



A1. DEPARTMENTAL REPRESENTATIVE

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**Architectural and
Engineering Services
Request for Proposals (RFP)**

for

Performance of the Work described in
Appendix “A” – Statement of Work of
the draft contract.

A2. TITLE A&E Services for Critical Infrastructure, Seismic Upgrades & Space Optimizations in Nairobi, Kenya		
A3. SOLICITATION NUMBER ARL-CONST-NROBI-16029	A4. PROJECT NUMBER B-NROBI-102	A5. DATE September 26, 2016
A6. RFP DOCUMENTS <ol style="list-style-type: none"> Request for Proposals (RFP) title page Submission Requirements and Evaluations (Section “I”) Price Proposal (Section “II”) General Instructions (Section “III”) The attached draft Contract <p>In the event of discrepancies, inconsistencies or ambiguities of the wording of these documents, the document that appears first on the above list shall prevail.</p>		
A7. PROPOSAL DELIVERY <p>Proposals must be received no later than 14:00 local time (Ottawa, Ontario) on November 4, 2016 referred to herein as the “Closing Date”.</p> <p>Only Electronic proposals will be accepted.</p> <p>Electronic proposals must only be sent to the following email address: Email: realproperty-contracts@international.gc.ca</p> <p>Electronic Proposals must not be copied to any other address or individual. Electronic proposals must have two (2) separate files attached, the first must be labelled “Technical Proposal” the second must be labelled “Price Proposal”. Email file size should not exceed 10MB; subject line should be: ARL-CONST-NROBI-16029. Canada will not be responsible for Proposals received after the “Closing Date” because of email being refused or quarantined by our server for the following reasons:</p> <ol style="list-style-type: none"> Attachment(s) size exceeding 10MB. Email containing executable code (including macros). Email containing files that are not accepted by our server such as but not limited to: .rar, encrypted .zip, encrypted .pdf, .exe, etc. <p>All submitted documents must be attached to the email. Online storage services or any other mean of transferring files are not accepted.</p> <p>Failure to comply with any of the above instructions will be grounds for disqualification and proposal will not be evaluated.</p>		
A8. PRICE PROPOSAL All the information required in section SR5 must appear on Section “II” - Price Proposal ONLY and be submitted in the file labeled “Price Proposal”. Failure to comply will result in the entire proposal being declared non-compliant and rejected from further consideration.		
A9. SITE VISIT See A13 Proponent Conference.		
A10. ENQUIRIES All enquiries or issues concerning this RFP must be submitted in writing to the Departmental Representative no later than ten (10) calendar days prior to the Closing Date and Time in order to allow sufficient time to provide a response.		
A11. LANGUAGE Proposals shall be submitted in English.		
A12. CONTRACT DOCUMENTS The draft contract which the selected Proponent will be expected to execute is included with this RFP. Proponents are advised to review it in detail and identify any problematic clauses to the Departmental Representative in accordance with A10 - Enquiries. Her Majesty reserves the right not to make any amendment(s) to the Contract Documents.		
A13. PROPONENT CONFERENCE (IF ANY) A mandatory proponents' conference will be held at the Canadian High Commission, Limuru Road, Gigiri, Nairobi, Kenya on 05 October, 2016. The conference will begin at 10:00. Proponents are requested to confirm their attendance with the Departmental Representative no later than five (5) working days prior to the conference.		

SECTION "I" – SUBMISSION REQUIREMENTS AND EVALUATIONS**SR1 DEFINITIONS****1.1 Request For Proposals**

Her Majesty the Queen in right of Canada ("Her Majesty"), represented by the Minister of Foreign Affairs ("The Minister"), is inviting Proponents to submit proposals to provide Architectural and Engineering (A&E) services pursuant to this Request For Proposals (RFP).

1.2 The Proponent

An entity, whether a firm or individual, that submits a proposal on behalf of a consultant team will be referred to as the "Proponent." A consultant team is defined as the team of consultants, specialists and other firms, including the Proponent, proposed to perform the services required. If the Proponent subcontracts parts of the Work to other individuals or firms, the Proponent is legally responsible for all of the Work. In the case of a joint venture, one of the parties must be designated as the Proponent who represents the other members of the joint venture in contractual and operational matters. Where the Proponent is a joint venture, all parties in the joint venture will be held jointly and severally liable for all obligations and undertakings entered into pursuant to any subsequent contract that may arise.

