - REQUEST FOR QUALIFICATION INFORMATION

B1. DEFINITIONS

B1.1 When used in this Request for Qualification:

- (a) **"Business Day"** means any Calendar Day, other than a Saturday, Sunday, or a Statutory or Civic Holiday;
- (b) **"Calendar Day"** means the period from one midnight to the following midnight;
- (c) **"City"** means the City of Winnipeg as continued under The City of Winnipeg Charter, Statutes of Manitoba 2002, c. 39, and any subsequent amendments thereto;
- (d) **"City Council"** means the Council of the City of Winnipeg;
- (e) **"Commissioning Date"** means that date when construction of the contemplated Project is complete, and the Maintenance Term commences;
- (f) **"Contract"** means the combined documents consisting of the Request for Qualification package, Request for Proposal package and any documents and drawings referred to and incorporated therein together with any submissions required to be made by the Contractor after award, and all amendments to the foregoing;
- (g) **"Contract Administrator"** means the person authorized to represent the City in respect of the Request for Qualifications unless otherwise specified hereinafter;
- (h) **"Contractor"** means the person undertaking the performance of the work under the terms of the Contract;
- (i) **"may"** indicates an allowable action or feature which will not be evaluated;
- (j) **"must"** or **"shall"** indicates a mandatory requirement which will be evaluated on a pass/fail basis;
- (k) **"Person"** means an individual, firm, partnership, association or corporation, or any combination thereof, and includes heirs, administrators, executors or legal representatives of a person;
- (l) **"Proponent"** means any Person or consortium submitting a Qualification Submission in response to this Request for Qualifications;
- (m) **"should"** indicates a desirable action or feature which will be evaluated on a relative scale;
- (n) **"Site"** means the lands and other places on, under, in or through which the work is to be performed;
- (o) **"Submission or Qualification Submission"** means that portion of the Request for Qualification which must be completed or provided and submitted by the Submission Deadline;
- (p) **"Submission Deadline"** means the time and date for final receipt of Submissions;
- (q) **"Substantial Performance"** shall have the meaning attributed to it in The Builders' Liens Act (Manitoba), or any successor legislation thereto;
- (r) **"Work"** or **"Works"** means the carrying out and the doing of all things, whether of a temporary or permanent nature, that are to be done pursuant to the Contract and, without limiting the generality of the foregoing, includes the furnishing of all Plant, Material, labour and services necessary for or incidental to the fulfilment of the requirements of the Contract, including all Changes in Work which may be ordered as herein provided.

B2. PURPOSE OF THE REQUEST FOR QUALIFICATIONS DOCUMENT

B2.1 The purpose of this Request for Qualifications (RFQ) is to identify experienced and capable Proponents to restore boulevard cuts and other grassed areas with topsoil, sod and seed in designated areas within the City of Winnipeg for the 2016 Construction season.

- B2.2 The City invites qualified individuals to submit a Qualification Submission in response to this RFQ.
- B2.3 Only Proponents qualified under this Request for Qualification will be invited to bid on projects.
- B2.4 Qualification of Proponents, to bid on prospective Work, shall not be construed as a commitment by the City to award contracts to any Proponent or to pay any costs incurred by the Proponent 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 this statement of qualification.
- B2.6 The Proponent is obligated to inform the City, in a timely manner, of any changes to key personnel, ownership, bonding capability, financial position, insurance or any other information which may affect its pre-qualified status with the City.

B3. SCOPE OF WORK

- B3.1 The Work to be done under the proposed contract shall consist of restoring boulevard cuts and other grassed areas with topsoil, sod and seed in designated areas within the City of Winnipeg for the 2016 Construction season..
- B3.2 The major components of the Work are as follows:
- (a) Excavating and trimming the cut restoration area to 100 mm below grade in accordance with CW3110 and, all specifications included with the Request for Quotation that shall govern over The City of Winnipeg Standard Construction Specifications.
 - (b) Placing the topsoil in accordance with CW3540 and, all specifications included with the Request for Quotation that shall govern over The City of Winnipeg Standard Construction Specifications.
 - (c) Placement of sod in accordance with CW3510 and, all specifications included with the Request for Quotation that shall govern over The City of Winnipeg Standard Construction Specifications.
 - (d) Placement of seed in accordance with CW3520 and, all specifications included with the Request for Quotation that shall govern over The City of Winnipeg Standard Construction Specifications.
 - (e) Thirty (30) Day Maintenance Period, maintenance of sod and seed areas.
- B3.3 The Work shall be done on an "as required" basis during the term of this contract.
- B3.4 The type and quantity of Work to be performed under this contract shall be as authorized from time to time by the Contract Administrator.

