

APPENDIX A RFT PARTICULARS

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APPENDIX A - RFT PARTICULARS

A. The Work

The Work includes, but is not limited to, interior and exterior alterations to the existing warehouse area to install and construct new pallet racking storage areas, multi-level shelving storage mezzanines, new industrial fabrication workshops, new interior finishes, new doors and hardware, new signage and wayfinding, modifications to existing electrical, and mechanical building systems associated with proposed interior and exterior alterations, at 145 Harry Walker Parkway in the Town of Newmarket, as further described in Appendix C – Form of Contract.

B. Material Disclosures

1. Contract for the Work

The selected bidder will be required to enter into a contract with the Region for the provision of the Work in the form of contract attached as Appendix C. Bidders should review the form of contract before submitting their bid. Any concerns or questions regarding the terms and conditions of the contract should be directed to the Region through the 'Submit a Question' feature on the Bidding Website before the Submission Deadline.

2. Term of Contract

The Work shall be completed in accordance with the Contract Time specified in Appendix C – Form of Contract.

3. COVID-19

The bidder that enters into a contract with the Region for the provision of the Work will be required to comply with all legislative amendments, controls, regulations, requirements and orders that were or are issued by the Government of Canada, the Province of Ontario, the Region or other municipal authority in response to the global pandemic of the virus leading to COVID-19 including any resurgence or mutation thereof (the "**Pandemic**").

Bidders shall consider all legislative amendments, controls, regulations, requirements and orders that were issued, prior to the Submission Deadline, by the Government of Canada, the Province of Ontario, the Region or other municipal authority in response to the Pandemic, including any impacts such legislative amendments, controls, regulations,

requirements and orders could have on pricing, and the bidder's prices will be deemed to include all costs associated with the foregoing.

4. Electronic Monitoring Policy

The Region has implemented an [Electronic Monitoring Policy](https://www.york.ca/business/doing-business-york-region/current-bids-and-tenders), as may be amended from time to time. This policy outlines when and how employees and contractors may be electronically monitored while performing work-related duties and activities or while using Regional assets, equipment, systems or information. A copy of this policy is available at the below link: <https://www.york.ca/business/doing-business-york-region/current-bids-and-tenders>.

5. Examination of the Site

Site investigation(s) have been conducted and the following document(s) are provided for information purposes only:

- Designed Substances Survey dated July 9, 2024 prepared by Leap Management Inc.

The Region assumes no responsibility for the correctness or completeness of any reports or other information provided by the Region in relation to site investigations or conditions. Bidders rely on these documents at their own risk.

Prior to submitting a bid, bidders shall thoroughly acquaint themselves with the RFT and carefully examine the site where the Work will be performed, to fully inform themselves of the existing conditions and limitations. Access to the site may be provided during the bidding period when requested.

Bidders shall not claim, after the submission of their bid, that there was any misunderstanding of the terms and conditions of the contract relating to site conditions.

6. Designated Substances Notice

A site hazard assessment has been conducted and all known designated substances under the *Occupational Health and Safety Act*, RSO 1990, c O.1 are listed in the Pre-Work Hazard Assessment Form attached as Appendix G

The Pre-Work Hazard Assessment Form is provided for information purposes only and the Region assumes no responsibility for its correctness or completeness.

7. Award of Contract

The award of the contract will be subject to the approval of Regional Council or its authorized delegate and, if applicable, the receipt of sufficient funding.

C. Mandatory Submission Requirements

1. Bid Deposit

Bidders shall submit a bid deposit in the amount of not less than 10% of the subtotal contract amount generated on the bidding website in the schedule of prices (The “Bid Price”), to act as security for the satisfaction of the pre-conditions of award listed in Section E.

The bid deposit shall be in the form of a digital Bid Bond from a recognized guarantee or surety company acceptable to the Region and authorized by law to do business in the province of Ontario. The form of Bid Bond acceptable to the Region is attached as Appendix E. In lieu of the Bid Bond form attached as Appendix E, the Region may at its sole discretion accept Bid Bonds that are substantially in the form of Appendix E or substantially in the form issued by the Canadian Construction Documents Committee (CCDC220 Form) or the Surety Association of Canada.

