



THE CITY OF WINNIPEG

RFQ NO. 870-2015

**REQUEST FOR QUALIFICATION FOR WORK ON PRIVATE SEWER SERVICES IN
ACCORDANCE WITH SECTION 37 OF SEWER BY-LAW 92/2010**

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PART B - BIDDING PROCEDURES

B1. CONTRACT TITLE

B1.1 REQUEST FOR QUALIFICATION FOR WORK ON PRIVATE SEWER SERVICES IN ACCORDANCE WITH SECTION 37 OF SEWER BY-LAW 92/2010

B2. SUBMISSION DEADLINE

B2.1 The Submission Deadline is 4:00 p.m. Winnipeg time, November 30, 2015.

B2.2 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 B2.1.

B2.3 The City reserves the right to add or delete Bidders during the period stated in D2.1 in the best interest to the City.

B3. INTENT OF QUALIFICATION

B3.1 The intent of this submission is to provide the City with sufficient information to qualify Bidders to perform Work on Private Sewer Services in Accordance with Section 37 of Sewer By-Law 92/2010 from January 1, 2016 to December 31, 2020.

B3.2 Applicants wishing to be qualified shall complete the Qualification Application and the Qualifications Questionnaire documents.

B3.2.1 Additional pertinent information may be submitted to demonstrate qualifications more fully.

B3.3 All Work on Private Sewer Services in Accordance with Section 37 of Sewer By-Law 92/2010 performed under Section 37 of Sewer By-Law 92/2010 is estimated to be under \$50,000.00 and will be issued to pre-qualified Bidders only. Only Bidders qualified under this Request for Qualifications will be invited to bid on projects from the pre-qualified Bidder's list on a rotating basis.

B3.4 Qualification of Bidders to bid on prospective Work shall not be construed as a commitment by the City to award contracts to any Bidder or to pay any costs incurred by the Bidder in preparing a response or otherwise in relation to this statement.

B3.5 The City reserves the right to request an update of security statement information at any time for the duration of the time period stated in B3.1.

B3.6 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 the Qualification Submission.

B3.7 The pre-qualified Bidder is obligated to inform the City, in a timely manner, of any changes to key personnel, ownership, bonding capability, financial position, security information, insurance or any other information which may affect its pre-qualified status with the City.

B4. ENQUIRIES

B4.1 All enquiries shall be directed to the Contract Administrator identified in D4.1.

B4.2 If the Applicant finds errors, discrepancies or omissions in the Qualification Opportunity, or is unsure of the meaning or intent of any provision therein, the Applicant shall notify the Contract Administrator of the error, discrepancy or omission, or request a clarification as to the meaning or intent of the provision at least five (5) Business Days prior to the Submission Deadline.

B4.3 Responses to enquiries which, in the sole judgment of the Contract Administrator, require a correction to or a clarification of the Qualification Opportunity will be provided by the Contract Administrator to all Applicants by issuing an addendum.

- B4.4 Responses to enquiries which, in the sole judgment of the Contract Administrator, do not require a correction to or a clarification of the Qualification Opportunity will be provided by the Contract Administrator only to the Applicant who made the enquiry.
- B4.5 The Applicant shall not be entitled to rely on any response or interpretation received pursuant to B4 unless that response or interpretation is provided by the Contract Administrator in writing.

B5. CONFIDENTIALITY

- B5.1 Information provided to a Applicant by the City or acquired by a Bidder 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 Contract Administrator. The use and disclosure of the confidential information shall not apply to information which:
- (a) was known to the Applicant before receipt hereof; or
 - (b) becomes publicly known other than through the Applicant; or
 - (c) is disclosed pursuant to the requirements of a governmental authority or judicial order.
- B5.2 The Applicant shall not make any statement of fact or opinion regarding any aspect of the Bid Opportunity to the media or any member of the public without the prior written authorization of the Contract Administrator.

B6. ADDENDA

- B6.1 The Contract Administrator may, at any time prior to the Submission Deadline, issue addenda correcting errors, discrepancies or omissions in the Qualification Opportunity, or clarifying the meaning or intent of any provision therein.
- B6.2 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.
- B6.2.1 Addenda will be available on the Bid Opportunities page at The City of Winnipeg, Corporate Finance, Materials Management Branch internet site at <http://www.winnipeg.ca/matmgt>.
- B6.2.2 The Applicant is responsible for ensuring that he has received all addenda and is advised to check the Materials Management Branch internet site for addenda regularly and shortly before the Submission Deadline, as may be amended by addendum.
- B6.3 The Applicant shall acknowledge receipt of each addendum in Paragraph 7 of Form A: Qualification Application. Failure to acknowledge receipt of an addendum may render a Bid non-responsive.

