
PUBLIC WORKS AND
GOVERNMENT SERVICES
CANADA

ADDENDUM NO. 8

COMPLEX REAL ESTATE TRANSACTIONS
REAL ESTATE SERVICES DIRECTORATE

PROJECT NO. 5225-2-2020-5
599 TREMBLAY ROAD DEVELOPMENT PROJECT

DATE: July 24, 2020

The following changes to the Request for Qualification document are effective immediately and form part of the Contract Documents.

This Addendum consists of Two Parts:

PART 1: QUESTIONS AND RESPONSES

Question 1

RFQ Section

Addendum No. 6, Part 1, Response 1

Addendum No. 6, Part 1, Response 18

Addendum No. 6, Part 1, Response 18 appears to state that the confidential financial statements of private companies (which should not be shared among the members of the same consortium) can be submitted in sealed envelopes, but only if the entire RFQ submission is submitted in printed format (i.e. all documents must be included and received together as part of the Response; password protected files are not acceptable via epost Connect or on USBs). This means that epost Connect is not available to submissions that include confidential financial statements for PWGSC's access only.

1. Would PWGSC please confirm if this is correct? If so, would PWGSC please provide some flexibility to allow confidential files to be submitted via epost Connect given the ongoing COVID-19 pandemic?
2. Will PWGSC allow RFQ submissions to be transmitted using epost Connect by way of multiple posted messages (i.e. will PWGSC accept/aggregate multiple epost messages containing portions of the RFQ submission)?

Response 1

Financial statements may be submitted separately from the Response by the closing date. If financial statements are submitted separately from the Response, a duplicate of Form C-2 should be included with the financial statements submission. This will permit PWGSC to match financial statements to the correct Response.

Form C-2 is amended to include a section to specify to PWGSC the financial statements submitted separately from the Response. Please refer to Revision 1, Part 2 in this Addendum 8 of this day for the revised Form C-2.

The following information should be indicated on the separate submissions for financial statements:

- On the envelopes for hard copies: Project name, Project number, and the wording “Confidential financial statements”,
- In the file name for electronic copies: Project number, and the wording “Financial statements”

Question 2

Form C-1 – Master RFQ Response Form

Our developer prime member will be a joint venture of several companies under our corporate umbrella that have developed past projects. Please confirm that the specifics of this joint venture are to be described solely in the corporate brochure as per form C-4, and that no formal legal joint venture agreement is needed to be submitted. Financial submittals will be submitted for each member of the joint venture.

Response 2

Please refer to Section 4.11, Section 4.13, and Section 5 of the RFQ in answer to this question. A copy of formal legal joint venture agreement may be submitted, but is not required at the RFQ Stage.

Question 3

Form C-1 – Master RFQ Response Form

In order to present past projects for evaluation constructed by us in multiple provinces, our construction prime member will be a joint venture of two of companies under our corporate umbrella. (Our Ontario and Quebec construction arms are two separate companies). Please confirm that this joint venture can be presented as the sole construction prime member, that the specifics of this joint venture are to be described solely in the corporate brochure as per form C-4, and that no formal legal joint venture agreement is needed to be submitted. Financial submittals will be submitted for each member of the joint venture.

Response 3

Please refer to Section 4.11, Section 4.13, and Section 5 of the RFQ, and to the definition of Construction Prime Member in Appendix A of the RFQ in answer of this question. A copy of formal legal joint venture agreement may be submitted, but is not required at the RFQ Stage.

Question 4

Form C-2 – Team Member Consent Declaration Form

Please confirm that for “Approximate percentage of role to be performed by the Team Member”, related to design prime members, this refers to the percentage of design performed of the specific role listed. As an example, the structural engineer, if engaged to do 100% of the projects structural engineering would put “100%”

Response 4

Please refer to Revision 1, Part 2 of Addendum 7 related to the definition of Design Prime Member in answer to this question. The percentage would also need to be indicated under Form C-3.

Question 5

Form C-2 – Team Member Consent Declaration Form

- c) the Team Member consents to its inclusion as a member of the _____ Respondent;

Please clarify what is to be written in this space. Is it the “name of Respondent” or “Name and Title of Respondent Representative(s) ”noted on form C-1?

