**Request for Proposals**

**For**

**General contracting services for construction of Climate Adaptive Infrastructure Testing and Longevity Evaluation (CASTLE) Laboratory**

Request for Proposals No.: **Q-2023-031-EL**

Issued: **May 17, 2023**

Submission Deadline**: Tuesday, June 20, 2023 before 3:00pm**

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# PART 1 – INVITATION AND SUBMISSION INSTRUCTIONS

## 1.1 Invitation to Proponents

This Request for Proposals (the "RFP") is an invitation by Queen's University ("Queen's") to prospective proponents to submit proposals for the **General contracting services for construction of Climate Adaptive infrastructure Testing and Longevity Evaluation (CASTLE) Laboratory** project, as further described in Section A of the RFP Particulars (Appendix D) (the "Deliverables").

**Scope of Work:**

The Scope of Work includes but is not limited to:

The proposed construction of the CASTLE laboratory is a 930 sq m new building (10,000 sq ft contemporary style prefabricated industrial building) that will house four new large testing facilities for the Faculty of Engineering and Applied Science. The building must be co-located close to the existing GeoEngineering and Coastal Engineering Laboratories on West Campus (https://engineering.queensu.ca/About/facilities/civil-engineering/coastal-engineering-lab.html ) (https://www.queensu.ca/facilities/accessibility/building-directory/costal-engineering-lab) to create a laboratory cluster to avoid duplication of technical support and capital equipment costs (e.g., excavators, telehandlers, forklifts, etc.).

For conceptual drawings, please refer to additional files attached separately.

The facility will accommodate the following pieces of research equipment:

- Large cyclic triaxial for rock fill;
- Pipeline test facility.
- Geotechnical centrifuge; and
- Hydro geotechnical flume.

In addition to housing the above research areas, the facility will accommodate student collaboration space, a lunchroom, and washrooms. To appropriately service and secure the property, a new access road will be developed from Hargreaves Way to Stadium Lane.

As the proposed facility will be located on Hargreaves Way, the front facade will be designed to a higher standard. The site will be secured by a university standard visual barrier fence to screen material and activity from the surrounding properties as well as to maintain an appropriate appearance from both Johnson St. and Hargreaves Way.

Site works for the new facility will also include a parking area, exterior lighting and the continuation of the pedestrian sidewalk from Richardson Stadium.

The existing electrical transformer from Coastal Engineering Laboratories will be extended to support the new electrical load along with the recently installed increase in incoming water service to this section of West Campus.

To support the University's sustainability targets with respect to greenhouse gas reductions, the design consultant will also conduct an options analysis regarding the preferred energy source for

the building (taking into consideration the fixed project budget, QFADS, site limitations, and user needs), related to envelope design and thermal performance and energy source.

Upon completion, the “Climate Adaptive infraStructure Testing and Longevity Evaluation (CASTLE) Innovation Cluster“ laboratory will be the world’s premier facility to conduct large-scale testing on geotechnical infrastructure. The new facility will:

- Be an internationally unique research laboratory
- Generate research council and industry funded research for decades to come, including:
    - The world’s only large cyclic triaxial for rock fill (this facility will be in enormous demand from dam owners and international mining companies);
    - The world’s premier pipeline test facility will be in high demand from pipeline manufacturers to test, improve, and validate the resilience of their products;
    - A unique geotechnical centrifuge to conduct accelerated-time studies of climate cycles; and
    - A unique hydrogeotechnical flume to validate the resilience of coastal infrastructure

The research outcomes will have major impacts internationally, on

- How consultants and suppliers develop, adapt, and improve the resilience of products and the designs permitting their robust application in practice;
- How standards and codes of practice address climate change effects;
- How cities, Provincial and territorial governments address the challenges of climate change; and
- How scholars understand and address these challenges.

The new facility will support student learning, enhance interdependence of research and teaching, and align to four United Nations’ Sustainable Development Goals (SDGs) within and beyond their local communities (6 - Clean water and sanitation; 9 - Industry, innovation, and infrastructure; 11 - Sustainable cities and communities; and 13 - Climate Action).

**Preferred Schedule:**

Start Date: Immediately upon award of the contract.

Preferred Completion Date January/February 2025

### 1.2 Queen’s University Background

Queen’s is Canada’s definitive university experience, offering an exceptional student learning experience and a comprehensive research-intensive environment. With the highest graduation rate in the country, exceptional people are connected with an unrivalled community and an unmatched mix of opportunities. It is this powerful combination of research and teaching, living and learning, that leads to our students’ success and an unmistakable impact on the world.

Queen’s is situated on traditional Anishinaabe and Haudenosaunee territory. We are grateful to be able to be live, learn and play on these lands.

Home to more than 25,000 students, researchers, professors, and artists, along with 2015 Nobel Prize winner, Dr. Arthur B. McDonald. Queen’s offers an impressive range of

undergraduate and graduate programs including arts and science, engineering and applied science, business, health sciences, education, policy studies, and law.

Queen's is a member of the U15 group of Canada's leading research-intensive universities, and ranks highly in terms of research funding, intensity, and impact. Areas of research strength include physics, cancer, and geoengineering, data analytics, and societal issues such as surveillance studies and mental health.

Kingston is on the shores of Lake Ontario and within easy reach of Toronto, Ottawa, Montreal, and Syracuse, N.Y. Located near the historic downtown, the Queen's campus boasts an array of heritage limestone buildings and cutting-edge facilities.

Committed to supporting a diverse and inclusive campus environment, Queen's diversified programming attracts outstanding students from across Canada and around the world. As a public institution, Queen's is committed to an operating model of transparency and accountability.