B4. GENERAL CONDITIONS

- B4.1 The *General Conditions for Construction* (Revision 2006 12 15) are applicable to the Work of the Contract.
- B4.1.1 The *General Conditions for Construction* are available on the Information Connection page at The City of Winnipeg, Corporate Finance, Materials Management Division website at http://www.winnipeg.ca/matmgt/gen_cond.stm

B5. PROCUREMENT PROCESS

- B5.1 The first stage of the procurement process for the Project is this RFQ. The City intends to invite qualified Proponents to participate in the second stage of the procurement process, bidding on projects for Work as described under B3, Scope of Work.

B5.2 Following completion of the RFQ stage, Proponents will be invited to provide bids in response to Requests for Quotation that will include a Form B: Prices along with a list of locations describing an estimated quantity of Work at each location. The Contract Administrator will evaluate the bid proposals received from the Proponents and select the preferred Proponent for the purposes of concluding the Contract.

B5.3 Upon completion of each project' Request for Quotation, the Contract Administrator intends to provide a purchase order to the recommended contractor, which will be subject to final approval by the Project manager.

B6. ENQUIRIES

B6.1 All enquiries shall be directed to the Contract Administrator identified in B7.

B6.2 Any Proponent who has questions as to the meaning or intent of any part of this document or who believes this document contains any error, inconsistency or omission should make an enquiry prior to the Submission Deadline requesting clarification, interpretation or explanation in writing to the Contract Administrator.

B6.3 If the Proponent finds errors, discrepancies or omissions in the document, or is unsure of the meaning or intent of any provision therein, the Proponent shall promptly notify the Contract Administrator of the error, discrepancy or omission at least five (5) Business Days prior to the Submission Deadline.

B6.4 If the Proponent is unsure of the meaning or intent of any provision therein, the Proponent should request clarification as to the meaning or intent prior to the Submission Deadline.

B6.5 Responses to enquiries which, in the sole judgment of the Contract Administrator, require a correction to or a clarification of the RFQ will be provided by the Contract Administrator to all Proponents by issuing an addendum.

B6.6 Responses to enquiries which, in the sole judgment of the Contract Administrator, do not require a correction to or a clarification of the RFQ will be provided by the Contract Administrator only to the Proponent who made the enquiry.

B6.7 The Proponent shall not be entitled to rely on any response or interpretation received pursuant to B6 unless that response or interpretation is provided by the Contract Administrator in writing.

B7. CONTRACT ADMINISTRATOR

B7.1 The Contract Administrator is:

Gary Campbell, C.E.T.
Technologist III

Telephone No. 204- 794-4379

Email: garycampbell@winnipeg.ca

B7.2 At the pre-construction meeting, the Contract Administrator will identify additional personnel representing the Contract Administrator and their respective roles and responsibilities for the Work.

B7.3 Qualification Submissions must be submitted to the address in B16.7.

B8. ADDENDA

B8.1 The Contract Administrator may, at any time prior to the Submission Deadline, issue addenda correcting errors, discrepancies or omissions in the RFQ, or clarifying the meaning or intent of any provision therein.

B8.2 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.

(a) The Addenda will be available on the Bid Opportunities page at the Materials Management Division's website at <http://www.winnipeg.ca/matmgt/bidopp.asp>

B8.2.1 The Proponent is responsible for ensuring that he/she has received all addenda and is advised to check the Materials Management Division's website for addenda regularly and shortly before the Submission Deadline, as may be amended by addendum.

B8.3 The Proponent should acknowledge receipt of each addendum on Form A: Request for Qualification Application.

