

Resort Municipality of Whistler
Request for Proposal for
Project Management Services
Wastewater Treatment Plant Upgrade

Issued On: April 27, 2005

Issued by:

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On Behalf of our Client:

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Appendix 2 Business Plan, Jonathan Huggett

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1.0 Introduction

The Resort Municipality of Whistler will be undertaking a major upgrade and expansion to the wastewater treatment plant to accommodate the organic and hydraulic loads that are anticipated when Whistler reaches its development cap. Implementation of the expansion is in accordance with the resort community's Wastewater Management Plan.

Partnerships BC ("PBC") is issuing this Request for Proposals ("RFP") on behalf of our client, the Resort Municipality of Whistler ("RMOW"), in order to retain a qualified Project Management Team ("Project Manager") to oversee the delivery of this project. The scope of work associated with this RFP includes project management of the procurement phase and the design and construction phase, and also includes contract administration during year one of operations.

2.0 Background

The purpose of the project is to upgrade the Resort Municipality of Whistler's wastewater treatment plant to accommodate organic and hydraulic loads that are anticipated when Whistler reaches its development cap ("the Project"). Implementation of the expansion is in accordance with the resort community's wastewater management plan.

The project must adhere to the Natural Step framework (Section 2.2) and the municipality's sustainability principles, as articulated in Whistler 2020 – Moving Toward a Sustainable Future (Section 2.1).

The existing physical treatment facilities were upgraded in 1997 as the first phase of a two phase project. The 1997 project included wastewater, leachate and septage collection points, an influent pumping station, preliminary and primary treatment using ferrous chloride, a trickling filter, clarifiers, and discharge into Cheakamus River.

2.1 *Whistler 2020 – Moving Toward a Sustainable Future*

Whistler 2020 – Moving Toward a Sustainable Future (Attachment 1) is a long-term, overarching, community-wide plan that is guided by Whistler's values and sustainability principles, and sets out a shared vision of what the resort community will look like in a successful and sustainable future. It also outlines how the municipality will achieve this vision.

What Whistler is aiming to be in the future is defined by our vision, priorities and directions. How we plan to get there is determined by our strategies and actions. Progress toward success and sustainability is determined by the Whistler 2020 monitoring and reporting system, which helps us to learn and adapt as required.

As a community-wide plan, relevant components of the Whistler 2020 framework and its overarching principles are being adopted by Whistler partners and incorporated into their policies and plans.

2.2 *The Natural Step*

In 2000, the resort community adopted The Natural Step ("TNS") framework to guide its progress toward sustainability. The TNS framework is a 'systems perspective lens' for looking upstream to understand and plan for a sustainable society. It covers all aspects of sustainability, where the ultimate goals are social and ecological sustainability, and a vibrant economy is the means to ensure that we achieve these goals. The framework helps us to understand the state of our currently unsustainable community and society, provides us with basic principles that define minimum requirements for a sustainable society, and outlines a planning process for moving forward.

While there are many unknowns about Whistler's future, we do know the four basic TNS principles that we need to respect for this future to be sustainable. These were developed by identifying the ways that humans destroy natural and social systems. These mechanisms were then changed to principles that specify how to avoid this destruction. The four TNS principles, based on scientific consensus, are concrete and non-overlapping, define our sustainability goals, and guide our thinking and planning.

As with any goal, the best way to achieve it is to envision ultimate objectives and then take step-by-step actions to get there. This process is called backcasting.

Whistler will take steps to move toward four ultimate sustainability objectives, based on the TNS sustainability principles. These are to eliminate Whistler's contribution to:

1. Progressive build-up in concentrations of waste derived from the earth's crust. For example, the resort community is interested in transitioning to renewable energy sources such as ground source heat pumps.
2. Progressive build-up in concentrations of materials produced by society. For example, the municipality is interested in securing a long-term beneficial use of biosolids.
3. Ongoing physical degradation of nature. For instance, the resort community uses eco-certified building materials (e.g., sustainably harvested wood).
4. Undermining of other people's ability to meet their needs. For example, supporting Water For People, an international non-profit organization that focuses on long-term, sustainable water supply and sanitation programs in developing countries.