*For more information, please visit our website: www.queensu.ca*

### 1.3 RFP Contact

For the purposes of this procurement process, the "RFP Contact" will be:

**Name: Ed Lew**

**Email: lewe@queensu.ca**

Proponents and their representatives are not permitted to contact any employees, officers, agents, elected or appointed officials or other representatives of Queen's, other than the RFP Contact, concerning matters regarding this RFP. Failure to adhere to this rule may result in the disqualification of the proponent and the rejection of the proponent's proposal.

### 1.4 Type of Contract for Deliverables

The selected proponent will be requested to enter into direct contract negotiations to finalize an agreement with Queen's for the provision of the Deliverables. The terms and conditions found in the Form of Agreement (Appendix A) are to form the basis for commencing negotiations between Queen's and the selected proponent. It is Queen's intention to enter into an agreement with only one (1) legal entity. The term of the agreement is to be for a period of one year, with an option in favour of Queen's to extend the agreement on the same terms and conditions for an additional term of up to six months.

### 1.5 RFP Timetable

| | |
|---|---|
| Issue Date of RFP | **May 17, 2023** |
| 366 Hargreaves Way, Queen's University Kingston ON | **There is no scheduled site visit.**<br>**Suppliers may visit the site as required.**<br>**Site diagram and photos provided.** |
| Intent to Respond (Appendix G) | **June 16, 2023** |
| Deadline for Questions | **Wednesday, June 7, 2023 @ 4:00pm** |
| Deadline for Issuing Addenda | **Tuesday, June 13, 2023** |
| Submission Deadline | **Tuesday, June 20, 2023 before 3:00pm** |
| Rectification Period | **01 business day** |
| Contract Negotiation Period | **Up to 30 calendar days** |
| Anticipated Execution of Agreement | **July 2023** |

The RFP timetable is tentative only, and may be changed by Queen's at any time. For greater clarity, business days means all days that Queen's is open for business.

### 1.6 Submission of Proposals

#### 1.6.1 Proposals to be Submitted at Prescribed Location

Proposals must be submitted through Queen's online Bonfire portal at:

**https://queensu.bonfirehub.ca/opportunities/66862**

Submissions by other methods will not be accepted.

Minimum system requirements are Internet Explorer 8/9/10+, Google Chrome, or Mozilla Firefox. Javascript must be enabled.

Proponents should contact Bonfire at Support@GoBonfire.com for technical questions related to submissions, or visit Bonfire's help forum at https://bonfirehub.zendesk.com/hc.

#### 1.6.2 Proposals to be Submitted on Time

Proposals must be uploaded and finalized on or before the Submission Deadline set out in the RFP Timetable.

Uploading large documents may take significant time, depending on file size and internet connection speed. It is strongly recommended that proponents allow sufficient time of at least one (1) hour before the Submission Deadline to upload documents and finalize their submissions.

Proponents will receive an email confirmation receipt with a unique confirmation number upon finalizing their submissions.

### 1.6.3 Proposals to be Submitted in Prescribed Format

Submission materials should be prepared in the file formats listed under Requested Information for this opportunity in the Bonfire portal.

The maximum upload file size is 1000 MB.

Documents should not be embedded within uploaded files, as the embedded files will not be accessible or evaluated.

### 1.6.4 Amendment of Proposals

Proponents may amend their proposals prior to the Submission Deadline by un-submitting the proposal and re-submitting a revised proposal through the Bonfire portal.

### 1.6.5 Withdrawal of Proposals

At any time throughout the RFP process until the execution of a Framework Agreement for provision of the Deliverables, a proponent may withdraw a submitted proposal. To withdraw a proposal prior to the Submission Deadline, a proponent should un-submit the proposal through the Bonfire portal. Following the Submission Deadline, a notice of withdrawal must be sent to the RFP Contact and must be signed by an authorized representative of the proponent.

## 1.7 Accessibility for Ontarians with Disabilities Act

The Accessibility for Ontarians with Disabilities Act, 2005 – O. Reg. 429/07, applies to the services provided by the Proponent. This Regulation establishes accessibility standards for customer service and it applies to every designated public sector organization and to every other person or organization that provides goods or services to members of the public or other third parties and that has at least one employee in Ontario.

http://www.mcss.gov.on.ca/en/mcss/programs/accessibility/index.aspx

The University offers an online training program available at:

https://www.queensu.ca/equity/public/acs/

If accessing Queen's training, navigate to the sign in section. When signing in, Proponent should select the Email Address option.

Accessibility evaluation criteria is further described in Rated Criteria.

## 1.8 Canadian Free Trade Agreement

Proponents should note that procurements falling within the scope of Chapter 5 of the Canadian Free Trade Agreement are subject to that chapter but that the rights and obligations of the parties shall be governed by the specific terms of each particular tender call. For further reference please see the Internal Trade Secretariat website at: https://www.cfta-alec.ca/.

[End of Part 1]

# PART 2 – EVALUATION, NEGOTIATION AND AWARD

## 2.1 Stages of Evaluation and Negotiation

Queen's will conduct the evaluation of proposals and negotiations in the following stages:

## 2.2 Stage I – Mandatory Submission Requirements

Stage I will consist of a review to determine which proposals comply with all of the mandatory submission requirements. If a proposal fails to satisfy all of the mandatory submission requirements, Queen's will issue the proponent a rectification notice identifying the deficiencies and providing the proponent an opportunity to rectify the deficiencies. If the proponent fails to satisfy the mandatory submission requirements within the Rectification Period of 24 hours, its proposal will be rejected. The Rectification Period will begin to run from the date and time that Queen's issues a rectification notice to the proponent. The mandatory submission requirements are set out in Section C of the RFP Particulars (Appendix D).