Response 5

The name of the Respondent is to be written in this space. Please also refer to Revision 1, Part 2 in this Addendum 8 of this day in answer to this question.

Question 6

Form C-2 – Team Member Consent Declaration Form

- i) the Team Member declares that _____ (Respondent Representative).

Please confirm that this refers to the respondent representative noted on form C-1. All C-2 forms should have the same name in this space

Response 6

Confirmed. Please refer to Section 1.1 of the RFQ and the definition of Respondent Representative in Appendix A of the RFQ, and also to Revision 1, Part 2 in this Addendum 8 of this day in answer to this question.

Question 7

Form C-2 – Team Member Consent Declaration Form

This form states:

- j) the Team Member declares that it and its Affiliates are in compliance with the Integrity Provisions and with the Code of Conduct for Procurement set forth in Sections 7.10, 7.11, and 7.12.

If we read 7.10 it says: The Integrity Provisions are provided under Appendix H of this RFQ. Appendix H says:

- (3) In addition to all other information required in the response solicitation, the Respondent must provide the following:
- (a) by the time stated in the Policy, all information required by the Policy described under the heading ‘Information to be Provided when Bidding, Contracting or Entering into a Real Property Agreement’

What information must be submitted with the RFQ response to meet this requirement

Response 7

Please refer to the definition of Ineligibility and Suspension Policy under Appendix A of the RFQ, which provides the link to the Policy. The Policy contains a heading ‘*Information to be Provided*

when Bidding, Contracting or Entering into a Real Property Agreement'. The information described in the Policy should be provided with the Response using Form C-5 – Directors of the Respondent Team.

Question 8

Form C-2 – Team Member Consent Declaration Form

This form states:

- j) the Team Member declares that it and its Affiliates are in compliance with the Integrity Provisions and with the Code of Conduct for Procurement set forth in Sections 7.10, 7.11, and 7.12.

If we read 7.10 it says: The Integrity Provisions are provided under Appendix H of this RFQ. Appendix H says:

- (3) In addition to all other information required in the response solicitation, the Respondent must provide the following:
 - (b) with its response, a complete list of all foreign criminal charges and convictions pertaining to itself, its affiliates and its proposed first tier subcontractors that, to the best of its knowledge and belief, may be similar to one of the listed offences in the Policy. The list of foreign criminal charges and convictions must be submitted using an Integrity Declaration Form, which can be found at Declaration form for procurement.

Must all team members who complete form C-2 submit an integrity declaration form? If so, where is this form to be included?

Response 8

Please refer to Revision 2, Part 2 in this Addendum 8 of this day providing an updated link to the Integrity declaration form. The Integrity declaration form must be submitted in accordance with the instructions available under the form.

Please also refer to Responses 7 and 21 in this Addendum 8 of this day in answer to this question.

Question 9

Form C-2 – Team Member Consent Declaration Form

Please define the term “project developer”

Response 9

Project Developer refers to the Project Developer Prime Member. Please also refer to Revision 1, Part 2 in this Addendum 8 of this day in answer to this question.

Question 10

Form C-4 Corporate Profile

Instructions 3) refers to “Letters of support from parent companies and detailed descriptions of legal relationships”, as not counting towards the page total, however these are not asked for elsewhere in form C-4.

Could you please elaborate on what is required, and which prime members must provide it.

Response 10

Respondents will put forward their own specifics and may include letters of support from parent companies and detailed descriptions of legal relationships in its Response. For additional guidance, please also refer to the definition of Guarantee under Appendix A, as well as Section 4.7 of Appendix B of the RFQ.

Question 11

Form C-4 Corporate Profile

Instructions 2): notes “For subsidiary corporation(s), provide the name of parent/holding company(ies) and organizational chart showing parent/holding company(ies) and subsidiary and affiliate companies”

Which prime members must provide this? This is not specified.

Response 11

In the case of subsidiary corporation(s), this applies to the Respondent, Prime Members and Equity Member(s) as described on Form C-4.

