
INVITATION TO SUBMIT A RESPONSE TO REHABILITATE THE PROPERTY MUNICIPALLY
KNOWN AS 171 - 181 BANK STREET, 140 O'CONNOR STREET AND 300 LAURIER AVENUE
WEST IN THE CITY OF OTTAWA (5225-2-2015-7)

PUBLIC WORKS AND
GOVERNMENT SERVICES
CANADA

QUESTIONS/ANSWERS NO. 3

PAGE 1 OF 1

REAL ESTATE SERVICES
NATIONAL CAPITAL AREA

PROJECT NO. 5225-2-2015-7
OTTAWA

DATE: SEPTEMBER 18, 2015

The following addresses questions from interested parties to this invitation and provides clarification.

1. Clarifications, Questions and Answers

- Q1. Page 2 – Paragraph 2 – Can a responding party that holds 40% membership of a five person partnership (3 of whom own 20% each) that built and managed a qualifying project, use this project to qualify under the terms of this file?
- A1. Potentially, provided all requirements of this Invitation are satisfied.
- Q2. Can each of the 5 members noted above use this same qualifying project in order to qualify and compete independently for this file? In other words, each member would potentially incorporate their own companies for purposes of presenting competing bids on this file.
- A2. Potentially, provided all requirements of this Invitation are satisfied. PWGSC notes in this regard that if a Responding Party (including related entities) submits more than one response to this Invitation (such as part of a joint venture and on its own), all such responses shall be rendered non-compliant and the response shall be given no further consideration. Moreover, for the purposes of the foregoing, “related” to a Responding Party means: (i) they are the same legal entity as the Responding Party; (ii) the entity and the Responding Party are “related persons” or “affiliated persons” according to the Canada Income Tax Act; or (iii) the entity and the Responding Party otherwise do not deal with one another at arm’s length, or each of them does not deal at arm’s length with the same third party.
- Q3. The RFP stipulates “that if a responding party (including related entity) submits more than one response to this invitation (such as part of a joint venture, or on its own) all such responses shall be rendered non-compliant and the response shall be given no further consideration.” Would this stipulation apply if different members of the partnership decide to incorporate their own companies and compete among each other and other 3rd parties on this file?
- A3. Firstly, this is not an RFP. With respect to the following statement in the Invitation:

“that if a responding party (including related entity) submits more than one response to this invitation (such as part of a joint venture, or on its own) all such responses shall be rendered non-compliant and the response shall be given no further consideration”

PWGSC notes that the provision continues to explain that:

“For the purposes of the foregoing, “related” to a Responding Party means: (i) they are the same legal entity as the Responding Party; (ii) the entity and the Responding Party are “related persons” or “affiliated persons” according to the Canada Income Tax Act; or (iii) the entity and the Responding Party otherwise do not deal with one another at arm’s length, or each of them does not deal at arm’s length with the same third party”.

PWGSC is not in a position to apply the foregoing to the situation described, as all the relevant information is not available to PWGSC.

- Q4. If your answer is YES to Question #3 above and the members become non-compliant if they don’t bid together, then can the majority of the partners submit a joint bid even though some of the other partners may not wish to be involved in this new file?
- A4. Please see the response to Q3.
- Q5. If a person or entity is 50% partner of a limited partnership and general partner that managed and built a qualifying project, can he use this project to qualify for this file?
- A5. Yes, such a project could potentially be used as one of the qualifying projects.
- Q6. If a responding party has built and managed only one qualifying project, can he use this project to joint venture with another entity that also has built and managed only one qualifying project?
- A6. Yes, provided they are distinct projects.
- Q7. Can a responding party that has the qualifying property management expertise joint venture with a builder that does not have this expertise, but does have qualifying development expertise?
- A7. Yes, provided all requirements under this Invitation are met.
- Q8. If a responding party built, managed and renovated a construction project whose proven construction cost in tenant improvements and base building exceeded \$100M, but whose building permit was issued for only \$40 Million, qualify for this file?
- A8. As noted in the Invitation in Section D(a): All Responses to this Invitation shall include the following: (i) a list of at least two construction projects that the Responding Party (or any member thereof) completed as a real estate developer or construction manager, with: - each of such projects having a construction cost (as shown on the building permit or permits for the project) of at least seventy-five million dollars (\$75,000,000.00):...and the following information for each of such listed projects: evidence to confirm that the project...had a construction cost (as shown on the building permit or permits for the project) of at least seventy-five million dollars (\$75,000,000.00). In regards to this excerpt, evidence may be, but not limited to, building permit(s) and/or professional attestation(s).