The non-prescriptive nature of Whistler's sustainability objectives should help to unleash creativity that allows us to identify opportunities for moving toward sustainability. The resort community has used these objectives to develop Whistler 2020, and encourages their use in all decision-making.

3.0 Project Background

3.1 Project Goals and Objectives

The goals and objectives of this project are summarized below:

- 1) The project must be consistent with *Whistler 2020 – Moving Toward a Sustainable Future*, which is the municipality's long-term, overarching, community-wide plan that is guided by our values and sustainability principles, and sets out a shared vision of what the resort community will look like in a successful and sustainable future.
- 2) The project must be consistent with The Natural Step framework, which the RMOW adopted in 2000 and now uses to understand and plan for a sustainable society, including ecological and economic sustainability.
- 3) Meet the requirements of the Whistler Liquid Wastewater Management Plan.
- 4) Improve the quality of the effluent discharge.
- 5) Upgrade the wastewater treatment plant in the most cost-effective and efficient way.
- 6) Reduce the operating costs of the wastewater treatment plant.
- 7) Eliminate offensive odour at property line at all times following the upgrade to the plant.
- 8) Reduce the risk to the RMOW with respect to cost, schedule and technical performance.

3.2 Procurement Plan

The Municipal Council of Whistler has approved the Project to proceed using the design, build, operate procurement model. The RMOW recognizes that there is a potential for savings and value added by using this public private partnership (“P3”) model.

There are reports attached to this RFP that were commissioned by RMOW when researching the feasibility of a P3 project that are available to Project Manager Proponents on the PBC Website (www.partnershipsbc.ca). They are:

- “A Public-Private Partnership for Wastewater Treatment Plan Upgrade”. The report was prepared by Jonathan Huggett on July 9th, 2001 (Appendix 2); and
- The Blue Ribbon Panel review of the procurement options concluded with a report dated January 6, 2005 (Appendix 3).

At this time, RMOW is interested in the two stage procurement strategy described in the reports above. A summary of the two stage process is below:

- A Request for Expressions of Interest (“RFEI”) will enable the RMOW and project manager to short list interested parties down to three groups. The RFEI documents will define the project, the process, the values of the municipality, and the evaluation criteria that will be used to select the three finalists.
- A Request for Proposals (“RFP”) will follow the selection of the three short-listed teams. It will involve the preparation of an RFP in which the three proponents will be asked to prepare detailed technical and financial proposals. The format of the RFP will deal with the issues in the RFEI but in much more detail.

The Project Manager Proponents are not required to follow this procurement process, however, the information is provided as background information.

3.3 Schedule

A high level indicative procurement and project schedule is outlined below:

Description of Task	Time Frame
Retention of Project Management Team	Q2 – 2005
Issuance of the Request for Expressions of Interest	Q2 – 2005
Development of the Request for Proposal and draft Project Agreement (legal documentation)	Q3 – 2005
Issuance of RFP and Draft Contracts	Q4 – 2005
Selection of Preferred Proponent and enter into final negotiations	Q1 – 2006
Contracts finalized and Design/Construction phase begins	Q2 – 2006
Project Manager responsible for contract administration over critical stages of project up to and including year 1 of operations (of the new plant).	Q3 – 2006 => Q4 - 2007

The selected Project Manager will supply project management services to RMOW over a period of about 2 to 3 years.

4.0 Information Sources

Various reports commissioned by RMOW during the project analysis stage are available at www.partnershipsbc.ca.

While the RMOW and PBC have provided information and made representations which they hope will assist the Project Manager Proponents, Project Manager Proponents rely on that information or those representations at their own risk and assume all responsibility for verifying or confirming any information or representation provided or made in this RFP, on the Project website, or otherwise, by the RMOW or PBC.

No representation, express or implied, is made as to the accuracy or completeness of such information, or that such information is suitable for the purposes of any Project Manager Proponent, and the RMOW and PBC expressly disclaim any and all liability for any errors or omissions in such information, or which may be contained in any oral or written communication transmitted or made available to any Project Manager Proponent. The submission of a Proposal by a Project Manager Proponent will confirm the agreement of such Project Manager Proponent to the disclaimer of liability contained in this paragraph.