Question 12

A.2 Respondent Team Composition, Structure and Management

For points 1 and 2, please define the term “relationship”. Is this contractual? communication? decision making hierarchy? flow of design input? etc. We could assume but would prefer PWGSC specify what they would like to see on the org charts.

Response 12

Respondents will submit their own specifics to its response as it relates to this part of Appendix D Package 2. For additional guidance, please also refer to the Evaluation Criteria A.2, notably “A clearly articulated organizational structure, including a comprehensive description of reporting structure and hierarchy of Team Members and Key Individuals that takes into account the needs of the Project;”

Question 13

General

Is it intended that the Equity Member is essentially the entity that will hold the Ground Lease and Sublease and not its shareholders in the case of a corporation or unit holders in the case of a limited partnership?

Response 13

As described in the RFQ, notably its Section 1.1 (5) and Section 3.1 (2) and Appendix B Section 4.7, the Respondent selected as the Preferred Proponent in the subsequent Request for Proposal process will enter into a series of agreements with PWGSC.

Question 14**C.1 Construction Capability and Experience**

If we create a joint venture amongst two construction companies (Construction Company A and Construction Company B form Joint Venture C), can we present past projects completed by either Company A or Company B for evaluation? Joint Venture C will have been formed solely for the 599 Tremblay project, and not have constructed any projects. Only the member companies of Joint Venture C, (Construction Company A and Construction Company B) individually will have constructed projects. Is this acceptable?

Response 14

Confirmed. Either company can present reference projects. However, only projects from Prime Members will be evaluated in accordance with Appendix D.

Please refer to Section 4.2 Eligibility in answer to this question. A Response will be evaluated in accordance with Appendix D – Evaluation Criteria and Submission Requirements and Appendix E – Applicable Scales for Rated Evaluation Criteria.

Question 15**C.1 Construction Capability and Experience**

If we put forth two construction companies as construction prime members, (Construction Company A and Construction Company B) and note that each member will perform a certain percentage of the work, can we include past projects for evaluation from either Construction Company A or Construction Company B? How does this affect the rating of this section as with 3 past projects submitted for rating using Form D-1, there will be two from one company and one from the other (66% / 33% split), whereas the % of work proposed to be performed by each construction company on the 599 Tremblay project will not necessarily be 66%/33%.

Response 15

Please refer to Response 14 in this Addendum 8 of this day in answer to this question.

As noted in Appendix D – Evaluation Criteria and Submission Requirements, the referenced projects will be evaluated collectively against the comparability evaluation criterion, and then be evaluated individually against the capability evaluation criterion, with an average score awarded for Capability. Also please refer to the Applicable Scales detailed in Appendix E in answer to this question.

Question 16**A. Development Capability and Experience**

If we create a joint venture amongst three development companies (Development Company A, Development Company B, Development Company C form Joint Venture D), can we present

past projects completed by any of the companies included in the joint venture? Joint Venture D will have been formed solely for the 599 Tremblay project, and not have developed any projects. Only the member companies of Joint Venture D, (Development Company A, Development Company B, Development Company C) individually will have developed projects. Is this acceptable?

Response 16

Please refer to Response 14 in this Addendum 8 of this day in answer to this question.

Question 17

A. Development Capability and Experience

If we put forth three development companies as development prime members, (Development Company A, Development Company B, Development Company C) and note that each member will perform a certain percentage of the work, can we include past projects for evaluation from either Development Company A, Development Company B, or Development Company C? How does this affect the rating of this section as with 3 past projects submitted for rating using Form D-1, there will be one past project from each company (33%/33%/33% split), whereas the % of work proposed to be performed by each construction company on the 599 Tremblay project will not necessarily be 33%/33%/33%

Response 17

Please refer to Responses 14 and 15 in this Addendum 8 of this day in answer to this question.

Question 18

General

If the Respondent is a consortia would the Agreements be executed with the consortia or the Equity Member who would subcontract with the other members of the consortia?

Response 18

Please refer to Response 13 in this Addendum 8 of this day in answer to this question.