B9. CONFLICT OF INTEREST AND GOOD FAITH

B9.1 Proponents must not include among their team, any business entity or individual who is, or is associated with, in any way, any consultant retained by the City in relation to the Project, including but not limited to consultants providing engineering, architectural, legal, process, finance or financial capacity advice or any Person likely to create a conflict of interest or a perception of conflict of interest.

B9.2 If a Proponent considers that a particular relationship or association does not create a conflict of interest and will not create a perception of conflict of interest, but is concerned that the City could arrive at a different conclusion, the Proponent should fully disclose the circumstances to the City at the earliest possible date, and request that the City provide an advance interpretation as to whether the relationship or association will be likely to create a conflict of interest or a perception of conflict of interest.

B9.3 The Proponent declares that in submitting its response to this RFQ, it does so in good faith and will disclose to the best of its knowledge, whether there are any circumstances whereby any member of Council or any officer or employee of the City would gain any pecuniary interest, direct or indirect, as a result of the Proponents participation in this Project.

B9.4 Failure to comply with this provision may result in disqualification of your Submission from the RFQ process or, if the City becomes aware of your breach of this provision after the Request for Quotation has been issued, disqualification from the Request for Quotation process.

B10. CONFIDENTIALITY AND PRIVACY

B10.1 Information provided to a Proponent by the City or acquired by a Proponent by way of further enquiries or through investigation is confidential. Such information shall not be used or disclosed in any way without the prior written authorization of the City. The Proponent shall not make any statement of fact or opinion regarding any aspect of the RFQ and any subsequent proposal to the media or any member of the public without the prior written authorization of the City.

B10.2 The protection of personal information and privacy will be fundamental aspects of the Project. Proponents shall comply with all applicable privacy legislation, including but not limited to the Personal Information Protection and Electronic Documents Act (Canada) ("PIPEDA"). In addition, Proponents are advised that the City is subject to The Freedom of Information and Protection of Privacy Act (Manitoba) ("FIPPA") and that the Contractor will be expected to comply with the obligations imposed upon the City pursuant to FIPPA.

B10.3 To the extent permitted, the City shall treat all Submissions as confidential. However, the Proponent is advised that any information contained in any Submission may be released if required by City policy or procedures, by FIPPA, by other authorities having jurisdiction, or by law.

B10.4 All Qualification Submissions submitted to the City will be kept in confidence with the City for the sole purposes of evaluating and developing the best possible strategic option for the City. Qualification Submissions will become the property of the City. The City will have the right to make copies of all Submissions for its internal review process and to provide such copies to its staff and/or external advisors and representatives.

B10.5 All information will become and remain the property of the City; none will be returned. If the application contains any proprietary or trade secret information, said information must be indicated as such.

B11. NON-DISCLOSURE

B11.1 Proponents must not disclose any details pertaining to their RFQ and the selection process in whole or in part to anyone not specifically involved in their Submission, without the prior written approval of the City. Proponents shall not issue a news release or other public announcement pertaining to details of their Qualification Submission or the selection process without the prior written approval of the City.

B11.2 Proponents are advised that an attempt on the part of any Proponent or any of its employees, agents, contractors or representatives to contact any members of City Council or their staff or any member of City Administration other than the Contract Administrator with respect to this RFQ solicitation, may lead to disqualification.

B12. NO COLLUSION

B12.1 Upon making a Submission to this RFQ, each Proponent shall declare that they have not participated in any collusive scheme or combine.

B12.2 Proponents must ensure that their participation in this RFQ is conducted without collusion or fraud on their part or any of their team. Proponents and their team members shall not engage in discussions or other communications with any other Proponents or their team members regarding the preparation or submission of their responses to this RFQ. Breach of this provision may result in disqualification from the RFQ process or, if the City becomes aware of your breach of this provision after the Request for Quotation has been issued, from the Request for Quotation process.

B13. NO LOBBYING

B13.1 Any form of political or other lobbying whatsoever in relation to the Project or with a view to influencing the outcome of this RFQ process is strictly prohibited. Failure to comply with this provision may result in disqualification from the RFQ process or, if the City becomes aware of your breach of this provision after the Request for Quotation has been issued, disqualification from the Request for Quotation process.

