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January 21, 2004

**NOTICE TO POTENTIAL VENDORS
 REQUEST FOR QUALIFICATIONS No. 9155-04-7021**

**DEVELOPMENT AND OPERATION OF A SMALL-SCALE RESEARCH FACILITY FOR
 PROCESSING RESIDUAL MUNICIPAL SOLID WASTE**

Attached is the Request for Qualifications document for the development and operation of a small-scale research facility for processing residual municipal solid waste, on behalf of the Works and Emergency Services Department, Solid Waste Management Services Division.

Please review the document and submit your proposal to the address noted below by **12:00 noon (local time) on March 4, 2004.**

Qualifications Document submissions will not be considered unless:

1. Received by the date and time specified above; and
2. Received at the address specified below; and
3. It contains the signed REQUEST FOR QUALIFICATIONS SUBMISSION FORM.

The envelope used to submit your proposal must be clearly marked as follows:

COMPANY NAME: _____

RFQL NO. 9155-04-7021
CLOSING DATE: 12:00 Noon, (local time), March 4, 2004
DELIVER TO: Chief Financial Officer and Treasurer
Finance Department
Purchasing and Materials Management Division
18th Floor, West Tower, City Hall
100 Queen Street West
Toronto, Ontario M5H 2N2

RESPONDENTS' INFORMATION MEETING – an information meeting will be held on February 5, 2004 at 1:30 p.m. at Metro Hall, 55 John Street, Toronto Ontario – Room 310 (third floor).

If further information is required regarding this Request for Qualifications contact Brian Van Opstal at (416) 397-0143 or on Purchasing related matters contact Marni French at (416) 397-4804.

NOTE: Only the names of the firms submitting qualifications documents will be read aloud at the public opening on the date of closing. **Submission by facsimile or e-mail is not acceptable.**

Tenders, Requests for Quotation/ Proposals/Sales/Qualifications are advertised on the City of Toronto Website: www.toronto.ca



QUALIFICATIONS DOCUMENT SUBMISSION FORM

REQUEST FOR QUALIFICATIONS NO. 9155-04-7021

DEVELOPMENT AND OPERATION OF A SMALL-SCALE RESEARCH FACILITY FOR PROCESSING RESIDUAL MUNICIPAL SOLID WASTE

CLOSING: 12:00 NOON (local time) March 4, 2004

I/WE HEREBY SUBMIT MY/OUR QUALIFICATIONS DOCUMENT FOR THE PROVISION OF THE GOODS AND/OR SERVICES AS DESCRIBED WITHIN THE REQUEST FOR QUALIFICATIONS DOCUMENT FOR THE ABOVE NAMED PROJECT.

I/WE HAVE CAREFULLY EXAMINED THE DOCUMENTS AND HAVE A CLEAR AND COMPREHENSIVE KNOWLEDGE OF THE REQUIREMENTS AND HAVE SUBMITTED ALL RELEVANT DATA.

ACKNOWLEDGE RECEIPT OF ADDENDA BY NUMBER AND ISSUE DATE:

ADDENDA NO. _____ DATED _____

ADDENDA NO. _____ DATED _____

ADDENDA NO. _____ DATED _____

ADDENDA NO. _____ DATED _____

SUBMITTED BY:

(VENDOR'S FULL LEGAL NAME)

ADDRESS: _____ TELEPHONE NO. _____

FAX NO. _____

DATE: _____

SIGNATURE OF AUTHORIZED SIGNING OFFICER

PRINTED NAME OF SIGNING OFFICER

THIS FORM MUST BE SIGNED AND SUBMITTED WITH YOUR QUALIFICATIONS

DOCUMENT OR YOUR SUBMISSION WILL BE DECLARED INFORMAL.

FOR YOUR CONVENIENCE YOU MAY AFFIX THIS ADDRESS LABEL TO THE ENVELOPE CONTAINING YOUR SUBMISSION.

.....**CUT HERE**.....

FIRM NAME: _____

REQUEST FOR QUALIFICATIONS NO. 9155-04-7021

DEVELOPMENT AND OPERATION OF A SMALL-SCALE RESEARCH FACILITY FOR PROCESSING RESIDUAL MUNICIPAL SOLID WASTE

CLOSING: 12:00 Noon, (local time), March 4, 2004.

**TO: CHIEF FINANCIAL OFFICER AND TREASURER
FINANCE DEPARTMENT
PURCHASING AND MATERIALS MANAGEMENT DIVISION
18TH FLOOR, WEST TOWER, CITY HALL
100 QUEEN STREET WEST
TORONTO, ONTARIO M5H 2N2
CANADA**

.....**CUT HERE**.....

NOTE:

SHOULD YOU DECIDE TO USE YOUR OWN RETURN ENVELOPE IN LIEU OF THE LABEL PROVIDED ABOVE, THE FRONT OF YOUR ENVELOPE MUST INDICATE ALL OF THE INFORMATION SHOWN ON THE ABOVE LABEL.

PURCHASING AND MATERIALS MANAGEMENT CANNOT BE HELD RESPONSIBLE FOR DOCUMENTS SUBMITTED IN ENVELOPES THAT ARE NOT LABELLED IN ACCORDANCE WITH THE ABOVE INSTRUCTIONS.

IF YOU HAVE ANY QUESTIONS PLEASE CONTACT THE BUYER REFERRED TO IN THE REQUEST FOR QUALIFICATIONS DOCUMENT.



REQUEST FOR QUALIFICATIONS No. 9155-04-7021

FOR

**DEVELOPMENT AND OPERATION OF A SMALL-SCALE RESEARCH FACILITY FOR
PROCESSING RESIDUAL MUNICIPAL SOLID WASTE**

FOR

**WORKS AND EMERGENCY SERVICES DEPARTMENT
SOLID WASTE MANAGEMENT SERVICES DIVISION**

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OVERVIEW OF THE RFQL DOCUMENT

The following document is a Request for Qualifications (RFQL) for the development and operation of one or more Small-Scale Research Facilities (SSRF) to process Residual Municipal Solid Waste; i.e. the fraction of Municipal Waste remaining after materials solicited for diversion programs have been partially removed by the waste generator.

The purpose of this RFQL is to identify Qualified Respondents for the SSRF project. This RFQL document specifies mandatory requirements and screening criteria. Qualifications Documents must satisfy all mandatory requirements or will otherwise be rejected. Respondents whose Qualifications Document satisfies all mandatory requirements and screening criteria will be designated a Qualified Respondent. Only Qualified Respondents will be invited to submit proposals in response to the forthcoming Request for Proposals (RFP) for the development and operation of the SSRF.

Headings

Headings are inserted for convenience of reference only and shall not affect the construction or interpretation of this RFQL.

Number, Gender, Person

Unless inconsistent with the subject matter or context, in this RFQL:

- ? words importing gender shall include the masculine, feminine, and neuter genders;
- ? words importing the singular shall include the plural and vice versa; and
- ? words importing persons shall include individuals, partnerships, associations, trusts, municipal corporations, government agencies, unincorporated organizations and corporations and vice versa.

1.0 DEFINITIONS

Whenever used in this RFQL, including the Tables, Forms and Appendices, the following words and phrases have the assigned meanings:

Advisory Group means the New and Emerging Technologies, Policies & Practices Citizen and Expert Advisory Group;

Ash or **Char** means a type of Conversion Process Solid Residue comprised of the partially or completely oxidized solid residue from a thermal treatment process;

Atmospheric Emissions means a type of Emissions comprised of gasses and airborne particulate resulting from Residual Waste Processing;

City means the City of Toronto;

Clerk means the person filling the office of City Clerk for the City of Toronto;

Council means Toronto City Council;

Closing Date means the Qualifications Document submission deadline as presented in this RFQL

document;

Commissioner means the City's Commissioner of Works and Emergency Services or his successor;

Contractor means persons, including corporations, organizations and partnerships undertaking the Work resulting from the Request for Proposals;

Conversion Process means the operation or combination of operations through which the desired change in the fundamental physical and or chemical state of the Residual MSW is achieved through the application of a New and Emerging Technology and which occurs subsequent to Pre-conversion Operations;

Conversion Process Solid Residue means a type of Solid Process Residue generated by the Conversion Process and is generally comprised of materials unaffected by the Conversion process and for which no market exists;

Environmental Assessment and **EA** means the process defined by the Ontario Environmental Assessment Act;

Emissions means all solid, liquid and gaseous discharges resulting from processing Residual Municipal Solid Waste and includes Ash, Char, Process Solid Residue, Hazardous Waste, Process Effluent and Atmospheric Emissions;

EPA means the Ontario Environmental Protection Act administered by the MOE;

Facility means the building in which the Residual Municipal Solid Waste processing occurs including equipment in the building and all ancillary structures and equipment that are directly involved in Residual Waste processing or in the treatment of Emissions from Residual Waste processing;

Hazardous Waste means hazardous waste as defined in Ontario Regulation 347;

Market or **Marketing** means persons, including corporations, organizations or partnerships willing to purchase, or accept for a fee, products, resulting from the processing of Residual Municipal Solid Waste or the act of selling products resulting from the processing of Residual MSW but does not include landfilling, incineration or other final disposal;

MFIPPA means the Municipal Freedom of Information and Protection of Privacy Act;

MOE means the Ontario Ministry of the Environment;

Municipal Solid Waste and **MSW** means Municipal Waste as defined in Ontario Regulation 347 General – Waste Management and collected by or on behalf of the City;

New and Emerging Technology and **NET** means a processing system intended to divert Residual MSW from landfill that employs a Conversion Process that is one, or a combination of, the following generic process types:

- i. physical processes;
- ii. biological processes;
- iii. chemical processes; and,

- iv. advanced thermal processes limited to pyrolysis, fixed-bed gasification, fluidized bed gasification, high temperature gasification and plasma gasification where;
 - a. a synthesis gas is produced; and,
 - b. the synthesis gas is treated prior to thermal oxidation.