## 2.3 Stage II – Evaluation

Stage II will consist of the following two sub-stages:

### 2.3.1 Mandatory Technical Requirements

Queen's will review the proposals to determine whether the mandatory technical requirements as set out in Section D of the RFP Particulars (Appendix D) have been met. Questions or queries on the part of Queen's as to whether a proposal has met the mandatory technical requirements will be subject to the verification and clarification process set out in Part 3.

### 2.3.2 Rated Criteria

Queen's will evaluate each qualified proposal on the basis of the non-price rated criteria as set out in Section F of the RFP Particulars (Appendix D).

## 2.4 Stage III – Pricing

Stage III will consist of a scoring of the submitted pricing of each qualified proposal in accordance with the price evaluation method set out in Pricing (Appendix C). The evaluation of price will be undertaken after the evaluation of mandatory requirements and rated criteria has been completed.

## 2.5 Stage IV – Ranking and Contract Negotiations

### 2.5.1 Ranking of Proponents

After the completion of Stage III, all scores from Stage II and Stage III will be added together and the proponents will be ranked based on their total scores. The top-ranked proponent will receive a written invitation to enter into direct contract negotiations to finalize the agreement with Queen's. In the event of a tie, the selected proponent will be the proponent selected by way of the highest score on the rated criteria.

### 2.5.2 Contract Negotiation Process

Any negotiations will be subject to the process rules contained in the Terms and Conditions of the RFP Process (Part 3) and will not constitute a legally binding offer to enter into a contract on the part of Queen's or the proponent and there will be no legally binding relationship created with any proponent prior to the execution of a written agreement. The terms and conditions found in the Form of Agreement (Appendix A) are to form the basis for commencing negotiations between Queen's and the selected proponent. Negotiations may include requests by Queen's for supplementary information from the proponent to verify, clarify or supplement the information provided in its proposal or to confirm the conclusions reached in the evaluation, and may include requests by Queen's for improved pricing or performance terms from the proponent.

### 2.5.3 Time Period for Negotiations

Queen's intends to conclude negotiations and finalize the agreement with the top-ranked proponent during the Contract Negotiation Period, commencing from the date Queen's invites the top-ranked proponent to enter negotiations. A proponent invited to enter into direct contract negotiations should therefore be prepared to satisfy the pre-conditions of award listed in Section E of the RFP Particulars (Appendix D), provide requested information in a timely fashion and conduct its negotiations expeditiously.

### 2.5.4 Failure to Enter into Agreement

If the pre-conditions of award listed in Section E of the RFP Particulars (Appendix D) are not satisfied or if the parties cannot conclude negotiations and finalize the agreement for the Deliverables within the Contract Negotiation Period, Queen's may discontinue negotiations with the top-ranked proponent and may invite the next-best-ranked proponent to enter into negotiations. This process will continue until an agreement is finalized, until there are no more proponents remaining that are eligible for negotiations or until Queen's elects to cancel the RFP process.

### 2.5.5 Notification of Negotiation Status

Other proponents that may become eligible for contract negotiations may be notified at the commencement of the negotiation process with the top-ranked proponent.

[End of Part 2]

# PART 3 – TERMS AND CONDITIONS OF THE RFP PROCESS

## 3.1 General Information and Instructions

### 3.1.1 Proponents to Follow Instructions

Proponents should structure their proposals in accordance with the instructions in this RFP. Where information is requested in this RFP, any response made in a proposal should reference the applicable section numbers of this RFP.

### 3.1.2 Proposals in English

All proposals are to be in English only.

### 3.1.3 No Incorporation by Reference

The entire content of the proponent's proposal should be submitted in a fixed form, and the content of websites or other external documents referred to in the proponent's proposal but not attached will not be considered to form part of its proposal.

### 3.1.4 References and Past Performance

In the evaluation process, Queen's may include information provided by the proponent's references and may also consider the proponent's past performance or conduct on previous contracts with Queen's or other institutions.

### 3.1.5 Information in RFP Only an Estimate

Queen's and its advisers make no representation, warranty or guarantee as to the accuracy of the information contained in this RFP or issued by way of addenda. Any quantities shown or data contained in this RFP or provided by way of addenda are estimates only, and are for the sole purpose of indicating to proponents the general scale and scope of the Deliverables. It is the proponent's responsibility to obtain all the information necessary to prepare a proposal in response to this RFP.

### 3.1.6 Proponents to Bear Their Own Costs

The proponent will bear all costs associated with or incurred in the preparation and presentation of its proposal, including, if applicable, costs incurred for interviews or demonstrations.

### 3.1.7 Proposal to be Retained by Queen's

Queen's will not return the proposal or any accompanying documentation submitted by a proponent.

### 3.1.8 No Guarantee of Volume of Work or Exclusivity of Contract

Queen's makes no guarantee of the value or volume of work to be assigned to the successful proponent. The agreement to be negotiated with the selected proponent will not be an exclusive contract for the provision of the described Deliverables. Queen's may contract with others for goods and services the same as or similar to the Deliverables or may obtain such goods and services internally.

