

QUESTIONS AND ANSWERS – APRIL 30, 2014
FOR THE NEW BRIDGE FOR THE ST. LAWRENCE CORRIDOR
PROJECT (NBSLC)
FOR THE GOVERNMENT OF CANADA

122	RFQ Reference: Appendix E, Section 11. Please confirm whether the integrity provisions and the required responses are applicable to the Respondent only or to the entire Respondent Team (which would include the Key Individuals as well as the Equity Members of the Prime Members).	Canada will not change the Code of Conduct for Procurement clause (Integrity Provision) of Section 11 of the RFQ. All requirements must be fulfilled without any limitations. Please refer to Appendix A "Glossary and Definitions" for the terms "Respondent" and "Respondent Team" and refer to Subsection 11.3 for the term "affiliates".
123	RFQ Reference: Appendix E, Sections 9 and 11. Given the broad scope of the representations required from Respondents and their Affiliates under Sections 9 and 11 of Appendix E as relates to previous contractual performance and Integrity Provisions, please advise as to whether any qualifiers (such as knowledge, materiality, limited geographical scope or limited definition of Affiliates) may be introduced without affecting the eligibility of the Respondent.	Please see Questions and Answers 122.
124	Reference is made to sections 11.9 and 11.10 of Appendix E – RFQ Standard Instructions. Section 11.9 provides that “By submitting a Response, the Respondent certifies that neither the Respondent nor any of the Respondent’s Affiliates have been convicted of an offence...” The term “Respondent” is defined in	Please see Questions and Answers 122.

the RFQ, Appendix A – Glossary and Definitions, to mean “the person or entity (or, in the case of a joint venture or consortia, the persons or entities) submitting a Response”.

This could suggest that entities that are neither Equity Members nor Prime Members could be subjected to the application of sections 11.9 and 11.10.

Also, the Response Declaration Form (pages 28 and 29) seems to indicate that the response is submitted by the Respondent Team consisting of Equity Members, Prime Members and Third Party Experts.

Please confirm our understanding that the requirements of sections 11.9 and 11.10 of Appendix E – RFQ Standard Instructions is intended to apply only to Equity Members, Prime Members and Third Party Experts.

125

We request that:

Please see Questions and Answers 122.

Canada either amend the RFQ forms or confirm that it is its intention, to allow:

- a. each Member to a Respondent to provide a certification on behalf of itself so that taken together certification has been provided for each member of the joint venture or consortium relating to the integrity provisions under section 11.9 and 11.10 of the RFQ,
 - b. in the event one Member is unable to provide an unequivocal certification for section 11.9 and 11.10 of the RFQ, such Member to provide further information to Canada or to submit an Advance Ruling request under 3.5, and
 - c. if Canada has not ruled on or
-

provided clarity on the Advance Ruling application prior to the RFQ Submission date,

i. time for the “affected” Member to provide further information, and

ii. the “unaffected” Members the opportunity either to continue either alone or in conjunction with other replacement Members in which case the “unaffected”

Members either substitute the “affected” Team Member or are evaluated as if the affected Member were not part of the Respondent, in either case, prior to any final determination by Canada on the Advance Ruling.”

126

We request that subsection 11.9 of the Integrity Provisions be amended as follows:

By submitting a Response, the Respondent certifies that neither the Respondent or any of the Respondent’s Affiliates have been convicted of an offense or received a conditional or an absolute discharge or has requested and has received an Advance Ruling with no issues with the information provided under any of the following provisions, unless the time period, as defined in the Time Period subsection, has elapsed.

Please see Questions and Answers 122.

127

The requirement for Package 3 Criterion 3-7 is that the Director of Financing for the Project presents 3 projects that have reached financial close in 2010 or later. Could a project that will close on May 9, 2014 be included as one of these three projects? The Proponent understands that if Financial Close is not achieved

Please refer to Addendum 004. Canada requests that projects have reached financial close by the NBSLC RFQ Response Submission Deadline.

by May 9, this project would have to be discarded.

128 Addendum 004, item 10. At Appendix C – Rated Evaluation Criteria confirms changes to the number of Key Individuals. We notice that for Package 6 criterion 6-3 and Package 7 criterion 7-3 the changes that appear in Appendix C, item 10, have also been modified in the corresponding sections in Package 6 and 7.

In order to be consistent we would like to inquire if you are planning to also make changes to Package 4 criterion 4-3 and 4-6 and Package 5 criterion 5-3 and 5-6 confirming the changes shown in Appendix C of Addendum 04.

No. Canada does not intend to make changes to Package 4, Criterion 4-3 and 4-6 or Package 5, Criterion 5-3 and 5-6 in regards to this matter. Project Manager has been removed from criterion 6-3 and 7-3 which necessitated the changes to the corresponding sections in packages 6 and 7 by way of Addendum 004. Project Manager remains in criteria 4-3, 4-6, 5-3 and 5-6 as do the other Key individual designations, thus no changes are needed.