1.3 Proponent - Consultant

For readability, clarity and ease of reference of the narrative that follows, the term "Proponent" is used to identify all entities responding to this RFP. The Proponent responding to this RFP who is selected to carry out the Work is identified as the "Consultant".

1.4 Professional and Technical Services

The Minister seeks to enhance its presence through excellence of design and quality of construction in its Missions abroad. The successful Architectural & Engineering Firm, as Consultant, will provide all professional and technical services as described and required in Appendix "A" of the attached draft contract and the Project Brief and all Annexes, including design, production of construction tender documents, advice on contractor selection and award, construction supervision and all other control and administrative services, as described in this RFP, and generally associated with implementing the project (the "Project").

1.5 Proponent's Team

Unless previously authorized in writing by The Minister, the composition of the Proponent's Team actually performing the Work must be identical to the one identified in their proposal. Proponents must use the same architects, engineers and other professionals named in this proposal and in the same roles and responsibilities as presented in their proposal.

1.6 Proposal Forms Part of A&E Services Contract

All Requirements, Provisions and Submissions of the RFP phase of this Project, including the Successful Proposal as it relates to the performance of the Work which is the subject of the Project, shall become a part of the A&E Services Contract between the Consultant and Her Majesty.

SR2 INTRODUCTION

This section outlines the information Proponents are required to submit. To qualify, Proponents must meet the Mandatory Requirements set out in the RFP. Proposals not meeting the Mandatory Requirements will not be given any further consideration. Submissions meeting the Mandatory Requirements shall be evaluated according to the criteria and point rating set out in SR4 – Technical Proposal and SR5 – Price Proposal. Should Her Majesty elect to proceed with a contract, the Proponent with the highest score will be awarded the Contract.

In the case of a tie for the highest total score, the Proponent submitting the lowest Fixed Price will be selected. In the case of a tie for the total score and a tie for the price proposal score, the Proponent with the highest score for "Management of the Services" will be selected.

The information required by Section SR3 Mandatory Requirements and Section SR4 Technical Proposal shall be submitted in a separate attachment titled "Technical Proposal".

The evaluation will be based solely on the content of the responses and any correctly submitted amendments. No assumptions should be made that Her Majesty has any previous knowledge of the Proponents' qualifications other than that supplied pursuant to this RFP.

TECHNICAL PROPOSAL

The Technical Proposal shall be submitted as a separate file and signed by the Principal in charge representing the Proponent. The Proponent's Technical response **must not** exceed the equivalent of thirty (30) single-sided pages of 8½ "x 11" paper, minimum type face 10 pts., excluding organization charts, schedule and resumes. Material exceeding this requirement will **NOT** be considered. For the sake of clarity and comparative evaluation, Proponents must respond using the same subject headings and numbering structure in this document.

SR3 MANDATORY REQUIREMENTS

3.1 Corporate Experience

Proponents must have a minimum of ten (10) years of experience in A&E consulting accomplishments based on a minimum of five (5) major projects including completed Class "A" major office building projects, embassy or other major construction and fit-up projects, with construction and fit-up costs equal to or above \$ 3 million CAD and carried out in Kenya and Canada.

The response to be provided here is expected to consist of existing material (brochures, corporate profiles, reference letters, etc.). To facilitate evaluation, information on specific projects **MUST** include:

- 3.1.1 title of project(s), location (city, country), project value;
- 3.1.2 brief description of project scope, building size and schedule (dates);
- 3.1.3 Proponent's corporate role in the project;
- 3.1.4 client references.

3.2 Consultant and Engineering Experience

The Consultant (principal) assigned to this project must have a minimum of ten (10) years of recent experience in A&E consulting accomplishments based on a minimum of five (5) major projects including successfully completed Class "A" major office building projects, embassy or other major construction and fit-up projects with construction and fit-up costs equal to or above \$ 3 million CAD and carried out in Africa and Canada.

The Senior Architect, Senior Civil, Senior Structural, Senior Electrical and Senior Mechanical Engineer(s) assigned to this project, EACH must have a minimum of five (5) years' experience in A&E consulting accomplishments based on a minimum of five (5) major projects including successfully completed Class "A" major office building projects, embassy or other major construction and fit-up projects, with construction and fit-up costs equal to or above \$ 3 million CAD. The proposed team (Principal, Architect, Civil, Structural, Electrical and Mechanical Engineers) must have carried out projects in Africa and Canada.