## 3.2 Communication after Issuance of RFP

### 3.2.1 Proponents to Review RFP

Proponents should promptly examine all of the documents comprising this RFP, and may direct questions or seek additional information in writing by email to the RFP Contact on or before the Deadline for Questions. No such communications are to be directed to anyone other than the RFP Contact. Queen's is under no obligation to provide additional information, and Queen's is not responsible for any information provided by or obtained from any source other than the RFP Contact. It is the responsibility of the proponent to seek clarification from the RFP Contact on any matter it considers to be unclear. Queen's is not responsible for any misunderstanding on the part of the proponent concerning this RFP or its process.

### 3.2.2 All New Information to Proponents by Way of Addenda

This RFP may be amended only by addendum in accordance with this section. If Queen's, for any reason, determines that it is necessary to provide additional information relating to this RFP, such information will be communicated to all proponents by addendum. Each addendum forms an integral part of this RFP and may contain important information, including significant changes to this RFP. Proponents are responsible for obtaining all addenda issued by Queen's. In the Submission Form (Appendix B), proponents should confirm their receipt of all addenda by setting out the number of each addendum in the space provided.

### 3.2.3 Post-Deadline Addenda and Extension of Submission Deadline

If Queen's determines that it is necessary to issue an addendum after the Deadline for Issuing Addenda, Queen's may extend the Submission Deadline for a reasonable period of time.

### 3.2.4 Verify, Clarify and Supplement

When evaluating proposals, Queen's may request further information from the proponent or third parties in order to verify, clarify or supplement the information provided in the proponent's proposal, including but not limited to clarification with respect to whether a proposal meets the mandatory technical requirements set out in Section D of the RFP Particulars (Appendix D). Queen's may revisit, re-evaluate and rescore the proponent's response or ranking on the basis of any such information.

## 3.3 Notification and Debriefing

### 3.3.1 Notification to Other Proponents

Once an agreement is executed by Queen's and a proponent, the other proponents may be notified directly in writing and will be notified by public posting, in the same manner that this RFP was originally posted, of the outcome of the procurement process.

### 3.3.2 Debriefing

Proponents may request a debriefing after receipt of a notification of the outcome of the procurement process. All requests must be in writing to the RFP Contact and must be made within sixty (60) days of such notification.

### 3.3.3 Procurement Protest Procedure

If a proponent wishes to challenge the RFP process, it should provide written notice, within 10 days of the notice of award, to the RFP Contact in accordance with Queen's procurement protest procedures and any applicable trade agreement or other applicable bid protest procedures. The notice must provide a detailed explanation of the proponent's concerns with the procurement process or its outcome.

### 3.3.4 Dispute

In the event that a Proponent wishes to review the decision of Queen's in respect of any material aspect of the RFP process, the Proponent shall submit a protest in writing to Queen's within ten (10) business days from the date of posting of a contract award notification in respect of the RFP.

Any protest in writing that is not timely received will not be considered and the Proponent will be so notified in writing.

A protest in writing shall include the following:

1. A specific identification of the provision and/or procurement procedure that is alleged to have been breached;
2. A specific description of each act alleged to have breached the procurement process;
3. A precise statement of the relevant facts;
4. An identification of the issues to be resolved;
5. The Proponent's arguments and supporting documentation; and
6. The Proponent's requested remedy.

For the purpose of a protest under this RFP, Queen's Director, Strategic Procurement Services will review and address any bid protest in a timely and appropriate manner.

## 3.4 Conflict of Interest and Prohibited Conduct

### 3.4.1 Conflict of Interest

For the purposes of this RFP, the term "Conflict of Interest" includes, but is not limited to, any situation or circumstance where:

(a) in relation to the RFP process, the proponent has an unfair advantage or engages in conduct, directly or indirectly, that may give it an unfair advantage, including but not limited to (i) having, or having access to, confidential information of Queen's in the preparation of its proposal that is not available to other proponents, (ii) 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 (iii) engaging in conduct that compromises, or could be seen to compromise, the integrity of the open and competitive RFP process or render that process non-competitive or unfair; or

(b) in relation to the performance of its contractual obligations under a contract for the Deliverables, the proponent's other commitments, relationships or financial interests (i) could, or could be seen to, exercise an improper influence over the objective, unbiased and impartial exercise of its independent judgement, or (ii) could, or could be seen to, compromise, impair or be incompatible with the effective performance of its contractual obligations.

### 3.4.2 Disqualification for Conflict of Interest

Queen's may disqualify a proponent for any conduct, situation or circumstances, determined by Queen's, in its sole and absolute discretion, to constitute a Conflict of Interest as defined above.

### 3.4.3 Disqualification for Prohibited Conduct

Queen's may disqualify a proponent, rescind an invitation to negotiate or terminate a contract subsequently entered into if Queen's determines that the proponent has engaged in any conduct prohibited by this RFP.

### 3.4.4 Prohibited Proponent Communications

Proponents must not engage in any communications that could constitute a Conflict of Interest and should take note of the Conflict of Interest declaration set out in the Submission Form (Appendix B).

### 3.4.5 Proponent Not to Communicate with Media

Proponents must not at any time directly or indirectly communicate with the media in relation to this RFP or any agreement entered into pursuant to this RFP without first obtaining the written permission of the RFP Contact.

### 3.4.6 No Lobbying

Proponents must 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).

### 3.4.7 Trade Shows on Campus

For the entire period covered by the RFSQ process (the Blackout Period) – from the date the RFSQ is issued to the Date when the winning bid is announced Proponents must not set up trade shows anywhere on Queen's University Campus.

### 3.4.8 Illegal or Unethical Conduct

Proponents must not engage in any illegal business practices, including activities such as bid-rigging, price-fixing, bribery, fraud, coercion or collusion. Proponents must not engage in any unethical conduct, including lobbying, as described above, or other inappropriate communications; offering gifts to any employees, officers, agents, elected or appointed officials or other representatives of Queen's; deceitfulness; submitting proposals containing misrepresentations or other misleading or inaccurate information; or any other conduct that compromises or may be seen to compromise the competitive process provided for in this RFP.