129 Reference Document: RFQ, Appendix C, Package 4, Criterion 4-1

Criterion 4-1 requires 4 reference projects highlighting experience of the Respondent in designing bridges similar to the Project. Can PWGSC kindly confirm whether, for the purposes of evaluation, two bridge projects equal in every respect except where one of the projects is fully designed and constructed and one of the projects is partially constructed but fully designed would score equal points?

Criterion 4-1 relates to bridge design experience and bridge design services and accordingly both projects meet the Response submission requirements. Canada however cannot comment on the relative strengths of the two projects or on how one project would score relative to the other.

130 Reference Document: RFQ, Appendix C, Package 5, Criteria 5-1 and 5-4

Under Criterion 5-1, the Evaluation Criteria item #5 is “demolition and partial demolition of bridges”, and Criterion 5-4, the Evaluation Criteria item #3 is “demolition of highway infrastructure”. Do we have to provide separate project references

Criterion 5-1 and 5-4 will be evaluated separately. Criterion 5-1 will be evaluated on the basis and merits of the four projects provided in response to said criterion. Likewise, criterion 5-4 will be evaluated on the basis and merits of the two projects provided in response to criterion 5-4. Cross-referencing is not compatible with the submission requirements.

for each of Criterion 5-1 and Criterion 5-4 or is it sufficient to show in one project reference that is featured in one of 5-1 or 5-4, successful demolition experience of both highway and bridge components similar in scale and scope to that required for the Project? Can PWGSC kindly confirm if cross-referencing project experience is acceptable for satisfying the evaluation criteria specific to demolition?

131 Due to the numerous changes on addendum 4 issued on April 15, 2014 and to properly prepare a response with the quality and complexity that this RFQ requires, we respectfully request that the NBSL Corridor Project RFQ submission date be extended by two weeks from April 30 to May 14. Please refer to Addendum 005.

132 As a follow up to question and answer #60 published on April 15, 2014, please confirm that scanned original signatures will be accepted. Yes the scanned original signatures will be accepted for the Response to the RFQ as long as the original signatures are submitted upon request by Canada.

133 Addendum #004 and Response #83 to submitted questions: Item #83, in response to a submitted question, seems clear that you would like each member of a consortium submitting a response to sign ONE Response Declaration Form. However, your revised Response Declaration Form has removed the reference to the "Name of Authorized Signatory". Would you please clarify again that you need each member of a consortium to sign the ONE Response Declaration Form and direct the respondents to add back the reference for "Name of Authorized Signatory" to the Form? Please refer to Addendum 005.

134 RFQ Criterion 2.2 requires the Substantial Completion means when the infrastructure,

Respondent to provide a description of 3 comparable projects where two or more of the Respondent Team Members or Key Individuals have worked together. These projects shall be civil infrastructure or building projects of a value of at least \$500m which reached substantial completion in 2009 or later.

Would a project reaching substantial completion on 23 May 2014 qualify as such?

or proposed project, is available for use and/or the security clearance or interim certificate has been issued. Canada requests that Substantial Completion has been reached by the NBSLC RFQ Response Submission Deadline. Please refer to Addendum 004 and Question and Answer 91.

- 135 RFQ Criterion 2.2 requires the Respondent to provide a description of 3 comparable projects where two or more of the Respondent Team Members or Key Individuals have worked together. These projects shall be civil infrastructure or building projects of a value of at least \$500m which reached substantial completion in 2009 or later.

Would a project 98% completed as at April 30th 2014 qualify as being substantially completed?

Please see Question and Answer 134.

- 136 The requirement for Package 3 Criterion 3-7 is that the Director of Financing for the Project presents 3 projects that have reached financial close in 2010 or later. Could a project that will close on May 9, 2014 be included as one of these three projects?

For Criteria, 3-5 and 3-7, Financial Close needs to be reached by the NBSLC RFQ Response Submission Deadline. Please refer to Appendix A – Glossary and Definitions, Financial Close, and to Addendum 004.

- 137 Package 3, Section 3-5: We would kindly request that the Authority please consider amending this section to allow for Projects which have reached financial close by 2008 or later to be included for this section. The revised wording would read:

“The Respondent should provide

Please see Questions and Answers 136.

three project descriptions demonstrating its experience with project financing, including:

- The project should demonstrate experience with project financing for comparable projects;
- Each project should have reached financial close in 2008 2010 or later; and,
- each project should have involved a long term financing structure (bank borrowing or bonds) of at least \$500 million.”

138 Timing of financial close for eligibility of project experience in Criterion 3-5 of Package 3

Please see Questions and Answers 136.