To demonstrate the required experience, Proponents **MUST** provide the following information:

- 3.2.1 area(s) of expertise of individuals being proposed (including principal and engineers) who would be involved with the project and the role for which they will be responsible;
- 3.2.2 individuals' years of experience;
- 3.2.3 individuals' years with the Proponent entity; and
- 3.2.4 responsibilities held by principals and engineers (to be assigned this project) for projects they have completed.

3.3 Certifications and Licensing

Proponents must have relevant professional experience in Canada and Africa and relevant professional experience using the applicable National Building Code of Canada 2015 Edition (NBC) and the KS Code: Building Code of the Republic of Kenya 2009 Edition (BCK). The proposed Architect, Civil, Structural, Electrical and Mechanical Engineers carrying out the Work shall hold appropriate professional certifications and be fully certified and licensed to practice in Canada. Proponents **MUST** provide proof of Certification and Licensing with its proposal. Any Proposal without copies of relevant certification will not be given further consideration.

SR4 POINT RATED REQUIREMENTS (70 points out of 100)

Points for the Technical Proposal (point rated requirements) account for seventy percent (70%) of the total score and are allocated to the criteria listed in section SR4 inclusively. **Proponents are required to obtain, at minimum, a total of 35 points on the point rated criteria.** Proposals not meeting this requirement will not be given any further consideration.

FIGURE 1: Evaluation Criteria:

Category	Maximum points available per Sub Criteria	Total % weight per criteria
4.1 Understanding the Project		13
4.1.1 Brief Narrative	3	
4.1.2 Comprehensive Narrative	5	
4.1.3 Special Circumstances	5	
4.2 Management of Services		35
4.2.1 Partnerships/Joint-ventures	4	
4.2.2 Org Chart	2	
4.2.3 Key Stakeholders	2	
4.2.4 Major Risks	2	
4.2.5 Cost Objectives	3	
4.2.6 Contribution Matrices	5	
4.2.7 Proponent's Facilities	4	
4.2.8 Experience	5	
4.2.9 Site Inspection	4	
4.2.10 Estimated Trips	4	
4.3 Time Control		13
4.3.1 Schedule	4	
4.3.2 Resource Loading	4	
4.3.3 Progress	3	
4.3.4 Communication	2	
4.4 Quality Control		9
4.4.1 Quality Assurance System	4	
4.4.2 Fit for Purpose	2	
4.4.3 Quality Related Concerns	3	
TOTAL for Technical Proposal:		70

4.1 Understanding of the Project (13 out of 70 points)

Evaluate the Proponent’s understanding of the Work. The response should consist of an analysis that demonstrates a thorough understanding of the Work. For a Proposal to receive higher marks it must demonstrate “value added” and demonstrate a more thorough understanding of the project. Simply reprinting excerpts from the Project Brief in response to issues will not be perceived as adding “value.”

To receive a score of Adequate, Proponents MUST provide:

- 4.1.1 a narrative on the nature of the Project;
- 4.1.2 a comprehensive narrative on the opportunities, challenges, quality expectations, building systems and delivery of the Project, including potential savings in costs, expectation to meet schedule;
- 4.1.3 a narrative on the special circumstances, issues or risk factors affecting the Project.

Rating:

Significantly exceeds the requirement 12-13	Exceeds the requirement 7-11	Adequate 6	Does not meet the requirement 0-5
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4.2 Management of the Services (35 out of 70 points)

Effective management of the services rendered under the A&E Services Contract between the DFATD project office in Ottawa, the Consultant’s offices, whether in Canada or abroad, and the site office represents a major challenge. Effective communication, effective delegation of authority, control of travel costs, optimization of response time, are factors that will determine the success of the Project.

The Proponent must provide the name, role, number of hours/days planned, per individual Proponent Team member, for each Project milestone (e.g., Project Analysis, Design Concept, Design Development, etc.). These presentations are more commonly known as **Contribution Matrices**.