### 3.4.9 Past Performance or Past Conduct

Queen's may prohibit a supplier from participating in a procurement process based on past performance or based on inappropriate conduct in a prior procurement process, including but not limited to the following:

(a) illegal or unethical conduct as described above;

(b) the refusal of the supplier to honour its submitted pricing or other commitments; or

(c) any conduct, situation or circumstance determined by Queen's, in its sole and absolute discretion, to have constituted an undisclosed Conflict of Interest.

## 3.5 Confidential Information

### 3.5.1 Confidential Information of Queen's

All information provided by or obtained from Queen's in any form in connection with this RFP either before or after the issuance of this RFP

(a) is the sole property of Queen's and must be treated as confidential;

(b) is not to be used for any purpose other than replying to this RFP and the performance of any subsequent contract for the Deliverables;

(c) must not be disclosed without prior written authorization from Queen's; and

(d) must be returned by the proponent to Queen's immediately upon the request of Queen's.

### 3.5.2 Confidential Information of Proponent

A proponent should identify any information in its proposal or any accompanying documentation supplied in confidence for which confidentiality is to be maintained by Queen's. The confidentiality of such information will be maintained by Queen's, except as otherwise required by law or by order of a court or tribunal. Proponents are advised that the *Freedom of Information and Protection of Privacy Act* ("FIPPA"), R.S.O. 1990, c.F.31, as amended, applies to information provided to Queen's by a Proponent and may be the subject of an Access to Information request; Queen's will respond to such requests in accordance with section 17 of FIPPA. Proponents are advised that their proposals will, as necessary, be disclosed, on a confidential basis, to advisers retained by Queen's to advise or assist with the RFP process, including the evaluation of proposals. If a proponent has any questions about the collection and use of personal information pursuant to this RFP, questions are to be submitted to the RFP Contact.

## 3.6 Procurement Process Non-binding

### 3.6.1 No Contract A and No Claims

This procurement process is not intended to create and will not create a formal, legally binding bidding process and will instead be governed by the law applicable to direct commercial negotiations. For greater certainty and without limitation:

(a) this RFP will not give rise to any Contract A–based tendering law duties or any other legal obligations arising out of any process contract or collateral contract; and

(b) neither the proponent nor Queen's will 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 proposal submitted in response to this RFP.

### 3.6.2 No Contract until Execution of Written Agreement

This RFP process is intended to identify prospective suppliers for the purposes of negotiating potential agreements. No legal relationship or obligation regarding the procurement of any good or service will be created between the proponent and Queen's by this RFP process until the successful negotiation and execution of a written agreement for the acquisition of such goods and/or services.

### 3.6.3 Non-binding Price Estimates

While the pricing information provided in proposals will be non-binding prior to the execution of a written agreement, such information will be assessed during the evaluation of the proposals and the ranking of the proponents. Any inaccurate, misleading or incomplete information, including withdrawn or altered pricing, could adversely impact any such evaluation or ranking or the decision of Queen's to enter into an agreement for the Deliverables.

### 3.6.4 Cancellation

Queen's may cancel or amend the RFP process without liability at any time.

## 3.7 Governing Law and Interpretation

These Terms and Conditions of the RFP Process (Part 3):

(a) are intended to be interpreted broadly and independently (with no particular provision intended to limit the scope of any other provision);

(b) are non-exhaustive and will not be construed as intending to limit the pre-existing rights of the parties to engage in pre-contractual discussions in accordance with the common law governing direct commercial negotiations; and

(c) are to be governed by and construed in accordance with the laws of the province of Ontario and the federal laws of Canada applicable therein.

[End of Part 3]

# APPENDIX A – FORM OF AGREEMENT

CCDC – 2 (2020)

with Queen's University Supplemental Conditions

A current WSIB clearance certificate will be required from the successful proponent prior to execution of the contract.

A current Certificate of Liability Insurance issued naming the Proponent's legal entity name will be required from the successful proponent prior to the execution of the contract.

# APPENDIX B – SUBMISSION FORM

## 1. Proponent Information

| Please fill out the following form, naming one person to be the proponent's contact for the RFP process and for any clarifications or communication that might be necessary. | |
|---|---|
| Full Legal Name of Proponent: | |
| Any Other Relevant Name under which Proponent Carries on Business: | |
| Street Address: | |
| City, Province/State: | |
| Postal Code: | |
| Phone Number: | |
| Fax Number: | |
| Company Website (if any): | |
| Proponent Contact Name and Title: | |
| Proponent Contact Phone: | |
| Proponent Contact Fax: | |
| Proponent Contact Email: | |

## 2. Acknowledgment 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 for greater certainty, does not give rise to a Contract A bidding process contract), and that no legal relationship or obligation regarding the procurement of any good or service will be created between Queen's and the proponent unless and until Queen's and the proponent execute a written agreement for the Deliverables.

## 3. Ability to Provide Deliverables

The proponent has carefully examined the RFP documents and has a clear and comprehensive knowledge of the Deliverables required. The proponent represents and warrants its ability to provide the Deliverables in accordance with the requirements of the RFP for the rates set out in its proposal.

## 4. Non-binding Pricing

The proponent has submitted its pricing in accordance with the instructions in the RFP and in Pricing (Appendix C) in particular. The proponent confirms that the pricing information provided is accurate. The proponent acknowledges that any inaccurate, misleading or incomplete information, including withdrawn or altered pricing, could adversely impact the acceptance of its proposal or its eligibility for future work.

