



**Financial & Data Services  
FDS - Administration**

**Request for Pre-Qualification  
County Wide Broadband Internet Service  
FDS-02-2019**

**Contact**

Mark Merritt  
General Manager, Financial & Data Services  
mmerritt@haldimandcounty.on.ca

**Obtain Documents Online**

[Haldimand County Bidding Opportunities](#)

**Closing Date**

Friday, August 16, 2019  
Before 2:00:00 p.m. local time

**Closing Location**

Cayuga Administration Building  
45 Munsee Street North  
P.O. Box 40  
Cayuga, ON N0A 1E0

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Haldimand County  
Legal and Support Services Division  
45 Munsee Street North  
P.O. Box 400  
Cayuga, ON N0A 1E0

**Request for Pre-Qualification Notice**  
**County Wide Broadband Internet Service**  
**FDS-02-2019**

**Closes: 2:00:00 p.m. local time**  
**Friday, August 16, 2019**

**1. Public Opening**

All Proposals received in compliance with the date and time requirements shall be opened in a public forum and only the names of the Bidders will be publically announced.

Bids shall be opened shortly after the Submission Deadline at the location noted below:

Cayuga Administration Building  
45 Munsee Street North  
P.O. Box 40  
Cayuga, ON N0A 1E0

**2. Scope of Work**

This Request for Pre-Qualification (RFPQ) is an invitation by Haldimand County to prospective Bidders to submit Proposals in order to identify and shortlist a sufficient number of experienced and qualified Service Providers for the installation and facilitation of broadband internet services across Haldimand County.

**3. To Obtain Documents**

To obtain documents online please visit [Haldimand County Bid Opportunities](#).

**4. Information Session**

A Non-Mandatory information session will be held on Tuesday, July 23, 2019 at 1:30 p.m. by teleconference call.

**Phone number:** +1-647-484-1599

**Meeting number (access code):** 797 007 084

**5. Term of Contract**

The term of the Agreement will be outlined in the Negotiated Request for Proposal subsequently issued.

**6. Trade Agreements**

The subsequent procurement for this Pre-Qualification is subject to Canada Free Trade Agreement (CFTA) AND Comprehensive Economic Trade Agreement (CETA) in accordance to Haldimand County's Purchasing Policy and Procedures.

The following Definitions apply to the interpretation of the RFPQ;

1. **“Addenda” or “Addendum”** refers to an addition or change to the RFPQ issued in writing by the County prior to the Submission Deadline;
2. **“Asymmetric Digital Subscriber Line” or “ADSL”** is a type of Digital Subscriber Line (DSL) technology, a data communications technology that enables faster data transmission over copper telephone lines than a conventional voice band modem can provide;
3. **“Benchmark Score”** means the minimum score that must be achieved in Stage 1 in order to move onto Stage 2.
4. **“Bidder”** means one who submits a response to an invitation to Bid as issued by the County. In the case of a joint venture or partnership, a project lead must be established and submit on behalf of the group;
5. **“Broadband Internet”** means high speed internet that is always on, with a high data transfer rate;
6. **“Calendar Days”** means Monday through Sunday inclusive;
7. **“Contract” or “Agreement”** means a written document between the County and another party for the purchase of Goods, Services or Construction pursuant to this Request;
8. **“CRTC”** references to the Canadian Radio-Television and Telecommunications Commissions; Canada’s independent telecommunications regulator;
9. **“Deliverables” or “Scope of Work” or “Terms of Reference”** means everything developed for or provided to the County in the course of performing the Contract or agreed to be provided to the County by the Bidder or its directors, officers, employees, agents, partners, affiliates, volunteers or sub-contractors, as further defined in the Request, including but not limited to any Goods or Services or any and all Intellectual Property and any and all concepts, techniques, ideas, information, documentation and other materials, however recorded, developed or provided;
10. **“Fiber To The Premises” or “FTTP”** is a fiber optic cable delivery medium that provides Internet access directly to a user or groups of users from an Internet Service Provider (ISP). It is one of several optical fiber delivery topology terms that are sometimes grouped into the general category of "Fiber to the x" and similarly abbreviated;

11. **“Haldimand County”** as defined by Bill 125. Haldimand County may also be referred to in this document as “County”, “Municipality”, “Corporation” or “Owner”;
12. **“ISP”** means Internet Service Provider;
13. **“Line of Sight” or “LOS”** means wireless, unobstructed visual connection to the towers. Equipment that points to the internet access point;
14. **“Mandatory Addenda” or “Mandatory Addendum”** refers to an addition or change to the RFPQ issued in writing by the County prior to the Submission Deadline. The Bidder is required to acknowledge receipt of all Mandatory Addenda on the Form of Offer (Appendix B), or submit all signed Mandatory Addenda with its proposal;
15. **“Mbps”** means Megabits per Second which is the measure of internet connectively speeds (download and upload);
16. **“Negotiated Request for Proposal” or “NRFP”** shall mean a non-binding invitational bid document to prospective proponents to submit proposals for the provision of broadband services.
17. **“Request for Pre-Qualification” or “RFPQ” or “Request”**, shall mean a formal Request for competitive sealed Proposals, including all appendices, and any Addenda;
18. **“RFPQ Documents”** means this Request for Pre-Qualification document, including all appendices and any Addenda;
19. **“Responsible Bidder”** shall mean a contractor, business entity or individual who is fully capable to meet all of the requirements of the solicitation and subsequent contract, including but not limited to sufficient evidence of equipment, personnel, financial capability, safety records;
20. **“Services”** means any professional or general service work performed but is not solely the delivery of goods or materials;
21. **“Stakeholders”** mean residents, businesses, agricultural community and the Corporation of Haldimand County;
22. **“Proposal” or “Bid”** means an offer made by a Bidder in response to this Request;
23. **“Submission Deadline” or “Closing Date”** means the date and time which all Bids will be received by Haldimand County;

24. **“Successful Bidder”** or **“Consultant”** or **“Supplier”** or **“Provider”** or **“Vendor”** or **“Contractor”**, shall mean the Bidder who has met or exceeded the minimum requirements of the Bid document in its entirety as determined by Haldimand County in its absolute discretion and is being recommended for award.