B7. QUALIFICATION SUBMISSION

- B7.1 The Qualification Submission consists of the following components:
- (a) Form A: Qualification Application;
 - (b) Form B: Qualification Questionnaire.
- B7.2 All components of the Qualification Submission shall be fully completed or provided, and submitted by the Applicant no later than the Submission Deadline, with all required entries made clearly and completely, to constitute a responsive Qualification Submission.
- B7.3 Bidders are advised not to include any information/literature except as requested in accordance with B7.1 and B3.2.1.

- B7.4 Bidders are advised that inclusion of terms and conditions inconsistent with the Qualification Opportunity document, including the General Conditions, may result in the Qualification Submission being determined to be non-responsive.
- B7.5 The Bid may be submitted by mail, courier, personal delivery, or by facsimile transmission.
- B7.6 If the Bid is submitted by mail, courier or personal delivery, it shall be enclosed and sealed in an envelope clearly marked with the Bid Opportunity number and the Bidder's name and address, and shall be submitted to:
- The City of Winnipeg
Corporate Finance Department
Materials Management Division
185 King Street, Main Floor
Winnipeg MB R3B 1J1
- B7.6.1 Samples or other components of the Bid which cannot reasonably be enclosed in the envelope may be packaged separately, but shall be clearly marked with the Bid Opportunity number, the Bidder's name and address, and an indication that the contents are part of the Bidder's Bid Submission.
- B7.7 If the Bid is submitted by facsimile transmission, it shall be submitted to (204) 949-1178.
- B7.7.1 The Bidder is advised that the City cannot take responsibility for the availability of the facsimile machine at any time.
- B7.8 Bids submitted by internet electronic mail (e-mail) will not be accepted.
- B7.9 **The pre-qualified Bidders already on the list are not required to re-submit, but will be required to supply any additional information/submissions in accordance with D10 of this Qualification Opportunity, when requested by the Contract Administrator or their designate.**
- B8. QUALIFICATION APPLICATION**
- B8.1 The Applicant shall complete Form A: Qualification Application, making all required entries.
- B8.2 In Paragraph 3 of Form A: Qualification Application, the Applicant shall identify a contact person who is authorized to represent the Applicant for purposes of the Qualification.
- B8.3 Paragraph 8 of Form A: Qualification Application shall be signed in accordance with the following requirements:
- (a) if the Applicant is a sole proprietor carrying on business in his/her own name, it shall be signed by the Applicant;
 - (b) if the Applicant is a partnership, it shall be signed by the partner or partners who have authority to sign for the partnership;
 - (c) if the Applicant is a corporation, it shall be signed by its duly authorized officer or officers;
 - (d) if the Applicant 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.
- B8.3.1 The name and official capacity of all individuals signing Form A: Qualification Application shall be printed below such signatures.
- B8.3.2 All signatures shall be original.
- B8.4 If a Qualification Application is submitted jointly by two or more persons, the word "Applicant" shall mean each and all such persons, and the undertakings, covenants and obligations of such joint Applicants in the Qualification Submission and the Contract, when awarded, shall be both joint and several.