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## 5. Addenda

The proponent is deemed to have read and taken into account all addenda issued by Queen's prior to the Deadline for Issuing Addenda. The proponent is requested to confirm that it has received all addenda by listing the addenda numbers, or if no addenda were issued by writing the word "None", on the following line: _____. Proponents who fail to complete this section will be deemed to have received all posted addenda.

## 6. No Prohibited Conduct

The proponent declares that it has not engaged in any conduct prohibited by this RFP.

## 7. Conflict of Interest

Proponents must declare all potential Conflicts of Interest, as defined in section 3.4.1 of the RFP. This includes disclosing the names and all pertinent details of all individuals (employees, advisers, or individuals acting in any other capacity) who (a) participated in the preparation of the proposal; **AND** (b) were employees of Queen's within twelve (12) months prior to the Submission Deadline.

If the box below is left blank, the proponent will be deemed to declare that (a) there was no Conflict of Interest in preparing its proposal; and (b) there is no foreseeable Conflict of Interest in performing the contractual obligations contemplated in the RFP.

Otherwise, if the statement below applies, check the box.

- ❑ The proponent declares that there is an actual or potential Conflict of Interest relating to the preparation of its proposal, and/or the proponent foresees an actual or potential Conflict of Interest in performing the contractual obligations contemplated in the RFP.

If the proponent declares an actual or potential Conflict of Interest by marking the box above, the proponent must set out below details of the actual or potential Conflict of Interest:

_____

_____

_____

_____

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## 8. Disclosure of Information

The proponent hereby agrees that any information provided in this proposal, even if it is identified as being supplied in confidence, may be disclosed where required by law or by order of a court or tribunal. The proponent hereby consents to the disclosure, on a confidential basis, of this proposal by Queen's to the advisers retained by Queen's to advise or assist with the RFP process, including with respect to the evaluation this proposal.

| | |
|---|---|
| Signature of Witness | Signature of Proponent Representative |
| Name of Witness | Name of Proponent Representative |
| | Title of Proponent Representative |
| | Date |

I have the authority to bind the proponent.

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# APPENDIX C – PRICING

## 1. Instructions on How to Provide Pricing

(a) Proponents should provide the information requested under section 3 below ("Required Pricing Information") by reproducing and completing the table below in their proposals, or, if there is no table below, by completing the attached form and including it in their proposals. **NOTE: Pricing should only be included in Appendix C1 and not in any other documents submitted as part of your response. Under no circumstances should pricing be included in any file uploaded to the Written Proposal slot or Additional Info slot(s).**

(b) Rates must be provided in Canadian funds, inclusive of all applicable duties and taxes except for HST, which should be itemized separately.

(c) Rates quoted by the proponent must be all-inclusive and must include all labour and material costs, all travel and carriage costs, all insurance costs, all costs of delivery, all costs of installation and set-up, including any pre-delivery inspection charges, and all other overhead, including any fees or other charges required by law.

## 2. Evaluation of Pricing

Pricing is worth **60 points** of the total score.

Pricing will be scored based on a relative pricing formula using the rates set out in the pricing form. Each proponent will receive a percentage of the total possible points allocated to price for the particular category it has bid on, which will be calculated in accordance with the following formula:

$$lowest\ price \div proponent's\ price\ \times\ weighting = proponent's\ pricing\ points$$

## 3. Required Pricing Information

Please refer to Appendix C1 – Price Proposal Form

# APPENDIX C1 – PRICE PROPOSAL FORM

**PROJECT: Q-2023-031-EL Construction of CASTLE Laboratory**

**Company Name: _____**

The Drawings, Specifications and other Contract Documents for this Project, have been examined, as well as the premises and job site conditions affecting the work. The Company hereby offers to complete the work in accordance with the Contract Documents for the following Total Price, including all taxes, but excluding HST:

| | |
|---|---|
| **Total Price (Sum of A-I) (Used for scoring - 60 pts)** | $ |

in Canadian funds, excluding HST only. HST will be added to the Quotation.

**Price Breakdown (for informational purposes only)**

| | |
|---|---|
| **A.** Mobilization:<br>• Permits (including building permit), bonding, insurance<br>• Sub-phasing, hoarding and signage<br>• Construction mobilization | $ |
| **B.** Foundation and Civil works | $ |
| **C.** Pre engineer building supply and installation | $ |
| **D.** Interior Partitions, ceilings, finishes etc | $ |
| **E.** Supply and installation of electrical | $ |
| **F.** Supply and installation of mechanical excluding Geo thermal | $ |
| **G.** GEO Thermal | $ |
| **H.** Demobilization, closeout documents, O&M manuals: | $ |
| **I.** Other | $ |

*Additional pricing information may be requested post submission deadline as required.

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# APPENDIX D – RFP PARTICULARS

## A. THE DELIVERABLES

This RFP is an invitation to submit non-binding offers for the provision of the **General contracting services for construction of Climate Adaptive infrastructure Testing and Longevity Evaluation (CASTLE) Laboratory** project, as further described below.

The Scope of Work pertains to but not limited to,

The proposed construction of the CASTLE laboratory is a 930 sq m new building (10,000 sq ft contemporary style prefabricated industrial building) that will house four new large testing facilities for the Faculty of Engineering and Applied Science. The building must be co-located close to the existing GeoEngineering and Coastal Engineering Laboratories on West Campus to create a laboratory cluster to avoid duplication of technical support and capital equipment costs (e.g., excavators, telehandlers, forklifts, etc.).