5.0 Project Management Scope of Work

The Resort Municipality of Whistler is interested in retaining a Project Manager to deliver a successful wastewater treatment plant upgrade by utilizing the DBO approach, which embraces The Natural Step framework.

5.1 Partnerships BC's Role

Partnerships BC will act as a public private partnership ("P3") advisor to Brian Barnett and RMOW staff and will be a member of the project team. The objective of this role is to provide RMOW with PBC's experience and knowledge associated with P3s, provide RMOW with expert advice, and guide the municipality throughout all stages of the procurement process. PBC will be responsible for reviewing and commenting on a host of issues and will provide RMOW with independent advice on the project. PBC's involvement will end one month after the final Project Agreement is finalized and executed.

5.2 Project Manager's Role

The Project Manager, working on behalf of, and under the direction of, the Resort Municipality of Whistler, will be expected to provide leadership and project management expertise in the delivery of all phases and aspects of the wastewater treatment plant upgrade.

Some of the Project Manager's primary responsibilities will include:

- Advise the RMOW with respect to the procurement process, including the preparation of Request for Expressions of Interest documents, review of responses, the preparation of a Request for Proposals, review of proposals, and final selection of the Preferred Proponent.
- Verify the design capacity to ensure the wastewater treatment plant is designed to the capacity intended by the Resort Municipality of Whistler.
- Manage public relations, prepare media statements, public information, arrange meetings with key stakeholders, and other tasks as outlined in the attached report titled "Wastewater Treatment Plant Upgrade Strategic Communications Plan", dated January 2005 (Appendix 4).
- Ensure that the procurement process is competitively run and is transparent and fair to all participants.

- Ensure that the final project results in value for money to the RMOW taxpayers and is publicly defensible.
- Ensure that the procurement process is managed and run in line with the P3's industry best practices.

The expected tasks performed by the Project Manager are listed below:

- Assist in updating the Provincial / Federal Infrastructure Grant, as required;
- Prepare a project organizational chart, which clearly illustrates the decision-making process;
- Establish a procurement process that can be publicly shown to be competitive, transparent, and fair;
- Assist in the creation of an electronic data base used for the Procurement Process as required;
- Prepare the procurement documents as required and assist in the approval of such documents;
- Arrange Proponents' meetings and site visits as required;
- Create the evaluation criteria used in the various stages of the process, and draft and finalize an evaluation manual to be used in each stage;
- Ensure proper approvals in relation to the evaluation manuals (e.g. Client, Fairness Auditor, etc);
- Evaluate the Submissions and Proposals and prepare recommendations;
- Lead the negotiations with the Preferred Proponent; and
- Produce a Value for Money report within 30 days of Financial Close. The Value for Money report will be made publicly available and will highlight the value added to the project by taking the P3 approach. Samples of Value for Money reports can be found on the PBC Website.

It is expected that the Project Manager Team will have experience in the following areas:

- Project management
- Project management procedures and systems
- Project management controls and progress reporting
- Planning and scheduling
- Cost estimating and cost management
- Risk management
- Procurement
- Design management
- Contract strategy
- Contract administration
- Construction management experience
- Public relations.

The Project Manager's responsibilities will start from the onset of this initiative and conclude one year after the wastewater treatment plant construction project is complete. We envision the consultant will be fully accountable for managing the project. Further, the consultant will be responsible for the coordination and performance of any sub-consultants.

6.0 Proposal Requirements

Prior to awarding the project management assignment, the RMOW requires a detailed proposal for the required services.

6.1 Project Manager Proponent Scope of Work

The Proposal should include an outline of the project management methodology, work plan, schedule, controls and reporting plan for the Project.

The methodology and work plan must adequately address all project management tasks. The work plan must also address scheduling and level of effort of each key team member. The work plan will be rated on the level of understanding and demonstrated knowledge with regard to the timely completion of the various project management tasks.

As noted above, the selected project manager will supply project management services to the RMOW over a period of about 2 to 3 years. The RMOW reserves the right to review the scope of services of the Project Manager from time to time as project requirements may dictate. Changes to the scope of services will be based on identified needs, satisfactory performance of the Project Manager, and approved budgets.

