



DRYDEN

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The Corporation of The City of Dryden

REQUEST FOR PROPOSALS

Combined Heat and Power (CHP) System

Design & Engineering

RFP Title	Combined Heat and Power (CHP) Design and Engineering
RFP Number	R-2021-08

Proponents will submit their proposals using the following timetable and instructions.

Issue Date of RFP	Monday, November 22 nd 2021
Deadline for Questions	Monday, November 29 th 2021
Deadline for Issuing Addenda	Monday, December 6 th 2021
Submission Deadline	Monday, December 13 th , 2021. 3:00pm
Rectification Period	Five (5) business days unless otherwise noted in a Rectification Notice.

The RFP Timetable is tentative only and may be changed by the City at any time. Any changes to the RFP Timetable will be issued by way of Addenda, all of which will be posted on the City's website.

Proposal must be received by the submission deadline outlined above, electronically or by mail. The closing time is listed in Central Standard Time. Late submissions will not be accepted.

Proponents are cautioned that the timing of the Proposal Submission is based on when the Proposal is **received**, not when the proposal is transmitted, or postage stamped. Proposal transmission can be delayed due to internet service and postal service delays. For these reasons, it is recommended that Proponents allow sufficient time to ensure delivery and to resolve any issues that may arise.

For the purposes of this procurement process, the City of Dryden contact shall be:

Steve Belanger
 Manager of Community Services
 82 Whyte Ave
 Dryden, ON P8N 2A7
 Tel: (807) 223-1425 x 3
 Sbelanger@dryden.ca

This Request for Proposals (the "RFP") is issued by the City of Dryden of Dryden (the "City"). This RFP consists of the following sections:

- 1. Instructions to Proponents and RFP Procedural Rules**
- 2. Terms of Reference**
- 3. Appendix A- Agreement for Review**
- 4. Standard Terms and Conditions**

Section 1 Instructions to Proponents and RFP Procedural Rules.

A. Applicable Trade Treaties

Proponents should note that procurement falling within the scope of the Chapter 19 of the *Comprehensive Economic and Trade Agreement*, Chapter 5 of the *Canadian Free Trade Agreement and the New West partnership Trade Agreement* are subject to those trade treaties, but that the rights and obligations of the parties shall be governed by the specific terms of each particular proposal call.

B. Procurement Process Non-Binding

- i. The procurement process is not intended to create and shall not create of formal legally binding bidding process and shall instead be governed by the law applicable to commercial negotiations. For greater certainty and without limitation: (A) the RFP shall not give rise to any Contract based tendering law duties or any other legal obligations arising out of the process contract or collateral contract or collateral contract; and (B) neither the proponent nor the City shall have the right to make any claims (in contract, tort, or otherwise) against the other with respect to the award of a contract, failure to award a contract or failure to honour a response to the RFP.
- ii. The RFP process is intended to identify prospective vendors for the purposes of negotiating potential agreements. No legal relationship or obligation regarding the procurement of any good or service shall be created between the proponent and the City by the RFP process until the successful negotiation and execution of a written agreement for the acquisition of such goods and/or services.
- iii. While the pricing information provided in the responses will be non binding prior to the execution of a written agreement, such information will be assessed during the evaluation of the responses and the ranking of the Proponents. Any inaccurate, misleading or incomplete information including withdrawn or altered pricing, could adversely impact any such evaluation, ranking or contract award.
- iv. The City may Cancel or amend the RFP process without liability at any time.

C. Proposals should be submitted in the perscribed manner.

Proponents should submit via mail or email only to

Via Mail

City of Dryden
30 Van Horne Ave
Dryden, Ontario
P8N 2A7
Attention: Allyson Euler
RFP-2021-08

Via Email

AEuler@Dryden.ca
Subject: RFP-2021-08

D. RFP Communications and Confidential information.

Proponents must examine all of the documents comprising this RFP and may direct questions or seek additional information by emailing the Project Manager at sbelanger@dryden.ca. It is the responsibility of the Proponent to seek clarification on any matter it considers to be unclear. The City will not be responsible for any misinterpretation on the part of the Proponent concerning this RFP or its process.