Non-hazardous Waste means waste that is not Hazardous Waste;

Pre-conversion Operations means one or more sequential physical operations such as manual or mechanical separation, size reduction, drying and densification designed to recover recyclable materials from the Residual MSW, to separate the Residual MSW into two or more material streams, or to improve the characteristics of the Residual MSW for the subsequent Conversion Process;

Pre-conversion Solid Residues means a type of Solid Process Residue generated by Pre-conversion Operations and is generally comprised of materials removed from the Residual MSW to improve the characteristics of the Residual MSW for the Conversion Process and for which no market exists;

Process Effluent means a type of Emission comprised of wastewater resulting from the processing of Residual Municipal Solid Waste;

Process Solid Residue means a type of Emissions comprised of the solid residual material resulting from Residual MSW processing and includes Pre-conversion Operations Solid Residues and Conversion Process Solid Residues but excludes Hazardous Waste;

Qualifications Document means the submission of a Respondent in response to this Request for Qualifications;

Qualified Respondent means a Respondent whose Qualifications Document satisfies all of the mandatory criteria set out in this Request for Qualifications document, as determined by City staff through the screening process described in this document;

Request for Qualifications and **RFQL** means this Request for Qualifications for the development and operation of a Small-Scale Research Facility for Residual Municipal Solid Waste Processing, RFQL # 9155-04-7021;

Residual Municipal Solid Waste and **Residual MSW** mean the portion of Municipal Solid Waste remaining after materials solicited for other City waste management programs, such as the recycling and organic materials diversion programs, have been partially separated at source by the waste generator, and collected by or on behalf of the City;

Respondent means a person, including a corporation, organization or partnership, who responds to this Request for Qualifications;

Small-Scale Research Facility and **SSRF** mean the Facility for processing Residual MSW described in this RFQL; and,

Treasurer means the person filling the office of Chief Financial Officer and Treasurer of the City of

Toronto;

2.0 OVERVIEW OF THE SMALL SCALE RESEARCH FACILITY DEVELOPMENT CONCEPT

2.1 CONTEXT

New and Emerging Technologies are being investigated as a possible means of diverting the City's Residual Municipal Solid Waste from landfill disposal. Prior investigations, described herein, have identified a number of critical deficiencies in the available technical information on municipal waste processing using New and Emerging Technologies. New, Toronto specific, information is required in order to thoroughly evaluate New and Emerging Technologies and, in the event that the City decides to develop large-scale systems, to minimize the risk of failures of design or operation.

Alternative methods for producing the required new information are limited. Therefore, the City is considering developing one or more Small-Scale Research Facilities employing New and Emerging Technologies to process and divert from landfill its Residual Municipal Solid Waste. The Small-Scale Research Facility will enable the City to produce new information on the performance of the New and Emerging Technology operating under realistic conditions specific to Toronto. The SSRF will also enable the City to investigate processing options such as recyclable material recovery, material stream separation and feedstock preparation, and to quantify their impact on the quantity and quality of products and Emissions.

2.2 SCOPE AND SCALE

As a research facility, the SSRF will necessarily be limited in size and duration of operation. The SSRF is intended to process between 5,000 and 20,000 tonnes per year of Residual Municipal Solid Waste delivered by the City. The SSRF will operate for a period of two to five years (i.e. two years plus up to three one-year extensions).

The SSRF must provide a complete system for Residual Municipal Solid Waste processing. Required system components will include:

- i. receipt of Residual Municipal Solid Waste ;
- ii. Pre-conversion Operations for material recovery, material stream separation and/or Conversion Process feedstock preparation;
- iii. a Conversion Process employing a New and Emerging Technology; and,
- iv. Emissions management.

2.3 TECHNOLOGIES SOLICITED

New and Emerging Technologies considered for investigation must be based on a Conversion Process that is one, or a combination of, the following generic process types:

- i. physical processes;
- ii. biological processes;
- iii. chemical processes; or,
- iv. advanced thermal processes limited to pyrolysis, fixed-bed gasification, fluidized bed gasification, high temperature gasification and plasma gasification where;

- a. a synthesis gas is produced; and,
- b. the synthesis gas is treated prior to thermal oxidation.

2.4 SSRF DEVELOPMENT OPTIONS

The City is considering two options for the development and operation of the SSRF, as follows:

- i. **Option 1:** Contractor Designs, Builds and Operates (D/B/O) a City owned Facility on a City owned site; and,
- ii. **Option 2:** Contractor Designs, Builds, Owns and Operates a Facility on a Contractor owned site.

Qualified Respondents will be eligible to submit proposals for either, or both options in response to the Request for Proposals.

3.0 BACKGROUND

3.1 TASK FORCE 2010

In January, 2001, the City of Toronto (City) created the Waste Diversion Task Force 2010 (www.toronto.ca/taskforce2010). The Task Force was asked to design a comprehensive waste diversion strategy. Specifically, it was asked to prepare a plan for meeting the following landfill diversion goals:

- i. 30 percent by 2003;
- ii. 60 percent by 2006; and,
- iii. 100 percent by 2010.

In addition to these diversion goals, City Council established a policy limiting the quantity of waste to be processed through the use of New and Emerging Technologies to a maximum of 40% of the total quantity of MSW managed by the City. The policy requires that the other 60% of the MSW managed by the City be diverted through a combination of policies and practices (e.g. “pay-as-you-throw”) and through source separation programs such as the recycling and organic materials diversion programs.

The diversion goals apply to Municipal Solid Waste collected by or on behalf of the City that includes residential (single and multi-family), Agencies, Boards, Commissions, Departments & Schools (ABC&Ds) and waste from commercial establishments participating in the City’s Yellow Bag Program.

The City currently has a number of source-separation diversion programs including:

- i. Blue and Grey box programs for recyclable containers and paper materials;
- ii. on-site organics diversion programs such as grasscycling and backyard composting;
- iii. leaf and yard waste composting;
- iv. a household hazardous waste (HHW) program;
- v. white goods collection; and,
- vi. Environment Days for non curb-side-collected recyclables and household hazardous waste.

The City has also recently begun to accelerate its waste diversion through the introduction of a source separated organic material (SSO) diversion program for single-family residences called the Green Bin (GB) program and a SSO program for Commercial generators provided as part a of the Yellow Bag Program. It is planned that the GB program will be extended to all single-family dwellings by the end of 2005. Subject to Council approval, a similar SSO diversion program serving residents in multi-family buildings and A,B,C& Ds will be implemented.

When the SSO diversion programs are extended to all single and multi-family dwellings the City is expected to achieve an overall diversion rate of 43 percent. Achieving City Council's goals for diversion from landfill of 60 percent by 2006, and 100 percent by 2010, will require new policies and practices to change waste generation practices and to develop new or complement existing source separation diversion programs. Also required will be a means of diverting Residual MSW which may be achieved through a processing system employing a NET.

3.2 NEW AND EMERGING TECHNOLOGIES, POLICIES & PRACTICES ADVISORY GROUP

In February 2003, an Advisory Group composed of Toronto's citizens and environmental experts was established to:

- i. investigate and recommend policies and practices to change MSW generation practices, new source-separation diversion programs and methods of complementing existing diversion programs in order to achieve the 60 percent diversion goal; and,
- ii. to assess the potential of processing systems employing a NET to divert the remaining 40 percent of the MSW, as Residual MSW, from landfill disposal.

See www.toronto.ca/net for more information on the activities of the Advisory Group.

3.3 REQUEST FOR EXPRESSIONS OF INTEREST

On May 30, 2003 the City issued a Request for Expression of Interest (REOI) for the provision of New and Emerging Technologies for diversion of Residual MSW.

The purpose of the REOI was:

- i. to identify potential vendors of New and Emerging Technologies as well as proven (operating commercial scale) technologies to manage the City's Residual Municipal Solid Waste;
- ii. to signal to the marketplace the intention of the City to issue requests for qualifications (RFQL) and proposals (RFP) for such technologies;
- iii. to solicit information from potential vendors to help define system options and goals; and
- iv. to provide an opportunity for potential vendors to comment on the RFQL and RFP stages of the procurement process.

The scope of the REOI included all physical, chemical, biological and thermal Conversion Processes except incineration. The scope of the REOI also excluded landfill. Incineration and landfill were excluded because of existing obligations under the City's contract for waste disposal and because of Council's stipulated policy of achieving 100 percent diversion from landfill by 2010.

The REOI was not a pre-qualification step in the procurement process and was intended only to be a means of exchanging information between the City and potentially interested companies.

Participation in the REOI is not a prerequisite for participation in this RFQL.

The REOI closed on July 14 2003 and fifty submissions for Residual MSW processing systems were received. These submissions included biological, physical, thermal and chemical Conversion Processes.

3.4 NEED FOR RESEARCH AND SYSTEM DEMONSTRATION

There is a need for one or more Small-Scale Research Facilities to demonstrate the performance of NET based Conversion Processes to divert Toronto Residual MSW from landfill disposal under realistic operating conditions specific to Toronto.

Review of the submissions received in response to the REOI and other investigations has revealed critical deficiencies in the quantity and quality of technical information available and applicable to NET based processing of Toronto Residual MSW.

Information deficiencies were noted in the following areas:

- i. effectiveness of methods for recyclable materials recovery from the Residual MSW stream;
- ii. marketability of recovered recyclable materials;
- iii. performance of Conversion Processes and Emissions control and treatment systems;
- iv. quantity and quality of Emissions;
- v. ability to comply with requirements of existing regulatory framework;
- vi. system performance under variable conditions specific to Toronto, eg. seasonal variation in the composition and characteristics of the Residual MSW; and,
- vii. other design considerations specific to Toronto.

These information deficiencies can be considered to be critical because:

- i. the information is required for a thorough assessment of NET for Residual MSW diversion in the absence of this information; and,
- ii. the information is required to reduce the risk of design or operational failures in the event that the City decides to develop large-scale facilities.

Alternative methods of eliminating information deficiencies are limited by the following constraints:

- i. Toronto has no experience in processing Residual Municipal Solid Waste using NET based Conversion Processes;
- ii. North American experience with processing municipal waste using NET based Conversion Processes is limited;
- iii. Toronto has no, or only a limited, capability to investigate options for Pre-conversion Operations (e.g. methods for recovery of various recyclable materials or material stream separation);
- iv. Toronto has no, or only a limited, opportunity to deliver unprocessed Residual MSW to other facilities employing NET conversion processes; and,
- v. available independent and peer reviewed information on NET-based conversion processes is

limited and what is available is not Toronto specific.

