



**PRE-QUALIFICATION #539**  
**GENERAL, MECHANICAL AND ELECTRICAL CONTRACTORS**

**Submission Deadline:** Before 12:00:00 Noon Local Time on  
Tuesday, October 25, 2022

**Pre-Qualification Coordinator:** Stacey Shoemaker  
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**Date of Issue:** Thursday, October 6, 2022



## Pre-Qualification of General, Mechanical and Electrical Contractors

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## Pre-Qualification of General, Mechanical and Electrical Contractors

### Instructions to Proponents

## INSTRUCTIONS TO PROPONENTS

### 1. INTRODUCTION

#### 1.1 INVITATION

- 1.1.1 The Thames Valley District School Board is one of the largest public school boards in the Province of Ontario and operates 160 schools within the City of London and counties of Elgin, Middlesex, and Oxford.
- 1.1.2 The TVDSB proposes to pre-qualify General, Mechanical and Electrical Contractors who are interested in major renovations, additions and construction of new school(s) for TVDSB, as more particularly described in this Pre-Qualification. Through this Pre-Qualification TVDSB intends to establish "vendor of record" lists ("VOR Lists") of prequalified contractors who will each execute a MSA with a base term of one year with three one year renewal options with the TVDSB.
- 1.1.3 TVDSB's issuance of this Pre-Qualification, its evaluation of any Proposals, its prequalification and placement of any Proponent on a VOR List, or its execution of an MSA with any Proponent are not intended to and shall not obligate TVDSB to proceed with any projects or to issue any Work Orders to any Proponent. There is no guarantee that a Prequalified Proponent that is placed on a VOR List and executes an MSA will be required to perform any projects or will be issued any Tenders, and TVDSB specifically disclaims any obligation to do so.

#### 1.2 PRE-QUALIFICATION OVERVIEW

- 1.2.1 This Section provides a brief summary of the Pre-Qualification and is provided solely as a convenience. Proponents are urged to read all of the Pre-Qualification Documents carefully and thoroughly to ensure they fully understand all of the terms and conditions, including all MSA requirements. Failure to fulfil procedural or content requirements that are stipulated in the Documents may have a negative effect on the evaluation of a Proposal or may result in a Proposal being rejected.
- 1.2.2 Proponents are required to deliver a Proposal which must include a Prequalification Submission. Proponents whose Prequalification Submissions achieve or exceed the Minimum Technical Score will be identified as "**Prequalified**".
- 1.2.3 Each Prequalified Proponent that is placed on a VOR List will be required to enter into the MSA, pursuant to which TVDSB may issue Documents.

#### 1.3 KEY INFORMATION

- 1.3.1 The table below provides a summary of some key information contained in the Pre-Qualification Documents and is provided solely as a convenience.



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Pre-Qualification Coordinator	The “Pre-Qualification <b>Coordinator</b> ” is Stacey Shoemaker, “s.shoemaker@tvdsb.ca”.
Question Deadline	The deadline for Proponents to submit questions (the “ <b>Question Deadline</b> ”) is seven (7) business days before the Submission Deadline.
Submission Deadline	BEFORE 12:00:00 pm Local Time on Tuesday, October 25, 2022 (the “ <b>Submission Deadline</b> ”).
Electronic Submission	An electronic bid submission is mandatory. See 1.9.2.

#### 1.4 THE SERVICES

- 1.4.1 The contractors’ services to be performed are described in Schedule A – Service Categories.

#### 1.5 VOR LISTS AND SERVICE CATEGORIES

- 1.5.1 TVDSB intends to prequalify Proponents in the following categories, more particularly described in Schedule A – Service Categories (each a “Service Category”), and intends to establish a VOR List for each Service Category as described in the Pre-Qualification Documents. Set out below are the Prequalified Proponents the TVDSB intends to place on each VOR List:

- (a) General Contractors
- (b) Mechanical Contractors
- (c) Electrical Contractors

- 1.5.2 A Proponent can be prequalified in more than one Service Category and may be placed on more than one VOR List; provided that such Proponent’s ranking may vary from one VOR List to another.

#### 1.6 PREVIOUSLY PREQUALIFIED CONTRACTORS MUST APPLY

- 1.6.1 Proponents who have been previously prequalified or who are currently working or have worked for TVDSB must respond to this Pre-Qualification and must deliver a Proposal in order to be prequalified and placed on a VOR List.

#### 1.7 NO CONTRACT A

- 1.7.1 TVDSB does not intend to create any contractual relations or obligations, including “Contract A” (sometimes referred to as the “bid contract”), with any Proponent or any other person or entity, and none will be created by virtue of TVDSB issuing this Pre-Qualification or as a result of TVDSB’s receipt or review or evaluation of any Proposals.

#### 1.8 THE MSA AND THE TERM

- 1.8.1 TVDSB intends to execute an MSA with each Prequalified Proponent that is placed on a VOR List. Provided that the execution of an MSA does not obligate TVDSB to issue any Work Orders or



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proceed with any projects, and the TVDSB does not guarantee any volume of Services that will be required or that will be performed under any MSA.

- 1.8.2 The term of each MSA will be a base term of one year with three one year renewal options.

#### 1.9 TVDSB PROCUREMENT WEB PORTAL

- 1.9.1 Proponents must use the TVDSB Procurement Web Portal (the "Portal") to access the Pre-Qualification Documents. Instructions on using the Portal are set out in Schedule B – TVDSB Procurement Web Portal.