**Preferred Schedule:**

Start Date: Immediately upon award of the contract.

Preferred Completion Date: January / February 2025

## B. MATERIAL DISCLOSURES

Alternate products must be submitted, reviewed and approved by Queen's Facilities and consultant *during the bidding period* prior to acceptance. Alternate products submitted after bid closing will not be considered.

Should a Proponent be awarded the contract, the contract will consist of the complete Scope of Work identified on the provided Drawings and Specifications; measurement of Work performed is not a factor in the costs within the Base Contract; each Proponent shall make their own measurements.

## C. MANDATORY SUBMISSION REQUIREMENTS

### 1. Submission Form (Appendix B)

Each proposal must include a Submission Form (Appendix B) completed and signed by an authorized representative of the proponent.

### 2. Pricing (Appendix C)

Each proposal must include pricing information that complies with the instructions contained in Pricing (Appendix C). **NOTE: Pricing should only be included in Appendix C1 and not in any other documents submitted as part of your response. Under no circumstances should pricing be included in any file uploaded to the Written Proposal slot or Additional Info slot(s).**

### 3. Projects of Similar Size and Scope (Appendix F)

Each proponent is requested to provide three (3) projects of similar size and scope from clients who have obtained goods or services similar to those requested in this RFP from the proponent in the last **5** years.

### 4. Other Mandatory Submission Requirements

- Agreement to Bond 50/50 Performance and Labour issued by an Insurance Broker or bank guarantee naming the principal as the Proponent's legal name

## D. MANDATORY TECHNICAL REQUIREMENTS

N/A

## E. PRE-CONDITIONS OF AWARD

The following pre-conditions of award must be met by (ONLY) the selected proponent before the contract can be awarded:

- Current Certificate of Insurance with Queen's University added as Additional Insured
- Current WSIB Certificate
- Accessibility for Ontarians with Disabilities – Proof of completion of AODA training
- License or Certification Documentation (if requested)
- Compliance with any Queen's University policies and procedures with respect to health and safety, including but not limited to the University's requirements with respect to COVID prevention. Up-to-date information regarding COVID-related policies and procedures can be found at: www.queensu.ca/safereturn.

## F. RATED CRITERIA

The following sets out the categories, weightings and descriptions of the rated criteria of the RFP. Proponents who do not meet a minimum threshold score for a category will not proceed to the next stage of the evaluation process.

| Rated Criteria Category | Weighting (Points) |
|---|---|
| **Stage II** | |
| Projects of Similar Size and Scope – Appendix F | 9 points |
| Team profile / Subcontractors – Appendix H | 9 points |
| Key persons qualifications | 8 points |
| Project risks identification – specific to this project | 7 points |
| Proposed detailed schedule | 5 points |
| AODA | 2 points |
| *Stage II sub-total* | **40 points** |
| | |
| **Stage III** | |
| Pricing | **60 points** |
| | |
| **Total Points** | **100 points** |

Proposals failing to meet the minimum threshold requirement of 75%, or 30 points, of the Stage II criteria, subject to the reserved rights of Queen's University, may be disqualified and not evaluated further. If no proposal meets the minimum threshold requirement of 75%, then Queen's University reserves the right, in its sole and absolute discretion, to invite up to three of the highest scoring Proponent(s) to the next stage of the evaluation.

**Suggested Proposal Content for Non-Price Criteria**

**i. Projects of similar size and scope - Appendix F [9 points]**

Submit 2 examples/references of projects of similar size and scope, specifically related to new laboratory space construction if possible. Include description of the project, dollar value and duration. Identify if proposed Site Superintendent/ key project team members participated in projects and their specific role. **3 points per project.**

**ii. Team profile / Subcontractors – Appendix H [9 points]**

List the following companies (sub-trades) that will be involved in this project and identify the work that they will be performing. Identify own forces as required.

- Geo Thermal
- Flooring
- Mechanical
- Electrical
- Civil
- General Carpentry

**iii. Key Personnel Qualifications – Site Superintendent and Project Mgr [8 points]**

Provide the name of the proposed site superintendent and project manager. Submit résumé outlining licenses, accreditations, and education of each. Include examples of key person(s) skills and knowledge exhibited on projects of similar size and scope; in each example, describe how the key person(s) skills and knowledge are relatable to this project of new lab construction. Any substitution of proposed person(s) subject to Queen's review and approval as required. [ 4 points each]

**iv. Project risks identification – specific to this project [7 points]**

Identify the Risks you anticipate with the work of *this Project* that may affect schedule or costs, and your strategy to avoid delays and minimize change orders.

**v. Proposed detailed schedule [5 points]**

Provide a schedule (MS Project format is preferred but not a requirement) showing the project deadline, and the interdependencies between the work packages in a clear and understandable manner. The detailed work schedule shall identify major milestones and clearly demonstrate the chronological sequence of tasks.

**vi. AODA**

As per Ontario Regulation 191/11 made under the Accessibility for Ontarians with Disabilities Act, 2005, Queen's will incorporate accessibility criteria and features when procuring, goods, services and facilities, except where it is not practical to do so.

Each Proponent should provide in its proposal:

(a) A description of features promoting accessibility at the company. **[1 point]**
Examples include but are not limited to:

- monitor screens with adjustable colours and contrast
- Support materials, such as manuals, training or service calls, available in accessible formats at no additional charge
- accessible customer service, as required under the Customer Service Standard
- software containing accessible features allowing people with disabilities to use it

(b) Proof of completion of accessible customer service training. **(1 point)**

- The University offers an online training program available at: https://www.queensu.ca/equity/public/acs/
- If accessing Queen's training, navigate to the sign in section. When signing in, Proponent should select the Email Address option.