The SSRF will enable the City to eliminate many of the information deficiencies by creating the capability to demonstrate and monitor the performance of NET based systems processing Toronto Residual MSW under realistic operating conditions. The SSRF can also create the capability to execute a program of research designed to investigate the performance of various options for Pre-conversion Operations including recyclable material recovery, material stream separation, feedstock preparation and to monitor their resulting impacts on the quantity and quality of products and Emissions.

3.5 OVERVIEW OF THE PROCUREMENT PROCESS FOR THE SSRF

The procurement process for the SSRF is a three-stage process:

- Stage 1. Request for Expression of Interest (REOI) [CLOSED]
- Stage 2. Request for Qualifications (RFQL)
- Stage 3. Request for Proposals (RFP)

The Request for Expression of Interest closed on July 14, 2003 and was not a pre-qualification to proceed to the next step in the procurement process. This Request For Qualifications is the second stage of the procurement process.

Staff intend to report to the April 28 2004, meeting of the Works Committee on the outcome of the RFQL and on recommendations for the release of the Request for Proposals.

Qualified Respondents will be invited to submit proposals for either or both development options at the third stage of the procurement process; the Request for Proposals stage. **Where a Qualified Respondent is a consortium or joint venture, the make-up of the joint venture or consortium cannot change between the RFQL and RFP stage.**

Release of the RFP will follow completion of stage 2 however a release date has yet to be determined. The RFP will provide additional or amended information on the scope of work and on the conditions to be included in contracts awarded for the development and operation of the SSRF.

Proposals submitted in response to the RFP will be evaluated against screening criteria for mandatory requirements such as procedural requirements and provision of securities, and evaluation criteria intended to score the Proponent's technological, financial, project development and operational capabilities. Proposed RFP screening and evaluation criteria are presented in Appendix 4.

Proposals that do not satisfy all mandatory requirements specified in the RFP will be rejected. Where a Proponents technological, financial, project development and operational capabilities, as presented in their Proposal, do not achieve a minimum score, the Proposal will be rejected.

The City reserves the right to change or cancel this procurement process at its discretion.

The procurement process for long-term Residual MSW management will be a separate process. The outcome of this procurement process will not bias the procurement process for long-term Residual MSW management and the success or failure of a Respondent in this process should not encourage or

discourage them from participating in the procurement process for long-term Residual MSW management.

3.6 AUTHORIZATION FOR RELEASE OF THE RFQL

Release of this RFQL is authorized by Clause 41 embodied in Report No. 9 of the Policy and Finance Committee, as adopted by Council at its meeting on September 22, 23, 24 and 25, 2003.

The report can be found at www.toronto.ca/legdocs/2003/minutes/cc.htm.

3.7 THE SMALL-SCALE RESEARCH FACILITY AND THE ENVIRONMENTAL ASSESSMENT FOR RESIDUAL MSW MANAGEMENT

The City of Toronto is planning to undertake an individual environmental assessment (“EA”) as set out under the requirements of the Ontario Environmental Assessment Act for the management of the City of Toronto’s Residual Municipal Solid Waste (Clause 41, embodied in Report No. 9 of the Policy and Finance Committee, as adopted by the Council of the City of Toronto at its meeting held on September 22, 23, 24 and 25, 2003).

The EA will address all phases of planning and decision-making, including: (i) need; (ii) the choice of policies and practices and technology(ies); and (iii) the siting of large-scale facilities.

The City is currently in the process of hiring a consultant to proceed with the drafting of the required EA “Terms of Reference”, which is intended to be submitted to the Minister of the Environment for approval.

Meanwhile, the planning process for the SSRF, including this RFQL, is proceeding in advance of the EA in the expectation that it will provide useful information for the EA process.

4.0 ENVIRONMENTAL REGULATIONS

The SSRF is expected to be subject to several provincial statutes, regulations and guidelines of the Ontario Ministry of the Environment, and to several municipal bylaws. Key provincial legislation is briefly described in this section. The Respondent should ensure that they are familiar with the requirements of each and understand the potential implications for developing a SSRF employing their New and Emerging Technology.

There are several approvals that will need to be obtained in order to proceed with the Small-Scale Research Facility. A number of the provincial statutes, regulations and guidelines governing these requirements are listed in Appendix 3.

4.1 ONTARIO ENVIRONMENTAL ASSESSMENT ACT

The EA Act provides an exemption for research undertakings. It is intended that information developed through the small scale research projects will be incorporated into the EA planning process. The EA planning process will benefit from the experience and technical knowledge gained through one or more new and emerging solid waste management small-scale research facilities.

4.2 ONTARIO ENVIRONMENTAL PROTECTION ACT

The Environmental Protection Act is the primary environmental protection legislation in Ontario. It sets out approval requirements related to waste management, air quality and pollution control generally, and detailed regulations have been promulgated under the Act. Certificates of approval to operate any NET will be required under this legislation.

5.0 RESIDUAL MUNICIPAL SOLID WASTE: SOURCES, QUANTITY, COMPOSITION AND CHARACTERIZATION

Residual MSW will originate from the following generating sectors receiving City waste management services:

- i. the single-family and multi-family residential sectors;
- ii. the City's Agencies, Boards, Commissions and Departments (A,B,C&Ds); and,
- iii. commercial establishments participating in the Yellow Bag Program.

Estimates of the ultimate quantity of Residual MSW from each source are presented in Appendix 1. Actual quantities will depend upon future waste generation rates and the success of new and existing policies, practices and diversion programs. Quantities may be lower than estimates if the goal of 60% at-source diversion is exceeded.

Also in Appendix 1 is information on the estimated composition of the Residual MSW by constituent material type. The Physical and chemical characteristics of samples of single-family Residual MSW are presented in Appendix 2.

The composition and characteristics of the Residual MSW will vary in response to influences beyond the City's control. Therefore, the City does not guarantee the composition or characteristics of the Residual MSW, nor does the City guarantee that the Residual MSW will be suitable for any specific type of Conversion Process.

6.0 SCOPE OF WORK

Information presented in this section describes the City's intentions at the time of the release of the RFQL. At the City's discretion, and without notice to Respondents, the scope of the Work may change and, if the change is significant, the procurement process as described herein may be revised or cancelled.

6.1 OPTIONS FOR SMALL-SCALE RESEARCH FACILITY DEVELOPMENT

The City is considering two options for the development of the SSRF, as follows:

Option 1: Contractor Designs, Builds and Operates (D/B/O) a City Owned Facility on a City Owned Site

A SSRF developed under Option 1 will be designed to enable the City to execute a program of research intended to produce information on overall Residual MSW management system options and to evaluate the performance of a Conversion Process employing a New and Emerging Technology.

The SSFR design will include several Pre-conversion Operations in addition to a Conversion Process employing a New and Emerging Technology. In addition to those operations required for the Conversion Process, the Pre-conversion Operations will include operations, such as manual and mechanical sorting

operations and size reduction and separation operations, necessary to enable the City to research Residual MSW management system options as described in Section 6.2.7.

For this development Option, the objectives of the SSRF are as follows:

- i. to investigate a variety of pre-conversion process physical operations such as manual and mechanical sorting, size reduction, separation and densification;
- ii. to demonstrate the conversion of Residual Municipal Solid Waste by a New and Emerging Technology;
- iii. to demonstrate the quantity and quality of products resulting from Residual MSW processing;
- iv. to demonstrate Emissions control and treatment systems; and,
- v. to execute a research program to be defined by the City involving investigation of various options for Pre-conversion Operations and to monitor resulting changes in system inputs and outputs including labour, mass and energy.

Design requirements for the Pre-conversion Operations will be specified by the City in the RFP.

Option 2: Contractor Designs, Builds, Owns and Operates a Facility on a Contractor Owned Site

A SSRF developed under Option 2 will include a Conversion Process employing a New and Emerging Technology and the Pre-conversion Operations required by the Conversion Process as determined by the Contractor.

For a SSRF developed under Option 2, the objectives of the SSRF are as follows:

- i. to demonstrate the conversion of Residual Municipal Solid Waste by a New and Emerging Technology;
- ii. to demonstrate the quantity and quality of products resulting from Residual MSW processing;
- iii. to demonstrate Emissions control and treatment systems; and,
- iv. to monitor system inputs and outputs including labour, mass and energy.

An overview of the Work associated with each Option is presented in the following Sections.

6.2 OPTION 1: CONTRACTOR DESIGNS, BUILDS AND OPERATES A CITY OWNED FACILITY ON A CITY OWNED SITE

6.2.1 Facility Ownership

The City of Toronto will own the Facility upon the successful completion of the design and construction phases, including commissioning, of the Facility development.

6.2.2 Site and Environmental Approvals

The City will supply a site for the SSRF. Additional information on the site will be available at the RFP stage.

It is anticipated that the SSRF will not be subject to an individual EA under the Ontario Environmental Assessment Act.

It is anticipated that the following provincial government approvals may be required for the Facility under the Ontario Environmental Protection Act:

- i. Part II, Section 9 for air, dust, noise and vibration emissions from any processes or venting [Certificate of Approval (Air)]; and,
 - ii. Part V, Section 27 for the establishment and operation of the waste disposal site [Certificate of Approval (Processing)].
- Part V, Section 30 requires a public hearing prior to rejection or approval of the application for an approval under Section 27.

As owner of the Facility, the City will make formal application for these approvals. The Contractor must supply any and all information and complete all necessary application forms, ready for signing by the City, that may be required as part of the approvals process and respond to questions and comments and attend meetings.

If difficulties are met in obtaining approvals then the City, at its sole discretion, reserves the right to stop the project and to reimburse the Contractor for costs incurred under the contract and excluding costs of responding to the Request for Proposals.

6.2.3 Other Approvals, Permits and Licenses

Except for the environmental approvals described in section 6.2.2, the Contractor will be responsible for securing all other required approvals, permits and licenses, including but not limited to site plan approval, building permits and approvals from other provincial regulatory agencies such as the Ministry of Labour.

6.2.4 Contract Type and Term

The City will offer a design, build and operate type contract. The terms of the contract will be specified in the Request for Proposals and may be negotiated prior to contract award.

The contract term will include Facility design, construction, including commissioning, and operating phases. The term of the operating phase will be two to five years at the discretion of the Commissioner (i.e. two years plus up to three one-year extensions).

6.2.5 Material Supply

The City will supply between 5,000 and 20,000 tonnes of Residual MSW annually to the Facility. The quantity of Residual MSW to be provided will correspond to the tonnage awarded to the Contractor following Stage 3 of the procurement process; the Request for Proposals stage.

