



### 599-2015 ADDENDUM 3

#### REQUEST FOR QUALIFICATION DESIGN BUILD OF THE CITY OF WINNIPEG'S NORTH END SEWAGE TREATMENT PLANT POWER SUPPLY UPGRADE PROJECT

ISSUED: February 4, 2016  
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### URGENT

**PLEASE FORWARD THIS DOCUMENT TO WHOEVER IS IN POSSESSION OF THE BID OPPORTUNITY**

**THIS ADDENDUM SHALL BE INCORPORATED INTO THE BID OPPORTUNITY AND SHALL FORM A PART OF THE CONTRACT DOCUMENTS**

Template Version: A20150806

**Please note the following and attached changes, corrections, additions, deletions, information and/or instructions in connection with the Bid Opportunity, and be governed accordingly. Failure to acknowledge receipt of this Addendum in Paragraph (q) of Form A may render your Bid non-responsive.**

### PART B – REQUEST FOR QUALIFICATION INFORMATION

Revise: B25.1 to read:

**B25.1 The Submission Deadline is 4:00 p.m. Winnipeg time, February 12, 2016.** It is the sole responsibility of each Proponent to ensure that its Qualification Submission is received, and date and time stamped, by the City no later than the Submission Deadline at the Qualification Submission Address as set out in B25.

Revise B34 to read:

#### **B34. SUBSTITUTIONS**

**B34.1** A Proponent is not permitted to substitute or remove a Team Member **or Key Individual**, or change the role or scope of work of any Team Member **or Key Individual**, after the RFQ Submission Deadline, without the City's prior written consent. The City may, in its sole discretion, disqualify a Proponent that contravenes this B34.1.

**B34.2** A Proponent wishing to substitute or remove a Team Member **or Key Individual**, or change the scope of work of any Team Member **or Key Individual**, shall submit a written request to the Contract Administrator that sets out, in detail, the proposed change to the Proponent's structure.

**B34.3** If a Proponent submits a request pursuant to B34.2, the following shall apply:

- (a) If the Proponent's request is submitted prior to the completion of Step 2 of the RFQ evaluation process (as set out in B38.1(b)), the City, may in its sole discretion, permit the requested change and re-evaluate those portions of the Proponent's Qualification Submission that may be impacted by the change; and
- (b) If the Proponent's request is submitted after the completion of Step 2 of the RFQ evaluation process (as set out in B38.1(b)), the City may, determine whether the City will, in its sole discretion, consent to the Proponent's request by, in its sole discretion, reviewing the proposed change to assess whether:
  - (i) the replacement Team Member **or Key Individual** has equal or better qualifications than the original Team Member **or Key Individual**; or
  - (ii) the proposed change in scope of work is likely to result in equal or better performance by the Proponent,

- (c) The City will not be under any obligation to re-evaluate those portions of the Proponent's Qualification Submission that may be impacted by the change as a condition to providing its consent (or not) to the Proponent's request under B34.3(b).

B34.4 The Proponent must provide written notice to the City within five (5) Business Days after becoming aware, after the RFQ Submission Deadline, and for reasons beyond the control of the Proponent or the applicable Team Member or **Key Individual**, there is:

- (a) a requirement to substitute or remove a Team Member or **Key Individual**;
- (b) a change in Control of any Team Member; or
- (c) a material change to the business of a Team Member.

B34.5 Based on B34.4, the City may, in its sole discretion, disqualify the Proponent if the City, in its sole discretion, considers that there could be a material adverse impact on the Proponent's Qualification Submission as a result of one of the circumstances set out in B34.4.

- (a) If the City determines, in its sole discretion, that it will not disqualify the Proponent in such circumstances, the City may permit the Proponent to propose a substitution for the applicable Team Member or **Key Individual**, for review and approval by the City.
- (b) The City will not be under any obligation to re-evaluate those portions of the Proponent's Qualification submission that may be impacted by the change as a condition to providing its consent (or not) to the Proponent's request under B34.4.

B34.6 Subject to the rules that will be contained in the RFP,

- (a) Proponents are cautioned that as a general principle, Prequalified Parties will not be permitted to substitute or remove any Team Member or **Key Individual** or to materially change the roles or scope of Work to be performed by any Team Member or **Key Individual** (from the Team Member or **Key Individual's** role and scope of work set out in their original Qualification Submissions), without the City's prior written consent.
- (b) The City may, in its sole discretion, disqualify a Prequalified Party that substitutes or removes any Team Member or **Key Individual** or materially changes the roles or scope of work of a Team Member or **Key Individual** without the City's prior written consent.

B34.7 The City may, in its sole discretion, require a Proponent to remove and/or replace any Team Member and/or Key Individual pursuant to B16.5. Any such replacement Team Member and/or Key Individual is at the City's sole discretion and shall require the City's prior written consent.

B34.8 In exercising its sole discretion pursuant to B34.7, the City may have reference to the Evaluation Categories set out in this RFQ and such other criteria as the City may consider relevant.