**1. Intent of Request for Pre-Qualification**

Haldimand County is soliciting Proposals from Responsible Bidders who have the necessary qualifications and experience to provide the types of services described in this Request for Pre-Qualification (RFPQ). The Proposal should be detailed, specific and should be completed and submitted in the prescribed format, as detailed in Section 9 of this RFPQ.

The purpose of this RFPQ is to identify and shortlist a sufficient number of experienced and qualified Service Providers who will be requested to submit bids for the project outlined in Appendix A - Deliverables.

It is the intention of the County that only pre-qualified Bidders will be allowed to submit a proposal for the identified project in response to an issued Negotiable Request for Proposal.

**2. Haldimand County Procurement Policy No. 2013-02**

It is the responsibility of all Bidders to become familiar with and comply with the Haldimand County Procurement Policy and Bid Irregularities list.

If bid irregularity occurs, the bid submission shall be rejected as outlined below. Bid rejection shall only occur based upon the requirements of this request. Example: If the request for tender does not require a mandatory site visit, then item 8 would not apply to this request.

IRREGULARITY	RESPONSE
1. Late Bids	Automatic rejection, returned unopened to the Bidder, or not received at all.
2. Unsealed Envelopes	Automatic rejection
3. Insufficient Financial Security (No Bid Deposit or insufficient Bid Deposit) as specified in bid document.	Automatic Rejection
4. Failure to insert the name of the bonding company in the space noted in the provided forms.	Rejected as incomplete
5. Failure to provide a letter of Agreement to Bond where required.	Rejected as incomplete
6. Illegible or obscure Bids or Bids which contain additions not called for, erasures, alterations, errors or irregularities of any kind.	Will be rejected as informal

IRREGULARITY	RESPONSE
7. Documents, in which all necessary Addenda having financial implication or scope of work amendments have not been acknowledged as deemed by the County.	Rejected as incomplete
8. Failure to attend mandatory site visit(s).	Automatic rejection
9. Bids received on documents other than those provided by Haldimand County, when specified to do so.	Rejected as informal.
10. Failure to insert the Bidder's business name in the space(s) provided on the Bidders Covenant.	Rejected as incomplete
11. Failure to include signature of the person authorized to bind the Bidder in the space provided in the provided forms.	Rejected as incomplete
12. Conditions placed by the Bidder on the Total Contract Price.	Rejected as informal
13. Bids Containing Mathematical Errors	<p>a) If the amount submitted for a unit price item does not agree with the extension of the estimated quantity and the submitted unit price, or if the extension has not been made, the unit price shall govern and the total price shall be corrected accordingly. If both the unit price and the total price are left blank, the Bid will be rejected as incomplete.</p> <p>b) If the unit price is left blank but a total price is shown for the item, the Bid will be rejected as incomplete.</p> <p>c) If the total price is left blank for a lump sum item, the Bid will be rejected as incomplete.</p> <p>d) If the Bid contains an error in addition and/or subtraction in the approved documentation format requested when unit prices are totalled (i.e. not the additional supporting documentation supplied), the error shall be corrected</p>

IRREGULARITY	RESPONSE
	<p>and the corrected total Contract price shall govern.</p> <p>Submissions containing prices which appear to be so unbalanced as to likely affect the interests of the County adversely will be clarified and may be rejected.</p>

All blanks must be legibly and properly filled in on the forms supplied for that purpose. **If a bid for an item is no cost, enter nil or 0 or other such marking.**

**3. Request for Pre-Qualification Schedule**

Sealed Bids shall be submitted according to the following timetable:

Issue Date of RFPQ	Tuesday, July 16, 2019
Information Session	Tuesday, July 23, 2019 at 1:30 p.m.
Deadline for Written Questions	Wednesday, August 7, 2019 by 4:30 p.m.
Deadline for Issuing Addenda	Friday, August 9, 2019
Submission Deadline	Friday, August 16, 2019 before 2:00:00 p.m.
Public Opening	Friday, August 16, 2019 at approximately 2:15 p.m.

Note: Although every attempt will be made to meet all the dates, the County reserves the right to modify any or all dates at its sole discretion.

All times specified in this RFPQ are local time in Cayuga, Ontario, Canada.

**4. RFPQ Contact**

For the purposes of this procurement process, the Request for Pre-Qualification Contact will be:

Mark Merritt  
 General Manager, Financial & Data Services  
 mmerritt@haldimandcounty.on.ca

**5. Public Opening**

All Proposals received in compliance with the date and time requirements shall be opened in a public forum and only the names of the Bidders will be publically announced.