This matrix is only for the purpose of reviewing the general approach of the Proponent at the RFP stage. **Notwithstanding this matrix, the Proponent is responsible for all staffing and resources required for the proper execution of the Project. The matrix in no way represents a qualification of the Price Proposal. It does not represent a cap on the services to be provided for the quoted Fixed Price.**

Intent:

Evaluate the Proponent strategy for delivering the Project. A response that meets the requirements will consist of an effective delivery strategy for the Proponent’s Team, a clear description of how the team will be effectively managed, how the associated Kenyan partners will contribute to the success of the project and demonstrate a rigorous procedure to track and control costs. For a Proposal to receive higher marks it must elaborate on the strategy for delivering the Project and describe in detail how the various members of the Proponent Team relate, assist and communicate with each other.

To receive a score of Adequate, Proponents MUST provide:

- 4.2.1 a description of the nature, extent and duration of the links in any partnerships / joint ventures;
- 4.2.2 a project organization chart showing names and titles of all Proponent Team resources named for the Project;
- 4.2.3 a short description of the roles of key stake-holders: Proponent Team, sub-consultants and other specialists and describe how this team will work together to execute the various phases of the

- Work, including how the Proponent will obtain local permits and approvals;
- 4.2.4 a listing of the major risks associated with project delivery overseas and how they apply to this particular Project. It must describe how, when and by whom these issues will be dealt with;
- 4.2.5 a description of how the Proponents will ensure that the design will meet cost objectives of the project;
- 4.2.6 Contribution Matrices as described above;
- 4.2.7 a description of the facilities of the Proponent Team where different work packages will be undertaken. Indicate how this partition of Work (if any) will be of benefit to the Project;
- 4.2.8 a description of the experience of any associates or joint venture partners in delivering projects for overseas clients. Provide reference contact names, mail and e-mail addresses, and telephone numbers of these clients;
- 4.2.9 provide details on how Proponent will respond to site inspection requests within the prescribed timeframe of six (6) hours;
- 4.2.10 provide details on the Proponent's estimated trips to site and describe the reasoning for these trips and which members of the Proponent team will be assigned to the task.

Rating:

Significantly exceeds the requirement 32-35	Exceeds the requirement 16-31	Adequate 15	Does not meet the requirement 0-14
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4.3 Time Control (15 out of 70 points)**Intent:**

Further to the Proponent's response in SR 4.2, evaluate specifically the Proponent's understanding of the schedule requirements of the Project. A response that meets the requirements shall identify the milestones, the critical path of the Project and major events that could delay the Project. For a Proposal to receive higher marks, it must identify the effects of potential delays and develop contingency plans to minimize the impact of such events, discuss resource loading at critical milestones and confirm how deliverables will be met.

To receive a score of Adequate, Proponents MUST provide:

- 4.3.1 a Schedule in the form of a GANTT chart showing milestone events, site visit(s), design deliverables, review meetings and any other key activities;
- 4.3.2 provide resource loading that demonstrates achieving milestone deliverables;
- 4.3.3 indicate the method that the Proponent will use to track progress on the deliverables and invoicing to DFATD as a part of cost control will be a monthly report detailing time spent, remaining, consumption rate and future consumption rate;
- 4.3.4 Briefly describe the Proponent's approach to maximize communication given the differences in time zones between the DFATD HQ, Nairobi and Proponent's office.

Rating:

Significantly exceeds the requirement 12-13	Exceeds the requirement 7-11	Adequate 6	Does not meet the requirement 0-5
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4.4 Quality Control (9 out of 70 points)**Intent:**

Further to the Proponent's response in SR 4.2 evaluate specifically the Proponent's the Proponents procedure to control quality. A response that meets the requirements shall describe a rigorous procedure to track and control quality. For a Proposal to receive higher marks, it must demonstrate an in depth understanding of quality control issues as they apply to this Project.

To receive a score of Adequate, Proponents MUST provide:

- 4.4.1 a description of the Proponent's in-house quality assurance system and how this planned quality control procedure will apply for each stage of the project from design to construction to close-out;
- 4.4.2 a description of how the Proponent will ensure the fit for purpose and region methods and materials;
- 4.4.3 a narrative on specific quality related concerns for this region and Project and how they will be identified, addressed and mitigated.

Rating:

Significantly exceeds the requirement 9	Exceeds the requirement 5-8	Adequate 4	Do not meet the requirement 0-3
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SR5 PRICE PROPOSAL (30 out of 30 points)

5.1 All the information required in section SR5 must appear on Section "II" - Price Proposal ONLY and in a separate file marked "Price Proposal". Failure to comply will result in the Proposal being declared non-compliant and rejected from further consideration. Price Proposals will only be opened after the Technical Proposal evaluation is completed. If it becomes clear that the Price Score would not alter the standing of any Proposal, that Price Proposal will NOT be opened.