Please consider modifying the timing requirements for the financial close of the projects to be used for the project experience in Criterion 3-5 of Package 3 of the RFQ. Setting 2010 as the cut year for the eligibility of projects reduces the ability of consortia to present very relevant project experience that Canada should consider in the evaluation process. We kindly request Canada to set 2008 or later as the time threshold for the financial close of projects to be used to respond to Criterion 3-5 of Package 3 of the RFQ. Please consider the following modification.

139 In respect of Package 7 (Criterion 7.1), it would be very useful to clarify what it is meant by “Tolling O&M” and “Tolling operations” in order to verify which of our references are the most relevant to be “comparable to the Project in terms of their scope, complexity, content and delivery schedule”.

Both high volume operation (comparable to the existing Champlain Bridge) and climates comparable to that of Montréal, Québec are considered relevant. Furthermore, all four elements of the evaluation sub-criteria for criterion 7-1, apply equally to:

For instance, should we consider that

- a. the technological solution to be installed (the actual road side tolling equipment and the back office systems) to gather information and generate electronic and/or video transactions;
 - b. transforming electronic and /or video transactions
-

an operation with +100,000 AADT in
ORT is more relevant than an ORT
operation in a Canadian environment?

into toll revenue.

Please refer to Addendum 006.

Additionally, it would be useful to
know to what extent the 4 elements
of the Evaluation Criteria of this
criterion apply to a) the technological
solution to be installed (the actual
tolling equipment, including back
office) to gather information and
generate and manage transactions;
and b) to the operational solution to
transform those transactions into tolls
collected.

140	If the foundations of the existing bridge are damaged during construction of the new bridge, how will you determine if capacity has been lost in the existing bridge?	If needed, Canada will make this information available when the RFP is issued.
141	Is there a responsibility to assess and monitor the adjacent aging & deficient structure while the new bridge is being built?	If needed, Canada will make this information available when the RFP is issued.
142	During the building phase and post-construction what structural health monitoring instrumentation provisions shall be required to assure structural performance?	Canada plans to make the information available no later than RFP issuance.
143	Before commencement of construction, will geotechnical and geodetic movement behavior monitoring of the existing adjacent structures also be provided?	Canada plans to make the information available no later than RFP issuance.
144	What obligations shall contractors have to report impacts of the new building activities upon surrounding aging structures?	Canada plans to make the information available no later than RFP issuance.
145	How will reporting of structural health instrumentation and movement monitoring of the adjacent aging structure be managed during the	Canada plans to make the information available no later than RFP issuance.

building phase?

- | | | |
|-----|---|---|
| 146 | Package 1: Will the requirements requested in Package 1 be considered to have been met if the majority of the Equity Members of the joint venture or consortium, submitting as the Respondent, meet the requirements? Or is each individual member expected to meet each of the requirements? | Please see Question and Answer 122. |
| 147 | Package 3, All sections: Given that Package 3 has been identified as needing a minimum score in order for the Respondent to proceed, can the Authority please elaborate on whether each section in this package, particularly Sections 3.5 and 3.7, will be evaluated as "pass/fail", whether partial credit will be given for the submissions? | As per Package 3, the minimum required total score for criteria 3-1 to 3-9 is 18/30. Package 3 criteria are evaluated as per the Applicable Scales. Please refer to section 4.3 Qualified Respondent and Appendix A – Glossary and Definitions, Qualified Respondent, and Appendix D – Applicable Scales. |
| 148 | Questions and Answers – April 15, 2014: With regard to Question #59, we interpret the answer to mean that submission of financials for the Parent Company of the Prime Member, along with a detailed description of the relationship between the two companies and how they will interact for the good of the Project, will suffice for Package 3. If one goes this route, it is not necessary to submit the financials for the Prime Member – as the Parent Company financials will provide a stronger financial package. Can the Authority explicitly concur this to be the case? | No, that is not exactly the case; please refer not only to Answer 59 but also Addendum 004, Item 9 "Rated Evaluation Criteria" because a letter of support is also required from the Equity Member's parent company along with its financial information in accordance with Package 3. Also required is the detailed description of the legal relationship. |
| 149 | To date there have been a number of clarifications and amendments to the RFQ document through Addenda 001, 002, 003, 004 and 005. To help ensure that all interested respondents are fully aware of all the changes, could the Sponsors kindly issue a conformed RFQ document reflecting all the | A clean and a black-lined version of the RFQ will be issued. |
-

changes made pursuant to Addenda 001 to 005? It would be quite helpful if both a clean and blacklined version were issued.

150

We want to resubmit our question for further clarification:

Appendix A: Glossary and Definitions, Pages 24 and 25: Please modify the definition of “O&M Prime Member” to include legal entities with 20% or more of the O&M activity.

No, Canada will not be amending the definition of Prime Member.

Please see Question and Answer 56.