Bids shall be opened shortly after the Submission Deadline at the location noted below:

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**6. Information Session**

A Non-Mandatory information session will be held on Tuesday, July 23, 2019 at 1:30 p.m. by teleconference call.

**Phone number:** +1-647-484-1599

**Meeting number (access code):** 797 007 084

**End of Part I: Information for Bidders**

## **7. Proposal Submission Instructions**

All Proposals shall be in English only.

Each Bidder shall bear all costs associated with or incurred in the preparation and presentation of its Proposal.

### **7.1 Sealed Proposal Submissions**

Bidders must submit a hard copy of its Bid in a sealed package before the Submission Deadline. Bids in an envelope that are not sealed will be rejected.

A Submission Label, Appendix D, has been included with this Request for the convenience of the Bidder. The Proposal should be clearly marked with the Bidders company name, Bid name, Bid number and Submission Deadline date.

### **7.2 Proposal Submission Location**

Proposals must be submitted on time at the prescribed location set out below before the Submissions Deadline:

Manager, Legal and Support Services/designate  
Haldimand County  
Cayuga Administration Building  
45 Munsee Street North  
P.O. Box 400  
Cayuga, ON N0A 1E0

Proposals received by facsimile or electronic delivery, secured or otherwise, will not be accepted.

### **7.3 Late Proposal Submissions**

Proposals received later than the closing time on the Submission Deadline specified in the Bid document will not be accepted, regardless of the reason. Such Proposal shall result in an automatic rejection and will be returned unopened to the Bidder, or not received at all.

The County is in no way responsible for any documentation that is misdirected to another County location.

### **7.4 Withdrawal of Proposal Submission**

Bidders may withdraw its Proposal prior to the specified Bid Submission Deadline. The Bidder's representative desiring to withdraw shall provide to the County a withdrawal Request in writing to [purchasing@haldimandcounty.on.ca](mailto:purchasing@haldimandcounty.on.ca).

Photo identification and approval to withdraw must be presented at the time of picking up the Proposal.

A courier is not deemed a representative of the Bidder.

### **7.5 Multiple Proposal Submissions**

A Bidder who has already submitted a sealed Bid may submit a further sealed Bid at any time up to the official closing time. The last sealed Bid received shall supersede and invalidate all other sealed Bids previously submitted by that Bidder as it applies to this Request.

### **8. Irrevocability**

There will be no irrevocable period for this RFPQ or the subsequent NRFP.

### **9. Proposal Submission Requirements**

Proposals will be evaluated solely on its content. References made to the Bidder's web page and/or external communication material will not be considered or evaluated as part of the RFPQ.

Proposals must be legible and prepared in ink. Proposals in pencil will not be accepted.

#### **9.1 Technical Proposal – Envelope # 1**

Proposals must address the evaluation criteria in the identification and order protocol shown below. Not following this identification and order create the risk to the Bidder that, even if the information has been provided, it may be overlooked and consequently not considered in evaluation of the Bidder's score.

Bidders shall include six (6) copies of the Proposal, with one (1) marked as "ORIGINAL", which contains original signatures on all required forms.

The following documentation will not be evaluated, but should be submitted as part of the Technical Proposal:

#### **A. Table of Contents**

- i. Include a table of contents at the front of the Proposal.

#### **B. Form of Offer**

- i. The Form of Offer, Appendix B is a mandatory requirement. The form must be completed and signed by an authorized representative and included in the Bid Submission.

The following list of criteria will be scored as per the Evaluation Criteria – Stage 1 chart provided in Section 10.2 of this Request for Proposal.

The Technical Proposal should include, but not be limited to:

### **C. Company Profile and Experience**

It is important that the deliverables be provided by a Bidder who can demonstrate specific knowledge of, and experience in performing similar work for projects and services of similar nature, size and scope.

- i. A brief company profile and philosophy relating to the Scope of Work as described herein.
- ii. Clearly identify the project management team including a dedicated project lead. The project management team reporting structure within the company must also be identified.
- iii. If the proposal includes partners then the partnership relationship should be clearly described.
- iv. Provide three (3) examples of experience similar to the Scope of Work for the implementation of broadband internet.

### **D. Human Resources**

The Bidder should demonstrate their ability to commit the appropriate personnel to the project in order to achieve expected timelines, further defined in Appendix A – Deliverables.

- i. Stakeholder public engagement through consultation meetings
- ii. Resource Capacity - Provide the number of crews that will be committed to the project and what part of the project each crew will be committed to. Identify portions of the project that will need to be sub-contracted.
- iii. Service delivery in providing sales and support for Broadband Internet

Where sub-contractors, joint ventures, partnerships will be utilized, the Bidder should demonstrate their ability to meet project requirements. This may include, but is not limited to:

- i. Business name of any and all parties;
- ii. Contact names and titles, addresses and telephone numbers for any and all parties;
- iii. Description of work to be completed and/or provided by each party including references for similar work; and

- iv. Previous working relationships.

Proponents will be given a perfect score if they will not be utilizing sub-contractors, joint ventures and/or partnerships.

### **E. Financial Resources/ Adequacy**

The Bidder is expected to demonstrate the financial ability to complete and manage construction while providing ongoing maintenance and support of broadband infrastructure.

1. Each Bidder shall provide a short description to demonstrate they can manage the financial requirements of any NRFP contract award. The applicant in their description should address:
  - i. Experience with similar sized projects
  - ii. Existing free cash flow, access to debt, lines of credit or other approaches utilized to meet project requirements
  - iii. Any other information the Bidder feels is important to demonstrate financial ability
2. Each Bidder shall provide a copy of their most recent audited financial statements. The expectation is that financial statements will be as of January 1, 2018 or later. Unaudited financial statements may be provided should the Bidder not have recent audited financial statements.