7.0 Submission of Proposals

7.1 General Format

The Proposal should contain the information outlined below and should comply with the following table of contents. Material in any other format may be rejected. Note that hard copies of the Proposal are to be double-sided.

7.2 Submission Location and Submission Time

The Submission Location for Proposals is:

Partnerships BC
Suite 1250 – 999 West Hastings Street
Vancouver, BC
V6C 2W2

Attention: Sue-Anne Fimrite

Proposals must be submitted by hand or courier to the Submission Location before the Submission Deadline. Proposals submitted by post, facsimile, or email will not be considered. Deliveries of Proposals at the Submission Location will be accepted weekdays from 9:00 am to 5:00 pm Local Time.

The Submission Deadline is no later than 2:00 pm Local Time on May 31, 2005.

Proposals received after the Submission Deadline will not be considered, and will be returned unopened.

7.3 Proposal Requirements

Each Proposal **should**:

- be in 3-ring binder(s) on double sided 8.5" x 11" paper, and every page should be numbered;
- be in text of 1.5 X spaced and not smaller than 11 point typeface where practical;

- include the name of the Proponent and a return address on the exterior of the sealed container; and
- be clearly marked “Whistler Project Manager Proposal” on the exterior of the container.

Each Proposal **must**:

- be in English;
- include one original and five (5) CD's containing the Proposal;
- the original be double-sided (in accordance to RMOW internal policy);
- be addressed to the Contact Person;
- be received (by hand or courier) at the Submission Location by the Submission Deadline; and
- include an authorization in favour of either PBC or RMOW authorizing PBC and RMOW and its advisors to make such enquiries as PBC and RMOW deem appropriate of any reference provided by the Proponent, as well as any Person involved with the services referenced by the Proponent in the Proposal in relation to past relevant projects undertaken by the Proponent.

PBC and RMOW may reject an incomplete Proposal at its sole and absolute discretion.

Each Proposal may include additional materials and brochures, however, PBC and RMOW are not obliged to, and may not, consider such information.

7.4 General Format

The Proposal should contain the information outlined below and should comply with the following table of contents. Material in any other format may be rejected.

Additional Information on the contents is available below.

- 1) Title Page
- 2) Cover Page
 - a) Identify all Project Manager Proponent team members
- 3) Table of Contents
- 4) Executive Summary
- 5) Introduction
- 6) Project Manager Proponent Roles and Qualifications (Section 7.5)
 - a) Project Management Organizational Chart
 - b) Key Personnel Qualifications and Experience
 - i) Include short biography of key personnel
 - ii) Describe key staff roles and responsibilities
 - iii) Discuss availability of key personnel
 - (1) Highlight personnel who will be providing contract administration from Financial Close to the completion of the first year of operations.
 - iv) Provide relevant project management experience over the past 5 years on key personnel

- 7) Project Manager Proponent Costs and Remuneration (Section 7.6)
 - a) Fee schedule for Project Manager Team
 - i) Include effort hour and cost matrices by personnel and task
 - ii) Include Disbursement cost estimate
 - iii) Include Hourly charge-out rate schedule
 - b) Estimated project budget for the Project
- 8) Project Understanding (Section 7.7)
 - a) Draft Agreement Qualifications
 - b) Draft Payment Mechanism
- 9) Proposed Project Procurement Process (Section 7.8)
 - a) Project Methodology
 - b) Include effort hour personnel and task matrix spreadsheet
- 10) Provide a Project Schedule (Section 7.9)
- 11) High Level Communication Plan (Section 7.10)
- 12) Resumes of Key Personnel
- 13) Relevant Company Information

7.5 Project Manager Proponent Roles and Qualifications

7.5.1 Project Team

The Project Manager will include team members in their Proposal sufficient to manage all aspects of the Project. Brian Barnett from RMOW will provide direction to the Project Manager. In addition, RMOW has retained PBC to act as P3 Advisors.

