



THE CITY OF WINNIPEG

**EXPRESSION OF INTEREST IN
PARTICIPATING IN A MARKET
SOUNDING**

EOI NO. 660-2022

**NORTH END WATER POLLUTION CONTROL CENTRE (NEWPCC)
BIOSOLIDS FACILITIES PROJECT**

PART A - REQUEST FOR EXPRESSION OF INTEREST IN PARTICIPATING IN A MARKET SOUNDING

A1. DEFINITIONS

A1.1 When used in this Expression of Interest:

- (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 Contact"** means the City's representative throughout the duration of the Expression of Interest who has the authority to act on behalf of the City to the extent expressly provided for in this Expression of Interest.
- (e) **"Project"** means the Biosolids Facilities upgrade at the North End Water Pollution Control Centre (NEWPCC).
- (f) **"Respondent"** means any Person or consortium submitting an EOI Submission in response to this Expression of Interest in Participating in a Market Sounding;
- (g) **"Submission or Information Submission"** means that portion of the Expression of Interest which must be completed or provided and submitted by the Submission Deadline;
- (h) **"Submission Deadline"** means the time and date for final receipt of Submissions.

A2. BACKGROUND

A2.1 The City of Winnipeg is proceeding with Phase 2 of its NEWPCC Upgrades – Biosolids Facilities as set out in Notice to Bidders No. 663-2022 posted on MERX. The Project will be delivered through a design build process.

A3. PURPOSE OF THIS EXPRESSION OF INTEREST IN PARTICIPATING IN A MARKET SOUNDING

- A3.1 The purpose of this Expression of Interest (EOI) in Participating In a Market Sounding is to identify Respondents who have potential interest in participating in the procurement process for the Biosolids Facilities Project in the role set out in A3.3 and wish to provide input on the Project's form of procurement process and key terms of the Design Build Agreement.
- A3.2 Selected Respondents will be interviewed by phone, guided by a market sounding brief provided in advance.
- A3.3 The City invites Respondents who have an interest in potentially participating in the procurement process for the Project as key/lead members of design build consortia to submit an Information Submission in response to this EOI.

A4. SCHEDULE

A4.1 The City anticipates conducting market sounding interviews the weeks of November 7 and November 14, 2022.

A5. SELECTION OF MARKET SOUNDING PARTICIPANTS

A5.1 The City will determine which Respondents to invite to a market sounding interview at its sole discretion.

A5.2 The City intends to select Respondents who would be key/lead members of a design build consortia as indicated in A3.3 and based on the information provided in A13.

A5.3 The City may invite firms who did not respond to this EOI to a market sounding interview at its sole discretion.

A6. NOT A PRE-QUALIFICATION, NOT PART OF THE PROJECT PROCUREMENT PROCESS

A6.1 This EOI is not part of the procurement process for the Biosolids Facilities Project.

A6.2 A response or lack of response to this EOI will have no bearing on a firm's eligibility to participate in the procurement process for the Biosolids Facilities Project.

A6.3 Views or information provided by a Respondent as part of the market sounding process will have no bearing on the Respondent's eligibility to participate in the procurement process for the Biosolids Facilities Project.

A6.4 Whether or not a Respondent is selected for a market sounding interview will have no bearing on the Respondent's eligibility to participate in the procurement process for the Biosolids Facilities Project.

A7. ENQUIRIES

A7.1 All enquiries shall be directed to the City Contact identified in A8.

A7.2 Any Respondent 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 City Contact.

A7.3 If the Respondent finds errors, discrepancies or omissions in the document, or is unsure of the meaning or intent of any provision therein, the Respondent shall promptly notify the City Contact of the error, discrepancy or omission at least five (5) Business Days prior to the Submission Deadline.

A7.4 If the Respondent is unsure of the meaning or intent of any provision therein, the Respondent should request clarification as to the meaning or intent prior to the Submission Deadline.