### **F. Work Plan**

In order to ensure success of the project, Haldimand County is requesting a high-level implementation strategy and timeline of broadband across the required geographic area.

- i. Description of the Bidder's methodology, tools and techniques that will enable the work to be carried out effectively and efficiently
- ii. Clearly defined timelines to meet County's requirement for project completion (see to Appendix A – Section 4.0 Schedule)
- iii. Communication protocol for Stakeholders
- iv. Include measures that will be taken to ensure the quality of the deliverables and the proposed solutions will meet the unique/ specific requirements
- v. Level of service provided for Stakeholders and level of customer service available in the future
- vi. Geographical areas that would be serviced (and in what order). Indicate which areas pose coverage concerns and how this will be addressed.
- vii. Options for future growth of service
- viii. Expectations from County staff, including time and resources.



### **G. Coverage Area**

To ensure appropriate coverage and service in Haldimand County, Bidders are required to submit documentation to demonstrate the proposed service area that can adequately capture the information required for evaluation by staff. This data can be presented using the provided maps in the attachment section of this RFPQ. Alternate methods to convey this information will be acceptable. A single polygon is sufficient to cover the areas that provide the same level of service (upload, download, data caps) and method of delivery (FTTC, ADSL, wireless). If service level or method of delivery changes, a new polygon will have to be drawn to display this change.

The following attributes should be captured in the information provided;

- i. Maximum **download** and **upload** speeds available
- ii. Access type (FTTP, ADSL, Wireless etc.) for all stakeholders in Haldimand County
  - a. If Wireless is to be used, identify specific type (e.g. Point to Multi Point, Mesh etc.)
- iii. Clearly mapped identification of gaps in coverage.

### **10. Stages of Proposal Evaluation**

Haldimand County will conduct the evaluation of Bids following two (2) stages:

Stage 1 – Mandatory Requirements Review at the Time of Bid Opening

Stage 2 – Evaluation Criteria Rating

#### **10.1 Stage 1 – Mandatory Requirements Review**

Stage 1 will consist of a basic review of each Proposal during the public opening to ensure full compliance of the requirements at time of closing.

If a Proposal does not comply with the specified document requirements, Legal and Support Services will retain the Proposal and provide written notification to the Bidder of the Proposal's non-compliance. No official disqualification will be announced at the public opening.

If the Proposal meets the minimum requirements, the Proposal will be provided to the user division for evaluation.

#### **10.2 Stage 2 – Evaluation Criteria Rating**

Stage 2 will consist of reviewing the contents of the Proposal Submission utilizing the evaluation criteria outlined within this RFPQ by a Haldimand County Evaluation Committee (EC), consisting of the following members: One (1) from Financial & Data Services – Administration, One (1) from Engineering & Capital Works – Administration,

One (1) from Information Technology Systems; and Two (2) from Legal and Support Services.

Haldimand County reserves the right to add, remove or change the members of the evaluation committee at any stage of the bidding process.

The following is a table listing the evaluation criteria, indicating:

- a. the maximum score attainable in each category; and
- b. the required minimum score per category (if any) that must be attained in order to proceed to Stage 2 of the evaluation; and
- c. the overall Benchmark Score that must be attained in order to proceed to Stage 2 of the evaluation.

Item	Evaluation Criteria – Stage 1	Weight (Points)	Total Weight for Section	Minimum Threshold
<b>C. Company Profile and Experience</b>				
i.	Company profile	2	10	-
ii.	Project management team	2		
iii.	Partnerships	4		
iv.	Examples of similar experience	2		
<b>D. Human Resources</b>				
i.	Consultation meetings	5	20	10
ii.	Resource capacity	2		
iii.	Service delivery	3		
i. - iv.	Subcontractor, joint venture, partnerships	10		
<b>E. Financial Resources/ Adequacy</b>				
1.	Financial Resources	10	20	10
2.	Financial Statements	10		
<b>F. Work Plan</b>				
i.	Methodology	2	20	10
ii.	Timelines	4		
iii.	Communication	2		
iv.	Quality of deliverables	2		
v.	Customer service	2		

Item	Evaluation Criteria – Stage 1	Weight (Points)	Total Weight for Section	Minimum Threshold
vi.	Geographic servicing sequence and concerns	4		
vii.	Future growth	2		
viii.	County staff expectations	2		
<b>G. Coverage Area</b>				
Map (or equivalent) completed to demonstrate coverage area		30	30	20
<b>Total Available Points – Stage 1</b>			<b>100.00</b>	
<b>Benchmark Score</b>			<b>70.00</b>	

If the Technical Proposal receives a score less than 70% based on the technical evaluation criteria, then the Bidder will not be considered further for the subsequent issued bid document(s) for the project outlined in this Request.

If the Technical Proposal receives a score of 70% or more based on the technical evaluation criteria, the Bidder shall be considered acceptable and will be invited to bid on subsequent issued bid document(s) for the project outlined in this Request.

**End of Part II: Proposal Submission and Evaluation**

**11. Blackout Period**

The blackout period begins when the Request for Pre-Qualification Notice is posted on the Haldimand County website and ends when the Bidders have been notified as to the result of the evaluation process.