All legal work associated with the Project will be done by Lidstone, Young, and Anderson (“Lidstone”), RMOW’s legal counsel. It is contemplated that this legal work will include: legal review of all procurement documents prior to release, drafting and assisting in negotiations relating to the final legal agreement between the successful consortia and the RMOW; provide legal advice as required during the procurement process; and ensure that all legal work is provided in a timely manner.

In the project management organization chart submitted with your proposal, please identify PBC’s and Lidstone’s role in the procurement process.

7.5.2 Key Personnel Qualifications and Experience

The Proposal must describe the project team and their roles and responsibilities. Specifically, the Proposal should include:

- Key Personnel Qualifications and Experience
- Proposed project management organization chart
- Short biography of key personnel
- Description of key staff roles and responsibilities
- Availability of key personnel

The Proposal should also confirm which organization is lead consultant of the consortium, and therefore confirm which organization is ultimately responsible for the coordination and performance of the sub-consultants. The Proposal should also highlight the team members who will be involved in the procurement process, and also the contract administration during the design and construction¹ phase of the project.

Critical information includes the personnel experience in design-build-operate (“DBO”) projects, especially DBO projects relating to water or wastewater treatment plants of similar scope. Special consideration will be provided to Project Manager Proponents that have DBO experience in water and wastewater treatment plant projects in Western Canada.

If possible, the Proposal should also include experience that members the Project Manager Proponent have gained in collective agreement bargaining and the impact of union staff on a P3 project.

The Proposal should include resumes, corporate information and references including projects, and the details on those projects; i.e. budget, actual costs, project planned schedule and actual completion time. The project references should also identify any unique challenges and the consultant’s method of dealing with the issues. The Proposal should include a minimum of three (3) references for each key personnel.

7.6 Project Manager Proponent Costs and Remuneration

The Proposal should include a fee schedule and a project budget for the procurement process of the Project. Please note that the fee schedule and project budget need to incorporate all of the tasks identified in Section 5.1 (Project Manager’s Role).

The fee schedule shall be provided as a manpower / task matrix spreadsheet. The matrix must identify all personnel and sub-contractors who will be used for services on the Project and must include:

- Role/title on the project;
- Hourly charge-out rate;
- Estimated effort hours by task and person; and
- Estimated fees by task and person.

The project budget should include the total estimated fees by task and person as well as provide a description and expected costs of disbursements typical to a project of similar size and scope as the Project. Category hourly charge-out rates may be used where individuals cannot be identified (such as support staff) solely for the purpose of arriving at a total fee. However, invoicing against category rates will not be permitted, and fees for all personnel must be billed on the basis of individual auditable rates.

Final costs will depend on the consultant’s final scope of work and the level of effort dictated by project requirements. For this reason, proposed charge-out rate schedule shall be included in the cost proposal for comparison purposes.

7.7 Project Understanding

The Project Manager Proponent is expected to illustrate an understanding of the Project’s needs and unique complexities.

This section should identify the Project Manager Proponent’s recommendation regarding the most appropriate legal framework to implement this project and highlight the key legal agreement considerations to ensure the long term success of the project.

¹ Includes Year 1 of Operations

The Project Manager Proponent should also recommend a payment mechanism (i.e. milestone payments, long term payment mechanism) in this section that will ensure the long term commitment from the private sector partner.

7.8 Proposed Project Procurement Process

The Project Manager Proponent has access to the Business Plan drafted by Jonathan Huggett in 200, and this Business Plan contains a description of the two stage procurement process. The Project Manager Proponent is asked to comment on the procurement process contained in the Business Plan.

If the Project Manager Proponent would alter the procurement process, the Proposal should include the recommended procurement process and provide an explanation for the change.

The Project Procurement Process section should also include a task matrix and estimated hours associated with such tasks.

7.9 Project Schedule

The Project schedule should be prepared in sufficient detail that it can be used as a base schedule throughout the life of the Project and should include a description of the key components and major activities of the procurement phase, the design phase, and the construction phase. The schedule should follow Project Management Institute ("PMI") standards. The Project schedule should be prepared electronically using appropriate software. It is desirable that the Project schedule use MS Project software to be compatible with other schedules maintained by the RMOW and PBC.