B14. ELIGIBILITY

B14.1 No Persons involved with the City, or acting as a consultant or sub-consultant to the City with respect to this Project, are eligible to submit a Qualification Submission for this RFQ or participate in any manner whatsoever as a participant or advisor to any Proponent participating in this RFQ or subsequent Request for Quotation.

B15. FAIRNESS ADVISOR/MONITOR

B15.1 The Public Works, Engineering Division will utilize the Corporate Finance Department, Materials Management Division as a Fairness Advisor to oversee the selection process for the RFQ.

- B15.2 The Fairness Advisor's role is to reassure both the City and private sector participants that the process and decisions resulting are fair, reasonable and consistent with the procurement process laid out for the Project.

SUBMISSION INSTRUCTIONS

B16. SUBMISSION DEADLINE

- B16.1 The Submission Deadline is 4:00 p.m. Winnipeg time, April 26, 2016.
- B16.2 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 B16.1.
- B16.3 Qualification Submissions will not be opened publicly.
- B16.4 Qualification Submissions determined by the Manager of Materials to have been received later than the Submission Deadline will not be accepted and will be returned unopened.
- B16.5 The Qualification Submission should be submitted enclosed and sealed in an envelope clearly marked with the RFQ number and the Proponent's name and address.
- B16.6 Qualification Submissions submitted by facsimile transmission (fax) or internet electronic mail (e-mail) will not be accepted.
- B16.7 Qualification Submissions shall be submitted to:
The City of Winnipeg
Corporate Finance Department
Materials Management Division
185 King Street, Main Floor
Winnipeg MB R3B 1J1

B17. QUALIFICATION SUBMISSION

- B17.1 The Qualification Submission should consist of the following components:
(a) Form A: Request for Qualification Application (Section A);
(b) Qualification Questionnaire
- B17.2 All requirements of the RFQ should be fully completed or provided, and submitted by the Proponent no later than the Submission Deadline, with all required entries made clearly and completely to constitute a responsive RFQ.
- B17.3 Proponents are advised that inclusion of terms and conditions inconsistent with the RFQ document will be evaluated non-responsive.
- B17.4 All Submissions received in response to this RFQ will be kept in confidence with the sole purposes of evaluating and developing the best possible strategic option for the City.
- B17.5 Submissions and the information they contain will be the property of the City upon receipt. No Submissions will be returned.

B18. FORM A: REQUEST FOR QUALIFICATION APPLICATION

- B18.1 Further to B17.1(a), the Proponent shall complete Form A: Request for Qualifications Application, making all required entries.
- B18.2 Paragraph 2 of Form A: Request for Qualifications Application shall be completed in accordance with the following requirements:

- (a) if the Proponent is a sole proprietor carrying on business in his/her own name, his/her name shall be inserted;
- (b) if the Proponent is a partnership, the full name of the partnership shall be inserted;
- (c) if the Proponent is a corporation, the full name of the corporation shall be inserted;
- (d) if the Proponent is carrying on business under a name other than his/her own, the business name and the name of every partner or corporation who is the owner of such business name shall be inserted.

B18.2.1 If the Submission is submitted jointly by two or more persons, each and all such persons shall identify themselves in accordance with B18.2.

B18.3 In Paragraph 3 of Form A: Request for Qualifications Application, the Proponent shall identify a contact person who is authorized to represent the Proponent for purposes of this RFQ.

B18.4 Paragraph 7 of Form A: Request for Qualification Application should be signed in accordance with the following requirements:

- (a) if the Proponent is sole proprietor carrying of business in his/her own name, it shall be signed by the Proponent;
- (b) if the Proponent is a partnership, it shall be signed by the partner or partners who have authority to sign for the partnership;
- (c) if the Proponent is a corporation, it shall be signed by its duly authorized officer or officers and the corporate seal, if the corporation has one, should be affixed;
- (d) if the Proponent is carrying on business under a name other than his/her 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.

B18.5 The name and official capacity of all individuals signing Form A: Request for Qualification Application should be printed below such signatures.

B18.6 All signatures should be original.

B18.7 If a Submission is submitted jointly by two or more persons, the word "Proponent" shall mean each and all such persons, and the undertakings, covenants and obligations of such joint Proponents in the Submission, shall be both jointly and several.