During the blackout period, Bidders and its representatives are not permitted to contact any employees, officers, agents, elected or appointed officials or other representatives of Haldimand County, other than the RFPQ Contact, concerning matters regarding this RFPQ.

Failure to adhere to this rule may result in the disqualification of the Bidder and the rejection of the Bidder's bid.

**12. Addendum / Addenda**

Amendments or changes to this RFPQ prior to the closing date and time stated herein will only be in the form of written Addenda issued by the County.

Questions related to this bid should be submitted to the RFPQ Contract.

Questions must be received by the deadline outlined in Section 3, or the questions may not be responded to. Addenda will be posted no later than seven (7) Calendar Days before Submission Deadline.

Addenda will be posted to the [Haldimand County Purchasing Website](#). It is the sole responsibility of each Bidder to check the website to ensure that it has received any and all Addenda issued by the County.

Bidders must acknowledge receipt of all Mandatory Addenda on the Form of Offer, Appendix B, or include and sign the Mandatory Addendum in its Bid submission. The issued Addenda will clearly state whether it is mandatory. Failure to acknowledge the Mandatory Addenda will result in the automatic rejection of the Proposal.

The County assumes no responsibilities for any verbal (spoken) information from any County staff or from any Consultant firms retained by the County, or from any other person or persons who may have an interest in this Proposal.

Questions regarding the procurement process can be directed to Legal and Support Services at 905-318-5932 or [purchasing@haldimandcounty.on.ca](mailto:purchasing@haldimandcounty.on.ca).

**13. Bidders Understanding and Examination of Site**

Prior to submitting a Proposal, Bidders shall carefully examine all documentation that encompasses this Request including but not limited to specifications, Addenda, drawings, and the site of the proposed Deliverables and fully inform themselves of the

existing conditions and limitations. No claim for additional costs will be entertained on the grounds of misrepresentation, or on the grounds that any promise or guarantee was given or provided by the County.

In addition, Bidders shall obtain their own information on all matters that may in any way influence preparing and submitting a bid. Bidders shall also satisfy itself in all respects as to the risks and obligations to be undertaken.

It is the responsibility of the Bidder to seek clarification from the RFPQ Contact on any matter it considers to be unclear. Haldimand County shall not be responsible for any misunderstanding on the part of the Bidder concerning this RFPQ or its process.

By submitting a Proposal, it is understood and accepted by each Bidder that the Bidder has carefully examined all of the RFPQ Documents and understands the Deliverables, as outlined.

#### **14. Information in RFPQ an Estimate Only**

Haldimand County and its advisers make no presentation, warranty or guarantee as to the accuracy of the information contained in this RFPQ or issued by way of Addenda. Any quantities shown or data contained in this RFPQ or provided by way of Addenda are estimate only and are for the sole purpose of indicating to Bidders the general size of the work.

#### **15. Prohibition on Lobbying / Collusion**

Bidders 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 RFPQ.

A Bidder shall not discuss or communicate directly or indirectly with any other Bidder, any information whatsoever regarding the preparation of a Proposal. Bidders shall prepare and submit Proposals independently and without communication, knowledge, comparison of information, or arrangement, direct or indirect, with any other Bidder except where submitting as a joint venture and then communication will only be permitted with the Bidder participating in the joint venture.

Failure of any Bidder to comply with this may result in the disqualification of the Bidder and rejection of its Proposal.

#### **16. Sub-contractors**

If requested in this document, the Bidder shall name any sub-contractors who will be carrying out any part of the work required in this request. The Bidder shall be responsible for the quality of work and coordination of its sub-contractors.

The County has the right to reject any of the sub-contractors so named. The Bidder shall not assign or reassign any awarded portion of the work without prior written consent of the County.

### **17. References**

Bidders must submit references in compliance with this Request. References will be evaluated based upon the quality of information provided. The County may contact references at any stage of the bidding process, for any Bidder.

Past performance with the County will also be taken into consideration, unless specified differently under the Evaluation Criteria outlined in Section 9.

If the Bidder's references are negative in nature, not relevant experience to the project scope and value, if the County is unable to obtain satisfactory references, or if a reference(s) chooses not to comment, the reference will be deemed unsatisfactory. An unsatisfactory reference and may be justification not to award to a Bidder.

Major business customer testimonials (such as top business customers by annual usage), municipal references for similar projects or any other type of references the proponent deems will assist the evaluation team in demonstrating capability are to be included.

### **18. Brand Names**

If and wherever in the specifications a brand name, make, name of any manufacturer, trade name or vendor catalogue number is mentioned, it is for the purpose of establishing a grade or quality of material only, unless specified otherwise. Since the County does not wish to rule out other competition and equal brands or makes, approved equals will be considered. If a product other than that specified is bid, it is the vendor's responsibility to name such product within its bid and to prove to the County that said product is equal to or exceeds the specifications and to submit brochures, samples and/or specifications in detail on item/s bid. The County shall be the sole judge concerning the merits of bids submitted.

### **19. Copyrights or Patent Rights**

The Bidder warrants that there has been no violation of copyrights or patent rights in manufacturing, producing or selling the goods or services shipped, ordered or provided as a result of the Bid.

The Bidder agrees to hold the County harmless from any and all liability, loss or expense occasioned by any such violation as applicable to this Request. The County shall have full ownership of all materials and information produced under the agreement with the Successful Bidder.