The Project schedule should depict the entire Project, showing the major milestones in the process from procurement, through to design, through to Project commissioning. The Project schedule should be in a "critical path" method format with anticipated milestone dates within the critical path clearly indicated.

7.10 Project Communication Plan

During the P3 feasibility process conducted by RMOW a Communication Plan was commissioned and completed. This Communication Plan is attached to this RFP as Attachment 4.

The Project Manager Proponent is requested to provide an indication in their Proposal if they are interested in implementing and managing the Communication Plan during the procurement process.

If the Project Manager Proponent wishes to proceed with the management of communications during the procurement phase, the Proposal should include comments on the Communication Plan. This section of the Proposal will not be included in the evaluation process.

8.0 Evaluation Criteria

8.1 Process Conditions

This RFP is not an offer by the RMOW or PBC to any person, and no contract of any kind whatsoever (including without limitation, no "contract A") is formed between the RMOW or PBC and any Project Manager Proponent upon the submission of a proposal in response to it. For greater certainty, nothing in this RFP, including without limitation, the use of mandatory language, language reserving rights to the RMOW or PBC, or other language that might, but for this clause, be indicative of contractual intention, is intended by the RMOW or PBC to indicate an intention to be contractually bound to any Project Manager Proponent in any manner whatsoever. Project Manager Proponents should understand that the RMOW and PBC have the right, in their absolute discretion, to consider and analyze the proposals, negotiate with any Project Manager Proponent at any time, select a preferred Project Manager Proponent, or enter a service contract with a Project Manager Proponent. Without limiting the foregoing, Project Manager Proponents should understand that since this clause precludes contract A, none of the usual contract A terms apply, and the RMOW may:

- reject or accept any Proposal, whether or not complete, and whether or not it contains all the required information;
- require clarification of any Proposal;
- request additional information on any Proposal;
- reject any or all Proposals without any obligation, or any compensation or reimbursement to the Proponents;
- refuse to enter into a service contract with any of the Project Team Proponents;
- re-advertise for new submissions, or call for tenders for this work or for work of a similar nature.

The RMOW and PBC may, in their sole and absolute discretion, independently verify any information in any submission. The Proposals submitted by the Project Manager Proponents must be offers made in good faith, and the RMOW reserves the right to make a choice from the various offers, or not choose any.

8.2 Competitive Process

With the issuance of this RFP, the RMOW is making a business opportunity available to Proponents having the experience, competence, and managerial sophistication to enter into a service contract to manage the Project.

8.3 Evaluation Process and Criteria

The Proposals will be evaluated by PBC and external consultants as needed. PBC will provide Brian Barnett with an evaluation report and recommendation for the preferred Project Manager Proponent. RMOW, as represented by Brian Barnett, may, in its sole and absolute discretion, accept or reject the recommendations of PBC.

If PBC determines that a Proposal is unclear in some aspects, a list of questions may be prepared to provide the Project Manager Proponent with an opportunity to clarify its Proposal. If these clarifications are insufficient, PBC may, in its sole and absolute discretion, decline the Proposal.

Evaluation of Proposals will be based solely on the contents of the submissions and any clarifications provided in writing in response to the questions asked by the Contact Person. The evaluation will be conducted in the manner and sequence described below.

8.3.1 Completeness Review of Proposal

The Proposal submissions will be reviewed to ensure they meet all the mandatory requirements, policies and procedures as stated in this RFP. The following are the mandatory requirements:

- The Proposal must be received at the Submission Location prior to Submission Deadline;
- The Proposal must include sections describing:
 - i. Project Manager Roles and Responsibilities
 - ii. Project Manager Costs and Remuneration
 - iii. Project Understanding
 - iv. Procurement Process
 - v. Project Schedules

8.3.2 Rated Evaluation of the Proposal

Proposals will be scored out of 100 points. The Proposal receiving the highest score will be recommended as the preferred Proponent. The various components of the Proposal will be evaluated on a point system, as shown below:

Category	Maximum Points
Project Manager Roles and Responsibilities	30 Points
Project Manager Proponent Costs and Remuneration	30 Points
Project Understanding	20 Points
Procurement Process	10 Points
Project Schedules	10 Points
Total	100 Points

The Project Manager Proponent whose Proposal scores the highest number of points will be recommended by PBC as the successful proponent. In the event of a tie, the Project Manager Proponent whose proposal has scored the highest in the “Project Manager Proponent Costs and Remuneration” (i.e. have the lowest costs) will be recommended as the successful proponent.