- 1.9.2 Proponents must also use the Portal to upload the electronic bid submission.

#### 1.10 PROPONENTS' EXPENSES

- 1.10.1 Proponents shall bear all costs and expenses incurred by them in any way related to any aspect of their participation in this Pre-Qualification including, without limitation, all costs and expenses related to the gathering of information, the preparation and delivery of a Proposal, responding to any questions or clarifications or Requests for Additional Information, or attending or participating in any interviews or meetings.

## 2. DEFINITIONS

Capitalized terms used in this Prequalification and in the attached Schedules and not otherwise defined shall have the meanings indicated in this Article.

- 2.1.1 **"Conflict of Interest"** has the meaning assigned to such term in paragraph 11.2.1.
- 2.1.2 **"Evaluation Team"** means the team appointed by TVDSB to conduct the evaluation process described in this Pre-Qualification.
- 2.1.3 **"Local Time"** means the time of receipt recorded by TVDSB's clock at the Submission Location.
- 2.1.4 **"MFIPPA"** means the *Municipal Freedom of Information and Protection of Privacy Act* (Ontario).
- 2.1.5 **"Service Category"** means a category of Services listed in paragraph 1.5.1 and described in Schedule A – Service Categories.
- 2.1.6 **"MSA"** means the written Master Services Agreement, substantially in the form of Schedule E, to be signed between TVDSB and each Prequalified Proponent.
- 2.1.7 **"Portal"** means the TVDSB Procurement Web Portal accessed at "www.tvdsb.ca". Instructions for using the Portal are set out in Schedule B – TVDSB Procurement Web Portal.
- 2.1.8 **"Prequalified Proponent"** has the meaning assigned to such term in paragraph 1.2.2.
- 2.1.9 **"Proponent"** means a contractor that participates in this Pre-Qualification, whether or not it delivers a Proposal.
- 2.1.10 **"Proposal"** means, collectively, a Proponent's completed Pre-Qualification Submission.
- 2.1.11 **"Question Deadline"** is the date identified as such in the table in paragraph 1.3.1 and is the last date by which Proponents can submit questions about the Pre-Qualification.
- 2.1.12 **"Request for Additional Information"** has the meaning assigned to such term in paragraph 7.2.1.



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- 2.1.13 **“Pre-Qualification”** means the prequalification process described in the Pre-Qualification Documents.
- 2.1.14 **“Pre-Qualification Coordinator”** is the person identified as such in the table in paragraph 1.3.1.
- 2.1.15 **“Pre-Qualification Documents”** has the meaning assigned to such term in paragraph 3.2.1.
- 2.1.16 **“Service Category”** means a category of Services listed in paragraph 1.5.1 and described in Schedule A – Service Categories.
- 2.1.17 **“Services”** means some or all of the services described in paragraph 1.4.1.
- 2.1.18 **“Submission Deadline”** is the date and time identified as such in the table in paragraph 1.3.1.
- 2.1.19 **“Submission Location”** is the location identified as such in the table in paragraph 1.3.1.
- 2.1.20 **“Pre-Qualification Requirements”** means Schedule C – Pre-Qualification Requirements.
- 2.1.21 **“Pre-Qualification Score”** has the meaning assigned to such term in paragraph 7.3.23.
- 2.1.22 **“Pre-Qualification Submission”** means, collectively, a Proponent’s completed Pre-Qualification Submission Form and all other material submitted by a Proponent in response to the Pre-Qualification Requirements.
- 2.1.23 **“Pre-Qualification Submission Form”** means Schedule D – Pre-Qualification Submission Form.
- 2.1.24 **“TVDSB”** means the Thames Valley District School Board and includes its employees, agents, trustees, officers and directors, whether involved with the Pre-Qualification or not. For certainty **“TVDSB”** includes, as the context requires, the Pre-Qualification Coordinator.
- 2.1.25 **“VOR List”** has the meaning assigned to such term in paragraph 1.1.2.
- 2.1.26 **“Bid”** has the meaning of proponent submissions made pursuant to prequalification via this document. The term also appears in this document in reference to some of the wording and instructions in the Portal.

## **3. PRE-QUALIFICATION DOCUMENTS AND ACCESS**

### **3.1 ACCESS TO THE PRE-QUALIFICATION DOCUMENTS**

- 3.1.1 The Pre-Qualification Documents will only be made available to Proponents electronically through the Portal. The Portal will include all Pre-Qualification Documents, addenda and all other relevant notices, information and communications relating to the Pre-Qualification.
- 3.1.2 Each Proponent is solely responsible to ensure that it:
- (a) obtains access to the Portal;
  - (b) has the appropriate software to access and download the contents from the Portal; and
  - (c) visits and reviews the Portal as frequently as it deems necessary to ensure that it has the most current information and addenda.
- 3.1.3 The Portal will be updated from time to time and Proponents are solely responsible for accessing and checking the Portal for new addenda and other postings and to ensure the information and documents used by Proponents are the most correct and updated information and documents.



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- 3.1.4 If there is a conflict or inconsistency between an electronic version of any Pre-Qualification Document posted on the Portal and any other version of the same document, whether in electronic or paper form, the latest electronic version posted on the Portal shall govern.

