



**THE CITY OF WINNIPEG**

# **REQUEST FOR QUALIFICATION**

**RFQ NO. 1038-2013**

**REQUEST FOR QUALIFICATION FOR A PUBLIC CONSULTATION PROCESS ON  
THE CITY OF WINNIPEG 2015 BUDGET**

## TABLE OF CONTENTS

### PART A – REQUEST FOR QUALIFICATION APPLICATION

Form A: Request for Qualification Application	1
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### PART B - REQUEST FOR QUALIFICATION INFORMATION

B1. Definitions	3
B2. Executive Summary	3
B3. Background	4
B4. Winnipeg	4
B5. Purpose of the Request for Qualifications Document	4
B6. Scope of Work	5
B7. General Conditions	5
B8. Project Schedule	5
B9. Procurement Process	6
B10. Enquiries	6
B11. Contract Administrator	6
B12. Addenda	6
B13. Conflict of Interest and Good Faith	7
B14. Confidentiality And Privacy	7
B15. Non-Disclosure	8
B16. No Collusion	8
B17. No Lobbying	8
B18. Eligibility	8
<b>Submission Instructions</b>	
B19. Submission Deadline	8
B20. Qualification Submission	9
B21. Form A: Request for Qualification Application	9
B22. Experience of Proponent (Section B)	10
B23. Experience of Key Personnel Assigned to the Project (Section C)	11
B24. Project Understanding and Methodology (Section D)	11
B25. Substitutions	11
B26. Non-Conforming Submissions	11
B27. Proponent's Costs and Expenses	12
<b>Evaluation</b>	
B28. Evaluation Criteria	12
B29. No Contract	13

## 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) **"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;
- (f) **"Contract Administrator"** means the person authorized to represent the City in respect of the Request for Qualifications unless otherwise specified hereinafter;
- (g) **"Contractor"** means the person undertaking the performance of the work under the terms of the Contract;
- (h) **"may"** indicates an allowable action or feature which will not be evaluated;
- (i) **"must"** or **"shall"** indicates a mandatory requirement which will be evaluated on a pass/fail basis;
- (j) **"Person"** means an individual, firm, partnership, association or corporation, or any combination thereof, and includes heirs, administrators, executors or legal representatives of a person;
- (k) **"Proponent"** means any Person or consortium submitting a Qualification Submission in response to this Request for Qualifications;
- (l) **"should"** indicates a desirable action or feature which will be evaluated on a relative scale;
- (m) **"Site"** means the lands and other places on, under, in or through which the work is to be performed;
- (n) **"Submission or Qualification Submission"** means that portion of the Request for Qualification which must be completed or provided and submitted by the Submission Deadline;
- (o) **"Submission Deadline"** means the time and date for final receipt of Submissions;
- (p) **"Substantial Performance"** shall have the meaning attributed to it in The Builders' Liens Act (Manitoba), or any successor legislation thereto;
- (q) **"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. EXECUTIVE SUMMARY

B2.1 The City of Winnipeg is seeking to engage a qualified service provider to propose and conduct a public consultation process for the City of Winnipeg's 2015 budget, with particular attention to how to effectively engage the general public, interested stakeholders and all of City Council.

### **B3. BACKGROUND**

B3.1 As part of the of the 2014 Budget, The City of Winnipeg launched a new budget consultation process to better engage the Citizens of Winnipeg in helping to shape the direction of the City's budget, gather input and ideas as to where citizens feel the investments should be made and obtain a better understanding of where our budget focus should be in the next 3 to 6 years. We have just presented our 2014 Operating and Capital budget for consideration with City Council scheduled to vote on both budgets December 17, 2014. With this initiative we want to hear from City Council, citizens, and stakeholders their thoughts regarding the 2014 budget and then use that information to assist in the budget development for 2015.