**20. Freedom of Information**

The information submitted in response to this RFPQ will be managed in accordance with all applicable legislation governing municipal activity, including but not limited to the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA). The Bidder does, by the submission of a Proposal, accept that the information contained in it will be treated in accordance with the process set out in the RFPQ. Bidders should clearly indicate in its submission which parts, if any, are exempt from disclosure under the relevant freedom of information and protection of privacy legislation.

**21. Confidentiality of Information**

In the course of the project or of the RFPQ process, Haldimand County may provide information to Bidders to allow the preparation of a response to the RFPQ or of the project deliverables. Haldimand County retains the ownership of and reserves all rights (including copyright and other intellectual property rights) in any document, materials or other information that they provide to the Bidders. Bidders may not use any materials provided for other purposes without the written permission of Haldimand County.

**22. Laws and Regulations**

Bidders are assumed to have made themselves familiar with and will abide by all Municipal, Provincial and Federal laws, rules and regulations which in any way are applicable and affect the work. No plea of misunderstanding on account of ignorance will be considered.

This Request shall be construed and interpreted in accordance with the laws of the Province of Ontario or a federal law of Canada applicable thereto as well as all Proposals received in response to this Request.

**23. Indemnification**

Bidders will indemnify, defend and hold harmless the County, its officers, employees and agents from all claims, demands, actions or other proceedings initiated by others arising out of, or attributable to anything and against all liability resulting from any and all operations and activities associated with responding to this Request.

**24. Conflict of Interest**

Bidders shall disclose all perceived, potential and actual Conflicts of Interest. If a Bidder has a conflict, it shall complete the Conflict of Interest Form, as found in Attachment A prior to or with its Bid submission. Failure to complete and submit this form may result in a disqualification.

For the purposes of this RFPQ, Conflict of Interest includes:

- a. any situation or circumstances where, in relation to this RFPQ and/or the Contract, the Bidder commitments, relationships or financial interests are or could be perceived to exercise an improper influence over the objective, unbiased and impartial exercise of independent judgement by an personnel of the County;
- b. any situation or circumstances where any person(s) employed by the County in any capacity, or any Owner elective:
  - has a direct or indirect financial interest in the award of the Contract to any Bidder;
  - is currently employed by, or is a sub consultant or a consultant to a Bidder;
  - is negotiating or has an arrangement concerning future employment;
  - has an ownership interest in, or is an officer or director or, any Bidder.

If a Bidder discovers, at any time, any perceived, potential, or actual Conflicts of Interest, the Bidder shall promptly disclose the perceived, potential or actual Conflict of Interest by sending a written statement in the matter to the Manager, Legal and Support Services. Failure of any Bidder to comply with this may result in the disqualification of the Bidder and the rejection of its Proposal.

Without limiting the generality of the County's rights, the County may, in its sole discretion:

- a. exclude any Bidder and its Proposal on the ground of Conflict of Interest;
- b. waive any and all perceived, potential or actual Conflict of Interest upon such terms and conditions as the Owner, in its sole discretion, requires to satisfy itself that the Conflict of Interest has been appropriately managed, mitigated and minimized.

## 25. Disqualification of Bidders

A Bidder may be excluded from eligibility to submit or a submitted Bid may be summarily rejected, where the Manager of Legal and Support Services/designate, the applicable Senior Management Team Member, and Purchasing Coordinator agree, in their absolute sole discretion that one of the following circumstances has occurred:

- a. The Bidder is or has been involved in Litigation with the County, its elected officials, officers or employees. **Only if a Bidder is a party to litigation**, the Bidder shall complete the Corporate Disclosure Form in Attachment B prior to or with its Bid submission. Failure to complete and submit this form (if required) may result in a disqualification;
- b. The Bidder has failed to pay an amount owed to the County when due and owing;
- c. There is documented evidence of poor performance and/or non-performance;
- d. The Bidder has withdrawn its Bid on a previous Bid Solicitation after Bids have been opened by the County;
- e. The Bidder is in breach of the Procurement Policy;



- f. The Bidder or its personnel have demonstrated abusive behaviours or threatening conduct towards County employees, their agents or representatives or the general public;
- g. The Bidder has been convicted of any quasi-criminal offence pursuant to applicable legislation or regulations including but not limited to the *Occupational Health and Safety Act*, as amended, where the circumstances of that conviction demonstrate a disregard on the part of the Bidder for the health and safety of its workers, County employees or the general public;
- h. The Bidder is bankrupt or insolvent;
- i. The Bidder has made a false declarations(s);
- j. The Bidder has committed professional misconduct or acts or omissions that adversely reflect on the commercial integrity of the Bidder.

For the purposes of this Section 25, Bidder shall be deemed to include any related entity and any partner, principal, director, or officer of such Bidder as well as any other legal entity with one or more of the same partner(s), principals(s), director(s) or officer(s).