Question 19

Appendix J – Administrative Checklist

Aside from the items noted in this checklist, is any other submittal required to be provided with the RFQ response?

Response 19

Please note that the Administrative Checklist provided in Appendix J is for information purposes only.

It is the sole responsibility of a Respondent to ensure it complies with all RFQ requirements, including those applicable only in specific circumstance such as the Integrity declaration form noted in Responses 8 and 21 in this Addendum 8 of this day. For additional guidance, please also refer to Table 3 Evaluation Criteria, Appendix D.

Question 20

Form C-2

For Form C-2, as no hard copy is to be submitted, will PWGSC accepted [sic]:

- a PDF digital signature stamp with email and date?
- a jpeg of an ink signature inserted in the pdf by the signatory?
- a scan of a printed and ink signed form?

Response 20

For Responses submitted electronically, Form C-2 should be submitted in accordance with RFQ Section 4.11(14). A PDF, jpeg and/or scan of a signed form may be submitted.

Question 21

Appendix H Integrity Provisions

In reference to Appendix H Integrity Provisions and considering that submissions are now electronic only, please confirm that for organizations that need to complete the PWGSC Integrity Declaration Form that this form can be submitted electronically. The form's instructions say that the form must be put in a sealed envelope and included with the bid submission.

Response 21

Yes, the form can be submitted electronically. Please refer to Revision 2, Part 2 in Addendum 8 of this day for the updated link to the Integrity declaration form in answer to this question. The form provides instructions for submitting an Integrity declaration form electronically by epost Connect.

Question 22

Appendix D – D.1 Experience

Will PWGSC please increase the page limit for Property and Facility Management project examples from three to five pages? Given these project examples are intended to respond to the evaluation criteria outlined in Appendix D – D.1 Experience, as well as the information contained within Form D-1 Project Template, we feel that more space is necessary in order to provide PWGSC with a fulsome response addressing all of these elements.

Response 22

The limit of 3 pages per project will not be changed.

Question 23

Addendum No. 7, Part 2, Revision 1

Addendum No. 7, Part 2, Revision 1 limits Design Prime Members to those entities responsible/undertaking over 50% of the design work, which now appears to exclude all key disciplines performed by design subconsultants (i.e. civil, mechanical, electrical, structural and

other design and engineering elements) from the definition of “Team Member” (unless they are also Equity Members).

The instructions on Forms C-2, C-3, C-4 and C-5 indicate that they are to be completed by Team Members or Prime Members.

1. Would PWGSC please confirm that design subconsultants providing civil, mechanical, electrical, structural and other design and engineering elements are no longer “Team Members”?
2. Would PWGSC please confirm that design subconsultants do not need to complete submission Forms C-2, C-3, C-4 and C-5?

Response 23

The following answer addresses points 1 and 2 listed under question 23 of this Addendum 8.

1. Confirmed. Only the entities meeting the definition of Prime Member are Team Members. Please refer to Revision 1, Part 2 of Addendum 7 in answer to this question.
2. Entities that are not Team Members do not need to complete Forms C-2, C-3, and C-5. However, entities providing Key Individuals must be presented in Form C-4 in accordance with Form C-4 instruction (1).

Question 24

4.11 Response Instructions 11 (a)

Respondents are required to submit One (1) bound signed original marked as "Original" and five (5) bound copies of the information required in:

- (I) Appendix C - Package 1: Forms and Certification; and
- (II) Appendix D - Package 2: Rated Evaluation Criteria and Submission Requirements;

Each Respondent Team Member will be sealing their financial records/reports in an envelope with the Original version. Does PWGSC also require five (5) copies of each Respondent Team Member's financial records/reports or is one (1) original copy sufficient?

Response 24

Section 4.11(11)(a) and Appendix J of the RFQ, include that Respondents should submit one (1) bound, signed original marked as “Original”, five (5) bound copies and one (1) electronic copy of all the information; therefore, these quantities for the financial statements should be submitted.

Question 25

If the Respondent chooses to submit hard copies as described in the RFQ, are dividers/tabs, used to separate the required sections excluded from the page count.