B9. QUALIFICATION

- B9.1** The Applicant 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.
- B9.2** The Applicant 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 Branch internet site at <http://www.winnipeg.ca/matmgt/debar.stm> .
- B9.3** The Applicant 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);
 - (d) obtain Security Clearances in accordance with Part F ;
 - (e) have a minimum of one (1) Supervisor or Foreman on staff and available in accordance with D2.3 at all times during the period stated in D2.1.
- B9.4** Further to B9.3(c), for Work that is considered high risk (regardless of dollar value) or over \$100,000 in value, the Bidder shall provide proof satisfactory to the Contract Administrator that the Bidder/Subcontractors has a workplace safety and health program meeting the requirements of The Workplace Safety and Health Act (Manitoba), by providing:
- (a) a copy of their valid Manitoba COR certificate and Letter of Good Standing (or Manitoba equivalency) as issued under the Certificate of Recognition (COR) Program administered by the Construction Safety Association of Manitoba or by the Manitoba Heavy Construction Association's WORKSAFELY™ COR™ Program; or
 - (b) a copy of their valid Manitoba SECOR™ certificate and Letter of Good Standing (or Manitoba equivalency) as issued under the Small Employer Certificate of Recognition Program (SECOR™) administered by the Construction Safety Association of Manitoba or by the Manitoba Heavy Construction Association's WORKSAFELY™ COR™ Program; or
 - (c) a report or letter to that effect from an independent reviewer acceptable to the City. (A list of acceptable reviewers and the review template are available on the Information Connection page at The City of Winnipeg, Corporate Finance, Materials Management Division website at <http://www.winnipeg.ca/matmgt/>.
- B9.5** The Applicant shall submit, within three (3) Business Days of a request by the Contract Administrator, proof satisfactory to the Contract Administrator of the qualifications of the Applicant and of any proposed Subcontractor.
- B9.6** The Applicant shall provide, on the request of the Contract Administrator, full access to any of the Applicant's equipment and facilities to confirm, to the Contract Administrator's satisfaction, that the Applicant's equipment and facilities are adequate to perform the Work.

B10. OPENING OF BIDS AND RELEASE OF INFORMATION

B10.1 Qualification Submissions will not be opened publicly.

B11. QUALIFICATION EVALUATION

B11.1 Evaluation of Qualification Submissions shall be based on the following criteria:

- (a) Completeness of responses to stated requirements;
- (b) Qualifications of key individuals;
- (c) Sewer Repair experience;
- (d) References.

B11.2 Further to B11.1(a), the Award Authority 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 Award Authority 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.

B11.3 Further to B11.1(b), the Award Authority shall reject any Qualification Submission submitted by an Applicant who does not demonstrate, in his Qualification Submission or in other information required to be submitted, that he is responsible and qualified.

B11.4 Further to B11.1(c) the Award Authority may reject the Qualification Submission as non-responsive if the key personnel identified in Clause 1 of the Qualification Questionnaire, do not have the minimum Sewer experience specified.

B11.5 Further to B11.1(d) the Award Authority may reject any Qualification submitted by an applicant whose references are of a continuously disapproving nature or whose work experience is not consistent with the qualifications required to perform a variety of Work for Work on Private Sewer Services in Accordance with Section 37 of Sewer By-Law 92/2010.

B11.6 The City may request clarification from Applicants to assist in making its evaluations.

B12. NOTIFICATION OF STATUS

B12.1 All Applicants submitting this Qualification Application shall be notified regarding the acceptability of their submission.

B12.2 The Request for Qualification does not commit the City to award any contracts or to defray any costs incurred in the preparation and submission of data pursuant to this request.

PART C - GENERAL CONDITIONS

C0. GENERAL CONDITIONS

- C0.1 Any work performed as a result of this Request for Qualifications will be subject to The *General Conditions for Construction* (Revision 2006 12 15).
- C0.1.1 The *General Conditions for Construction* are available on the Information Connection page at The City of Winnipeg, Corporate Finance, Materials Management Branch internet site at <http://www.winnipeg.ca/matmgt>.
- C0.2 A reference in the Qualification Opportunity to a section, clause or subclause with the prefix "**C**" designates a section, clause or subclause in the *General Conditions for Construction*.

PART D - SUPPLEMENTAL CONDITIONS

GENERAL

D1. GENERAL CONDITIONS

D1.1 In addition to the *General Conditions for Construction*, these Supplemental Conditions are applicable to the Work of the Contract.

D2. SCOPE OF WORK

D2.1 The Work to be done under the Pre-qualified Bidders List shall consist of the provision of Work on Private Sewer Services under Sewer By-law 92/2010 for the period of January 1, 2016 to December 31, 2020.

D2.2 The Work shall be done on an "as required" basis during the term of the Pre-qualified Bidders List in accordance with D2.1.

D2.2.1 The type and quantity of Work to be performed under this Pre-qualified Bidders List shall be as authorized from time to time by the Contract Administrator and/or designated representative.

D2.2.2 Subject to C7.4, the City shall have no obligation under the Pre-qualified Bidders List to purchase any quantity of any item in excess of its actual operational requirements.

D2.3 A crew shall consist of a minimum of one (1) Supervisor or Foreman and as required one (1) unskilled labourer able to perform a variety of Work.

D2.4 The Work shall include the repair or renewal of private sewer service pipes under the street as directed by the Contract Administrator in accordance with Section 37 of Sewer By-law 92/2010 <http://winnipeg.ca/CLKDMIS/DocExt/ViewDoc.asp?DocumentTypeId=1&DocId=5243>.