6.2.6 Design

The Contractor will be required to provide a detailed design for the SSRF that satisfies the design requirements specified in the RFP. The design elements could include:

Pre-conversion Operations

- i. enclosed material receiving area with a minimum of two day's storage capacity;
- ii. manual and/or mechanical contaminant removal;
- iii. manual and/or mechanical bag opening;
- iv. manual and/or mechanical recovery of recyclable materials;
- v. flexibility to add recovery of additional materials by manual or mechanical means;
- vi. flexible size separation system;
- vii. ability to demonstrate other separation technologies on all or a portion of the waste stream;
- viii. size reduction/densification (e.g. pelletization);

Conversion process operations

- ix. Conversion Process employing a NET;
- x. Emissions management;
- xi. specific requirements for Process Solid Residuals handling, storage and load-out systems; and;
- xii design for ease of monitoring and sample collection.

6.2.7 Research Program

The City will define a program of research for execution by the Contractor during the operating phase of the contract. The City may revise the research program at its discretion in consultation with the Contractor.

A program of research could include the following elements:

- i. investigation of the efficiencies of options for Pre-conversion Operations to recover recyclable materials;
- ii. investigation of options for Pre-conversion Operations for material separation such as separating organic from inorganic fractions, separating paper and plastic from heavy fraction materials etc.;
- iii. investigation of options for Pre-conversion Operations for Conversion Process feedstock preparation;
- iv. effect of seasonal variation in Residual MSW composition and characteristics on the performance of Pre-conversion Operations, on the Conversion Process and on the quantity and quality of products and Emissions;
- v. performance of the Conversion Process in response to Pre-conversion Operations;
- vi. impact of Pre-conversion Operations on the quantity and quality of Emissions; and,
- vii. ongoing collection of data for Integrated Waste Management (IWM) system modelling (ie. modelling of greenhouse gas Emissions and other environmental impacts).

6.2.8 Access and Information

The objectives of the SSRF require that information be produced on all aspects of the Facility's operations. The Contractor will be required to provide all relevant information to the City for incorporation into its public planning processes, including the EA for the management of the City's Residual MSW. The City must be free to copy, distribute, publish and report the information at its discretion. Therefore, the information provided by the Contractor to the City must not be designated as Confidential by the Contractor.

The City and its designates must have unrestricted access to view the Facility during normal hours of operation.

6.2.9 Payment for Design, Construction and Operating Phases

The drawdown or payment schedule for the design and construction phases of the Work, including commissioning, will include both progress payments and lump-sum payments based on completion of predetermined tasks. Lump sum and progress payments will be subject to statutory holdbacks required by the Ontario Construction Lien Act. The payment schedule will be specified in the RFP document.

Payment for the operating phase of the Facility will be based on the actual costs of operation plus an additional fixed percentage to a maximum annual amount.

The City will not make payments to the Contractor other than as specified in this section.

6.2.10 Emissions Management

The Contractor will be responsible for the management of all Emissions resulting from the operation of the SSRF.

The City will receive Solid Process Residue resulting from Residual MSW processing at the SSRF at its designated solid waste management transfer station.

6.2.11 Product Marketing

Products recovered from Residual MSW, except for energy products, will be Marketed by the City and the City shall incur all associated costs and retain all resulting revenue.

Marketing of energy products is the responsibility of the Contractor. Where an energy product such as a refuse derived fuel, synthesis gas or biogas results from Residual MSW processing operations at the SSRF, the City prefers, but does not require, that the energy product be converted to energy on-site.

6.2.12 Operations

The Contractor will be responsible for the operation of the SSRF. Operational requirements will include:

- i. receipt of Residual MSW;
- ii. Pre-conversion Operations for material recovery, material stream separation and Conversion Process feedstock preparation;
- iii. operation of the Conversion Process;

- iv. beneficial use of energy products (optional);
- v. management of all Emissions;
- vi. compliance with environmental approvals, permits and licenses;
- vii. execution of a research program defined by the City; and,
- viii. monitoring, information collection and reporting.

Upon expiration of the Contract the Contractor will be required to remove all unprocessed Residual MSW, products and Emissions from, and otherwise restore, the Facility.

6.2.13 Comprehensive Implementation Plan

The Contractor will develop and execute a comprehensive implementation plan for the development and operation of the SSRF. Except for the payments made by the City to the Contractor described in section 6.2.9, the Contractor will have sole liability for all costs incurred in developing the Project. This includes, but is not limited to: equipment procurement, design, construction, commissioning, operations, securing approvals (other than those identified in Section 6.2.2), environmental compliance, all labour and materials, insurance and bonding, utility interconnections and any temporary heating and ventilation that may be required, and start-up and testing.

6.2.14 Securities

Prior to contract award, the Contractor will provide guarantees to secure its costs and performance obligations, including performance damages, in a form acceptable to the Treasurer. Performance obligations include timely completion of construction, payment of all labour and materials, successful testing in compliance with the technical and environmental requirements, and successful operation of the SSRF and execution of the City's research program.

As a minimum, the Contractor will be required to provide a Performance Bond and a Labour and Materials Payment Bond for the design, construction and commissioning phase of the project from a Surety licensed to conduct business in Ontario. The Contractor will be required to provide a letter of credit for the operating phase of the project from a Bank on list A or B of the Bank Act.

6.2.15 Intellectual Property

In the event that a Respondent's proposed processing system includes equipment or processes protected by intellectual property rights, the City intends to secure such rights as are required to operate the equipment or processes for the life of the SSRF. In this regard, the City will not accept restrictions on who may, for the purposes of operating the SSRF during its lifetime, make use of the equipment or processes.

6.3 OPTION 2: CONTRACTOR DESIGNS, BUILDS, OWNS AND OPERATES A FACILITY ON A CONTRACTOR OWNED SITE

6.3.1 Facility Ownership

The Contractor will own the Facility.

6.3.2 Site and Site Approvals

The Contractor will supply a suitable site for the SSRF. The site may be within or beyond the boundary of the City of Toronto but must be within Ontario.

The Contractor may need to undertake, or acquire formal exemption from, a process to complete an Environmental Assessment for the SSRF. Respondents are required to make their own determination of the requirements of the Ontario Environmental Assessment Act as applied to their proposed SSRF.

It is anticipated that the following provincial government approvals may be required for the Facility under the Ontario Environmental Protection Act:

- i. Part II, Section 9 for air, dust, noise and vibration emissions from any processes or venting [Certificate of Approval (Air)]; and,
- ii. Part V, Section 27 for the establishment and operation of the waste disposal site [Certificate of Approval (Processing)].

Part V, Section 30 requires a public hearing prior to rejection or approval of the application for an approval under Section 27.

The Contractor will be required to obtain all environmental and other approvals, permits, licenses and inspections for the development and operation of the SSRF.

As owner of the Site, the Contractor will prepare and submit applications for all required approvals, permits and licenses. The City will make reasonable efforts to assist the Contractor in this regard and will respond to questions and comments and attend meetings.

If difficulties are met in obtaining approvals then the City, at its sole discretion, reserves the right to stop the project. In this event, neither the City nor the Contractor shall be liable for costs incurred by the other on the project thus far, including costs incurred responding to the Request for Proposals.

6.3.3 Contract Type and Term

The City will offer a fee for service type contract where payments by the City to the Contractor will be based on tonnes of Residual MSW received and processed at the SSRF multiplied by a per-tonne processing fee, as described in section 6.3.10.

The contract term will be two to five years at the discretion of the Commissioner (i.e. two years plus up to three one-year extensions).

6.3.4 Securities

Prior to the first deliver of Residual MSW the Contractor will be required to provide a letter of credit to compensate the City for costs it may incur in the event that the Contractor defaults on its obligations and the City is called upon to remove unprocessed Residual MSW, products and Emissions, and otherwise restore, the Facility.

The letter of credit must be from a Bank on list A or B of the Bank Act.

6.3.5 Material Supply

The City will deliver to the SSRF between 5,000 and 20,000 tonnes of Residual MSW annually. The quantity of Residual MSW to be provided will correspond to the tonnage awarded to the Contractor following Stage 3 of the procurement process; the Request for Proposals stage.

The Contractor will take ownership of and will be responsible for the Residual MSW upon receipt from the City.

The City will provide an annual minimum tonnage guarantee, ie. a put or pay guarantee, in the amount of the awarded tonnage. The annual minimum tonnage guarantee will be reduced in proportion to the portion of an operating year during which the SSRF is unable to receive and process Residual MSW due to unforeseen equipment or other system failures.

6.3.6 Emissions Management

The Contractor will be responsible for the management of all Emissions resulting from the operation of the SSRF including Process Solid Residue and, if necessary, Hazardous Waste.

Process Solid Residue and Hazardous Waste, if any, must be delivered for disposal at a properly licensed facility.

6.3.7 Product Marketing

The Contractor shall be required to Market all products derived from process Residual MSW at the SSRF, including energy products. The Contractor shall incur all associated costs and retain all resulting revenue.

Where an energy product such as a refuse derived fuel, synthesis gas or biogas results from Residual MSW processing operations at the SSRF, the City prefers, but does not require, that the energy product be converted to energy on-site.

6.3.8 Comprehensive Implementation Plan

The Contractor will develop and execute a comprehensive implementation plan for the development and operation of the SSRF. Except for the payments made by the City to the Contractor described in section 6.3.10, the Contractor will have sole liability for all costs incurred in developing the Project. This includes, but is not limited to: equipment procurement, design, construction, commissioning, operations, securing approvals, environmental compliance, all labour and materials, insurance and bonding, utility interconnections and any temporary heating and ventilation that may be required, and start-up and testing.

6.3.9 Operations

The Contractor will be responsible for the operation of the SSRF. Operational requirements will include:

- i. receipt of Residual MSW;
- ii. Pre-conversion Operations for material recovery, material stream separation and Conversion Process feedstock preparation;
- iii. product Marketing;

- iv. operation of the Conversion Process;
- v. beneficial use of energy products (optional);
- vi. management of all Emissions;
- vii. compliance with environmental approvals, permits and licenses; and,
- viii. monitoring, information collection and reporting.

6.3.10 Payment

The Contractor will be paid a fee for receiving and process the Residual MSW based on the tonnes processed.