- i. A Proponent may not at any time directly or indirectly communicate with the media in relation to the RFP or any contract awarded pursuant to the RFP without first obtaining the written permission of the City Contact.
- ii. All information provided by or obtained from the City in any form in connection with the RFP either before or after the issuance of the RFP: is the sole property of the City and must be treated as confidential; is not to be used for any purpose other than replying to the RFP and the performance of any subsequent Contract; must not be disclosed without prior written authorization from the City; and shall be returned by the Proponents to the City immediately upon the request of the City.
- iii. A Proponent should identify any information in its proposal or any accompanying documentation supplied in confidence for which confidentiality is to be maintained by the City. The confidentiality of such information will be maintained by the City, except as otherwise required by law or by order of a court or tribunal. Proponents are advised that their proposals will, as necessary, be disclosed on a confidential basis, to the City's advisers retained for the purpose of evaluating or participating in the evaluation of their proposals. If a Proponent has any questions about the collection and use of personal information pursuant to the RFP, they are to be submitted to the City Contact. Any proposal submitted is subject the *Freedom of Information and Protection of Privacy Act*.

E. Conflict of interest.

For the purposes of this section, the term "Conflict of Interest" means

- i. In relation to the RFP process, the Proponent has an unfair advantage or engages in conduct, directly or indirectly, that may give an unfair advantage, including but not limited to, (a) having, or having access to, confidential information of the City in the preparation of its proposal that is not available to other Proponents, (b) communicating with any person with a view to influencing preferred treatment in the RFP process (including but not limited to the lobbying of decision makers involved in the RFP process), or (c) engaging in conduct that compromises, or could be seen to compromise, the integrity of the RFP process; or
- ii. In relation to the performance of its contractual obligations contemplated in the contract that is the subject of this procurement, the Proponents other commitments, relationships or financial interests (a) could, or could be seen to, exercise an improper influence over the objective, unbiased and impartial exercise of its independent judgement, or (b) could, or could be seen to, compromise,

impair or be incompatible with the effective performance of contractual obligations.

The Proponent shall not engage in any Conflict of Interest communications.

A Proponent may not, in relation to this RFP or the evaluation and selection process, engage directly or indirectly in any form of political or other lobbying whatsoever to influence the selection of the successful Proponent(s).

Without limiting the generality of the above statement, at any time during the RFP process, Proponents and Proponent Team Members are prohibited from contacting, or attempting to contact, either directly or indirectly, any of the following persons or organizations on matters related to the RFP process, the RFP document or the proposals:

- a) any member of the evaluation committee;
- b) any person employed or engaged by the City, or any person who was previously employed by the City and who would have information relating to the procurement of the Deliverables, other than the City Contact;
- c) any member of the municipal Council of the City or
- d) any other Proponent or Proponent representatives.

F. Site inspection

Respondents must complete a site inspection prior to submission. Sites inspections will be completed by appointment only at a mutually agreed time. Appointments are to be arranged by contacting the Project Manager, Steve Belanger via email at sbelanger@dryden.ca or by calling (807)223-1425 ext 3.

G. Amendment and or Withdrawal of Proposal

Proponents may amend their proposals after they have been submitted, but prior to the closing date and time. The Proponent is solely responsible to ensure that the resubmitted proposal is received before the closing date and time.

Amendments to the RFP by Way of Addenda

The RFP may be amended by an addendum in accordance with this section. If the City, for any reason determines that it is necessary to provide additional information relating to the RFP, such information will be communicated to all Proponents by addenda. Each addendum forms an integral part of the RFP. Such addenda may contain important information, including significant changes to the RFP.

No Addenda shall be issued later than 2 business days prior to the closing date; if an Addendum is required beyond 3 business days prior to the closing date, the City shall

extend the closing date by the same Addendum for a number of days determined solely by the City.

Withdrawal of Proposal

Proponents may withdraw their proposal submission at any time throughout the RFP process prior to the closing date and time. To affect a withdrawal, a notice of withdrawal must be signed by an authorized representative of the Proponent and sent to the City Contact.

The City is under no obligation to return withdrawn Proposals.

H. Evaluation and Selection

i. Proponents should carefully note the mandatory requirements Section 2. Proposals that do not meet the mandatory requirements at the submission deadline will be disqualified.

ii. The Successful Proponent will be determined by evaluation criteria as set out in Section 2 of this RFP and advised in writing by the City's Administration Department.

iii. When evaluating proposals, the City may request further information from the Proponent or third parties in order to verify and clarify the information provided in the Proponent's proposal. The City may revisit and re-evaluate the Proponent's response or ranking on the basis of any such information.

I. Past Performance, References and Misrepresentation/Others

i. The City evaluation may include information provided by the Proponent's references and may also consider the Proponent's past performance on previous contracts with the City or other Institutions. The City may disqualify the Proponent or rescind a contract subsequently entered into if (a) the Proponent's response contains misrepresentations or any other inaccurate, misleading or incomplete information; (b) the refusal of the Proponent to honour its pricing or commitments made in its proposal; or (c) any other conduct, situation, or circumstance, as solely determined by the City, that constitutes a Conflict of Interest.

ii. The City's policy is to refuse to do business with parties who do not act in good faith towards the City, whether by failing to live up to the terms of their agreements or by entering into frivolous or vexatious litigation with the City. Accordingly, the City will review proposals based on the past performance and any history of litigation in accordance with its policies.

iii. The City may prohibit or disqualify a Proponent from participating in a procurement process based on (ii) above.

