



THE CITY OF WINNIPEG

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

EOI NO. 809-2024

**NORTH END SEWAGE TREATMENT PLANT (NEWPCC) UPGRADES: NUTRIENT
REMOVAL FACILITIES PROJECT**

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PART B - REQUEST FOR EXPRESSION OF INTEREST

B1. DEFINITIONS

B1.1 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) "**City Council**" means the Council of the City of Winnipeg;
- (f) "**Person**" means an individual, firm, partnership, association or corporation, or any combination thereof, and includes heirs, administrators, executors or legal representatives of a person;
- (g) "**Project**" means the Nutrient Removal Facilities at the North End Water Pollution Control Centre (NEWPCC);
- (h) "**Respondent**" means any Person or consortium submitting an EOI Submission in response to this Expression of Interest;
- (i) "**Submission or Information Submission**" means that portion of the Expression of Interest which must be completed or provided and submitted by the Submission Deadline;
- (j) "**Submission Deadline**" means the time and date for final receipt of Submissions.

B2. BACKGROUND

B2.1 The City of Winnipeg is proceeding with the third project of the North End Sewage Treatment Plant (NEWPCC) Upgrades, the Nutrient Removal Facilities project, as set out in Notice to Bidders No. 808-2024 posted on MERX. It is anticipated that a progressive design-build delivery model will be used to deliver the infrastructure.

B3. PURPOSE OF THE EXPRESSION OF INTEREST DOCUMENT

B3.1 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 Nutrient Removal Facilities Project in the role set out in B3.3 and wish to provide input on the Project's form of procurement process and key terms of the Development Phase Agreement and Design Build Agreement.

B3.2 Selected Respondents will be interviewed by telephone or virtual conference call, guided by a market sounding brief provided in advance.

B3.3 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.

B4. SCHEDULE

B4.1 The City anticipates conducting market sounding interviews the weeks of October 28 and November 4, 2024.

B5. SELECTION OF MARKET SOUNDING PARTICIPANTS

- B5.1 The City will determine which Respondents to invite to a market sounding interview at its sole discretion.
- B5.2 The City intends to select Respondents who would be key/lead members of a design build consortia as indicated in B3.3 and based on the information provided in B13.
- B5.3 The City may invite firms who did not respond to this EOI to a market sounding interview at its sole discretion.

B6. NOT A PRE-QUALIFICATION, NOT PART OF THE PROJECT PROCUREMENT PROCESS

- B6.1 This EOI is not part of the procurement process for the Nutrient Removal Facilities Project.
- B6.2 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 Nutrient Removal Facilities Project.
- B6.3 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 Nutrient Removal Facilities Project.
- B6.4 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 Nutrient Removal Facilities Project.

B7. ENQUIRIES

- B7.1 All enquiries shall be directed to the City Contact identified in B8.
- B7.2 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.
- B7.3 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.
- B7.4 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.
- B7.5 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.
- B7.6 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.
- B7.7 The Respondent shall not be entitled to rely on any response or interpretation received pursuant to B5 unless that response or interpretation is provided by the City Contact in writing.
- B7.8 Any enquiries concerning submitting through MERX should be addressed to:
MERX Customer Support
Phone: 1-800-964-6379
Email: merx@merx.com

B8. CITY CONTACT

- B8.1 The City Contact is:
Robert Taylor, P. Eng.
Project Manager
Telephone No. 204-226-0014
Email: rtaylor@winnipeg.ca

B9. ADDENDA

- B9.1 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.
- B9.2 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.
- B9.3 Addenda will be available on the MERX website at www.merx.com.
- B9.3.1 The Respondent is responsible for ensuring that they have 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.
- B9.4 The Respondent should acknowledge receipt of each addendum on Form A: Expression of Interest Application.

B10. RESPONDENT'S COSTS AND EXPENSES

- B10.1 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.

B11. NO CONTRACT

- B11.1 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.
- B11.2 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

B12. SUBMISSION DEADLINE

- B12.1 The Submission Deadline is 12:00 noon. Winnipeg time, October 18, 2024.
- B12.2 The City Contact or the Manager of Purchasing may extend the Submission Deadline by issuing an addendum at any time prior to the time and date specified in B12.1.
- B12.3 The Information Submission shall be submitted electronically through MERX.
- B12.3.1 Information Submissions will **only** be accepted electronically through MERX.

B13. INFORMATION SUBMISSION

- B13.1 The Information Submission should consist of the following components:
- (a) Form A: Expression of Interest Application (Section A);
 - (b) A general description of the Respondent's expertise and services relevant to the design-build role for the Project (1 paragraph);
 - (c) The Respondent's anticipated role(s) in a design-build consortium for the Project (1 paragraph); and
 - (d) A general description of the Respondent's capacity to provide the services and serve the role(s) set out above (1 paragraph).
- B13.2 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.
- B13.3 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.
- B13.4 Submissions and the information they contain will be the property of the City upon receipt. No Submissions will be returned.
- B13.5 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).
- B13.5.1 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.

B14. FORM A: EXPRESSION OF INTEREST APPLICATION (SECTION A)

- B14.1 Further to B13.1(a), the Respondent should complete Form A: Expression of Interest Application, making all required entries.
- B14.2 Paragraph 2 of Form A: Expression of Interest Application shall be completed in accordance with the following requirements:
- (a) if the Respondent is a sole proprietor carrying on business in their own name, their name shall be inserted;
 - (b) if the Respondent is a partnership, the full name of the partnership shall be inserted;
 - (c) if the Respondent is a corporation, the full name of the corporation shall be inserted;
 - (d) if the Respondent is carrying on business under a name other than their own, the business name and the name of every partner or corporation who is the owner of such business name shall be inserted.
- B14.2.1 If the Submission is submitted jointly by two or more persons, each and all such persons shall identify themselves in accordance with B14.2.
- B14.3 In Paragraph 3 of Form A: Expression of Interest Application, the Respondent shall identify a contact person who is authorized to represent the Respondent for purposes of this EOI.
- B14.4 Paragraph 6 of Form A: Expression of Interest Application should be signed in accordance with the following requirements:
- (a) if the Respondent is sole proprietor carrying of business in their own name, it shall be signed by the Respondent;

- (b) if the Respondent is a partnership, it shall be signed by the partner or partners who have authority to sign for the partnership;
- (c) if the Respondent is a corporation, it shall be signed by their duly authorized officer or officers and the corporate seal, if the corporation has one, should be affixed;
- (d) if the Respondent is carrying on business under a name other than their 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.

B14.5 The name and official capacity of all individuals signing Form A: Expression of Interest Application should be entered below such signatures.

B14.6 If a Submission is submitted jointly by two or more persons, the word "Respondent" shall mean each and all such persons, and the undertakings, covenants and obligations of such joint Respondents in the Submission, shall be both jointly and several.