A7.5 Responses to enquiries which, in the sole judgment of the City Contact, require a correction to or a clarification of the EOI will be provided by the City Contact to all Respondents by issuing an addendum.

A7.6 Responses to enquiries which, in the sole judgment of the City Contact, do not require a correction to or a clarification of the EOI will be provided by the City Contact only to the Respondent who made the enquiry.

A7.7 The Respondent shall not be entitled to rely on any response or interpretation received pursuant to A7 unless that response or interpretation is provided by the City Contact in writing.

A7.8 Any enquiries concerning submitting through MERX should be addressed to:
MERX Customer Support
Phone: 1-800-964-6379
Email: merx@merx.com

A8. CITY CONTACT

A8.1 The City Contact is: Mauricio Gomez
Manager, Financial Advisory, Deloitte
778-772-7038
maurigomez@deloitte.ca

A9. ADDENDA

- A9.1 The City Contact may, at any time prior to the Submission Deadline, issue addenda correcting errors, discrepancies or omissions in the EOI, or clarifying the meaning or intent of any provision therein.
- A9.2 The City Contact 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.
- A9.3 Addenda will be available on the MERX website at www.merx.com.
- A9.3.1 The Respondent is responsible for ensuring that he/she has received all addenda and is advised to check the MERX website for addenda regularly and shortly before the Submission Deadline, as may be amended by addendum.
- A9.4 The Respondent should acknowledge receipt of each addendum in its Information Submission.

A10. RESPONDENT'S COSTS AND EXPENSES

- A10.1 Respondents are solely responsible for their own costs and expenses in preparing and submitting an Information Submission and participating in the EOI, including the provision of any additional information or attendance at market sounding interviews.

A11. NO CONTRACT

- A11.1 By submitting an Information Submission and participating in the process as outlined in this document, if invited, Respondents expressly agree that no contract of any kind is formed under, or arises from this EOI, and that no legal obligations will arise. The City will have no obligation to enter into negotiations or a Contract with a Respondent.
- A11.2 Without limiting the generality of the foregoing, the City reserves the right and the full power to amend or cancel this EOI at any time.

SUBMISSION INSTRUCTIONS

A12. SUBMISSION DEADLINE

- A12.1 The Submission Deadline is 12:00 noon. Winnipeg time, October 26, 2022.
- A12.2 The City Contact 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 A12.1.
- A12.3 The Information Submission shall be submitted electronically through MERX.
- A12.3.1 Information Submissions will **only** be accepted electronically through MERX.

A13. INFORMATION SUBMISSION

- A13.1 The Information Submission should consist of the following components:
- (a) The Respondent's:
 - (i) Corporate Name
 - (ii) Address
 - (iii) Contact person and contact details (email and telephone);
 - (b) Acknowledgement of receipt of each Addendum;
 - (c) A general description of the Respondent's expertise and services relevant to the design build role for the Project (1 paragraph);

- (d) The Respondent's anticipated role(s) in a design build consortium for the Project (1 paragraph); and
- (e) A general description of the Respondent's capacity to provide the services and serve the role(s) set out above (1 paragraph).

- A13.2 All requirements of the EOI should be fully completed or provided, and submitted by the Respondent no later than the Submission Deadline, with all required entries made clearly and completely.
- A13.3 All Submissions received in response to this EOI will be kept in confidence with the sole purposes of identifying which Respondents to invite to a market sounding interview.
- A13.4 Submissions and the information they contain will be the property of the City upon receipt. No Submissions will be returned.
- A13.5 The Respondent is advised any information contained in any Submission may be released if required by The Freedom of Information and Protection of Privacy Act (Manitoba), by other authorities having jurisdiction, or by law or by City policy or procedures (which may include access by members of City Council).
- A13.5.1 To the extent permitted, the City shall treat as confidential information, those aspects of a Proposal Submission identified by the Respondent as such in accordance with and by reference to Part 2, Section 17 or Section 18 or Section 26 of The Freedom of Information and Protection of Privacy Act (Manitoba), as amended.