5.2 Fixed Price (25 out of 30 points)

- 5.2.1** Proponents shall quote an all-inclusive Fixed Price (excluding the cost of The Minister's services and equipment\ furniture) on the form attached as Section "II" - Price Proposal. The Fixed Price must include, but not necessarily be limited to, all costs resulting from the performance of the Work as described in this RFP, all costs resulting from the performance of any additional Work described in the Proponent's Proposal (unless clearly described as an option), all travel, living costs and all overhead costs including disbursements;
- 5.2.2** Proponents shall estimate the value of the taxes (including VAT as per SR5.3) expected to be payable by Her Majesty as a result of entering into a contract with the Proponent on the Price Proposal;
- 5.2.3** All payments shall be made according to the terms of payment set out in the attached draft contract;
- 5.2.4** Exchange rate fluctuation protection is not offered; and
- 5.2.5** Price Proposals not meeting the above requirements will not be given any further consideration.

5.3 Professional Services Rates (5 out of 30 Points)

- 5.3.1** Proponents will provide rates for professional services as per Table B in Section "II" – Price Proposal.

5.4 Taxes & Duties

Proponents are to provide full details concerning the applicability, amount and administration of the payment of all taxes (including VAT as described below) and duties (including import duties) payable in respect of the Work, as well as any possible exemption from all or part of same.

Her Majesty will pay the VAT specified in the Price Proposal provided:

- 5.4.1** that amount is applicable to the Work provided by the Consultant to Her Majesty under the Contract. Her Majesty will not be responsible for the payment of any VAT payable by the Consultant to any third party (including Subcontractors);
- 5.4.2** Her Majesty is unable to procure an exemption from VAT in respect of the Work;
- 5.4.3** the Consultant agrees to render every reasonable assistance to Her Majesty in obtaining reimbursement of all VAT paid in respect of the Work from the appropriate Government Agency;
- 5.4.4** the VAT is shown separately on all of the Consultant's invoices and progress claims; and
- 5.4.5** the Consultant agrees to remit to the appropriate Government Agency any amounts of VAT legally required to be remitted by the Consultant pursuant to applicable tax laws.

5.5 Rating – Highest Combined Rating of Technical Merit and Price

The Proponent's Price score will be determined by the sum of the Fixed Price and Professional Services Rates.

- 5.5.1** To be declared responsive, a bid must:
 - a) Comply with all the requirements of the bid solicitation;

- b) Meet all mandatory criteria; and
- c) Obtain the required minimum of points overall for the technical evaluation criteria which are subject to point rating.
- 5.5.2 Bids not meeting (a) or (b) or (c) will be declared non-responsive.
- 5.5.3 The selection will be based on the highest responsive combined rating of technical merit and price. The ratio will be 70% for the technical merit and 30% for the price.
- 5.5.4 To establish the technical merit score, the overall technical score for each responsive bid will be determined as follows: total number of points obtained/ maximum number of point available, multiplied by the ratio of 70%.
- 5.5.5 To establish the pricing score, each responsive bid will be prorated against the lowest evaluated price and the ratio of 30%.
- 5.5.6 For each responsive bid, the technical merit score and the pricing score will be added to determine its combined rating.
- 5.5.7 Neither the responsive bid obtaining the highest technical score nor the one with the lowest evaluated price will necessarily be accepted. The responsive bid with the highest combined rating of technical merit and price will be recommended for the award of a contract.
- 5.5.8 The table below illustrates an example where all three bids are responsive and the selection of the contractor is determined by a 70/30 ratio of technical merit and price, respectively. The total available points equal 105 and the lowest evaluated price is \$45,000 (45).