At the end of each year of the operating phase of the contract, the City will determine, based on recorded Residual MSW deliveries and Facility operating reports, whether or not an additional payment to the Contractor is warranted to satisfy the City's minimum annual tonnage guarantee.

The City will not make payments to the Contractor other than as specified in this section.

6.3.11 Intellectual Property

For Facilities developed under Option 2, the City does not intend to secure any rights to intellectual property related to the Facility.

6.3.12 Information Sharing

The objectives of the SSRF require that information be produced on all aspects of the Facility's operations. The Contractor will be required to provide all relevant information to the City for incorporation into its public planning processes, including the EA for the management of the City's Residual MSW. The City must be free to copy, distribute, publish and report the information at its discretion. Therefore, the information provided by the Contractor to the City must not be designated as Confidential by the Contractor.

The City and its designates must have unrestricted access to view the Facility during normal hours of operation.

7.0 MANDATORY REQUIREMENTS AND SCREENING CRITERIA

All of the requirements described in this section are mandatory. Failure to satisfy all mandatory requirements as specified in this RFQL document will cause the Qualifications Document to be rejected.

All completed mandatory submission forms are to be presented in section 1 of the Qualifications Document.

The information requested applies only to Respondents (i.e. not to sub-Contractors or others outside of a Joint Venture or consortium). If the Respondent is a Joint Venture or consortium, then the capabilities of all member companies can be presented, as required, to satisfy the information requirements and screening criteria.

7.1 MANDATORY PROCEDURAL REQUIREMENTS

The Respondent must submit a completed and signed Qualifications Document Submission Form. The required form is provided on page ii of this RFQL document.

The names of all consortium/Joint Venture partners must be provided on the Form and the proposed responsibilities and roles of each member in the project must be described, including the lead role at this and the next stage of the procurement process.

The Respondent must provide a cover letter stating that all information submitted in support of the Qualifications Document is accurate and factual, and that all representations made regarding the Respondent's willingness and capabilities are accurate.

The cover letter shall designate a prime representative to whom all communication in regard to the Respondent's submission and this RFQL will be directed. All subsequent information regarding this RFQL will be directed to the prime representative. The cover letter must be signed and sealed by an officer of the Respondent's organization, authorized to commit the Respondent to the obligations contained in the Qualifications Document.

7.2 MANDATORY TECHNOLOGY INFORMATION REQUIREMENTS

7.2.1 Solicited Technology

The Respondent must give evidence that the proposed Conversion Process is one of the solicited New and Emerging Technologies described in section 2.3.

Respondents are to use the *Technologies Information Form T1 – Solicited Technology Information* form presented in Appendix 5.

7.2.2 Technology Reference Facility and Contact Information

The Respondent must provide evidence of at least one suitable technology reference facility employing the proposed NET as the Primary Conversion process on waste similar to MSW or Residual MSW, and must provide contact information for the owner, operator, environmental regulatory agency and host jurisdiction of the technology reference facility.

Respondents are to use the *Technology Information Form T2 – Technology Reference Facility Identification* and the *Technology Information Form T3 – Technology Reference Facility Contact Information* forms presented in Appendix 5.

7.2.3 Information on Proposed Conversion Process

Respondents must include information on the processing system, including the Conversion Process, employed at the technology reference facility. Qualitative information must be provided on all material inputs and outputs (Quantitative information will be required at the RFP stage).

Respondents are to use the *Technology Information Form T4 - Technology Reference Facility Processing Operations Block Diagram* form presented in Appendix 5.

7.2.4 Ability to Comply with Regulatory Requirements

The Respondent must provide evidence that a facility employing the proposed NET is capable of complying with the requirements of the existing environmental regulatory framework in Ontario.

Respondents are to use the *Technology Information Form T5 - Ability to Comply with Environmental Regulatory Requirements* form presented in Appendix 5.

7.3 MANDATORY PROJECT DEVELOPMENT EXPERIENCE AND CAPABILITY REQUIREMENTS

The Respondent must provide evidence that they have completed the design, construction and commissioning of one or more manufacturing or processing facilities involving electrical and mechanical systems with a total design and construction phase cost, excluding land purchase, of not less than \$7,000,000 (seven million dollars).

Respondents must provide contact information for the owner, operator, environmental regulatory agency (if applicable) and host jurisdiction of the project development reference facility.

Respondents are required to use *Project Development Form PD1 - Project Development Reference Facility Identification and Project Development Form PD2 - Project Development Reference Facility Contact Information* forms presented in Appendix 5.

7.4 MANDATORY FINANCIAL CAPABILITY REQUIREMENTS

Respondents must provide a statement from a bank, financial institution or surety licensed to conduct business in the province of Ontario confirming that, at the time of submitting the Qualifications Document, the Respondent has a bonding capacity not less than \$ 7,000,000 (seven million dollars).

7.5 MANDATORY OPERATING CAPABILITY REQUIREMENTS

The Respondent must provide evidence of direct operating control of one or more suitable operating reference facilities. The operating reference facility does not have to employ the NET proposed for the SSRF, but must be operated for the purpose of solid waste management such as waste transfer, processing and/or final disposal.

The operating reference facility must have managed a minimum of 10,000 tonnes of material similar to Municipal Solid Waste or Residual MSW in the previous 12 months.

Respondents must provide contact information for the owner, operator, environmental regulatory agency and host jurisdiction of the operating reference facility.

Respondents are required to use *Operating Capability Form OPI - Facility Operations Reference Facility Identification and Operating Capability Form OP2 - Facility Operations Reference Facility Contact Information* forms presented in Appendix 5.

7.6 MANDATORY ACCESS AND INFORMATION REQUIREMENTS

The objectives of the SSRF require that information be produced on all aspects of the Facility's operations. The Respondent must confirm their willingness to collect and report this information to the City recognizing that the information will be incorporated into the City's public planning processes.

The Respondent must confirm that the City will be free to copy, distribute, publish and report the information at its discretion. Therefore, the information provided by the Contractor to the City must not be designated as Confidential by the Contractor. The Respondent must confirm that the City and its designates will have unrestricted access to view the Facility during normal hours of operation.

Respondents are required to use the Access and Information Form A&II presented in Appendix 5.

8.0 OPTIONAL INFORMATION REQUIREMENTS

The requirements of this section are optional and are intended to provide an opportunity for Respondents to provide comments and suggestions on the subsequent stages of the procurement process. Respondents may provide the optional information in formats of their choosing. Optional information is to be presented in section 2 of the Qualifications Document.

Optional information must not include information on potential sites for the SSRF.

Screening of Qualifications Documents will not include consideration of the optional information provided by the Respondent.

8.1 INFORMATION AND MATERIAL QUANTITY REQUIREMENTS AND CONTRACT TERMS

The Respondent is invited to provide:

- a) a listing of the information the Respondent requires of the City in order to respond to Request for Proposals;
- b) the minimum annual Residual MSW tonnage required by the Respondent to respond to Request for Proposals; and,
- c) minimum contract terms required by the Respondent to respond to the Request for Proposals.

8.2 OTHER INFORMATION

The Respondent is invited to provide other information relevant to their technology and previous undertakings.

9.0 QUALIFICATIONS DOCUMENT SCREENING

Qualifications Documents must satisfy **all** mandatory requirements or will otherwise be rejected. Forms provided in Appendix 5 must be used. Where a form is provided in Appendix 5, other forms will not be accepted and, where the Respondent substitutes another form for a form provided in Appendix 5, or changes a form provided in Appendix 5, the Qualifications Document will be rejected.

Table 1 will be used by the City to determine whether the Qualifications Document submitted by the Respondent has satisfied all mandatory requirements and screening criteria. Only Respondents whose Qualifications Document satisfies all mandatory requirements and screening criteria, as described in section 7, will be designated a Qualified Respondent and will be invited to respond to the Request for Proposals.

The City will issue written notification of the outcome of the screening of Qualifications Documents to all Respondents.

Table 1 – Qualifications Document Screening

Screening Criteria	Pass/Fail
Procedural Requirements	
Provided a completed <i>Qualifications Document Submission Form</i> that provides the names of all consortium/Joint Venture partners and describes proposed responsibilities and roles of each during the project.	
Provided a signed <i>Cover Letter</i> signed and sealed by an officer of the organization authorized to commit the Respondent to the obligations contained in the Qualifications Document and designating a prime representative and stating that all information submitted in support of the Qualifications Document is accurate and factual, and that all representations made regarding the Respondent’s willingness and capabilities are accurate.	
Technological Capability	
Provided a completed <i>Technology Information Form T1</i> and the Conversion Process is one of the solicited NET	
Provided a completed <i>Technology Information Form T2</i> and the technology reference facility has a design capacity of not less than 1 tonne per day and has processed not less than 200 tonnes of MSW in the previous 12 months and the claims made have been confirmed by an at arms length reference provided by the Respondent.	
Provided a completed <i>Technology Information Form T3</i> and has provided contact information for the owner, operator, environmental regulatory agency and host jurisdiction of the technology reference facility.	

Screening Criteria	Pass/Fail
Provided a completed <i>Technology Information Form T4</i> .	
Provided a completed <i>Technology Information Form T5</i> and the proposed NET is capable of complying with the requirements of the existing environmental regulatory framework in Ontario.	
Project Development Experience and Capability	
Provided a completed <i>Project Development Form PD1</i> and the total design, construction and commissioning cost of the manufacturing or processing facility offered as the project development reference facility is not less than \$ 7,000,000 (seven million dollars) excluding land purchase costs and the claims made have been confirmed by an at arms length reference provided by the Respondent.	
Provided a completed <i>Project Development Form PD2</i> and has provided contact information for the owner, operator, environmental regulatory agency (if applicable) and host jurisdiction of the project development reference facility	
Financial Capability	
Provided a statement from a bank, financial institution or surety licensed to conduct business in the province of Ontario confirming that, at the time of submitting the Qualifications Document, the Respondent has a bonding capacity not less than \$ 7,000,000 (seven million dollars).	
Operating Capability	
Provided a completed <i>Operating Capability Form OP1</i> and the operating reference facility has managed not less than 10,000 tonnes of material similar to MSW or Residual MSW in the previous 12 months and the claims made have been confirmed by an at arms length reference provided by the Respondent.	
Provided a completed <i>Operating Capability Form OP2</i> and has provided contact information for the owner, operator, environmental regulatory agency and host jurisdiction of the operating reference facility.	
Access and Information	
Provided a completed <i>Access and Information Form A&I1</i> .	

