

APPENDIX A RFT PARTICULARS

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APPENDIX A - RFT PARTICULARS

A. The Work

Significant growth in the North District has identified the need for an expansion of the existing maintenance garage at the North Roads Operations Centre, located at 3525 Baseline Road in the Town of Georgina, Ontario.

In response to these anticipated growth pressures, the Region is expanding the Road Operation Centre including by means of expanding the maintenance garage and vehicle storage areas including the existing office space, enhancing the stormwater management pond, and performing necessary electrical and mechanical upgrades. These improvements aim to accommodate the Region's growth while ensuring operational efficiency and environmental responsibility.

The Work includes, but is not limited to the above-described scope as further described in the Specifications and the Drawings included 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. Tariffs

Bidders shall price their bids to include all costs associated with only those tariffs that are in effect as of the Submission Deadline.

If additional tariffs come into force after the Submission Deadline that increase the selected bidder's costs of performing the Work, the selected bidder shall notify the Region in writing within 15 days of the enactment of the additional tariffs. Such notice shall include a detailed description of the tariffs, including the rates and amounts of the

tariffs and the specific products or components thereof that are affected. The selected bidder shall take commercially reasonable steps to mitigate the costs and damages it may incur as a result of such tariffs by consulting with the Region to determine whether:

- the goods can be sourced from countries to which the additional tariffs do not apply; and/or
- the goods can be shipped and imported into Canada prior to effective date of the additional tariffs.

If the goods can only be sourced from a country subject to the additional tariffs and cannot be shipped before the tariff's effective date, the Region will reimburse the selected bidder, and the Bid Price shall be adjusted accordingly, for the reasonable direct costs the selected bidder incurs as a direct result of the additional tariffs, provided sufficient documentary evidence is submitted that substantiates such costs. No claims for costs the selected bidder incurs as an indirect result of the tariffs (such as, without limitation, due to fluctuations in the cost of materials caused by general market conditions, supply chain disruptions, or geopolitical events – even if such factors are influenced by the tariffs at issue), markups, or administrative charges will be considered. The Region must approve the submitted documentary evidence before any Bid Price adjustment may be authorized. Examples of documentary evidence which may be acceptable to the Region includes:

- Official manufacturer notice outlining the price increase and reason (e.g. tariff changes).
- Updated price list from the manufacturer showing the revised rates and effective date.
- Government-issued tariff documentation (for example, Canadian Border Services Agency notice).
- Selected bidder or distributor correspondence with supporting manufacturer documentation.
- Third-party market reports or industry publications confirming tariff-related cost increases.
- Customs documentation showing applicable tariff rates and their impact on costs.

This entitlement to a potential increase in the Bid Price does not apply to price increases for factors that the selected bidder could have reasonably anticipated, accounted for or

avoided as of the Submission Deadline. Such factors include, but are not limited to, fluctuations in the cost of fuel, delivery costs or inflation.

The Region reserves the right to deny the selected bidder's claim for a Bid Price adjustment if the documentary evidence provided by the selected bidder does not meet the Region's requirements, as determined by the Region in its sole discretion. The Region may refuse the selected bidder's claim for an adjustment to the Bid Price or approve an amount less than what was requested if the Region, in its sole discretion, determines that the price adjustment request is unreasonable or exceeds the Region's budgetary limits.

This price adjustment is the selected bidder's sole and exclusive remedy in relation to the imposition of additional tariffs. For clarity, the selected bidder shall not be entitled to an extension of Contract Time on account of the additional tariffs (including, without limitation, on account of any delays, disruptions, cost increases, economic or market conditions, or supply chain impacts arising directly or indirectly from the additional tariffs). Upon receiving payment for the price adjustment, the selected bidder agrees to waive its entitlement to, and release the Region from, any claims for additional compensation, schedule extensions, or other relief (including, without limitation, an increase in the Bid Price and/or an extension of Contract Time) arising out of the imposition of the additional tariffs.

If a tariff that was in effect at the Submission Deadline is subsequently reduced or eliminated, resulting in a decrease of the selected bidder's costs of performing the Work, the Bid Price shall be adjusted downward to reflect the reduction or elimination of the tariff and the associated decrease in the selected bidder's costs.

The Region shall have the right to audit, inspect, and examine the selected bidder's records necessary to verify any required Bid Price adjustment, including without limitation invoices, receipts, purchase orders, customs documentation, supplier quotations, supplier payment terms, and any other relevant financial or transactional records. The selected bidder shall cooperate fully with any such audit, inspection, or examination and provide access to such records promptly upon request.

4. 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.

5. 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>.

6. Prequalified Subcontractors

The Civil portion of the Work must be completed by one of the following Civil subcontractors prequalified under Request for Prequalification No. RFPQ-1377-23-22046:

- EllisDon Civil Ltd.
- Clearway Construction Inc.
- Greenspace Construction Inc.

7. Examination of the Site

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

- Geotechnical Investigation for Modification of Ponds at 3525 Baseline Road, Sutton, Ontario dated December 6, 2024 prepared by Engtec Consulting Inc.
- Geotechnical Investigation for Maintenance Building Expansion at Roads Operations Centre at 3525 Baseline Road dated December 4, 2023 prepared by Engtec Consulting Inc.
- Designated Substances and Hazardous Materials Survey dated November 20, 2020 prepared by ECHO Environmental Consulting Occupational Health
- Designated Substances Survey dated July 12, 2024 prepared by LEAP Management Inc.

- Stormwater Management Report dated July 26, 2024 prepared by Resilient Consulting Corporation.
- LEED Energy Model Report dated May 23, 2025 prepared by MCW Consultants Ltd.
- LEED v4 Overall Documentation Progress dated May 23, 2025 prepared by MCW Consultants Ltd.
- Hydrogeological Assessment dated September 28, 2022 prepared by Harden Environmental Services Limited.
- Soil Characterization Report dated March 11, 2025 prepared by Engtec Consulting Inc.
- Soil Characterization Report: Stockpile Sampling and Delineation Samples dated April 4, 2025 prepared by Engtec Consulting Inc.
- Assessment of Past Uses dated March 11, 2025 prepared by Engtec Consulting Inc.
- Construction Dewatering Assessment dated November 21, 2024 prepared by Hydrogeology Consulting Services.
- Summary of Salt-Impacted and Contaminated Soils dated April 14, 2025.
- Soil Management Plan (SMP) - York Region North Road Operations Centre at 3525 Baseline Rd, Georgina, ON. dated April 7, 2025 prepared by Engtec Consulting Inc.
- Property Services Branch Facilities Signage Guidelines dated April 24, 2023 prepared by York Region

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.

8. 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.

9. Non-Disclosure Agreement

The Region reserves the right to require the bidder to enter into a non-disclosure agreement satisfactory to the Region regarding any information that the Region deems to be confidential.

10. 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.

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 and 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.