Basis of Selection – Highest Combined Rating Technical Merit (70%) and Price (30%)

		BIDDER 1	BIDDER 2	BIDDER 3
OVERALL TECHNICAL SCORE		50/70	46/70	47/70
BID EVALUATED PRICE		\$55,000.00	\$50,000.00	\$45,000.00
CALCULATIONS	FIXED PRICE	$45/55 \times 25 = 20.45$	$45/50 \times 25 = 22.5$	$45/45 \times 25 = 25$
	PROFESSIONAL SERVICES RATES AND ADDITIONAL TRAVEL	4/5	3/5	5/5
COMBINED RATING		74.45	72.5	87
OVERALL RATING		2 ND	3 RD	1 ST

SECTION "II" – PRICE PROPOSAL

Name of Firm: _____

Address: _____

Contact Person: _____

Phone number: (____) ____-____ Fax number: (____) ____-____

Email: _____@_____

Table A – Fixed Price in CAD

Fixed Price (in accordance with SR5.2) (state amount in figures)	\$
State amount in words	

Applicable taxes

(in accordance with SR5.3): _____

(state amount in words)

Table B - Professional Services Rates (in accordance with SR5.3)

Category of Personnel	1. Ceiling Hourly Rate (CAD)	2. Estimated hours	Total = 1. x 2. (ceiling rate x estimated hours)
Senior Architect - Canada		100	
Intermediate Architect - Canada		100	
Junior Architect - Canada		100	
Senior Engineer - Canada		100	
Intermediate Engineer - Canada		100	
Junior Engineer - Canada		100	
Senior Architect – local Kenyan partner		100	
Intermediate Architect – local Kenyan partner		100	
Junior Architect – local Kenyan partner		100	
Senior Engineer– local Kenyan partner		100	
Intermediate Engineer– local Kenyan partner		100	
Junior Engineer– local Kenyan partner		100	
		TOTAL	\$

Ceiling Per Diem Rates, GST/HST Excluded. Ceiling Rates must be quoted in CAD. VAT is not to be included in the pricing.

All amounts are in the currency specified in the contract

Signature

Date

Print Name and Capacity

SECTION "III" - GENERAL INSTRUCTIONS

GI1 RESPONSIVENESS

- 1.1** For a Proposal to be considered valid, it must comply with all the requirements of this RFP identified as mandatory. Mandatory criteria are also expressed by using imperative verbs such as "shall", "must" and "will".

GI2 ENQUIRIES - SOLICITATION STAGE

- 2.1** All enquiries or issues concerning this RFP must be submitted in writing to the Departmental Representative as early as possible within the solicitation period. Enquiries and issues must be received within the timeframe described in A10 to allow sufficient time to provide a response. Enquiries received after that time will not be answered prior to the Closing Date.
- 2.2** To ensure consistency and quality of information provided to Proponents, the Departmental Representative will give notice, in the same manner as this RFP, of any additional information in response to significant enquiries received without revealing the sources of the enquiries.
- 2.3** All enquiries and other communications with government officials throughout the solicitation period shall be directed ONLY to the Departmental Representative named herein. Non-compliance with this condition during the solicitation period will (for that reason alone) result in the disqualification of your proposal.

GI3 PROPONENT'S SUGGESTED IMPROVEMENTS DURING SOLICITATION PERIOD

- 3.1** Should any Proponent consider that the Specifications or Statement of Work contained in this RFP can be improved technically or technologically, the Proponent is invited to make suggestions, in writing, to the Departmental Representative named herein. The Proponent must clearly outline the suggested improvements as well as the reason for the suggestion. Suggestions which do not restrict the level of competition nor favour a particular Proponent will be given consideration provided they are received by the Departmental Representative within the timeframe described in A10 to allow sufficient time to provide a response. Her Majesty reserves the right to accept or reject any or all suggestions.

GI4 PROPOSAL PREPARATION COST

- 4.1** The costs, including travel incurred by the Proponent in the preparation of its Proposal and/or the negotiation (if applicable) of any resulting contract will be the sole responsibility of the Proponent and will not be reimbursed by Her Majesty.

GI5 PROPOSAL DELIVERY

- 5.1** Proposals and/or amendments thereto, will only be accepted by the Minister if they are received at the address indicated in A7, on or before the Closing Date and Time specified in A7.
- 5.2** Responsibility for proposal delivery: The Proponent has sole responsibility for the timely receipt of a proposal by Her Majesty and cannot transfer this responsibility to the Government of Canada. Her Majesty will not assume responsibility for proposals

that are directed to a location other than the one stipulated in A7.

- 5.3** Late Proposals: The minister will return unopened proposals received after the Closing Date and Time specified in A7.

GI6 VALIDITY OF PROPOSAL

- 6.1** Any proposal must remain open for acceptance for a period of not less than ninety (90) calendar days after the Closing Date.