### **3.2 PRE-QUALIFICATION DOCUMENTS**

- 3.2.1 Proponents should ensure they have all of the documents listed below (collectively the “Pre-Qualification Documents”). A Proposal will be deemed to have been prepared on the basis of all Pre-Qualification Documents issued before the Submission Deadline, and TVDSB accepts no responsibility for any Proponent lacking any part of the Pre-Qualification Documents.

- (a) Instructions to Proponents (this document).
- (b) Schedule A – Service Categories. (if required)
- (c) Schedule B – TVDSB Procurement Web Portal.
- (d) Schedule C – Pre-Qualification Requirements.
- (e) Schedule D – Pre-Qualification Submission Form.
- (f) Schedule E – Master Services Agreement.
- (g) Schedule F – Designated Substances
- (h) Addenda, if any, issued before the Submission Deadline.

- 3.2.2 Proponents should inform the Pre-Qualification Coordinator immediately if any documents are missing or incomplete and/or upon finding any discrepancies or omissions in the Pre-Qualification Documents.

## **4. COMMUNICATIONS, QUESTIONS AND ADDENDA**

### **4.1 COMMUNICATIONS**

- 4.1.1 Except as provided in the Pre-Qualification Documents, Proponents are not to communicate with or contact any member of the Evaluation Team or the TVDSB, including any member of the TVDSB board of trustees, regarding this Pre-Qualification. A Proponent's failure to comply with this paragraph may result in the disqualification of the Proponent and its removal from any VOR List(s).

### **4.2 PROPONENTS' QUESTIONS**

- 4.2.1 All Proponents' questions regarding this Pre-Qualification are to be in writing and must be sent by e-mail to the Pre-Qualification Coordinator.
- 4.2.2 Questions received by the Question Deadline will be reviewed and if TVDSB believes that a response is warranted, it will include the question and its answer in an addendum. TVDSB may, in its discretion, consider and respond to questions received after the Question Deadline but is under no obligation to do so. In responding to questions TVDSB may answer similar questions from different Proponents only once, may edit or rephrase the questions, and may ignore questions which, in TVDSB's opinion, do not require a response.



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#### **4.3 ADDENDA**

- 4.3.1 This Pre-Qualification and the Pre-Qualification Documents may be amended only by written addendum which will be posted to the Portal and will not be sent to the Proponents. Proponents are solely responsible to access and check the Portal for new addenda and other communications and postings and to ensure the information and documents used by Proponents are the most correct and updated information and documents. Proponents are solely responsible to ensure their Proposal incorporates all addenda issued before the Submission Deadline, and TVDSB will not be responsible if any addenda are not obtained by a Proponent.

### **5. PROPOSAL CONTENTS, COMPLETION AND DELIVERY**

#### **5.1 PROPOSAL CONTENTS**

- 5.1.1 Proponents must include the following in their Proposals:

- (a) a Pre-Qualification Submission completed in accordance with Section 5.2

#### **5.2 INSTRUCTIONS FOR COMPLETING THE PRE-QUALIFICATION SUBMISSION**

- 5.2.1 The bid submission **must** be returned electronically as a file upload:

- (a) upload of the files as per above is the responsibility of the proponent;
- (b) submissions received as hardcopies **will not** be accepted;
- (c) completed and signed Pre-Qualification Submission Form (Schedule D); and
- (d) all information, documents and materials required by and responding to each of the items set out in the Pre-Qualification Requirements (Schedule C); and
- (e) an electronic copy of all of the above, in PDF readable format, must be uploaded back using the Portal.

- 5.2.2 The Pre-Qualification Submission is intended to provide information which will enable the Evaluation Team to determine the Proponent's qualifications and ability to undertake and complete the work and services in the Service Category(ies) identified in the Proponent's Pre-Qualification Submission Form. All information submitted by a Proponent and included as part of its Pre-Qualification Submission will be deemed to be material representations by a Proponent to TVDSB, and the Proponent will be deemed to have warranted the accuracy of all representations so made.

- 5.2.3 Proponents will only be considered and evaluated for the Service Category(ies) identified in their Pre-Qualification Submission Form.

#### **5.3 PROPOSAL DELIVERY**

- 5.3.1 The electronic submission must be uploaded to the Portal before the Submission Deadline. Proposals which are sent by fax, email or any means other than as set out in this Section will not be considered.





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- 5.3.2 The electronic submission must be uploaded to the Portal before the Submission Deadline. The Portal will close at the Submission Deadline, and upload will no longer be possible at that point.

## **6. OPENING OF PROPOSALS AND THE ROLE OF THE PRE-QUALIFICATION COORDINATOR**

### **6.1 ROLE OF THE PRE-QUALIFICATION COORDINATOR**

- 6.1.1 The Pre-Qualification Coordinator will review the Proposal to confirm it contains the Pre-Qualification Submission

## **7. EVALUATION OF PROPOSALS**

### **7.1 GENERAL**

- 7.1.1 Proposals will be evaluated by the Evaluation Team, which may obtain the assistance of such contractors and advisors as the Evaluation Team may deem appropriate.

### **7.2 REQUESTS FOR ADDITIONAL INFORMATION**

- 7.2.1 TVDSB may contact any one or more Proponents to request clarification of any information or materials submitted as part of a Proposal, or to request supplementary information (collectively, "Request for Additional Information"), without any obligation to make the same or any Request for Additional Information of any other Proponent. Notwithstanding the preceding sentence, TVDSB has no obligation to make any Request for Additional Information.
- 7.2.2 Proponents should answer all Requests for Additional Information within the time and in the manner stipulated in each Request for Additional Information, and any answer received will form an integral part of a Proponent's Proposal. If a Proponent fails to provide an answer to a Request for Additional Information within the time and manner stipulated, its Proposal will be considered and evaluated based solely on the original Proposal contents submitted.