10.0 QUALIFICATIONS DOCUMENT PREPARATION AND SUBMISSION REQUIREMENTS

This section contains the Qualifications Document preparation and submission instructions and requirements that are to be followed by all Respondents.

Respondents are cautioned to read carefully and follow the procedures required by this RFQL, since any deviation from them may be cause for rejection.

10.1 COMMUNICATIONS/CONTACT PERSON

It is the responsibility of the Respondent to understand all aspects of the RFQL and to obtain clarification if necessary before submitting their Qualifications Document.

For information regarding the **Terms of Reference / Scope of Services** contact:

Brian Van Opstal, M.Eng., P. Eng.
Works and Emergency Services Department
Solid Waste Management Services
25th Floor, East Tower
Toronto, Ontario M5H 2N2
Tel: 416 397-0143
Fax: 416 392-4754
E-mail: bvanops@toronto.ca

For information regarding **Submission Requirements** contact:

Marni French
Finance Department
Purchasing and Materials Management
City of Toronto, 100 Queen Street West
17th Floor West Tower
Toronto, Ontario M5H 2N2
Tel: 416-397-4804
Fax: 416-392-8411
Email: mfrench2@toronto.ca

All official correspondence must be directed to the appropriate individual identified above. Information obtained from any other source is not official and may be inaccurate.

Any addendum, should one be necessary, will be posted to the following website: <http://w3.toronto.ca/tenders/proposal.htm>, as required.

10.2 RESPONDENTS' INFORMATION MEETING

An information meeting for all prospective Respondents to this RFQL has been scheduled as follows:

Date: Thursday February 5, 2004
Time: 1:30 PM
Location: Metro Hall, Room 310 (third floor), 55 John Street, Toronto, Ontario

A record of the questions and answers from the Information Meeting will be posted (in the form of an addendum to the RFQL) to the following website: <http://w3.toronto.ca/tenders/proposal.htm>.

10.3 MARKING AND ORGANIZATION OF QUALIFICATIONS DOCUMENTS

The Qualifications Document package shall be addressed to the **Chief Financial Officer and Treasurer of the City of Toronto, Finance Department, Purchasing and Materials Management Division, 18th Floor West Tower, City Hall, 100 Queen Street West, Toronto, Ontario, Canada M5H 2N2** and submitted in a sealed package clearly marked as follows in accordance with the Return Label provided at the front of the RFQL:

REQUEST FOR QUALIFICATIONS DOCUMENT NO. 9155-04-7021

DEVELOPMENT AND OPERATION OF A SMALL-SCALE RESEARCH FACILITY FOR PROCESSING RESIDUAL MUNICIPAL SOLID WASTE

CLOSING: 12:00 NOON THURSDAY MARCH 4, 2004

In addition, the name and return address of the Respondent shall be marked on the outside of each envelope.

Respondents must ensure that their Qualifications Document satisfies the specific content requirements and in particular the mandatory information submission requirements specified in this RFQL. If any mandatory requirements of the RFQL are missing from the submission, the Qualifications Document will be rejected.

10.4 FORMAT AND CONTENT OF QUALIFICATIONS DOCUMENT

The Qualifications Document should be organized as follows:

- i. Qualifications Document Submission Form
- ii. Cover Letter
- iii. Section 1: Mandatory Information Requirements
- iv. Section 2: Optional Information
- v. Section 3: Completed City Purchasing Forms

11.0 RFQL RULES, TERMS, CONDITIONS

11.1 RESPONDENT'S RESPONSIBILITY

It is the Respondent's responsibility to become familiar with and comply with the City Purchasing Policies attached to this RFQL.

11.2 CONFIDENTIALITY

Confidentiality of records and information relating to this work must be maintained at all times.

All correspondence, documentation and information provided by City staff to any Respondent in connection with, or arising out of this RFQL or the acceptance of any Qualifications Document:

- i. remains the property of the City;

- ii. must be treated as confidential; and,
- iii. must not be used for any purpose other than for replying to this RFQL, and for fulfillment of any related subsequent contract.

All correspondence, documentation and information provided to staff of the City by any Respondent in connection with, or arising out of this RFQL, and the submission of any Qualifications Document will become the property of the City, and as such, subject to Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), and may be released, pursuant to the Act. The Respondent's name at a minimum, shall be made public on request.

Because of MFIPPA, Respondents are advised to identify in their Qualifications Document material of any scientific, technical, commercial, proprietary or similar confidential information, the disclosure of which could cause them injury.

Any information in the Respondents' submission that is not specifically identified as confidential will be treated as public information.

All correspondence, documentation and information provided to the Evaluation Team may be reproduced for the purposes of evaluating the Respondent's submission to this RFQL.

11.3 CONFLICT OF INTEREST STATEMENT

In its Qualifications Document, the Respondent must disclose to the City any potential conflict of interest that might compromise the performance of the Work. If such a conflict of interest does exist, the City may, at its discretion, refuse to consider the Qualifications Document.

The Respondent must also disclose whether it is aware of any City employee, Council member or member of a City agency, board or commission or employee thereof having a financial interest in the Respondent and the nature of that interest. If such an interest exists or arises during the evaluation process, the City may, at its discretion, refuse to consider the Qualifications Document until the matter is resolved to the City's sole satisfaction.

If, during the process, the Respondent is retained by another client giving rise to a potential conflict of interest, then the Respondent will so inform the City. If the City requests, then the Respondent will refuse the new assignment or will take such steps as are necessary to remove the conflict of interest concerned.

Respondents are cautioned that the acceptance of their Qualifications Document may preclude them from participating as a Respondent in subsequent projects where a conflict of interest may arise. The successful Respondent(s) for this project may participate in subsequent/other City projects provided the successful Respondent(s) has (have) satisfied pre-qualification requirements of the City, if any, and in the opinion of the City, no conflict of interest would adversely affect the performance and successful completion of an Agreement by the successful Respondent(s).

11.4 NO COLLUSION

A Respondent shall not discuss or communicate, directly or indirectly, with any other Respondent or their agent or representative about the preparation of the Qualifications Document. Each Respondent shall attest that its participation in the RFQL process is conducted without any collusion or fraud. If the City discovers there has been a breach of this requirement at any time, the City reserves the right to disqualify

the Qualifications Document or terminate any ensuing Agreement.

11.5 SUBMISSION DEADLINE

Six (6) copies of the Qualifications Document in a sealed envelope displaying the return address supplied with this RFQL must be submitted. One copy of the Qualifications Document is to be marked "Original" and contain the signed **QUALIFICATIONS DOCUMENT SUBMISSION FORM**. Deliver the completed packaged prior to 12:00 noon (local time) on **March 4, 2004** to:

**Chief Financial Officer and Treasurer
Finance Department
Purchasing and Materials Management Division
18th Floor, West Tower, City Hall
100 Queen Street West
Toronto, ON M5H 2N2**

Faxed or electronic transmissions or other forms of unsealed Qualifications Documents will not be considered. Qualifications Documents will be opened immediately after 12:00 Noon in the Public Bid Opening Room, on the 18th Floor, West Tower, City Hall, Toronto. Only the names of Respondents that submitted Qualifications Documents will be read out. The Qualifications Documents will be referred to an evaluation team for evaluation.

11.6 DISQUALIFICATION OF QUALIFICATIONS DOCUMENTS

Qualifications Documents, which are incomplete or received after the Qualifications Document submission deadline, as recorded by the City on the date, time and place, as outlined above will not be considered. Respondents are solely responsible for ensuring that Qualifications Documents are delivered as required. Delays caused by any delivery service, including Canada Post, will not be grounds for an extension of the Qualifications Document Submission deadline.

11.7 THE CITY'S RIGHT TO REJECT

The City shall not be obliged to accept any submission in response to this RFQL, and every reference to "Respondent(s)" in this RFQL shall be interpreted as including the qualifying text," if any."

The City may, without incurring any liability or cost to any Respondent,

- i. reject any or all Qualification Document(s) at any time;
- ii. waive immaterial defects and minor irregularities in any Qualification Document(s); or,
- iii. modify and/or cancel this RFQL prior to accepting any Qualifications Document(s).

11.8 NO ADJUSTMENTS TO QUALIFICATIONS DOCUMENTS

No unilateral adjustments by Respondents to submitted Qualifications Documents will be permitted. Respondents may withdraw their Qualifications Document prior to the closing date and time (see Section 11.5) by notifying the City in writing. Respondents who have withdrawn a proposal may submit a new Qualifications Document, which must be received by the City under the same terms as outlined in Section 11.5. After the closing date and time the Qualifications Document is binding on the Respondent. If the

City requires clarification of a Respondent's Qualifications Document, that Respondent will provide a written response to a request for clarification which shall then form part of the Respondent's Qualifications Document.

11.9 ADDENDA

If it becomes necessary to revise any part of this RFQL, the revisions will be by Addendum posted electronically in Adobe PDF format on the City's website at <http://w3.toronto.ca/tenders/proposal.htm> and will not be made available by the City in printed form, so Respondents and prospective Respondents should monitor that site as frequently as they deem appropriate until the day of the *e*.

The City will reply to all written questions received by February 16 2004, by way of Addendum and shall be under no obligation to respond to any question received after that date.

The final Addendum (if any) will be posted to the website no later than ten (10) working days prior to the Deadline.

11.10 WAIVER OF RIGHTS IN QUALIFICATIONS DOCUMENT AND INDEMNITY

Each Respondent acknowledges and agrees that the City is likely to receive, and be required to deal with, several Qualifications Documents, all of which may contain or disclose information considered by their Respondents to be of special, unique, secret or proprietary nature, and that such information and the manner in which the City may use it may be entitled or subject to protection under any of Canada's intellectual property laws, the Competition Act or the common law relating to unfair competition. The City cannot accept any Qualifications Document that is subject to a reservation by the Respondent of any such rights and each Respondent, by virtue of filing a Qualifications Document pursuant to this RFQL expressly waives any and all protection to which the Respondent might otherwise be entitled in respect of that Qualifications Document under all of the foregoing laws and expressly releases the City and its staff and consultants, if any, as well as the Qualified Respondent(s) from any claims, actions, suits and proceedings whatsoever for the infringement of any intellectual property right or for the use of any secret or proprietary information disclosed to the City in that Qualifications Document.