### **B4. WINNIPEG**

- B4.1 Winnipeg is an important Canadian city, and the capital of the Province of Manitoba. Located in Western Canada, Winnipeg plays a prominent role in transportation, finance, manufacturing, agriculture and education. It is known as the Gateway to the West. The City is located near the geographic centre of North America. It lies in a flood plain at the confluence of the Red and Assiniboine rivers and started around the point now commonly known as The Forks. It is protected from flooding by the Red River Floodway. Winnipeg covers an area of 663 square kilometers.
- B4.2 The City of Winnipeg is the Capital city of the Province of Manitoba with a population of over 650,000. Composed of a broad range of diverse neighbourhoods and communities with numerous attractions (from arts and culture to sports and entertainment), Winnipeg is recognized as one of Canada's finest places to live, work and play. The City employs over 8,000 people and provides a full range of municipal services to the citizens of Winnipeg.
- B4.3 The political representation for the City is a Mayor and 15 Councillors, each representing a city ward. The current Mayor and Council were elected in October 2010. Their term of office ends in 2014.
- B4.4 The administrative structure for the City is a Chief Administrative Officer (CAO) providing overall supervision for the Public Service.
- B4.5 The Corporate Finance Department provides leadership in managing the financial operations of the City by developing and supporting corporate financial policy, systems, and processes. The department has operational and policy recommending responsibilities in controllership, financial reporting, risk management, materials management, treasury, administrative policy development, payroll, debt management, revenue management, financial systems management, financial planning and forecasting, budget process management, infrastructure planning, major capital projects, asset management, alternative service delivery and economic, demographic, community and organizational research and analysis.
- B4.6 The Office of Policy Development and Communication (OPDC) was created to provide policy development, strategic planning, communications coordination, budget consultation and general support to Executive Policy Committee (EPC). EPC is a Committee of Council composed of the Mayor, who is the Chairperson of the Committee; the chairpersons of the Standing Committees of Council, and any other members of Council appointed by the Mayor. EPC formulates and presents recommendations to Council respecting policies, plans, budgets, by-laws and other matters that affect the City as a whole; ensures the implementation of policies adopted by Council; recommends to Council individuals for appointment as statutory officers, supervises the Chief Administrative Officer; co-ordinates the work of Committees of Council; and receives the reports of other Committees of Council and forward them to Council with its own recommendations.

**B5. PURPOSE OF THE REQUEST FOR QUALIFICATIONS DOCUMENT**

- B5.1 The purpose of this Request for Qualifications (RFQ) is to identify experienced and capable Proponents to propose and conduct budget consultations for the City of Winnipeg's 2015 Operating and Capital Preliminary Budgets.
- B5.2 The City invites qualified individuals to submit a Qualification Submission in response to this RFQ.
- B5.3 After receiving the Submissions to this RFQ, the City will review all Submissions received and shortlist of the most qualified Proponents. Only those Proponents on the shortlist will be invited to further submit a more detailed proposal.

**B6. SCOPE OF WORK**

- B6.1 The Work to be done under the proposed contract shall consist of an independent objective process to gain a better understanding of what the public wants and expects from its municipal service budgets and to determine its citizens' priorities with respect to city budgeting and the overall process. It will also involve engaging individual city councillors to better understand their expectations on budget consultations and how they can more effectively be brought into the budget process. The scope of work will be based on the public budget documentation published in the City's budget books.
- B6.2 Proponents must demonstrate their competency and experience in consulting with the public as well as proven methods, creative and innovative approaches and demonstrated success in engaging the public, elected officials and stakeholders. The proponent should also demonstrate financial expertise in order to ensure a sound grasp of the complexity and scale of the City's budget for communicating and disseminating to stakeholders.

**B7. GENERAL CONDITIONS**

- B7.1 The *General Conditions for Supply of Services* (Revision 2007 04 12) are applicable to the Work of the Contract.
- B7.1.1 The *General Conditions for Supply of Services* 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](http://www.winnipeg.ca/matmgt/gen_cond.stm)

**B8. PROJECT SCHEDULE**

- B8.1 The City of Winnipeg intends to complete the evaluation of the Qualification Submissions by January 20, 2014 and proceed with the issuance of an RFP by January 21, 2014.
- B8.2 Details on the RFP schedule will be provided to the Proponents at the completion of the RFQ stage. The City intends to complete the RFP stage by February 17, 2014.
- B8.3 Estimated Preliminary Schedule

<b>Phase</b>	<b>Approximate Date(s)</b>
1. RFQ deadline	January 15 2014
2. Evaluation/Shortlist of Proponents	January 16 to January 20, 2014
3. Issue RFP	January 21
4. RFP deadline	February 7, 2014
5. Evaluation/Selection of Proponent	February 10 to February 17, 2014

## **B9. PROCUREMENT PROCESS**

- B9.1 The first stage of the procurement process for the Project is this RFQ. After receiving the Submissions to this RFQ, the Committee will review all Submissions received and shortlist the most qualified Proponents to participate in the second stage of the procurement process, the RFP.
- B9.2 The Request for Proposal will include a Conflict of Interest Declaration and Undertaking where Proponents will be expected to identify which, if any, transactions an actual or perceived conflict of interest condition may exist
- B9.3 Details on the RFP process will be provided to the Proponents at the completion of the RFQ stage.