### **7.3 EVALUATION OF PRE-QUALIFICATION SUBMISSIONS**

- 7.3.1 The following illustrates some of the activities the Evaluation Team may undertake in the course of evaluating the Pre-Qualification Submissions, and does not limit the discretion of the Evaluation Team to take steps not expressly described. For greater certainty, the Evaluation Team has no obligation to undertake any such activities, and the fact the Evaluation Team undertakes a particular activity as part of its evaluation of a Pre-Qualification Submission and/or a Proponent will in no way obligate the Evaluation Team to undertake the same or any activity with any of the other Proponents or any Pre-Qualification Submissions delivered by any of the other Proponents.
- (a) The Evaluation Team may, in its sole discretion, invite a Proponent to one or more meetings and/or interviews. The nature and length of such meetings and/or interviews, the agenda, and the attendees will be determined by the Evaluation Team.
- (b) The Evaluation Team may contact and/or visit one or more of the Proponent's references and/or clients, and any other person or place as the Evaluation Team deems appropriate, with or without notice to the Proponent.



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- 7.3.2 Pre-Qualification Submissions will be evaluated by the Evaluation Team and awarded points for each Service Category for which the Proponent applied to be prequalified (as indicated in the Proponent's Pre-Qualification Submission Form). NOTE: Proponents will only be considered and evaluated for the Service Category(ies) indicated in a Proponent's Pre-Qualification Submission Form.
- 7.3.3 Pre-Qualification Submissions will be evaluated on a consensus basis based on criteria set out in the table below. If there is a meeting and/or interview with a Proponent, such meeting and/or interview will not be independently scored, however, the Evaluation Team reserves the right to take into consideration and incorporate what it learns from such meeting and/or interview in its evaluation and may adjust the scoring of the Proponent's Pre-Qualification Submission, regardless of when the meeting and/or interview is held. The points awarded for a Proponent's Pre-Qualification Submission will be that Proponent's "Pre-Qualification Score" for each Service Category for which the Proponent applied to be prequalified.

<b>Evaluation Criteria (Pre-Qualification Submission for General Contractors)</b>	<b>Points Available</b>
<b>EXPERIENCE/REFERENCES</b>	
Number of years in business with current owner/proprietor.	10
References.	35
Experience with similar clients and projects.	25
Site Superintendent's experience.	10
Project Manager's experience.	10
<b>PERFORMANCE</b>	
Description of company's maintenance/warranty service capabilities.	5
Call Response Time.	5
Description of company's procedures with sub-contractors deficiency and warranty capabilities.	5
Bonding Information	5
Head office location.	10
<b>QUALITY</b>	
Quality of Submission.	10
Number of WSIB claims.	10
Health and Safety Policy.	5
<b>MAXIMUM PRE-QUALIFICATION POINTS AVAILABLE</b>	<b>145</b>



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Evaluation Criteria (Pre-Qualification Submission for Mechanical and Electrical Contractors)	Points Available
<b>EXPERIENCE/REFERENCES</b>	
Number of years in business with current owner/proprietor.	10
References.	35
Experience with similar clients and projects.	25
Personnel and equipment.	10
<b>PERFORMANCE</b>	
Description of company's maintenance/warranty service capabilities.	5
Call Response Time.	5
Description of company's procedures with sub-contractors deficiency and warranty capabilities.	5
Head office location.	10
<b>QUALITY</b>	
Quality of Submission.	10
Number of WSIB claims.	10
Health and Safety Policy.	5
<b>MAXIMUM PRE-QUALIFICATION POINTS AVAILABLE</b>	<b>130</b>

#### 7.4 PLACEMENT OF PREQUALIFIED PROPONENTS ON A VOR LIST

- 7.4.1 Subject to TVDSB's discretion and the other rights described in the Pre-qualification Documents, the Prequalified Proponents will be ranked on the basis of their Pre-qualification Submission within each Service Category for which they applied to be prequalified (as indicated in each Proponent's Pre-qualification Submission Form). The Prequalified Proponents with the highest Scores in each Service Category will be placed on the VOR List for such Service Category, up to the number of Proponents indicated in paragraph 1.5.1.
- 7.4.2 If there is a tie between the Pre-Qualification Scores of two or more Proponents tied for final place for a particular Service Category, all such tied Proponents will be Prequalified Proponents and will be placed on the VOR List for such Service Category, notwithstanding paragraphs 1.5.1.

#### 7.5 DEBRIEFING

- 7.5.1 The TVDSB will offer separate debriefings to Proponents but only if requested in accordance with paragraph 7.5.2. Debriefings will be held in person or by telephone conference call, at the TVDSB's



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discretion, and will be scheduled on a date and time and for a duration to be confirmed by the TVDSB.

- 7.5.2 If a Proponent desires a debriefing it shall submit a written request to the Pre-Qualification Coordinator within 60 days after the TVDSB has posted the names of the Prequalified Proponents. Any request that is not timely received will not be considered and no debriefing will be held.