Response 25

The use of divider pages or tab pages will not be considered as a page.

Question 26

General Administration of RFQ

Would PWGSC kindly consider issuing a black-lined copy of the RFQ incorporating all changes from the original document to assist the Respondents with ensuring all changes to the RFQ have been incorporated and considered?

Response 26

A black-lined copy of the RFQ will not be provided.

Question 27

Appendix D, E.2 and E.3 and Forms D-1 and D-2

Under Requirement E.2, Financing Prime Members are to "submit three (3) project examples that are of relevance to the Project's requirements demonstrating the Financing Prime Member(s)'s successful implementation of past project financings". Similarly, in Form D-2 paragraph (d), Key Individuals must select up to three past projects.

Where the projects submitted for these requirements are self-funded by the Financing Prime Member, i.e. that the "client" is the Financing Prime Member itself, and no other bank or investor is involved, who should be listed as the client reference for the project in forms D-1 and D-2?

Response 27

The Respondent must identify in Forms D-1 and D-2 an appropriate client reference that could validate the information provided on the forms.

Question 28

Addendum 6 - Question 6 (2)

"In Addendum No. 6, Question 6 (2) refers to section 4.13 and asks:

"Is it permitted to have a Respondent that does not fill any of the Prime Member roles?"

The response to Question 6 (2) is: "Yes, this is possible where the named Respondent is an Equity Member that is not a Prime Member."

By definition an Equity Member is an entity with an ownership or equity interest in the Respondent selected as the Preferred Proponent. The definition of Prime Member contemplates that the Project Development Prime Member "may also hold another Prime Member or Equity Member role". Therefore, an Equity Member cannot also be the Respondent, although the Equity Member could be a Prime Member.

Please confirm that:

- (a) a Respondent (and ultimately the Preferred Proponent) may be a special purpose entity;
- (b) a Respondent (and ultimately the Preferred Proponent) does not need to be a Prime Member;
- (c) a Respondent (and ultimately the Preferred Proponent) is not an Equity Member; and
- (d) an Equity Member may have an ownership or equity interest in the Respondent."

Response 28

The statement “*Therefore, an Equity Member cannot also be the Respondent, although the Equity Member could be a Prime Member*” is not correct. An Equity Member could be the Respondent. Please refer to the definition of Prime Member; the Development Prime Member could be the Equity Member.

The following answer addresses points (a) to (d) listed under question 28 of this Addendum 8. Please also refer to RFQ Sections 1.1(4), 4.2(1), 4.11(1), 4.13 in answer to this question.

- a. Confirmed. Please also refer to Response 21 in Addendum 2.
- b. Confirmed.
- c. A Respondent does not need to be an Equity Member, but a Respondent could be an Equity Member.
- d. Yes

PART 2: REVISIONS TO THE REQUEST FOR QUALIFICATIONS

Revision 1 of this Addendum amends Form C-2 Team Member Consent Declaration Form to include a section identifying any documents sent separately from the Response by the Team Member.

Revision 2 of this Addendum provides an updated link to the most recent Integrity declaration form under Appendix H – Integrity Provisions Section 1.(5).

1. **Form C-2 Team Member Consent Declaration Form is replaced with the following to include additional information related to the documents sent separately from the Response by the Team Member:**

DELETE

FORM C-2 – TEAM MEMBER CONSENT DECLARATION FORM

Legal Name of Team Member	
Role(s) of Team Member (Equity, Project Developer, Design, Construction, Property and Facility Management or Financing)	
Approximate percentage of role to be performed by the Team Member	
Type of Business	
Current Trading/Business Name	
Year of Incorporation / Registration	
Registered Address	

I, _____, am an authorized officer or director of _____ (“Team Member”) and confirm for and on behalf of the Team Member and without any personal liability that:

- a) the Team Member has read and understands the RFQ and acknowledges that all terms not otherwise defined herein shall have the meaning given to them in the RFQ;
- b) the Team Member agrees to be bound by the requirements of the RFQ;
- c) the Team Member consents to its inclusion as a member of the _____ Respondent;
- d) the Team Member confirms that the Response accurately reflects the qualifications of the Team Member;