Each Respondent shall indemnify and save harmless the City, its staff and its consultants, if any, against all claims, actions, suits and proceedings, including all costs incurred by the City brought by any person in respect of the infringement or alleged infringement of any patent, copyright, trademark, or industrial design or the use or misuse in connection with their Qualifications Document.

11.11 INCURRED COSTS

The City will not be liable for, nor reimburse, any potential Respondent, Respondent, Qualified Respondent, or Vendor, as the case may be, for costs incurred in the preparation, submission or presentation of any Qualifications Document, for interviews or any other activity that may be requested as part of the evaluation process.

11.12 EXAMINATION OF THE RFQL

All official correspondence must be directed to the appropriate individual identified in section 10.1.

Information obtained from any other source is not official and may be inaccurate.

Any oral statements, instructions, or representations made by City staff shall not be binding on the City.

11.13 REQUESTS FOR CLARIFICATION

After the receipt of the Qualifications Document, the City may request clarification of the Qualifications Document.

The City may request clarification to ascertain a Respondent's understanding of, and level of responsiveness to the requirements of the Work and the RFQL for the purpose of the screening process.

The City reserves the right, at any time, to modify the requirements of the Work where circumstances so require.

11.14 PRIME RESPONDENT

A joint Qualifications Document by a consortium of two or more Respondents having no formal corporate links may be submitted, but one person or company must be shown as the Prime Respondent and be prepared to represent the consortium to the City by executing the *Services Agreement*, acting as the primary contact, and taking overall responsibility for performance of the *Specialist*.

11.15 PROHIBITION AGAINST GRATUITIES

(1) No Respondent and no employee, agent or representative of the Respondent, may offer or give any gratuity in the form of entertainment, participation in social events, gifts or otherwise to any officer, director, agent, appointee or employee of the City in connection with or arising from this RFQL, whether for the purpose of securing an Agreement or seeking favourable treatment in respect to the award or amendment of the Agreement or influencing the performance of the Agreement, including without restriction enforcement of performance standards, or expressing appreciation, or providing compensation, for the award of an Agreement or for performance of the City's obligations thereunder or for conferring favours or being lenient, or in any other manner whatsoever.

(2) If the City determines that subarticle (1) has been breached by or with respect to a Respondent, the City may exclude its Qualification Document from consideration, or if an Agreement has already been entered into, may terminate it without incurring any liability.

11.16 LOBBYING DISCLOSURE

The City's Lobbying Disclosure Policy was adopted by City Council in March, 2001. Lobbying is defined as follows under the policy:

"Lobbying" for the purposes of this policy, means oral or written communications by Bidders/Proponents and/or representatives employed or retained by them, with members of Council, City officials, and staff, in order to promote or oppose any Bidder or Proponent, as the case may be, responding to a PMMD [Purchasing and Materials Management Division] Call or Request.

(Clause 3 embodied in Report No. 2 of the Administration Committee, as adopted by the Council of the City of Toronto at its meeting held on March 6, 7, and 8, 2001, Appendix A , p. 8).

A communication for the purpose of this requirement does not include a communication to the designated City contact person.

Disclosures of lobbying are to be submitted to the City Clerk and contain the following information:

- i. the name, address and telephone number of the Proponent or Bidder;
- ii. the name, address and telephone number of each person retained, employed or designated by such Proponent or Bidder who has engaged in Lobbying in relation to the Qualifications Document or Bid;
- iii. the Request or Call document number in respect of which each person retained, employed or designated by such Proponent or Bidder has engaged in lobbying;
- iv. a description of the general nature of communications that each person retained, employed or designated by such Proponent or Bidder has made in Lobbying; and,
- v. the name of the person and department before whom such Proponent or Bidder has engaged in Lobbying. (Ibid., pp. 9-10).

REVISED LOBBYING DISCLOSURE

Toronto City Council at its meeting of September 22, 23, 24 and 25, 2003, revised the above-noted Lobbying Disclosure Policy, specifically for the purposes of this RFQL (Clause No. 41 embodied in Report No. 9 of the Policy and Finance Committee), such that:

- i. the RFQL for a SSRF be issued under the City's Disclosure Policy (prior to this direction from City Council the City's Lobbying Disclosure Policy only applied to a "Call" or "Request"); and
- ii. directed the City Clerk to submit directly to Works Committee quarterly reports containing a summary of the Lobbying disclosures submitted by Potential Vendors following the issuance of the Request for Qualifications.

Prior to this direction, Lobbying disclosures were made only at the close of a Call or Request. Under the revisions provided by City Council, potential Respondents are required to report to the City Clerk on an on-going basis any Lobbying as defined in the definition of "Lobbying" from the issuance date of this RFQL until its completion, ie. until written notification of the outcome of the screening of Qualifications Documents is issued to all Respondents.

Potential Respondents are required to utilize the Lobbying Disclosure Form provided in Appendix 6 to disclose Lobbying.

Appendix 1: Residual Municipal Solid Waste Quantity and Composition

Estimated total quantities of Residual MSW for 2007, 2010 and 2012 are presented in Table A1-1. Actual quantities will depend upon future waste generation rates and on the success of new and existing policies, practices and diversion programs. Quantities of Residual MSW may be lower than estimates if the target of 60% at source diversion is exceeded.

Table A1-1: Estimated Total Quantity of Residual MSW by Source

Source	Year		
	2007	2010	2012
Residential: Single-Family	209,000	212,000	214,000
Residential: Multi – Family	170,000	175,000	179,000
A,B,C&Ds	30,000	30,000	30,000
Commercial (Yellow Bag Program)	10,000	10,000	10,000
Total	419,000	427,000	433,000

The constituent material composition of Residual MSW collected from a small sample of single-family residences as part of a waste audit conducted by the City in the spring of 2003, is presented in Table A1-2.

The actual overall composition of the Residual MSW may differ from recent audit results due to:

- i. societal trends in waste generation;
- ii. changes in the relative generation rates between the sources of Residual MSW;
- iii. the nature and success of the City’s existing and future policies, practices and programs for waste reduction and diversion.

The composition of the Residual MSW will also vary over time in response to the schedule of waste collection services provided to the various generating sectors and to seasonal and other environmental factors.

Table A1-2 – Constituent Material Composition of Residual Municipal Solid Waste From Single-Family Residential Sources

Constituent Material Category	Proportion (% wt, as is basis)¹
Paper Fibre	16 - 29
Plastic	13 - 21
Glass	1 - 5
Metal	3 - 6
HSW (household special waste)	< 1
Organics (incl. food & yard waste)	22 - 39
Textiles	5 - 17
Building & Renovation ²	2 - 7
Furniture & Bulky Goods ²	< 1 - 2
Electronics ²	< 1 - 3
Rubber	< 1
Other	3 - 5

Notes:

1. From Etobicoke Waste Composition and Participation Audit Spring 2003, Section 5.5 Residual Waste Collection and Composition tables
2. Due to the limited sample size and duration of the audit, these values may underestimate the actual quantity of these material categories.

The composition of the Residual MSW will vary in response to influences beyond the City's control. Therefore, the City does not guarantee the composition of the Residual MSW, nor does the City guarantee that the Residual MSW will be suitable for any specific type of Conversion Process.

Appendix 2: Residual Municipal Solid Waste Physical and Chemical Properties

The estimated physical and chemical properties of the Residual Municipal Solid Waste are presented in Tables A2-1, A2-2 and A2-3.

The values presented in Tables A2-1, A2-2 and A2-3 are the results of the analysis of samples prepared from Residual MSW collected from a small sample of single-family residences in the spring of 2003. The actual overall physical and chemical properties of the Residual MSW may vary from the values reported herein and will reflect changes in the overall Residual MSW composition, as described in Appendix 1

The physical and chemical properties of the Residual MSW will also vary over time corresponding to changes in composition resulting from seasonal and other factors, as described in Appendix 1

Sample preparation followed the following steps:

- i. removal of large items of inert materials;
- ii. drying;
- iii. coarse grinding;
- iv. manual removal of visible inert materials; and,
- v. fine grinding.

Table A2-1 – Proximate, Ultimate, Energy Content and Halogens Analysis Results

Analysis	Average	90% Confidence Limits ¹		
		one-tailed (<=)	two-tailed (lower)	two-tailed (upper)
Proximate (in % wt)				
Moisture	5.8	6.5	4.8	6.7
Fixed Carbon	9.2	14.1	3.1	15.3
Ash	12.6	14.5	10.3	15
Volatile Matter	72.4	76.1	67.8	77.0
Ultimate (in % wt)				
Elemental Carbon	46.7	47.6	44.2	47.9
Elemental Hydrogen	7.1	7.5	6.7	7.6
Elemental Oxygen	33.1	35.8	29.7	36.5
Elemental Nitrogen	0.8	0.9	0.6	1.0
Elemental Sulphur	0.3	0.4	0.2	0.5
Energy Content (MJ/kg, as is basis)				
High Heating Value	20.1	22.3	17.4	22.8
Low Heating Value	18.6	20.7	15.9	21.3
Halogens				
Elemental Chlorine (in % wt)	0.5	0.6	-	-
Elemental Fluorine (in ug/g)	23.1	42.6	-	-

Notes:

Degrees of Freedom = 7

Table A2-2 – Specific Analysis Results

Metal or Metalloid (ug/g)¹	Average (ug/g)	90% Confidence Limit ² (<=, one-tailed upper)
Arsenic	0.5	0.5
Beryllium	0.5	0.5
Cadmium	0.5	0.5
Cobalt	1.375	2.4
Chromium	33.9	69.9
Mercury	0.5	0.5
Magnesium	1432.3	1902.7
Molybdenum	1.6	3.9
Nickel	9.6	19.3
Lead	44.4	75.4
Antimony	0.5	0.5
Selenium	0.5	0.5
Titanium	119.1	171.6
Vanadium	12.3	15.4
Zinc	263	614.8

Notes:

Results below MDL (1 ug/g) were interpreted as 0.5 ug/g.