## **8. SIGNING THE MSA AND ISSUING TENDERS**

### **8.1 SIGNING THE MSA**

- 8.1.1 The TVDSB will issue a notice to each Prequalified Proponent and will enclose the MSA for execution. Within fifteen (15) business days of receiving such notice and MSA each such Prequalified Proponent is to sign and deliver the signed MSA to TVDSB.
- 8.1.2 A Proponent's failure to sign and deliver the MSA in accordance with paragraph 8.1.1 will result in the removal of that Proponent from all VOR Lists on which the Proponent was placed.
- 8.1.3 The execution of a MSA is not intended to and shall not obligate TVDSB to issue or execute any Tenders or otherwise engage any Proponent.

### **8.2 ISSUING OF TENDERS**

- 8.2.1 Tender submissions will only be accepted from those proponents who have been successfully pre-qualified.

## **9. TVDSB'S DISCRETION**

### **9.1 GENERAL**

- 9.1.1 In addition to any other options or express rights contained in the Pre-Qualification Documents or any other rights which may be implied in the circumstances, TVDSB may exercise any or all or a combination of the options described in this Article 9. TVDSB shall not be liable for any costs, expenses, losses or damages incurred or claimed by a Proponent resulting from TVDSB's exercise of its discretion.
- 9.1.2 A Proponent's delivery or TVDSB's evaluation of any Proposal, even where only one Proposal is delivered for a particular Service Category, will not obligate TVDSB to prequalify any Proponent, place a Proponent on a VOR List, proceed with any projects or tenders, or enter into a MSA with any Proponent.

### **9.2 TVDSB'S OPTIONS**

- 9.2.1 TVDSB may, in its sole discretion, and for any or no reason:
- (a) reject any or all Proposals;
  - (b) elect not to prequalify any Proponents;
  - (c) elect not to prequalify any Proponents in one or more Service Categories;



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- (d) cancel this Pre-Qualification at any time;
- (e) cancel this Pre-Qualification at any time and issue a new procurement process for the same or different Pre-Qualification.

#### **9.2.2 TVDSB may in its sole discretion:**

- (a) verify with a third party any information contained in a Proposal;
- (b) check references other than those provided by a Proponent;
- (c) adjust a Proponent's Submission Score or reject a Proposal on the basis of information received in response to a Request for Additional Information, in response to reference checks, during any meetings and/or interviews, or as a result of any other information obtained by the Evaluation Team;
- (d) prequalify a Proponent in more than one Service Category;
- (e) disqualify and remove from a Service Category or a VOR List any Proponent whose Proposal contains misrepresentations or any other inaccurate or misleading information relating to matters which TVDSB, in its sole discretion, considers material.

## **10. ADDING TO OR REMOVING PREQUALIFIED PROPONENTS FROM A VOR LIST**

### **10.1 ADDING PROPONENTS TO A VOR LIST**

10.1.1 TVDSB may, from time to time and in its sole discretion, and only if there is space on a VOR List for a Service Category as provided in paragraph 1.5.1, do any or all of the following, in its sole discretion:

- (a) receive, consider and evaluate additional Proposals for such Service Category (pre-qualification) after the Submission Deadline and evaluate such Proposals as provided in this Pre-Qualification.

10.1.2 The TVDSB will issue a notice to each Proponent that is added to a VOR List and will enclose the MSA for execution. Within fifteen (15) business days of receiving such notice and MSA each such added Proponent is to sign and deliver the signed MSA to TVDSB, failing which the Proponent will be removed from all VOR Lists to which the Proponent was added.

### **10.2 REMOVING PREQUALIFIED PROPONENTS FROM A VOR LIST**

10.2.1 TVDSB may, in its sole discretion but always acting reasonably, remove a Proponent from a VOR List. Circumstances under which TVDSB may exercise such discretion include, but are not limited to, the following:

- (a) the Proponent would currently fail to be prequalified for a Pre-Qualification for which it was prequalified;
- (b) the Proponent has been unable or unwilling to complete a tender issued to it on three (3) separate occasions, unless the Proponent has provided, in TVDSB's sole discretion, a valid commercial reason for doing so;
- (c) a significant change in the Proponent's operations, structure or control;
- (d) where TVDSB determines, in its sole discretion, that TVDSB's continued dealings with the Proponent would adversely impact TVDSB's reputation;



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- (e) the Proponent's performance of the Services fell below TVDSB expectations and requirements, having regard to the complexity of the Tender and the Proponent's expertise and experience;
- (f) the Proponent has made claims or commenced legal proceedings, whether by litigation or arbitration, against TVDSB;
- (g) any other circumstances where removal from a VOR List is specifically provided for in the Pre-Qualification Documents.

## **11. GENERAL**

### **11.1 PROHIBITION ON LOBBYING AND COLLUSION**

- 11.1.1 Proponents and their directors, officers, employees, consultants, agents, advisors and other representatives are prohibited from engaging in conduct which is or could reasonably be considered as any form of political or other lobbying, or as an attempt to influence the outcome of this Pre-Qualification. Without limiting the generality of the foregoing, and except as provided in this Pre-Qualification, no such person shall contact, communicate with or attempt to contact or communicate with, directly or indirectly and in any manner whatsoever, any staff, personnel or representative of the Evaluation Team or the TVDSB, including any member of the TVDSB board of trustees, in connection with this Pre-Qualification.
- 11.1.2 A Proponent's failure to comply with this Section may result in the disqualification of the Proponent and its removal from any VOR List(s).

