
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. 6

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REAL ESTATE SERVICES
NATIONAL CAPITAL AREA

PROJECT NO. 5225-2-2015-7
OTTAWA

DATE: SEPTEMBER 21, 2015

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

1. Clarifications, Questions and Answers

- Q1. Development Expertise: Can you confirm what constitutes as evidence that the project was: a high-rise; has a minimum of 25,000 square meters of rentable office space; had a construction cost of at least \$75,000,000; and was completed during the period from January 1, 2000 to and including September 30, 2015.
- A1. Evidence may be, but not limited to, building plan(s), building permit(s), municipal occupancy permit(s) and/or professional attestation(s).
- Q2. Can you confirm what constitutes as evidence that the project was at least substantially completed and occupied
- A2. Evidence may be, but not limited to, municipal occupancy permit(s) and/or professional attestation(s).
- Q3. Can you confirm what constitutes as evidence showing the Responding Party was the real estate developer or construction manager for such project.
- A3. Evidence may be, but not limited to, building permit(s) and/or professional attestation(s).
- Q4. Property Management Expertise: Can you confirm what constitutes as evidence that the project was a high-rise, has a minimum of 25,000 square meters of rentable office space which was managed by the Responding party for a minimum period of three years during the period of January 1, 2005 to and including September 30, 2015
- A4. Evidence may be, but not limited to, property management agreement(s) and/or professional attestation(s).
- Q5. Financial Expertise: Can you confirm what constitutes as evidence that the project was a high-rise, has a minimum of 25,000 square meters of rentable office space, had a construction cost of at least \$75,000,000 and was completed during the period from January 1, 2000 to and including September 30, 2015, if this information is not available on the building permit.

- A5. Evidence may be, but not limited to, municipal occupancy permit(s) and/or professional attestation(s).
- Q6. Responding Party: Scope of the Entities making up the Responding Party: Is the group of entities making up the Responding Party within the meaning of the Invitation to Submit a Response (the "Invitation") comprised entirely of:
- i) the entities which will be the principals executing in their personal capacity (as opposed to an entity signing as agent or under power of attorney for a principal) the Ground Lease, Head Lease and other documents with PWGSC (collectively, the "Principals"), so as to be directly responsible to PWGSC for the fulfillment of the obligations relating to the project;
 - ii.) the entities which are "members", as defined in the Invitation; and
 - iii.) the entities which are "related" entities, as defined in the Invitation?
- A6. The Invitation provides that PWGSC may only invite to such stage or stages, as the case may be, the individual(s) or group(s) that responded to this Invitation and that were compliant with the requirements contained herein (the "Responding Parties", with each individual or group responding being a "Responding Party"). PWGSC then:
- (a) further acknowledges and agrees that a Responding Party may be a person, corporation, trust, partnership, limited partnership, joint venture, other association or other legal entity (in the case of a trust, partnership, limited partnership, joint venture, or other association each member, partner, trustee thereof shall be called a "member" and all such members, partners, trustees thereof shall be called jointly "members"); and
 - (b) allows in substitution of a Responding Party, a legal entity (such as a single purpose corporation) that is solely owned and controlled by a Responding Party.

With respect to the following excerpt of the Invitation to Submit a Response:

"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. 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";

this excerpt does not include "related entities" as part of the Responding Party, save and except for the purpose of restricting multiple responses to the Invitation from the same or related entities. This was done to maintain an open and fair process.

Finally, with respect to the legal status of "an entity signing as agent or under power of attorney for a principal", it is the obligation of the Responding Party to determine the law regarding principle and agent and power of attorneys.

- Q7. If the Responding Party is not comprised solely of the Principals, the members and related entities, then please confirm precisely what entities are included as the Responding Party and which are subject to the restriction on participating in more than one response to the Invitation.
- A7. Please see response A6.
- Q8. Inclusion or exclusion of entities carrying out or managing work or services: Assuming that the answer to this question Q6 is yes, so that the Responding Party is comprised solely of the Principals, the members and related entities, then please confirm that, for greater certainty, the Responding Party does not include entities which will be contracted to carry out or manage the work or services, in whole or in part (such as a general contractor, development manager or property manager).
- A8. Please see response A6.
- Q9. Furthermore, please confirm that an entity with the power to execute documents or give direction on behalf of a Principal (whether as agent or under power of attorney or through a delegated authority) is not a "member" or a "related" entity within the meaning of the Invitation.
- A9. Please see response A6.
- Q10. Application of the restriction regarding no more than one response: If the Responding Party is comprised solely of the Principals, the members and related entities, please confirm that, for greater certainty, entities which will be contracted to carry out or manage the work or services, in whole or in part (such as a general contractor, development manager or property manager) are not subject to the restriction on participating in more than one response to the Invitation, as this restriction on participating in more than one response to the Invitation applies only to Principals, members and related entities.
- A10. Please see response A6.
- Q11. Is there a maximum number of projects that can be listed to demonstrate each of the following: development expertise, property management expertise and financial expertise?
- A11. No.