D2.5 All materials to be used and/or incorporated in the Work shall be new and of the best quality and as per The City of Winnipeg Standard Construction Specifications <http://www.winnipeg.ca/matmgt/Spec/Default.stm>.

D2.6 Material may, at the option of the Contract Administrator, be supplied by the Water and Waste Department.

D2.7 Travel time to and from the Work Site shall be at the Contractor's own time and expense (except after normal business hours call out). Hours paid will be for actual on the job time with allowance for picking up materials, noted and approved by the Contract Administrator or designated representative.

D2.8 If asbestos or other hazardous materials are encountered during the Work of the Contract, the pre-qualified Bidder/Contractor shall stop all Work and notify the Contract Administrator immediately. Removal of hazardous materials shall be dealt with by the City and the Contractor shall await further instructions by the Contract Administrator or designated representative.

D2.9 Further to B11.4 the Contract Administrator, or designated representative, may require further qualification information in regards to the qualifications of key personnel when specific technical work is warranted.

D3. DEFINITIONS

D3.1 When used in this Bid Opportunity:

- (a) "**Applicant**" means any person submitting this Qualification package for the purposes of Qualifying as a Bidder of Work on Private Sewer Services;

- (b) "**Bidder**" means a Bidder who is pre-qualified to bid on the Work (part of the Pre-qualified Bidders list);
- (c) "**COR**" means Certificate of Recognition Program. An occupational and health and safety accreditation program that verifies a fully implemented safety & health program which meets national standards.
- (d) "**SECOR**" means the Small Employer Certificate of Recognition Program. It's an occupational health and safety accreditation program that verifies a fully implemented safety & health program with meets provincial standards

D4. CONTRACT ADMINISTRATOR

D4.1 The Contract Administrator is:

Richard Kowal, C.E.T.
Technologist 3, Customer Technical Services Branch
Engineering Division
Water and Waste Department

Telephone No. (204) 986-3479
Email: rkowal@winnipeg.ca

D5. SUSPENSION AND REMOVAL FROM THE PRE-QUALIFIED BIDDERS LIST

D5.1 Suspension and/or removal from the Pre-qualified Bidders List may be made by the Contract Administrator, at his/her sole discretion, for any failure on the part of the Contractor to meet any of the obligations in the work resulting from this Request for Qualification.

SUBMISSIONS

D6. AUTHORITY TO CARRY ON BUSINESS

D6.1 The Contractor shall 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, or if the Contractor does not carry on business in Manitoba, in the jurisdiction where the Contractor does carry on business, throughout the term of the Contract, and shall provide the Contract Administrator with evidence thereof upon request.

D7. WORKERS COMPENSATION

D7.1 The Pre-qualified Bidder shall be registered with the Workers Compensation Board of Manitoba, shall provide and maintain Workers Compensation coverage throughout the term of the Contract, and shall provide the Contract Administrator with evidence thereof upon request.

D8. SAFE WORK PLAN

D8.1 The Contractor shall provide the Contract Administrator with a Safe Work Plan at least five (5) Business Days prior to the commencement of any Work on the Site but in no event later than the date specified in C4.1 for the return of the executed Contract.

D8.2 The Safe Work Plan should be prepared and submitted in the format shown in the City's template which is available on the Information Connection page at The City of Winnipeg, Corporate Finance, Materials Management Division website at <http://www.winnipeg.ca/matmgt/Safety/default.stm>

D9. INSURANCE

- D9.1 The Contractor shall provide and maintain the following insurance coverage:
- (a) commercial general liability insurance, in the amount of at least two million dollars (\$2,000,000.00) inclusive, with The City of Winnipeg added as an additional insured, with a cross-liability clause, such liability policy to also contain contractual liability, unlicensed motor vehicle liability, non-owned automobile liability and products and completed operations, to remain in place at all times during the performance of the Work and throughout the warranty period;
 - (b) if applicable, Automobile Liability Insurance covering all motor vehicles, owned and operated and used or to be used by the Contractor directly or indirectly in the performance of the Work. The Limit of Liability shall not be less than \$2,000,000 inclusive for loss or damage including personal injuries and death resulting from any one accident or occurrence;
 - (c) all risks installation floater, carrying adequate limits to cover all machinery, equipment, supplies and/or materials intended to enter into and form part of any installation.
- D9.2 Deductibles shall be borne by the Contractor.
- D9.3 The Contractor shall provide the Contract Administrator with a certificate(s) of insurance, in a form satisfactory to the City Solicitor, at least two (2) Business Days prior to the commencement of any Work but in no event later than seven (7) Calendar Days from notification of the award of Contract by Purchase Order.
- D9.4 The Contractor shall not cancel, materially alter, or cause each policy to lapse without providing at least thirty (30) Calendar Days prior written notice to the Contract Administrator.