### **11.2 CONFLICT OF INTEREST**

- 11.2.1 Proponents are required to declare, as part of their Proposal, that the Proponent is not aware of any perceived, potential or actual Conflict of Interest. For the purposes of this Pre-Qualification, "Conflict of Interest" includes:
  - (a) any situation or circumstances where, in relation to this Pre-Qualification, the Proponent's other commitments, relationships or financial interests could or could be perceived to exert an improper influence over the objective, unbiased and impartial exercise of independent judgment by any member or representative of the Evaluation Team or the TVDSB;
  - (b) any situation or circumstances where any member of the TVDSB board of trustees or any person employed by the TVDSB in any capacity:
    - (i) has a direct or indirect financial or other interest in any Proponent;
    - (ii) is an employee or a contractor to or under contract to any Proponent;
    - (iii) is negotiating or has an arrangement concerning future employment or contracting with any Proponent;
    - (iv) has an ownership interest in or is an officer or director or partner of any Proponent.
  - (c) any situation where:
    - (i) a Proponent owns or controls, or beneficially owns or controls, directly or indirectly, another person, partnership or corporation (such person, partnership or corporation referred to as a "Related Party"); or



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### **Instructions to Proponents**

- (ii) a Proponent is owned or controlled, directly or indirectly, by a Related Party, and such Related Party carries on business within one or more Service Categories.

11.2.2 If a Proponent discovers, at any time, any perceived, potential or actual Conflict of Interest, the Proponent shall promptly send a written statement to the Pre-Qualification Coordinator describing the perceived, potential or actual Conflict of Interest, along with a written proposal that, if implemented, would address the identified perceived, potential or actual Conflict of Interest. The TVDSB will review the Proponent's written statement and proposal and, without limiting the generality of Article 9, the TVDSB may, in its sole discretion:

- (a) disqualify the Proponent from participating in this Pre-Qualification and/or remove the Proponent from one or more VOR List(s);
- (b) waive any and all perceived, potential or actual Conflict of Interest upon such terms and conditions, if any, as the TVDSB, in its sole discretion, requires to satisfy itself that the Conflict of Interest has been appropriately managed, mitigated and minimized.

11.2.3 The onus is on each Proponent to conduct any and all investigations necessary to confirm and satisfy itself that there is no perceived, potential or actual Conflict of Interest and that the declaration made as part of its Proposal is true and correct. If the TVDSB determines that a Proponent's declaration is not materially true and correct, or if a Proponent otherwise fails to comply with this Section 11.2, the TVDSB may disqualify the Proponent and/or may remove the Proponent from one or more VOR List(s).

### **11.3 CONFIDENTIALITY, DISCLOSURE AND MFIPPA**

11.3.1 Proponents acknowledge that the contents of their Proposals will be disclosed to the Evaluation Team and others within TVDSB and/or to TVDSB's advisors. The TVDSB will use reasonable efforts to protect sensitive and confidential information provided by Proponents, however, the TVDSB shall not be liable in any way whatsoever if such information is disclosed, even if the TVDSB, its advisors, staff, members of the Evaluation Team, or any other person associated with them may have been negligent with respect to such disclosure. By delivering a Proposal each Proponent agrees to such disclosure and releases the Pre-Qualification Coordinator, the Evaluation Team, and the TVDSB from any liability for the same.

11.3.2 The TVDSB may be required to disclose parts or all of a Proposal pursuant to the provisions of MFIPPA or other legislation. Subject to the provisions of MFIPPA, the TVDSB will use reasonable efforts to safeguard the confidentiality of any information identified by a Proponent as confidential, however, the TVDSB shall not be liable in any way whatsoever if such information is disclosed based on an order or decision made under MFIPPA or any other applicable law. By delivering a Proposal each Proponent agrees to such disclosure and releases the Pre-Qualification Coordinator, the Evaluation Team, and the TVDSB from any liability for the same.

### **11.4 PREQUALIFICATION DOES NOT CONSTITUTE ENDORSEMENT**

11.4.1 TVDSB's prequalification of a Proponent and the placement and ranking on a VOR List does not constitute a general endorsement of that Proponent's work or services.



## **Pre-Qualification of General, Mechanical and Electrical Contractors**

### **Instructions to Proponents**

#### **11.5 LIMIT OF LIABILITY**

11.5.1 Each Proponent agrees that TVDSB's aggregate liability to any Proponent and the aggregate amount of damages recoverable by a Proponent against TVDSB for any and all claims relating to or arising from this Pre-Qualification or a Proponent's participation in this Pre-Qualification, including:

- (a) claims arising from negligence, wilful misconduct or other conduct; and/or
- (b) claims arising from a breach of any contract or any contractual or other relationship or obligation that may arise as a result of a Proponent's participation in this Pre-Qualification and/or delivery of a Proposal,

shall be limited to the lesser of \$5,000 and the Proponent's reasonable demonstrated costs of preparing its Proposal.