## **26. Reserved Rights of Haldimand County**

Haldimand County reserves the right in its absolute sole discretion to:

- a. Cancel this Request at any time and/or reissue the Request in its original or amended form, without penalty or cost to the County. This Request should not be considered a commitment by the County to issue a purchase order or enter into any contract;
- b. At any time, ensure Bidders are Responsible Bidders and are able complete the scope of work outlined within this document. Bidders determined not to be responsible may not be considered for award;
- c. Consider information received in response to enquiries made to third parties apart from those disclosed in the Proposal in relation to the reputation, reliability, experience and capabilities of the Bidder;
- d. Consider previous Haldimand County Vendor Performance Evaluations and/or past history in determining the qualified Responsible Bidder(s);
- e. Modify any and all requirements stated in the RFPQ at anytime prior to the possible awarding of a contract through the issuance of an Addendum;
- f. Seek clarification on any one or more Proposal(s) without the obligation to seek clarification on all Proposals;
- g. Reject a Bidder who submits conditions, options, variation or contingent statements to the terms set out in the Agreement, either as part of its Proposal or after receiving notice of selection;

Haldimand County shall not be responsible for any liabilities; costs; expenses; loss or damages incurred; sustained or suffered by any Bidder, prior to or subsequent to, or by reason of the acceptance, or non-acceptance, withdrawal by Haldimand County of this

or any Proposal; or by reason of any delay in the award of the Proposal. All Proposals become the property of the County and will not be returned.

#### **27. Debriefing**

Bidders may Request a debriefing after receipt of notification of the outcome of the procurement process. All Requests shall be made in writing to the RFPQ Contact and must be made within sixty (60) days of such notification. A debriefing at the Request of a Bidder shall only be conducted after Contract execution with the Successful Bidder.

#### **28. Pre-Shortlisted Bid Protest**

Bidders / Potential Bidders should seek a resolution to any pre-award dispute by communicating directly with the RFPQ Contact as soon as possible from the time the basis for the dispute became known. The RFPQ Contact may delay the outcome of the selection process, or any interim stage of the Bid process, pending the acknowledgment and resolution of any Bid protest.

#### **29. Post-Shortlisted Bid Protest**

A complainant must have requested and received a debriefing prior to initiating a formal protest. All protests must be received in writing by the Manager of Legal and Support Services no later than ten (10) days after the date of notification of the outcome of the selection process. Any protest not received within the ten (10) day period may not receive further consideration.

### **End of Part III: RFPQ Process Terms and Conditions**

## D 1.0 Introduction / Background

On June 27<sup>th</sup>, 2019, Haldimand County staff presented a report to Council with the Corporate Priorities for the years 2018 – 2022. Within the report contained an initiative for High Speed Broadband Internet – County wide. The objective of this initiative is for “County facilitation of private sector investment to provide this key infrastructure required for economic prosperity and to attract business and residents”.

The project is vital to Haldimand County as:

- There are areas with limited/no internet service providers
- Large number of home-based businesses that do not have access to high speed internet
- Large farming operations require high speed internet access for their daily operations
- It helps to address social inequities as some areas do not have access to high speed connections impacting the ability of students and residents’ to access required information or services
- Increases competition in areas where internet access is available
- From an economic development perspective; helps to retain and attract business to Haldimand County

This Prequalification is directed at Internet Service Providers who have the capability to design and build a broadband network for the stakeholders of Haldimand County. The ISP will be required to design, build maintain and operate a network.

## D 2.0 Scope of Work

The **preferred** (but not mandatory) outcome and goals of the project is to achieve:

- Compliancy with CRTC universal speed targets
  - Download speeds: 50 Mbps
  - Upload speeds: 10 Mbps
- Offer reasonable or unlimited data caps
- Established user rates that are competitive and affordable
- Established target rates and speeds for public input and consultation
- 100% geographic broadband coverage to the entire County within five (5) years from contract execution
- A strong focus to consider priority for underserved areas

## Public Engagement

With the importance of broadband internet and its impact on residents and businesses, public engagement is paramount for the projects success. Once broadband has successfully been installed, Haldimand County will take an active role in promoting its availability to attract new businesses.

**Permitting**

Haldimand County will provide easement and facilitate permit issuance if necessary. Should infrastructure move across private lands, severance application(s) for easement may be required. In addition, installations may require sign-off (or possibly permitting) from a conservation authority if they traverse regulated lands. With support from the County, notification/ consultation with first nations should take place with infrastructure installation.

**Funding**

The County will be reviewing and facilitating any applicable grant applications to Provincial and Federal levels of Government.

Financial incentives from Haldimand County may be available to the recommended bidder at the conclusion of the NRFP and with approval by Council.

**D 3.0 Financial Information**

Bidders shall be aware that the subsequent NRFP may request the provision of requisite bonds, securities, proof of insurance and all other documents required to be delivered to the County upon execution of the Contract.

**D 4.0 Schedule**

It is the expectation of the County that the Service Provider will complete the project within the specified calendar days and have the necessary resources and project management skills to satisfy the requirements of the contract.

The anticipated key dates for the project listed in the following table are estimates. This information is provided to give the Bidder some insight into the County’s expectations and the schedule that is being contemplated.

<b>Key Milestones</b>	<b>Estimated Commencement Date</b>	<b>Estimated End Date</b>
Issue RFPQ	July 16, 2019	August 16, 2019
Evaluate RFPQ Proponents	August 19, 2019	August 22, 2019
Issue NRFP to qualified bidders	September 24, 2019	October 29, 2019
Evaluate NRFP	October 30, 2019	November 4, 2019

Key Milestones	Estimated Commencement Date	Estimated End Date
Enter Negotiations with shortlisted three (3) proponents	November 5, 2019	November 26, 2019
Report to Council for approval of recommended bidder	December 16, 2019	December 16, 2019
Construction	*Spring 2020	*January 2025

\*Timelines are established based on a tentative contract execution date of January 2020 and are subject to change.