B19. QUALIFICATION

B19.1 The Proponent 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.

B19.2 The Proponent 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 Division website at <http://www.winnipeg.ca/matmgt/debar.stm>

B19.3 The Proponent 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).

B19.4 The Proponent shall complete Form B: Qualification Questionnaire giving a list of previously completed work, similar in nature, scope and value to the Work, in sufficient detail to demonstrate the Proponent's qualification to undertake the Work.

B19.5 The Proponent shall provide, on the request of the Contract Administrator, a complete list of equipment, full access to any of the Proponents equipment and facilities to confirm, to the Contract Administrator's satisfaction, that the Proponents equipment and facilities are adequate to perform the Work.

B20. SUBSTITUTIONS

B20.1 If, following your Submission, you become aware that any Persons identified to participate in this Project will be unable or is likely to be unable to participate on this Project, you must immediately advise the Contract Administrator and indicate your proposed substitute Person. Failure to do so may result in disqualification of your Submission from the RFQ process or, if the City becomes aware of your breach of this provision after the Request for Quotation has been issued, from the Request for Quotation process.

B21. NON-CONFORMING SUBMISSIONS

B21.1 Notwithstanding B17.1, with the exception of B16.4, if a Proponent's Submission is not strictly in accordance with any provision of this RFQ, the City may, at its option:

- (a) waive the non-conformance if, in the City's opinion, the non-conformance is immaterial; or
- (b) reject the Submission as non-responsive if, in the City's opinion, the non-conformance is material.

B21.1.1 If the non-conformance is an omission, the City may, at its discretion, give the Proponent up to five (5) Business Days to supply the omitted material.

B21.2 If the requested information is not submitted by the time specified in B21.1.1, the Submission will be determined to be non-responsive.

B22. PROPONENT'S COSTS AND EXPENSES

B22.1 Proponents are solely responsible for their own costs and expenses in preparing and submitting a Qualification Submission and participating in the RFQ, including the provision of any additional information or attendance at meetings.

EVALUATION

B23. EVALUATION CRITERIA

B23.1 Evaluation of Qualification Submissions shall be based on the following criteria.

- (a) Completeness of responses to stated requirements;
- (b) Qualifications of key individuals;
- (c) Construction/Landscaping experience;
- (d) References

- B23.2 Further to B17 and B21, the City 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 City 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.
- B23.3 Reference checks to confirm information provided may not be restricted to only those submitted by the Proponent, and may include organizations representing Persons, known to have done business with the Proponent.
- B23.4 The City has full power to conduct an independent verification of information in any Submission received and generally pertaining to the qualifications and experience of the Proponent and any proposed members of its team.
- B23.5 The City may, in its sole discretion, interview any or all Proponents during the evaluation process, to provide clarification or additional information in relation to its Submission.

B24. NO CONTRACT

- B24.1 By submitting a Qualification Submission and participating in the process as outlined in this document, Proponents expressly agree that no contract of any kind is formed under, or arises from this RFQ, and that no legal obligations will arise.
- B24.2 Although it is the intention of the City to establish a short-list of Proponents to participate in the Request for Quotation stage of the procurement process, the City reserves the right and the full power to give notice in writing of any change to its Contract Administrator, amend any dates, schedules, limits and Scope of Work and any contract awarded, or to reject any and all Submissions, to launch a new or amended procurement process, or to decide that it will not issue the Request for Quotation, without incurring any liability in respect of costs or damages incurred by any Proponent or any member of a private sector team.
- B24.3 Without limiting the generality of the foregoing, the City reserves the right and the full power to amend or cancel this RFQ, the procurement process or the Project at any time.
- B24.4 If the City proceeds to request a more detailed proposal, only to Proponents determined to be qualified under the RFQ process, the City will have no obligation to award a Contract where:
- (a) only one Submission is received; or
 - (b) in the judgment of the City, the interests of the City would best be served by not entering into a Contract.
- B24.5 The City reserves the right to disqualify any Proponent whose Submission, in the opinion of the City, contains false or misleading information.
- B24.6 Following the conclusion of the RFQ process, Proponents will be provided with information related to the evaluation of their Submission upon written request to the Contract Administrator.