## **B10. ENQUIRIES**

- B10.1 All enquiries shall be directed to the Contract Administrator identified in B11.
- B10.2 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.
- B10.3 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.
- B10.4 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.
- B10.5 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.
- B10.6 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.
- B10.7 The Proponent shall not be entitled to rely on any response or interpretation received pursuant to B10 unless that response or interpretation is provided by the Contract Administrator in writing.

## **B11. CONTRACT ADMINISTRATOR**

- B11.1 The Contract Administrator is:  
Bonnie Staples-Lyon  
Director  
Office of Policy Development and Communications  
Telephone No. 204- 986-5499  
Email: bstaples-lyon@winnipeg.ca

## **B12. ADDENDA**

- B12.1 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.

- B12.2 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>
- B12.2.1 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.
- B12.3 The Proponent should acknowledge receipt of each addendum on Form A: Request for Qualification Application.

### **B13. CONFLICT OF INTEREST AND GOOD FAITH**

- B13.1 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.
- B13.2 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.
- B13.3 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.
- B13.4 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 RFP has been issued, disqualification from the RFP process.

### **B14. CONFIDENTIALITY AND PRIVACY**

- B14.1 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.
- B14.2 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.
- B14.3 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.

B14.4 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.

B14.5 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.

**B15. NON-DISCLOSURE**

B15.1 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.

B15.2 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.

**B16. NO COLLUSION**

B16.1 Upon making a Submission to this RFQ, each Proponent shall declare that they have not participated in any collusive scheme or combine.

B16.2 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 RFP has been issued, from the RFP process.

**B17. NO LOBBYING**

B17.1 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 RFP has been issued, disqualification from the RFP process.

**B18. ELIGIBILITY**

B18.1 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 RFP.

**SUBMISSION INSTRUCTIONS**

**B19. SUBMISSION DEADLINE**

B19.1 The Submission Deadline is 4:00 p.m. Winnipeg time, January 15, 2014.

B19.2 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 B19.1.

- B19.3 Qualification Submissions will not be opened publicly.
- B19.4 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.
- B19.5 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.
- B19.6 Qualification Submissions submitted by facsimile transmission (fax) or internet electronic mail (e-mail) will not be accepted.
- B19.7 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

## **B20. QUALIFICATION SUBMISSION**

- B20.1 The Qualification Submission should consist of the following components:
- (a) Form A: Request for Qualification Application (Section A);
  - (b) Experience of Proponent (Section B);
  - (c) Experience of Key Personnel Assigned to the Project (Section C);
  - (d) Project Understanding and Methodology (Section D).
- B20.2 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.
- B20.3 Proponents are advised that inclusion of terms and conditions inconsistent with the RFQ document will be evaluated in accordance with B28.1(a).
- B20.4 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.
- B20.5 Submissions and the information they contain will be the property of the City upon receipt. No Submissions will be returned.

### **Format**

- B20.6 Proponents should submit one (1) unbound original (marked "original") and eight (8) copies.
- (a) Each requirement should be addressed in a separate section clearly marked with the corresponding letter;
  - (b) Bidders should limit the response to no more than twenty (20) pages, not including résumés;
- B20.7 The City reserves the right to make additional copies of all Submissions for its internal review process and to provide such copies to its staff and external advisors.

## **B21. FORM A: REQUEST FOR QUALIFICATION APPLICATION**

- B21.1 Further to B20.1(a), the Proponent shall complete Form A: Request for Qualifications Application, making all required entries.
- B21.2 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.

B21.2.1 If the Submission is submitted jointly by two or more persons, each and all such persons shall identify themselves in accordance with B21.2.

B21.3 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.

B21.4 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.

B21.5 The name and official capacity of all individuals signing Form A: Request for Qualification Application should be printed below such signatures.

B21.6 All signatures should be original.

B21.7 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.

## **B22. EXPERIENCE OF PROPONENT (SECTION B)**

B22.1 Further to B20.1(b), the Proponent should submit information in sufficient detail for the City to evaluate the qualifications of the Proponent(s) by providing details demonstrating the history and experience of the Proponent and Subcontractors for up to three projects of similar scope, size and complexity, specifically listing projects involving municipal government.