### **END OF INSTRUCTIONS TO PROPONENTS**





## **Pre-Qualification of General, Mechanical and Electrical Contractors**

### **Schedule A – Service Categories**

#### **SCHEDULE A – SERVICE CATEGORIES**

Proponents are required to identify in their Pre-Qualification Submission Form the Service Category(ies) for which they are applying to be considered for prequalification. The Service Categories are listed below:

<b>Service Category</b>	<b>Project Value Applying For</b>
General Contractor	\$100,000 to \$250,000 \$250,000 to 1 million 1 million up to 3 million 3 million up to 7 million 7 million up to 12 million 12 million up to 30 million
Electrical Contactor	\$100,000 to \$250,000 \$250,000 to 1 million 1 million up to 3 million 3 million up to 7 million 7 million up to 12 million 12 million up to 30 million
Mechanical Contractor	\$100,000 to \$250,000 \$250,000 to 1 million 1 million up to 3 million 3 million up to 7 million 7 million up to 12 million 12 million up to 30 million

**END OF SCHEDULE A**



## **Pre-Qualification of General, Mechanical and Electrical Contractors**

### **Schedule B – Procurement Portal**

#### **SCHEDULE B – TVDSB PROCUREMENT WEB PORTAL**

This Schedule describes the process for accessing the Portal.

1. Go to “www.tvdsb.ca”
2. Click on “I'D LIKE TO”; and then click on “Go to Purchasing”.
3. Click on “Bids”; and then click on “Proceed to inquiry/download page”.
4. Locate the Pre-Qualification and click “New” icon. You will be directed to the “TVDSB Client Portal”.
5. Proponents that already have a TVDSB Client Portal account: Click “TVDSB Login” and log in using your TVDSB Client Portal account and password.
6. Proponents that do not already have a TVDSB Client Portal account:
  - (a) Click “Sign up now”;
  - (b) Read the TVDSB Client Portal Disclaimer, scroll to bottom and click “I agree” or “I do not agree”.
  - (c) Proponents that click “I do not agree” will not be able to participate in the Pre-Qualification.
  - (d) Proponents that click “I agree” will be taken to the “New Account Application” page. Complete the account information and click “Create My Account”; then click “TVDSB Login”.
7. Once logged in, you will be within the Client Portal. Click “Open to Bid” and then click on the “New” icon for the Pre-Qualification.

To access answers to questions and addenda:

1. Follow the steps outlined in steps 1 to 3 above.
2. Proceed to the Pre-Qualification and click “Answers to Questions”.

**END OF SCHEDULE B**



## Pre-Qualification of General, Mechanical and Electrical Contractors

### Schedule C - Requirements

#### SCHEDULE C – SUBMISSION REQUIREMENTS

It is important that Proponents present the information required by this Pre-Qualification so that it can be readily understood and evaluated. A Proponent's Pre-Qualification Submission should address all of the items set out in this Schedule in the order in which they appear and using the same headings and numbering sequence. A Proponent's failure to follow instructions or failure to provide a full response to this Pre-Qualification may have an adverse impact on the evaluation of its Pre-Qualification Submission.

**Proponents should not assume that the TVDSB or any member of the Evaluation Team has any knowledge of the Proponent or its expertise, experience or qualifications, and should ensure that all required information is included and submitted as part of the Proponent's Pre-Qualification Submission.**

**References to web / internet sites or links are NOT acceptable and will NOT be considered.**

Part 1	Completed and signed Pre-Qualification Submission Form
Part 2	Proponent information

1. **Part 1 – Completed and Signed Pre-Qualification Submission Form**

Submit a completed and signed Pre-Qualification Submission Form (Schedule D) signed by the Proponent.

2. **Part 2 – Proponent Information**

- 2.1 The Contractor must submit a completed CCDC Document No. 11-2019 Contractor's Qualification Statement.
- 2.2 The Proponent **should** submit resumes of all staff members in a supervisory capacity who would be assigned to the work.
- 2.3 The Proponent **should** submit resumes (Curriculum vitae) for the Project Manager(s) and Site Superintendent(s) proposed for these project(s). **(General Contractors only).**
- 2.4 The Proponent **must** submit a listing of personnel and equipment to be assigned to TVDSB projects. Identify if equipment is owned, leased or rented.
- 2.5 The Proponent **should** submit a letter from a surety company licensed to do business in Ontario that your company is bondable for a 50% Performance Bond. **(General Contractors only).**
- 2.6 The Proponent **should** submit from its bonding company a letter indicating bonding capabilities and limitations. **(Mechanical and Electrical Contractors Only).**



## Pre-Qualification of General, Mechanical and Electrical Contractors

### Schedule C - Requirements

- 2.7 The Proponent **should** submit a financial reference completed by a Canadian Bank or Financial Institution stating maximum credit limits and capabilities.
- 2.8 The Proponent **should** submit a letter from an insurance company (licenced to do business in the Province of Ontario) indicating its insurance limits for Comprehensive Commercial General Liability coverage. These limits **should** be in accordance with the current Standard Construction Document 2 (CCDC 2 - 2008), Section GC11.1. A minimum of \$5,000,000.00 for Comprehensive Commercial General Liability coverage is required. The proponent **must** ensure that all subcontractors are either covered under the proponent's policy(s) or have their own separate coverage similar to the above limits. In the event that the proponent does not have the minimum coverage the insurer should confirm that such coverage can be obtained if the proponent is pre-qualified.
- 2.9 The Proponent **must** state if its own vehicles and/or those vehicles owned by its employees or subcontractors shall operate on the property of the TVDSB
- 2.10 The proponent **should** submit a letter from an insurance company (licenced to do business in the Province of Ontario) indicating its insurance limits for Motor Vehicle Liability coverage). These limits **should** be in accordance with the current Standard Construction Document 2 (CCDC 2 - 2008), Section GC11.1. A minimum of \$2,000,000.00 Automotive Liability Insurance coverage is required for company owned vehicles and a minimum of \$1,000,000.00 for employee owned vehicles. The General Contractor **must** ensure that all subcontractors and any employees operating vehicles on property of the TVDSB are either covered under the proponent's policy(s) or have their own separate coverage similar to the above limits. In the event that the contractor does not have the minimum coverage, the insurer should confirm that such coverage can be obtained if the proponent is pre-qualified.
- 2.11 The Proponent **should** submit a completed Workplace Injury Summary Report (WISR) document applicable to the Proponent.
- 2.12 The Proponent **should** submit a current Clearance Certificate from the Workplace Safety and Insurance Board.
- 2.13 The Proponent **should** submit a copy of their company's health and safety policy.
- 2.14 Proponents interested in pre-qualifying are advised that it is mandatory they have experience in expediting this type of work.
- 2.15 Proponents must state length of warranty. The proponent **must** provide a written description of what the warranty includes. Proponents **must** state how your company will respond to trouble calls (during the warranty period) for locations throughout the entire Thames Valley District School Board which includes the Counties of Oxford, Middlesex and Elgin. Do you provide 24/7 emergency service? How many employees do you have available for emergency service?
- 2.16 Contractors should identify maximum response times in your submission.
- 2.17 Contractors should state your company's procedure with sub-contractors completing deficiency and warranty work.