GI7 RIGHTS OF CANADA

- 7.1** Her Majesty reserves the right:
- 7.1.1** during the evaluation, to submit questions to or conduct interviews with Proponents, at Proponents cost, upon forty eight (48) hours notice, to seek clarification or to verify any or all information provided by the Proponent with respect to this RFP;
- 7.1.2** to reject all proposals received in response to this RFP if it/they fail to meet the objectives of the requirement within the boundaries imposed by Her different stakeholders;
- 7.1.3** to accept any proposal in whole or in part without prior negotiation;
- 7.1.4** to cancel and/or re-issue this RFP at any time;
- 7.1.5** to award one or more contracts, if applicable;
- 7.1.6** to retain all proposals submitted in response to this RFP;
- 7.1.7** not to accept any deviations from the stated terms and conditions;
- 7.1.8** to incorporate all, or any portion of the Statement of Work, Request for Proposals and the successful Proposal in any resulting contract; and
- 7.1.9** not to contract at all.

GI8 INCAPACITY TO CONTRACT WITH GOVERNMENT

- 8.1** Canada may reject a Proposal where the Proponent, including the Proponent's officers, agents and employees, has been convicted of an offence under the following provisions of the Criminal Code:

- 8.1.1** Section 121, Frauds upon the Government;
- 8.1.2** Section 124, Selling or Purchasing Office; or
- 8.1.3** Section 418, Selling Defective Stores to Her Majesty.

(Subsection 750 (3) of the Criminal Code prohibits anyone who has been so convicted from holding public office, contracting with the government or benefiting from a government contract.)

- 8.2** Where Canada intends to reject a proposal pursuant to a provision of paragraph 8.1, the Departmental Representative will so inform the Proponent and provide the Proponent ten (10) calendar days within which to make representations, prior to making a final decision on the proposal rejection.

GI9 INCURRING OF COST

- 9.1** No costs incurred before receipt of a signed Contract or specified written authorization from the Departmental Representative can be charged to any resulting contract. In addition, the Contractor is not to perform Work in excess of or outside the scope of any resulting contract based on verbal or written

requests or instructions from any government personnel other than the Departmental Representative. The Proponent's attention is drawn to the fact that the Departmental Representative is the only authority which can commit Her Majesty to the expenditure of the funds for this requirement.

GI10 PROPONENTS NOT TO PROMOTE THEIR INTEREST IN THE PROJECT

- 10.1 Proponents must not make any public comment, respond to questions in a public forum or carry out any activities to publicly promote or advertise their interest in this Project.

GI11 PROPERTY OF HER MAJESTY

- 11.1 All correspondence, documents and information provided to the Minister by any Proponent in connection with this RFP will become the property of Her Majesty and may be released pursuant to the Canadian Federal Access to Information Act and the Privacy Act.

GI12 RIGHTS OF UNSUCCESSFUL PROPONENTS

- 12.1 Proponents are reminded that all materials submitted by them in either paper or electronic form, including architectural and engineering design drawings, specifications, photographs, etc. shall, upon opening of the attachment by Canadian officials at the local embassy or in Ottawa, become the property of the Canadian government. In consequence, they will not be returned to the unsuccessful Proponents of this tender competition. The keeping of such information by Canada is necessary to ensure that, in the event of a future internal audit of the tender process, or in the event of a challenge by one of the unsuccessful Proponents to this tender process, all the documents submitted by competing Proponents are available and not tampered with. Nevertheless, complete copyright in those materials will of course remain with the copyright owners of the materials submitted; Canada assures Proponents that it will at no time use those materials for any commercial purposes without the written consent of the authors.

GI13 PRICE SUPPORT

- 13.1 In the event that the Proponent's bid is the sole responsive Proposal received, the Proponent must provide, on the Minister's request, one or more of the following price support if applicable:
- 13.1.1 a current published price list indicating the percentage discount available to the Minister;
 - 13.1.2 copies of paid invoices for like services performed for other customers or for like items (same quantity and quality) sold to other customers;
 - 13.1.3 a price breakdown showing the cost of direct labour, direct materials, purchased items, engineering and plant overheads, general and administrative overhead, transportation, etc., profit;
 - 13.1.4 price or rate certification;
 - 13.1.5 any other supporting documentation as requested by the Minister.

GI14 PROPONENTS NOT TO PROMOTE THEIR INTEREST IN THIS PROJECT

- 14.1 Proponents must not make any public comment, respond to questions in a public forum or carry out any activities to publicly promote or advertise their interest in this Project, except for their response to Her Majesty pursuant to this RFP.