J. Vendor Performance

i. It is expected that the successful Proponent shall provide an acceptable standard and quality of service and value to the City in the execution of the terms and conditions of

any resulting contract between the City and the Proponent. Furthermore, the City shall be the sole judge as to the quality of such service and value.

- ii. The successful Proponent may be evaluated periodically throughout the course of the work or at the end of the project as the case may be. Any evaluation may be shared with the Proponent with the goal of immediate resolution where problems and concerns occur.
- iii. The City and the successful Proponent acknowledge that delays in performance may arise due to events beyond their reasonable control. Such delays will be excusable and the relevant obligations suspended, but only for such periods of time as the casue the delay remains beyond the reasonable control of the obligated party.

K. Proponent Costs

Proponents shall bear their own costs associated with those incurred in the preparation and presentation of their submissions, including, if applicable, costs incurred for interviews or demonstrations.

L. Debriefing

Unsuccessful Proponents may request a debriefing after receipt of a notification of award. All requests must be in writing to the City Contact and must be made within thirty (30) days of notification of award. The intent of the debriefing information session is to aid the Proponent in presenting a better proposal in subsequent procurement opportunities. Any debriefing provided is not for the purpose of providing an opportunity to challenge the procurement process or award.

M. Governing Law

Procedural terms of the RFP process (a) are included for greater certainty and are intended to be interpreted broadly and seperately, (with no particualr provision intended to limit the scope of any other provision); (b) are non exhaustive (and shall not be construed as intending to limit the pre-existing rights of the parties to engage in pre-contractual discussion in accordance with the common law governing direct commerical negotiations); and (c) are to be governed by and construed in accordance with the laws of Ontario and the federal laws of Canada applicable therein.

N. Budget Availability

Any contract awarded pursuant to this RFP is subject to budget availability.

O. Non-Canadian Proponents.

Due to restrictions set by the Federal Government of Canada on foregin persons coming to Canada to perform work under a contract with a Canadian company, if a non Canadian Proponent is selected by the City, prior to entering into contract, the City will request the Proponent to provide the City with additonal information regarding its personnel.

Admission clearance to Canada for Foreign Workers is approved by the Government of Canada. The Proponent is responsible to ensure any personnel entering Canada under this contract meet Immigration Canada requirements.

In order to submit an Offer of Employment, the City requires the following information from each Foreign Worker that will be requesting permission to enter Canada to Work:

- Family name (surname) as shown on the passport
- Given name(s) as shown on the passport
- Gender
- Date of Birth
- Country of Birth
- Country of Residence
- Citizenship
- Passport Number
- Education (degrees/diplomas/certifications) and any licences engineering licences)

Section 2- Terms of Reference.

1. Introduction

The Request for Proposals (the RFP) is an invitation by the City to submit non-binding proposals for the Design and Engineering of a Combined Heat and Power System (Deliverables) as set in out in this section of the RFP. The selected Proponents will be requested to enter in negotiations for an agreement with the City for the provision of the Deliverables.

Depending on the results of and outcome of the deliverables of the project expressed in this RFP document, additional related work unforeseen at this time may come into existence. The City reserves the right to either utilize the services of the successful Proponent for additional related work subject to the successful Proponent's performance and successful negotiation, or return to the market with a new Request for Proposal document if determined to be in the City's best interest.

2. Background information

In 2019, the City of Dryden submitted a funding application to the Infrastructure Canada Improvement Program for numerous renovations and retrofits for the Dryden Recreation Complex including the introduction of a Combined Heat and Power (CHP) system to the serve the entire Dryden Recreation Complex. The Dryden Recreation Complex is a sprawling facility that is home to two (2) ice surfaces, a 25 metre pool, therapeutic pool, numerous fitness facilities and meeting spaces. In 2019, a preliminary feasibility study was completed for the installation of three (3) Capstone C65 natural gas turbines. This study was included in the funding proposal that eventually proved successful. The City of Dryden shall be proceeding with the installation of a combined heat and power (CHP) system at the Dryden Recreation Centre, 84 Whyte Avenue. The proposed system will be comprised of three (3) Capstone C65 natural gas turbines with heat recovery in a behind-the-meter configuration. The new equipment will be located outside the existing building footprint due to space constraints. Intended construction start date will be June 2022 with substantial completion by December 2022.