9.0 Rules of Procedure

9.1 Contact Person

All communications or enquiries about this RFP must be made by email, in writing, or facsimile to the Contact Person:

Sue-Anne Fimrite
Senior Project Consultant

Partnerships BC
Suite 1250 – 999 West Hastings Street
Vancouver, BC
V6C 2W2

Email: sueanne.fimrite@partnershipsbc.ca

Fax: 250-356-2222

Deliveries of communications or enquiries at the office of the Contact Person will be accepted weekdays from 9:00 am to 5:00 pm local time and must clearly state “Whistler WWTP Project Manager RFP Enquiry”. Communications or enquiries to, and responses from, the Contact Person may be recorded and may be distributed to all respondents to this RFP (“Project Team Proponent”). PBC reserves the right not to respond to any enquiry or communication made by a Project Team Proponent, or to keep in confidence enquiries and communications from an individual Project Team Proponent, and responses given, that relate to a particular technical or financial approach to the Project.

While a Project Team Proponent may choose to communicate with the Contact Person by e-mail, an e-mail by the Project Team Proponent to the Contact Person will not constitute notice pursuant to this RFP unless it is responded to by the Contact Person.

Neither PBC nor RMOW will be responsible for any error that may occur from submission of communications or enquiries.

9.2 No Unauthorized Contact

All communication on matters related to the Project or the RFP Selection Process must be directed in writing to the Contact Person. Project Team Proponents must not attempt to, or actually, communicate directly or indirectly on matters related to the Project or the RFP Selection Process with any representative of the RMOW, PBC, Lidstone, or any other employees who are involved in the Project or the RFP Selection Process under the penalty of peremptory disqualification from the procurement process.

Information offered from sources other than the Contact Person with regard to the content, intent or interpretation of this RFP is not official, may be inaccurate and should not be relied on in any way by any Person for any purpose.

9.2.1 No Lobbying

Project Team Proponents or their agents will not engage in any form of political or other lobbying or communications whatsoever with respect to the Project; or to influence, or to appear to influence, the outcome of the procurement process. This includes, but is not limited to, contact with RMOW Mayor or Council, RMOW staff, Lidstone staff, or PBC staff.

Project Team Proponents may state publicly that they have been short listed, but they must not publicly discuss or disclose the nature or any aspect of their Proposal, nor promote their Proposal in the media. All communications, questions or other inquiries must be directed through the Contact Person as specified in the RFP. In the event that any such lobbying or communications occur, RMOW or PBC, at their sole and absolute discretion, may at any time, but are not required to, reject any Proposal submitted by that Project Team Proponent without further consideration.

PBC and/or the RMOW can either terminate that Project Team Proponent’s right to continue participating in the RFP stage and subsequent stages of the procurement process, or impose such conditions on that Project Team Proponent’s continued participation in the procurement stage as the RMOW or PBC, at their sole discretion, may consider in the public interest or otherwise appropriate.

9.3 Exclusivity

No Project Team Proponent, or any of its key members, will have any interest whatsoever in any other Project Team Proponent's Proposal, either directly or indirectly, nor will any Project Team Proponent enter into any agreement with another Project Team Proponent before the Submission Deadline that could create such an interest. If it is subsequently determined that such an interest does exist, this will constitute sufficient cause in the RMOW's or PBC's discretion to terminate the service contract.

9.4 Clarification on RFP

Each Project Team Proponent should review the entire RFP, including any and all addenda (if applicable), prior to submitting a Proposal. Any request for clarification of issues related to the RFP must be transmitted to the Contact Person not less than 10 days prior to the Submission Deadline.

9.5 Cost of Preparing Proposals

Project Team Proponents are solely responsible for all costs they incur in the preparation of their Proposals.