B22.2 For each project listed in B22.1, the Proponent should submit:

- (a) description of the project;
- (b) role of the contractor;
- (c) details of the public consultation process, media utilized, any innovation employed and results achieved through the public consultation process
- (d) project owner;
- (e) reference information (two current names with telephone numbers per project).

B22.2.1 Where applicable, information should be separated into Proponent and Subcontractor project listings.

B22.3 The Proposal should include general firm profile information, including years in business, number of employees and other pertinent information for the Proponent and all Subcontractors.

**B23. EXPERIENCE OF KEY PERSONNEL ASSIGNED TO THE PROJECT (SECTION C)**

B23.1 Further to B20.1(c), the Proponent should submit information in sufficient detail for the City to evaluate your approach to overall team formation and coordination of team members:

B23.1.1 Include an organizational chart for the project.

B23.2 Submit the experience and qualifications of the key personnel assigned to the project for projects of similar scope, size and complexity, including the principals-in-charge. Include educational background and degrees, professional recognition, job title, years of experience in current position and years of experience with existing employer. Roles of each of the key personnel in the project should be identified in the organizational chart referred to in B23.1.1.

B23.3 For each person identified, list at least two comparable projects in which they have played a primary role. If a project selected for a key person is included in B22, provide only the project name and the role of the key person. For other projects provide the following:

- (a) description of project;
- (b) role of the person;
- (c) project owner;
- (d) reference information (two current names with telephone numbers per project).

**B24. PROJECT UNDERSTANDING AND METHODOLOGY (SECTION D)**

B24.1 Further to B20.1(d), describe your firm's approach and team organization during the performance of the Work so that the evaluation committee has a clear understanding of the methods the Bidder will use in the delivery of this project.

B24.2 Methodology should be presented in accordance with the Scope of Work identified in B6.

**B25. SUBSTITUTIONS**

B25.1 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 RFP has been issued, from the RFP process.

**B26. NON-CONFORMING SUBMISSIONS**

B26.1 Notwithstanding B20.1, with the exception of B19.4, 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.

B26.1.1 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.

B26.2 If the requested information is not submitted by the time specified in B26.1.1, the Submission will be determined to be non-responsive.

**B27. PROPONENT'S COSTS AND EXPENSES**

B27.1 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**

**B28. EVALUATION CRITERIA**

B28.1 Proponents will have their Submissions evaluated in accordance with the criteria and weight factors indicated below:

<b>EVALUATION CATEGORY</b>	<b>WEIGHTING (%)</b>
(a) Conformance to Mandatory Requirements or acceptable deviation therefrom.	<b>Pass/Fail</b>
(b) Experience of Proponent(s)	<b>50</b>
(c) Experience of Key Personnel Assigned to the Project	<b>25</b>
(d) Project Understanding and Methodology	<b>25</b>
<b>TOTAL SCORE</b>	<b>100</b>

B28.2 Further to B28.1(a) and B26, the City may reject a Submission as being non-responsive if the Submission is incomplete, obscure or conditional, or contains additions, deletions, alterations or other irregularities. The City may reject all or any part of any Submission, or waive technical requirements or minor informalities or irregularities if the interests of the City so require.

B28.3 Further to B28.1(b), Experience of Proponent(s) shall be evaluated considering the information submitted in reference to the Proponent's organization and plan, project experience and references submitted.

B28.4 Further to B28.1(c), Experience of Key Personnel Assigned to the Project shall be evaluated considering the information submitted in reference to the Proponent's organization and plan, project experience and references submitted.

B28.5 Further to B28.1(d), Project Understanding and Methodology shall be evaluated considering the information submitted in reference to the Proponent's organization and plan, project experience and references submitted.

B28.6 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.

B28.7 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.

B28.8 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.

B28.9 Further to B28.3 to B28.5 a Submission may be determined to be not qualified if the Submission does not obtain a minimum of 50% of the points for each category.

B28.10 Proponents are advised that the total points achieved in the RFQ stage for each short listed Proponent shall be weighted criteria in the evaluation for the RFP stage.

**B29. NO CONTRACT**

B29.1 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.

B29.2 Although it is the intention of the City to establish a short-list of Proponents to participate in the RFP 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 RFP, without incurring any liability in respect of costs or damages incurred by any Proponent or any member of a private sector team.

B29.3 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.

B29.4 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.

B29.5 The City reserves the right to disqualify any Proponent whose Submission, in the opinion of the City, contains false or misleading information.

B29.6 Following the conclusion of the RFP process, Proponents will be provided with information related to the evaluation of their Submission upon written request to the Contract Administrator.