## Pre-Qualification of General, Mechanical and Electrical Contractors

### Schedule C - Requirements

- 2.18 The Contractor **must** provide three current job related references for each category where you have successfully completed projects of a similar nature. Reference should be a key contact person involved with a project (owners' representative is preferred). Reference letters will not be evaluated. The reference **must** contain the following information and be **returned in Excel format**:

Company Name

Contact Name

Email address

**END OF SCHEDULE C**



## Pre-Qualification of General, Mechanical and Electrical Contractors

### Schedule D – Pre-Qualification Submission Form

# SCHEDULE D – PRE-QUALIFICATION SUBMISSION FORM

TO: TVDSB Portal

Name and Business Address of Proponent:

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Phone: \_\_\_\_\_

Contact name for future correspondence and inquiries:

Name and Title \_\_\_\_\_ Phone: \_\_\_\_\_

E-mail: \_\_\_\_\_

We have read and we fully understand, acknowledge, accept and agree to the terms, conditions and the requirements of the Pre-Qualification Documents, including all Schedules and all addenda issued, and we hereby submit the forms, documents and other material required by the Submission Requirements. Without limiting the foregoing, we understand, acknowledge, accept and agree that:

- (a) the issuance of the Pre-Qualification Documents, our preparation and delivery of our Proposal, and the receipt, review and evaluation of our Proposal will not create any contractual relations or obligations, including "Contract A" (sometimes referred to as the "bid contract"), between us and TVDSB;
- (b) notwithstanding that we may be prequalified and may be placed on a VOR List, TVDSB has no obligation to issue any Tenders;
- (c) if we receive the written notice described in paragraph 8.1.1 of the Instructions to Proponents we will sign and deliver the signed MSA to TVDSB within 15 business days of our receipt of the same;
- (d) the execution of a MSA does not obligate TVDSB to issue any Tenders or otherwise engage us to perform any projects;
- (e) Tenders, if any, will be issued in accordance with Section 8.2 of the Instructions to Proponents and will otherwise be subject to the other terms of the MSA;

We hereby represent that the documents and other material attached to this Pre-Qualification Submission Form fully respond to Schedule C – Pre-Qualification



## Pre-Qualification of General, Mechanical and Electrical Contractors

### Schedule D – Pre-Qualification Submission Form

**Requirements, are complete and accurate, and that TVDSB may rely on all such documents and material submitted.**

Capitalized terms used in this Pre-Qualification Submission Form and not otherwise defined shall have the meanings assigned to them in the Instructions to Proponents.

#### 1. SERVICE CATEGORIES

Having reference to Schedule A – Service Categories, we have inserted in the table below the Service Category(ies) for which we are applying to be prequalified: *[NOTE to Proponents: Add rows to the table below as may be required]*

Service Category

#### 2. CONFLICT OF INTEREST

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

- ☐ We declare that there IS an actual or potential Conflict of Interest relating to the preparation of our Proposal, and/or we foresee an actual or potential Conflict of Interest in performing the Services.

If a Proponent declares an actual or potential Conflict of Interest by marking the box above, the Proponent must provide and attach details of the actual or potential Conflict of Interest as well as the Proponent's proposed steps that, if implemented, would address the identified actual or potential Conflict of Interest.

#### 3. ATTACHMENTS

We have attached all documents and other material required in response to Schedule C – Pre-Qualification Requirements. Each attachment addresses the items listed in Schedule C in the order in which they appear, using the same headings and numbering sequence.

**Signed and submitted for and on behalf of:**

**PROPONENT** \_\_\_\_\_

**DATE** \_\_\_\_\_

**SIGNATURE** \_\_\_\_\_

**Name and Title** \_\_\_\_\_  
I have authority to bind the Proponent named above

**END OF SCHEDULE**



**Pre-Qualification of General, Mechanical and  
Electrical Contractors**

**Schedule E – Master Services Agreement**

**SCHEDULE E –  
MASTER SERVICES AGREEMENT**

*Refer to Master Services Agreement, attached separately.*





**Pre-Qualification of General, Mechanical and  
Electrical Contractors**

**Schedule F – Designated Substances**

*Refer to Designated Substances, attached separately.*