- e) the Team Member consents to the Procurement Authority performing reference checks in accordance with the RFQ;
- f) the Team Member understands and accepts the obligations imposed on it as a result of the Response;
- g) the Team Member does not consider itself to be in conflict of interest or to have an unfair advantage within the meaning of Section 7.14 of this RFQ;
- h) the Team Member declares that this Form C-2 – Team Member Consent Declaration has not been modified in any manner, except to complete the required information;
- i) the Team Member declares that _____ (Respondent Representative) has been appointed the Respondent Representative and has been given the power and authority to bind the Team Member for all matters pertaining to the RFQ; and
- j) the Team Member declares that it and its Affiliates are in compliance with the Integrity Provisions and with the Code of Conduct for Procurement set forth in Sections 7.10, 7.11, and 7.12.

In witness whereof, the Team Member has executed this Team Member Consent Declaration as of the date indicated below.

Team Member

Per:

Name:

Title:

Date:

Per:

Name:

Title:

Date:

INSERT

See next page

FORM C-2 – TEAM MEMBER CONSENT DECLARATION FORM

Legal Name of Team Member	
Role(s) of Team Member (Identify the role of the Team Member: Equity <u>Member</u> , Development <u>Prime Member</u> , Design <u>Prime Member</u> , Construction <u>Prime Member</u> , Property and Facility Management <u>Prime Member</u> or Financing <u>Prime Member</u>)	
Approximate percentage of role to be performed by the Team Member	
Type of Business	
Current Trading/Business Name	
Year of Incorporation / Registration	
Registered Address	

I, _____, am an authorized officer or director of _____ (“Team Member”) and confirm for and on behalf of the Team Member and without any personal liability that:

- a) the Team Member has read and understands the RFQ and acknowledges that all terms not otherwise defined herein shall have the meaning given to them in the RFQ;
- b) the Team Member agrees to be bound by the requirements of the RFQ;
- c) the Team Member consents to its inclusion as a member of the _____ [name of the Respondent] Respondent;
- d) the Team Member confirms that the Response accurately reflects the qualifications of the Team Member;
- e) the Team Member consents to the Procurement Authority performing reference checks in accordance with the RFQ;
- f) the Team Member understands and accepts the obligations imposed on it as a result of the Response;
- g) the Team Member does not consider itself to be in conflict of interest or to have an unfair advantage within the meaning of Section 7.14 of this RFQ;
- h) the Team Member declares that this Form C-2 – Team Member Consent Declaration has not been modified in any manner, except to complete the required information;
- i) the Team Member declares that _____ [name of the Respondent Representative(s)] (Respondent Representative) has been appointed the Respondent Representative and has been given the power and authority to bind the Team Member for all matters pertaining to the RFQ; and

- j) the Team Member declares that it and its Affiliates are in compliance with the Integrity Provisions and with the Code of Conduct for Procurement set forth in Sections 7.10, 7.11, and 7.12.
- k) the Team Member is submitting the following financial statement(s) separately from the Response:

<u>List and describe the Financial statement(s) submitted separately from the Response (if applicable)</u>	
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In witness whereof, the Team Member has executed this Team Member Consent Declaration as of the date indicated below.

Team Member

Per:

Name:
Title:
Date:

Per:

Name:
Title:
Date:

- 2. Appendix H – Integrity Provisions, Section 1.(5) is replaced by the following with an updated link to the most recent Integrity declaration form:**

DELETE

- (5) Where a Respondent is unable to provide any of the certifications required by subsection (4) of this Appendix, it must submit with its response a completed Integrity Declaration Form, which can be found at <http://www.tpsgc-pwgsc.gc.ca/ci-if/documents/formulaire-form-eng.pdf>.

INSERT

- (5) Where a Respondent is unable to provide any of the certifications required by subsection (4) of this Appendix, it must submit with its response a completed Integrity Declaration Form, which can be found at <https://www.tpsgc-pwgsc.gc.ca/ci-if/declaration-eng.html>.

The remainder of the Request for Qualifications shall remain unchanged.