3. Role of the City

Steve Belanger, Community Service Manager, or his designate, will serve as a liaison between the Proponent and the City of Dryden personnel. It is anticipated that the Proponent's team will appoint one or at the most, two persons to regularly liaise with the City of Dryden and staff for the purpose of completing specific tasks.

4. Scope of Work

The City is looking for a Firm to complete design and engineering services for the project including, but not limited to the following:

1. Provide detailed engineering design and specifications for the project. Ensure design maximizes efficiency and takes full advantage of the available waste heat for building heat, domestic hot water, pool heat and makeup air heat. This includes all mechanical, electrical and civil design work as required for the complete design of the project. All drawings must meet or exceed manufacture and local utility requirements for electrical and thermal interconnection. All drawings must be stamped by a professional engineer registered in the province of Ontario.
2. Coordinate the work with utilities including Enbridge Gas and Hydro One. For Enbridge this includes verifying existing gas capacity is available or working with Enbridge on a new gas station upgrade. For Hydro One this includes preparing a Form A, preparing a Form B Connection Impact Assessment and providing all follow up supporting documentation to carry the project through to final connection to utilities. It will be the selected firm's responsibility to get the project approved and connected by Hydro One including receiving a connection cost agreement and offer to connect. All commissioning reports and project closeout documentation as required by Hydro One is also included in this scope.
3. Prepare Emission Summary and Dispersion Modelling Report, Acoustic Assessment Report, Noise Abatement Plan and MECP Application as required to receive an approved EASR. Provide all required supporting documentation and coordination as required by the MECP. It is the firm's responsibility to determine a design that meets the MECP requirements and receive an approved EASR.
4. Prepare tender documents, complete contract administration and attend mandatory contractor site meeting during tender process.
5. Perform minimum two site inspections per month during the construction phase and attend additional site meetings if requested by Owner or Contractor.

Provide pricing for complete work as outlined above to take this project from concept through to completion.

Preference will be given to proponents with previous experience in combined heat and power systems and specifically Capstone C65's in a northern climate. Any questions on the technical requirements of Capstone microturbine combined heat and power systems should be forwarded to:

Jessie Gillis, P.Eng
Senior Applications and Field Service Engineer
Vergent Power Solutions
T: 888-282-2071 x3
C: 519-531-0899
E: jgillis@vergentpower.com

5. Proposal Requirements

5.1 Rated Requirement

a) Price

Proponent to include a quotation that includes a detailed breakdown of the proposed components and the labour required to complete the project.

- Price is to be quoted in Canadian dollars, exclusive of GST.

b) Methodology

Proponent to include a document that provides details including but not limited to:

- A general plan for executing the tasks required to complete the project.
- A detailed listing of staff and qualifications.
- Anticipated life expectancy of the proposed installation including warranty details.

c) Schedule-Document

Proponent to provide a project schedule.

- Please include anticipated start date, project milestones, and anticipated project end date.

d) Experience

- The Proponent shall include a list of past experience and projects that relate to design, engineering and project management specific to the combined heat and power system installations.

6. Evaluation

The City will endeavour to complete a review of all compliant proposals received within 7 days of the closing deadline. The evaluation process will occur in the following stages;

6.1 Stage I - Mandatory Requirements

Stage I will consist of a review to determine which proposals comply with all of the mandatory requirements. Proposals that do not comply with all of the mandatory requirements as of the submission deadline will, subject to the expressed and implied rights of the City, be disqualified and not elevated further.

6.2 Stage II - Evaluation of Rated Criteria and Pricing

Stage II will consist of a review of all compliant proposals to determine the ranking of Proponents based on the rated criteria and pricing evaluation set out below.

Rated Criteria Category	Submission Method	Weighting (Points)
Price		60
Methodology		15
Schedule		10
Reference & Experience		15
Total Points		

6.3 Stage III – Possible Presentations or Interviews

The City may choose, at its sole discretion, to hold presentations or interviews at Stage III of the evaluation process. However, the City is under no obligation to hold Stage III presentations or interviews and may elect to conclude the evaluation process after Stage II and proceed directly to the ranking and selection of the highest scoring Proponent in accordance with Section 6.4

If the City chooses to hold Stage III presentations or interviews, the City intends to add up the scores from the Stage II and invite the three (3) highest scoring Proponents to participate in an interview. However, the City may choose to invite fewer than three (3) Proponents and may exclude any Proponent that did not achieve a score within 20% of the highest scoring Proponent. Proponents that are not invited to participate in Stage III will not be considered further.

Based on the information received through the interview, the City may revisit and re-evaluate the rated criteria and adjust the scoring assigned in Stage II accordingly.