(c) If accessible options are not available, the proponent should provide an explanation stating why.

# APPENDIX E – SUBMISSION INSTRUCTIONS

Please follow these instructions to submit your documents electronically via our Public Portal.

**1 – Prepare your submission as per the Requested Document(s):**

| Name | Type | # Files | Requirement |
|---|---|---|---|
| Appendix B - Submission form | File Type: PDF (.pdf) | 1 | Required |
| Appendix C1 – Price Proposal Form | File Type: PDF (.pdf) | 1 | Required |
| Appendix F – Projects of Similar Size and Scope | File Type: PDF (.pdf) | 1 | Required |
| Appendix H - Subcontractors | File Type: PDF (.pdf) | 1 | Required |
| Proposal for Rated Evaluation Criteria | File Type: PDF (.pdf) | 1 | Required |
| AODA - Parts A and B | File Type: PDF (.pdf) | 1 | Required |
| Agreement to Bond 50/50 Performance and Labour | File Type: PDF (.pdf) | 1 | Required |
| Additional Info - Optional | File Type: PDF (.pdf) | Multiple | Optional |

Please note that **only ONE (1) file can be uploaded for each Requested Document above.** If you upload more than one file into the same slot, the previous file will be overwritten. **Please do not embed any documents within your uploaded files, as they will not be accessible, use the Additional Info upload slots if you have additional documents that you wish to submit.**

**PRICING – Pricing should only be included in Appendix C1 and nowhere else. Under no circumstances should pricing be included in any file that is uploaded to the Written Proposal slot or Additional Info slot(s).**

**2 – Upload the Requested Documents to:**

**https://queensu.bonfirehub.ca/opportunities/66862**

Prior to the closing date/time of **Tuesday, June 20, 2023, before 3:00 PM EDT.** We strongly recommend that you give yourself **at least ONE (1) day** before closing time to begin the uploading process and to finalize your submission.

**Important Notes:**

Each submission file uploaded is instantly sealed and will only be visible after the project closes. Uploading large documents may take significant time, depending on the size of the file(s) and your Internet connection speed. You will receive an email confirmation receipt with a unique confirmation once you finalize your submission. Each file has a maximum size of 1000MB. Minimum system requirements: Internet Explorer 8/9/10, Google Chrome, or Mozilla Firefox. Javascript must be enabled and Adobe Flash Player version 9+ installed.

**Having problems?**

Queen's University uses a BonfireHub portal for accepting and evaluating proposals digitally. Please contact Bonfire at Support@GoBonfire.com prior to the closing date/time for technical questions related to your submission. You can also visit their help forum at https://bonfirehub.zendesk.com/hc

# APPENDIX F – PROJECTS OF SIMILAR SIZE AND SCOPE

Each Proponent is requested to provide three references from clients who have obtained goods or services from the Proponent in the last 5 years similar to those requested in this RFP.

**Submitted by (Company Name):** _____

**For: (Name of Foreman/Lead Tradesperson if applicable):** _____

**Reference #1**

| | |
|---|---|
| **Company Name:** | |
| **Company Address:** | |
| **Contact Name:** | |
| **Contact Telephone Number:** | |
| **Project Start and Finish Date:** | |
| **Construction value:** | |
| **Project description: (how it relates to project outline in this RFP include size, description, estimated value)** | |

**Reference #2**

| | |
|---|---|
| **Company Name:** | |
| **Company Address:** | |
| **Contact Name:** | |
| **Contact Telephone Number:** | |
| **Project Start and Finish Date:** | |
| **Construction value:** | |
| **Project description: (how it relates to project outline in this RFP include size, description, estimated value)** | |

**Reference #3**

| | |
|---|---|
| **Company Name:** | |
| **Company Address:** | |
| **Contact Name:** | |
| **Contact Telephone Number:** | |
| **Project Start and Finish Date:** | |
| **Construction value:** | |
| **Project description: (how it relates to project outline in this RFP include size, description, estimated value)** | |

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# APPENDIX G – INTENT TO RESPOND TO RFP FORM

**Please complete and e-mail this form to the *Queen's Contact* at lewe@queensu.ca before June 16, 2023 at 3:00 PM EST.**

| | |
|---|---|
| **To:** **Ed Lew** | **From:** |
| **Queen's University**<br><br>**355 King St. W**<br>**3rd Floor**<br>**Kingston ON K7L 3N6** | **Company Name:** _____<br><br>**Company Address:** _____<br><br>**Phone #:** _____<br>**Fax #:** _____<br>**Email:** _____ |

**Re: Request for Proposal (RFP)**
**Q-2023-031-EL Construction of CASTLE Laboratory**

**Please indicate your intention to respond to this RFP by placing an "X" in the following box.**

| | |
|---|---|
| ☐ | **We intend to respond to this RFP** |

_____
**Company Name**

_____
**Contact Person**

_____
**Title/Position**

_____
**Signature of Contact Person**

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# APPENDIX H – TEAM AND SUB-CONTRACTORS

List all companies (and sub-trades) that will be participating. Identify own forces as required.

**Add additional lines if necessary**

| Sub-Trade | Company Name |
|---|---|
| **Geo Thermal** | |
| **Civil** | |
| **Drywall** | |
| **Flooring** | |
| **Mechanical** | |
| **Electrical** | |
| **Painting** | |
| **General Carpentry** | |
| | |
| | |

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