SCHEDULE OF WORK

D10. COMMENCEMENT

- D10.1 The Bidder/Contractor shall not be placed on the Pre-qualified Bidders List or commence any Work that results from this Request for Qualifications until:
- (a) the Contract Administrator has confirmed receipt and approval of:
 - (i) evidence of authority to carry on business specified in D6
 - (ii) evidence of the workers compensation coverage specified in C6.15;
 - (iii) evidence of the Workplace Safety and Health Program specified in B9.3(c);
 - (iv) evidence of COR, SECOR or equivalent specified in B9.4; and
 - (v) evidence of the insurance specified in D9.;

PART E - SPECIFICATIONS

GENERAL

E1. APPLICABLE SPECIFICATIONS AND DRAWINGS

E1.1 *The City of Winnipeg Standard Construction Specifications* in its entirety, whether or not specifically listed on Form B: Prices, shall apply to the Work.

E1.1.1 *The City of Winnipeg Standard Construction Specifications* is available on the Information Connection page at The City of Winnipeg, Corporate Finance, Materials Management Branch internet site at <http://www.winnipeg.ca/matmgt>.

E1.1.2 The version in effect three (3) Business Days before the Submission Deadline shall apply.

E1.1.3 Further to C2.4(d) and C2.4(f), Specifications and Drawings prepared by the City for Work resulting from this Request for Qualifications, shall govern over *The City of Winnipeg Standard Construction Specifications*.

APPENDIX A – SECURITY CLEARANCE

1. SECURITY CLEARANCE

1.1 Each individual proposed to perform the following portions of the Work:

- (a) any Work on private property;
- (b) any Work within City facilities other than:
 - (i) an underground structure such as a manhole;
 - (ii) in areas and at times normally open to the public;
- (c) communicating with residents and homeowners in person or by telephone;

1.2 Each Individual shall be required to obtain a Criminal Record Search Certificate from the police service having jurisdiction at his/her place of residence. or

- (d) BackCheck, forms to be completed can be found on the website at:
<http://www.backcheck.net/> ; or

1.3 The following is a link to information for obtaining the Criminal Record Search certificate from the City of Winnipeg Police Service.

http://winnipeg.ca/police/pr/info_request.stm#crim_record_search

1.3.1 The Criminal Record Search shall include a Vulnerable Sector Screening. This can be obtained by following the link below http://winnipeg.ca/police/pr/info_request.stm#crim_record_search

- (i) Individuals will need to state in the form, that they may be working in City of Winnipeg pools, libraries and community centres;

1.3.2 The original Criminal Record Search Certificate (Form P-253) will be provided by the Winnipeg Police Service to the individual applicant. The original has a validation sticker from the Winnipeg Police Service in the top right hand corner. The applicant shall:

- (a) Provide the original Criminal Record Search Certificate (Form P-253) to the Contract Administrator.

1.4 Prior to the commencement of any Work specified in 1.1, and during the term of the Contract if additional or replacement individuals are proposed to perform Work, the Contractor shall supply the Contract Administrator with a Criminal Record Search Certificate obtained not earlier than one (1) year prior to the Submission Deadline, or a certified true copy thereof, for each individual proposed to perform such Work.

1.5 Any individual for whom a Criminal Record Search Certificate is not provided, or for whom a Criminal Record Search Certificate indicates any convictions or pending charges related to property offences or crimes against another person, will not be permitted to perform any Work specified in 1.1.

1.6 Any Criminal Record Search Certificate obtained thereby will be deemed valid for the duration of the Contract subject to a repeated records search as hereinafter specified.

1.7 Notwithstanding the foregoing, at any time during the term of the Contract, the City may, at its sole discretion and acting reasonably, require an updated criminal records search. Any individual who fails to provide a satisfactory Criminal Record Search Certificate as a result of a repeated criminal records search will not be permitted to continue to perform any Work specified in 1.1.