GI15 ACCEPTANCE OF BIDS

- 15.1 Proponents must meet and adhere to the architectural and design standards contained in the bid documentation.
- 15.2 Proponents must submit a list of Sub-Contractors they propose to use on the Work. The successful Proponent shall not be allowed any subsequent substitution of the submitted list of Sub-Contractors, unless authorized, in advance in writing by Her Majesty.

GI16 SIGNATURES

- 16.1 The following requirements are to be adhered to when signing the Price Proposal:
- 16.1.1 **Corporation**
The signatures of the authorized signatories shall be affixed and their names and titles typed or printed.
 - 16.1.2 **Partnership**
The signatures of the partners shall be affixed and their names typed or printed. If not all of the partners sign or if the signatory is not a partner then a certified true copy of the agreement signed by all partners authorizing such person or persons to execute the document on their behalf shall accompany the bid.
 - 16.1.3 **Sole Proprietorship**
The signature of the sole proprietor shall be affixed and the name typed or printed. In the event that the signatory is not the sole proprietor then a certified true copy of the agreement signed by the sole proprietor authorizing such person or persons to execute the document shall accompany the proposal.
 - 16.1.4 **Joint Venture**
The signatures of the authorized signatories of each member of the joint venture shall be affixed and their names and titles typed or printed. Each of the participating signatories shall sign the document in the manner applicable to their particular business arrangement which is more particularly described in 16.1.1 to 16.1.3 above.

GI17 RETURN OF DOCUMENTS

- 17.1 Unsuccessful Proponents must, if requested by the Departmental Representative, return all bid documents (e.g. Working Drawings, Specifications and Bills of Quantities) intact and in good condition within fourteen (14) days of notification. Any copies of the Working Drawings, Specifications and Bill of Quantities are to be returned along with the original bid documents.

GI18 CLASSES OF OFFICE SPACE: DEFINITIONS

- 18.1 **Class "A":**
- 18.1.1 A Class "A" Building is a relatively new

- building situated in a prime location, with high occupancy and rental rates.
- 18.1.2** This definition needs more detail, especially for buildings outside of North America, to more fully assess the varying quality and availability of office space classes around the world. A Class "A" building also is new or not older than ten (10) years since construction or a major renovation, and either through recent construction or major renovation has:
- 18.1.2.1** a modern design (prestigious) with few if any columns restricting use of the floor plate,
 - 18.1.2.2** the mechanical and electrical systems and equipment provide fully powered and climate-controlled space,
 - 18.1.2.3** a prestigious location in terms of exposure and access (i.e., within a fifteen (15) minute walk from a bus or other mass transit station, in the central business district or a very important sector of the city or a diplomatic enclave/area),
 - 18.1.2.4** large, efficient floor plate,
 - 18.1.2.5** appropriate building features including drop ceilings, box lighting, HVAC controls, attractive common area lobbies and washrooms,
 - 18.1.2.6** emergency fire sprinklers, detectors and alarms,
 - 18.1.2.7** at least two (2) staircases for emergency exiting,
 - 18.1.2.8** on-site parking and storage facilities for lease,
 - 18.1.2.9** built to the latest earthquake standards for the area,
 - 18.1.2.10** employed building codes similar to Canada's codes,
 - 18.1.2.11** back-up generator capability for at least the vital building systems,
 - 18.1.2.12** professional security and property management, and
 - 18.1.2.13** on-site or nearby support retail, banking and other business support services.
- 18.2 Class "B":**
- 18.2.1** A Class "B" Building is an older building fully renovated to modern standards situated in a still prime location with very good occupancy rates.
 - 18.2.2** A Class "B" building is eleven (11) years or OLDER since initial construction or since a major renovation. Therefore, some (or all) of the fourteen Class "A" points above would not apply or would be inferior or lacking.
- 18.3 Class "C":**
- 18.3.1** A Class "C" Building is an older, un-renovated building (at least eleven (11) years of age) in fairly good condition, with moderate rental rates and good occupancy, in a secondary location that has been surpassed by new downtown developments.

GI19INTERPRETATION

- 19.1** In this RFP, "Her Majesty", "the Minister" or "Canada" means Her Majesty the Queen in right of Canada, as represented by the Minister of Foreign Affairs.