To: The Corporation of Haldimand County

**1. Bidder Information**

Full Legal Name of Business:	
Any Other Relevant Name under which the Bidder Carries on Business:	
Street Address:	
City, Province:	
Postal Code:	
Phone Number:	
E-mail Address:	
Website Address (in any):	
Proposal Contact Person and Title:	
Proposal Contact Phone:	
Proposal Contact E-mail:	
WSIB Account Number:	
Addenda: The Bidder shall confirm that it has received all Mandatory Addenda by listing the Addendum number in the blank space provided.	Addenda _____ of _____ received

**2. General**

The Bidder hereby acknowledges and agrees:

I/We declare that this Proposal is made without collusion, connection, knowledge, or comparison of figures or arrangement with any other company, firm or persons making a submission and is in all respects fair.

**Appendix B – Form of Offer  
(Mandatory Form)**

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I/We have carefully examined the RFPQ Documents and have a clear and comprehensive knowledge of the required work. The Bidder represents and warrants its ability to perform the work in accordance with the requirements of the RFPQ Document for the cost submitted herein.

I/We further declare that all statements, schedules and other information provided in this submission are true, complete and accurate in all respects to the best of knowledge and belief of the Bidder.

I/We acknowledge and agree that any issued Addendum/Addenda form part of the Bid Document.

I/We have reviewed, understand and will meet all accessibility Acts and Regulations, as amended. If Requested, I/we are able to provide written proof of compliance with the Act, such as training, records, policies, etc.

I/We declare as per Section 24 of this Request, I/We do not have a conflict of interest. If a Bidder has a conflict, it shall complete the Conflict of Interest Form, in the attachment section of this document prior to or with its Bid submission. Failure to complete and submit this form may result in a disqualification.

I/We acknowledge as per Section 25 of this Request, Bids from Bidders that are a party to litigation may not be accepted. If a Bidder is a party to litigation, the Bidder shall complete the Corporate Disclosure Form, in the attachment section of this document prior to or with its Bid submission. Failure to complete and submit this form may result in a disqualification.

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Signature of Authorized Representative

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Name & Title of Authorized Representative

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Date

The following is provided for the convenience of the Bidder to ensure that all mandatory and non-mandatory requirements as outlined in this Bid Request have been completed and included in the sealed Bid Submission envelope.

This check list is an aid for the Bidder only and does not supersede requirements as set out in the body of the Bid Request.

Bid Number: FDS-02-2019

Bid Name: County Wide Broadband Internet Service

Submission Deadline: Friday, August 16, 2019 before 2:00:00 p.m. local time

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**Documents to be Returned with RFPQ**

**Technical Proposal:**

- Six (6) copies of the Proposal Submission, with one (1) marked “ORIGINAL”, which contains original signatures on all required forms
- Form of Offer – Appendix B
- Haldimand County Map – Attachment C **or equivalent**



**Bids Submitted to:**  
**Manager, Legal and Support Services / Designate**  
**Haldimand County**  
**45 Munsee Street North**  
**P.O. Box 400**  
**Cayuga ON N0A 1E0**

**REQUEST FOR PRE-QUALIFICATION**

FDS-02-2019  
County Wide Broadband Internet Service

**SUBMISSION DEADLINE:**  
Friday, August 16, 2019 before 2:00:00 p.m. local time

**Bidder Name:** \_\_\_\_\_

**Contact:** \_\_\_\_\_

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

**Company Information:**

Name of Business: \_\_\_\_\_

Doing Business As: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Telephone: \_\_\_\_\_ Website Address: \_\_\_\_\_

**Declaration of Actual or Potential Conflict:**

The Bidder declares that there is an actual or potential Conflict of Interest relation to the preparation of its Submission, and/or the Bidder foresees an actual or potential conflict of interest in performing the contractual obligations contemplated in the Request.

The Bidder shall provide the details of the actual or potential Conflict of Interest below:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Past Haldimand County Employees:**

The following individuals, as employees, advisers, or in any other capacity:

- a. participated in the preparation of our Submission; AND
- b. were previously employees of Haldimand County and have ceased that employment within twelve (12) months prior to the Submission Deadline:

Name of Individual: \_\_\_\_\_

Job Classification: \_\_\_\_\_

Department: \_\_\_\_\_

Last Date of Employment with Haldimand County: \_\_\_\_\_

Name of Last Supervisor: \_\_\_\_\_



**Company Information:**

Name of Business: \_\_\_\_\_

Doing Business As: \_\_\_\_\_

HST Number: \_\_\_\_\_

Form of Business:  Sole Proprietorship  Partnership  Corporation  
 Other: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Telephone: \_\_\_\_\_ Website Address: \_\_\_\_\_

**Principals or Company Owner Information:**

1. Name and Title: \_\_\_\_\_

2. Name and Title: \_\_\_\_\_

3. Name and Title: \_\_\_\_\_

If the Company has operated previously or is currently operating under a different name, this information must be included:

1. Company Name: \_\_\_\_\_

Principal and Company Owner Name: \_\_\_\_\_

2. Company Name: \_\_\_\_\_

Principal and Company Owner Name: \_\_\_\_\_

I confirm that all information provided above is true and correct. I understand that any falsification of statements, misrepresentation, deliberate omission, or concealment of information may be considered just cause for not awarding a contract, termination of an awarded contract, bidder suspension or any other action by the Haldimand County.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

Name: \_\_\_\_\_ Signature: \_\_\_\_\_  
Printed Name of Authorized Individual