6.4 Cumulative Score

At the conclusion of the evaluation process, all scores for the rated criteria, pricing and interview (if held) will be added together to determine the Proponent with the highest score.

6.5 Tie Score

In the event of a tie score, the bid will be awarded to proponent with the best price for the requested product(s) and service(s). If the tie remains, then the tie will be resolved by the way of a coin toss.

7. Selection Process, General Process Guidelines.

7.1 Time Frame for Negotiation

The City intends to conclude negotiations with the top ranked Proponent within thirty (30) days commencing from the date the City invites the top-ranked Proponent to enter negotiations. A proponent invited to enter into direct contract negotiations should therefore be prepared to provide requested information in a timely fashion and to conduct its negotiations expeditiously.

7.2 Process Rules for Negotiation

Any negotiation will be subject to the process rules contained in the RFP and will not constitute a legally binding offer to enter into a contract on the part of the City or the Proponent. Negotiations may include requests by the City for supplementary information from the Proponent to verify, clarify or supplement the information provided in its proposal or to confirm the conclusion reached in the evaluation, and may include request by the City for improved pricing from the Proponent.

7.3 Terms and Condition

The terms and conditions found in Appendix A will form the starting point for negotiations between the City and the selected Proponent.

7.4 Failure to Enter into Agreement

Proponents should note that if the parties cannot execute a contract within the allocated 30 days, the City may invite the next best ranked Proponent to enter into negotiations. In accordance with the process rules of this RFP process, there will be no legal relationship created with any Proponent prior to the execution of a written agreement. With a view to expediting contract formalization, at the midway point of the above noted timeframe, the City may elect to initiate concurrent negotiations with the next best ranked Proponent. Once the above-noted timeframe lapses, the City may discontinue further negotiations with the top ranked Proponent. This process shall continue until a contract is formalized, until there are no more Proponents remaining that are eligible for negotiations, or until the City elects to cancel the RFP process.

7.5 Notification to Other Proponents

Other Proponents that may become eligible for contract negotiations will also be notified at the commencement of the negotiation process. Once a contract is executed between the City and a Proponent, the other Proponents may be notified directly in writing.

7. RFP Process Timelines

Issuance of RFP	Monday November 22 nd 2021
Deadline for Questions	Monday November 29 th 2021
Deadline for issuing Addenda	Monday December 6 th 2021
Submission Deadline	Monday December 13 th 3:00pm CDT
Anticipated Award Date	Friday December 17 th 2021

The RFP Timetable is tentative only and may be changed by the City at any time. Any changes to the RFP Timetable will be issued by way of Addenda, all of which will be posted on the City's website.

Addenda & Declarations (These forms must accompany the respondent's submission)

1. Acknowledgement of Non-Binding Procurement Process

The Proponent acknowledges that the RFP process will be governed by the terms and conditions of the RFP, and that, among other things, such terms and conditions confirm that this procurement process does not constitute a formal legally binding bidding process, and there will be no legal relationship or obligations created until the City and the selected Proponent have executed a written contract.

2. Non-Binding Price Estimate

The Proponent has submitted its rates in accordance with the instructions in the RFP. The Proponent confirms that the pricing information provided is accurate. The Proponent acknowledges any inaccurate, misleading or incomplete information, including withdrawn or altered pricing, could adversely impact the acceptance of its quotation or its eligibility for future work.

3. Disclosure of Information

The Proponent hereby agrees that any information provided in this proposal, even if it is being supplied in confidence, may be disclosed where required by law or if required by order of a court or tribunal. The Proponent hereby consents to the disclosure of any confidential information contained in the proposal to the City's advisers retained for the purpose of evaluation or participating in the evaluation of this proposal.

Signature

Proponent Company Name

I have the Authority to bind the Proponent/Respondent.

Signature

You must declare all potential Conflicts of Interests as defined in the solicitation document.

By initialing "No Conflict of Interest" below you will be deemed to declare that (a) there was no Conflict of Interest in preparing this response; (b) there is no foreseeable Conflict of Interest in performing the contractual obligations contemplated in the solicitation document.

_____ No Conflict of Interest

Signature

Proponent Information

Please fill out the following form and name at least one person to be the contact for the RFP response and for any clarification or amendments that might be necessary.

Line Item	Description	Response
1	Full Name of Legal Proponent	
2	Any other relevant name under which the Proponent carries on business	
3	Street Address	
4	City	
5	Province/State	
6	Postal/Zip Code	
7	Country	
8	Phone Number	
9	Company Website (if any)	
10	Proponent contact Person and title	
11	Proponent contact phone	
12	Proponent contact Email	