Bidders shall upload the digital Bid Bond in the document upload field titled “Bid Bond (Digital Bond)” in the Documents & Bonding step in the Bidding Website.

2. Undertaking to Bond

Bidders shall submit a digital Undertaking to Bond. The Undertaking to Bond shall be in the form of a digital Undertaking to Bond from a recognized guarantee or surety company acceptable to the Region and authorized by law to do business in the province of Ontario. The form of Undertaking to Bond acceptable to the Region is attached as Appendix F. In lieu of the Undertaking to Bond form attached as Appendix F, the Region may at its sole discretion accept Undertakings to Bond that are substantially in the form of Appendix F or substantially in the form issued by the Surety Association of Canada, including digital Agreements to Bond or Consents of Surety.

Bidders shall upload the digital Undertaking to Bond in the document upload field titled “Undertaking to Bond (Digital Bond)” in the Documents & Bonding step in the Bidding Website.

3. Joint Venture or Consortium

Bidders structured as a joint venture or consortium shall upload a PDF file containing the documentation required under this section C.3 in the document upload field titled “Joint Venture or Consortium Documentation” in the Documents & Bonding step in the Bidding Website. The documentation shall:

- identify the member that will be:

- the general contractor having full responsibility for the requirements of the Work; and
- responsible for executing all documentation on behalf of the bidder; and
- include a duly authorized statutory declaration from each member declaring that the member agrees to:
 - comply with, and be bound by, the terms and conditions of the RFT; and
 - be jointly and severally liable for all obligations under the contract.

The Region will only discuss the RFT with the general contractor as the sole representative on behalf of the joint venture or consortium.

D. Mandatory Technical Requirements

1. Certificate of Recognition (COR™) Safety Program

Bidders should provide proof of:

- (a) COR™ certification; or
- (b) COR™ Equivalency

in a form acceptable to the Region, in its sole discretion. Acceptable forms of proof are limited to:

- (a) COR™ Certification
 - (i) A copy of the bidder's Certificate of Recognition from the IHSA
- (b) COR™ Equivalency
 - (i) A letter or email from the IHSA stating that the bidder has obtained COR™ Equivalency; or
 - (ii) A valid Letter of Reciprocity issued by the IHSA, indicating that the bidder is in the process of obtaining COR™ Equivalency.

Bidders shall upload the documentation required under this section D.1 in the document upload field titled "COR Documentation" in the Documents & Bonding step in the Bidding Website.

E. Pre-Conditions of Award

1. Executed Contract

The selected bidder shall execute a contract with the Region for the provision of the Work.

2. WSIB Certificate of Clearance

The selected bidder shall submit a current Certificate of Clearance from the Workplace Safety and Insurance Board.

3. Insurance

The selected bidder shall provide proof of insurance coverage as specified in Appendix D. Bidders should review the insurance requirements with their insurance provider to ensure that each requirement can be met before submitting their bid. Any concerns or questions regarding the insurance requirements should be directed to the Region through the 'Submit a Question' feature on the Bidding Website before the Submission Deadline.

4. Bonds

The selected bidder shall provide:

- (a) a Performance Bond in an amount equal to 100% of the Bid Price and conforming to Form 32 - Performance Bond under Section 85.1 of the Construction Act; and
- (b) a Labour and Material Payment Bond in an amount equal to 50% of the Bid Price and conforming to Form 31 - Labour and Material Payment Bond under Section 85.1 of the Construction Act

Form 32 – Performance Bond under Section 85.1 of the Construction Act and Form 31 – Labour and Material Payment Bond under Section 85.1 of the Construction Act can be found at <http://ontariocourtforms.on.ca/en/construction-lien-act-forms/>.

The bonds shall be issued by a recognized guarantee or surety company acceptable to the Region and authorized by law to do business in the province of Ontario.