9.6 Clarification of Proposal

The RMOW and PBC reserve the right, but not the obligation, to request clarification of a Proposal or request further information from any or all Project Team Proponents. In addition, if, in the opinion of the RMOW and PBC, any Proposal contains a minor defect or irregularity or fails in some way to comply with any requirement of this RFP in a way that, in the opinion of the RMOW and PBC can be remedied without providing an unfair advantage to one or more Project Team Proponents, the Contact Person may request rectification from the Project Team Proponent.

The RMOW and PBC, upon receipt of appropriate clarification and/or rectification, may waive the minor defect or irregularity and accept the Project Team Proponent. Failure by a Project Team Proponent to provide a written response that, in the opinion of the RMOW and PBC properly clarifies/rectifies its Proposal, within the time specified in the request for clarification or rectification, may result in disqualification of the Proposal.

9.7 Changes in Proponent

If there is an addition, deletion, or change in the members comprising a Project Manager Proponent, in the key personnel positions of a Project Manager Proponent, or a change of effective control in any Project Manager Proponent member after a Proposal has been submitted, the Project Manager Proponent must notify the Contact Person in writing within five working days of any such change. The RMOW reserves the right to terminate any candidacy of a Project Manager Proponent if, in its opinion, the change materially negatively affects the ability of the Project Team Proponent to carry out the scope of the Project.

9.8 Notification of Success

A written Notice of Award is the only valid form of notification of success in response to this RFP.

9.9 Reservation of Rights

The RMOW reserves the right, in its sole and absolute discretion, to:

- modify, cancel or suspend the Selection Process, or any or all stages of the Selection Process at any time for any reason;
- accept or reject any Proposal based on the Evaluation Criteria as determined in the sole and absolute discretion of the RMOW;
- not accept any Proposal; and
- reject or disqualify all or any Proposal without any obligation, compensation or reimbursement to any person.

9.10 Limitation of Damage

Each Project Team Proponent, by submitting a Proposal, agrees that:

- in the event any or all Proposals are rejected or disqualified, or the Project or Selection Process is modified, suspended or cancelled for any reason, neither the Province, nor its employees, advisors or representatives, will be liable under any circumstances, for any claim, or to reimburse or compensate any person in any manner whatsoever, including but not limited to costs of preparation of the Proposal, loss of anticipated profits, loss of opportunity, or for any other matter; and
- the Project Team Proponent waives any claim for loss of profits or loss of opportunity if the Project Team Proponent is rejected or disqualified or is not successful in the Selection Process.

9.11 Freedom of Information and Protection of Privacy Act

All documents and other records in the custody of, or under the control of, the RMOW and PBC are subject to the *Freedom of Information and Protection of Privacy Act* and other applicable legislation. Except as expressly stated in this RFP, and subject to this Act or other applicable legislation, all documents and other records submitted in response to this RFP will be considered confidential.

9.12 Disqualification

Proposals may be disqualified at the sole and absolute discretion of the RMOW and PBC if:

- the Project Team Proponent makes contact with any Person who the Proponent is prohibited by the RFP from contacting;
- they do not comply with the requirements of this RFP unless they can be remedied or clarified; or
- they include a false or misleading statement or claim.

9.13 Insurance and WCB Coverage

At all times (where available) during this assignment, the consultant must maintain public liability and property damage insurance with an insurer satisfactory to the municipality in accordance with the following terms:

- Comprehensive General Liability Insurance in the amount of not less than \$2,000,000 inclusive per occurrence for bodily injury or property damage;
- Automobile, public liability and property damage in the amount of not less than \$5,000,000 per occurrence per owned, non-owned or hired vehicle;
- The Resort Municipality of Whistler shall be named as a Third Party insured;

- The consultant must provide to the municipality, if requested, a certificate of insurance or other evidence which satisfies the municipality that the required insurance has been acquired and is in force;
- The consultant is responsible for any deductible amounts under the policies, and the cost of all insurance required by this contract shall be included in the consultant's fees;
- The consultant will obtain and ensure that all professional sub-consultants have obtained, where available, professional liability (errors and omissions) insurance in an amount not less than \$1,000,000 per claim with limit in the aggregate for all claims;
- Supply proof that all members of the team are covered by, and in good standing with, the Workers' Compensation Board.