Degrees of Freedom = 7

Table A2-3 – Ash Results

Major Oxides (in % wt)	Average (in % wt)	90% Confidence Limit ¹ (≤, one-tailed upper)
Al ₂ O ₃	1.3	1.6
CaO	2.6	3.2
SiO ₂	7.2	8.9
TiO ₂	0.02	0.03
K ₂ O	0.2	0.2
MgO	0.2	0.3
Na ₂ O	0.4	0.4
P ₂ O ₅	0.2	0.3

Notes:

Degrees of Freedom = 7

Appendix 3: Information Sources

Web Addresses

Additional information on the New and Emerging Technologies process at the City of Toronto can be found at www.toronto.ca/net

Request for Expressions of Interest

REOI Document: <http://www.city.toronto.on.ca/tenders/eoi.pdf>

Firms responding to the REOI:

<http://www.city.toronto.on.ca/wes/techservices/involved/swm/net/pdf/sumbission.pdf>

Staff Report on REOI outcome:

http://www.city.toronto.on.ca/wes/techservices/involved/swm/net/pdf/aug15_9155_results.pdf

MacViro Report on REOI:

http://www.city.toronto.on.ca/wes/techservices/involved/swm/net/pdf/oct15_review.pdf

Staff Reports

September 2003

New and Emerging Technologies, Policies and Practices Request for Expressions of Interest No. 9155-03-7283: <http://www.toronto.ca/legdocs/2003/agendas/committees/wks/wks030904/it005.pdf>

New and Emerging Technologies, Policies and Practices Environmental Assessment Timeframe and Workplan:

<http://www.toronto.ca/legdocs/2003/agendas/committees/wks/wks030904/it005a.pdf>

Co-ordinations of waste Diversion and Disposal Initiatives in the Greater Toronto Area (GTA):

<http://www.toronto.ca/legdocs/2003/agendas/committees/wks/wks030904/it036.pdf>

Apartment Working Group on Waste Diversion:

<http://www.toronto.ca/legdocs/2003/agendas/committees/wks/wks030904/it025.pdf>

Update of Task Force 2010 Recommendations:

<http://www.toronto.ca/legdocs/2003/agendas/committees/wks/wks030904/it037.pdf>

January 2003

New and Emerging Technologies, Policies and Practices, Formation of a Citizen and Expert Advisory Group:

<http://www.toronto.ca/legdocs/2003/agendas/committees/wks/wks030108/it003.pdf>

October 2001

Implementation of a Three-Stream System and Other Recommendations of the Waste Diversion Task Force 2010:

<http://www.toronto.ca/legdocs/2001/agendas/committees/wks/wks010910/it004.pdf>

Provincial Environmental Acts, Regulations and Guidelines

- ? Ontario Environmental Assessment Act (EAA)

http://www.e-laws.gov.on.ca/DBLaws/Statutes/English/90e18_e.htm

- ? Ontario Regulation 334, General

http://www.e-laws.gov.on.ca/DBLaws/Regs/English/900334_e.htm

- ? Ontario Regulation 116/01 for electricity projects

http://www.e-laws.gov.on.ca/DBLaws/Regs/English/010116_e.htm

- ? Ontario Environmental Protection Act (EPA)

http://www.e-laws.gov.on.ca/DBLaws/Statutes/English/90e19_e.htm

- ? Ontario Regulation 347, General – Waste Management Regulation

http://www.e-laws.gov.on.ca/DBLaws/Regs/English/900347_e.htm

- ? Ontario Regulation 346, General – Air Pollution

http://www.e-laws.gov.on.ca/DBLaws/Regs/English/900346_e.htm

- ? Guideline A-7 – Combustion and Air Pollution Control Requirements for New Municipal Waste Incinerators

<http://www.ene.gov.on.ca/envision/gp/1746e.htm>

- ? Ontario Regulation 127/01, Airborne Contaminant Discharge Monitoring And Reporting

http://www.e-laws.gov.on.ca/DBLaws/Regs/English/010127_e.htm

- ? Ontario Regulation 337, Ambient Air Quality Criteria.

http://www.e-laws.gov.on.ca/DBLaws/Regs/English/900337_e.htm

- ? Guideline for the Production and Use of Aerobic Compost in Ontario

http://www.e-laws.gov.on.ca/DBLaws/Regs/English/940101_e.htm

? Ontario Water Resources Act

http://www.e-laws.gov.on.ca/DBLaws/Statutes/English/90o40_e.htm

? Environmental Bill of Rights

? http://www.e-laws.gov.on.ca/DBLaws/Statutes/English/93e28_e.htm

For other MOE publications can be found at:

http://www.ene.gov.on.ca/envision/index_publ.htm

Inquiries can be submitted to the Environmental Assessment and Approvals Branch of the MOE, at the following address:

2 St.Clair Ave. West
Floor 12A
Toronto, ON M4V 1L5
Toll free: 1-800-461-6290
Tel: (416) 314-8001
Fax: (416) 314-8452

Canadian Environmental Acts, Regulations and Guidelines

? Canadian Environmental Assessment Act

<http://laws.justice.gc.ca/en/C-15.2>

City of Toronto Bylaws

? City Sewer Bylaw

http://www.city.toronto.on.ca/legdocs/municode/1184_681.pdf

? City Noise Bylaw

<http://www.city.toronto.on.ca/legdocs/bylaws/2003/law0111.pdf>

Appendix 4: Proposed Requirements at the Request for Qualifications Documents Stage

The Request for Proposals may employ a two-envelope system, as follows:

- i. Envelope 1: Technical Proposal, containing mandatory requirements and information requirements corresponding to evaluation criteria intended to score the Respondent's technological, financial, project development and operational capabilities; and,
- ii. Envelope 2: Sealed Price Proposal, containing the price information specified in the RFP.

Proposed mandatory requirements against which proposals will be screened and information requirement, against which proposals will be evaluated, are presented below. Respondents are invited to present comments on the proposed RFP requirements as optional information in section 2 of the Qualifications Document.

Notes:

[1] = applies to Option 1 only

[2] = applies to Option 2 only

[1,2] = applies to Options 1 and 2

Mandatory Requirements

1. Mandatory Securities Requirement

- i. a Bid Bond; [1,2]
- ii. an Agreement to provide Performance and Labour and Materials bonds for the Design and Construction of the Research Facility, each in the amount of 50% of the combined Design and Construction Phase costs; [1]
- iii. an Agreement to provide a Letter of Credit for the operation of the Research Facility in the amount of 50% of one Operating Year's fees [1]
- iv. an Agreement to provide a Letter of Credit to compensate the City for costs of remediating the Facility, including removal of Residual MSW, products and Emissions, in the event of a default by the Contractor [2]

2. Other Mandatory Requirements

- i. agreement to provide unrestricted access to the Facility and operating data; [1,2]
- ii. operating data from a reference facility, including Emissions data, reviewed by an independent third party; [1,2]
- iii. must be legally capable of doing business in Ontario; [1,2]
- iv. agreement that laws of Ontario apply; [1,2]
- v. agreement that all financial transactions between the City and the Contractor will be in Canadian currency. [1,2]

Information Requirements for the Evaluation Criteria

1. Proponent Description

- i. a brief history of all firms and companies involved in the Qualifications Document including all consortium members or joint venture partners – describing the types of services provided by each firm. Include date and province of incorporation, names of directors/offices, organizational structure, listing of current contracts/customers [1,2]
- ii. a description of services being offered including tonnage of Residual Municipal Solid Waste to be processed, products to be marketed, discharge of Effluent, and final disposal for Process Solid Residue [1,2]

2. Facility Description

- i. location plan of the Facility including haulage routes from Toronto transfer stations [2]
- ii. overview of design concept of facility, physical layout of the Facility with site plans [1,2]
- iii. description of Pre-conversion Operations, Conversion Process operations and Emissions control and treatment systems, including, equipment involved, process flow diagrams, mass balances showing intermediate material states, and all products and Emissions resulting from the process [1,2]
- iv. operating requirements of the Facility – operations plans, staffing, maintenance, utilities consumption, effluent discharges, contingency plans, emergency response [1,2]
- v. qualitative and quantitative description of products and Emissions resulting from the process and control and treatment equipment required for treatment of Emissions [1,2]

3. Technological Capability

- i. independent third party verification of the operation of one or more technology reference facilities including verification of Atmospheric Emissions [1,2]

4. Financial Capability

- i. financial information that should include audited financial statements for all consortium / Joint Venture partners or, if audited financial statements not available, a review of engagement provided by an independent auditor [1,2]

5. Project Development Capability

- i. work breakdown structure showing major project tasks with start and completion dates [1]

6. Operating Capability

- i. information on relevant projects to illustrate experience and capability to operate/manage and maintain a project of this nature [1,2]
- ii. project team experience with a brief description of roles and responsibilities for each of its team members [1,2]
- iii. organizational chart illustrating roles of team members at various stages in the design, construction, commissioning and operation of the Facility [1]

**APPENDIX 5: MANDATORY INFORMATION SUBMISSION REQUIREMENTS
FORMS**

List of Forms

TECHNOLOGY INFORMATION FORM T1: SOLICITED TECHNOLOGY

TECHNOLOGY INFORMATION FORM T2: TECHNOLOGY REFERENCE FACILITY
IDENTIFICATION

TECHNOLOGY INFORMATION FORM T3: TECHNOLOGY REFERENCE FACILITY
CONTACT INFORMATION

TECHNOLOGY INFORMATION FORM T4: TECHNOLOGY REFERENCE FACILITY
PROCESSING OPERATIONS BLOCK DIAGRAM

TECHNOLOGY INFORMATION FORM T5: ABILITY TO COMPLY WITH REGULATORY
REQUIREMENTS

PROJECT DEVELOPMENT FORM PD1: PROJECT DEVELOPMENT REFERENCE FACILITY
IDENTIFICATION

PROJECT DEVELOPMENT FORM PD2: PROJECT DEVELOPMENT REFERENCE
FACILITY CONTACT INFORMATION

OPERATING CAPABILITY FORM OP1: FACILITY OPERATIONS REFERENCE
FACILITY IDENTIFICATION

OPERATING CAPABILITY FORM OP2: FACILITY OPERATIONS REFERENCE
FACILITY CONTACT INFORMATION

ACCESS AND INFORMATION FORM A&I1

Technology Information Form T1 – Solicited Technology

The Respondent is to assign their proposed Conversion Process to one of the categories of solicited New and Emerging Technologies in the Table below.

Categorization to be based on the type of Conversion Process.

The completed Form T1 is to be included in Section 1 of the Qualifications Document.

Table: Solicited Technology

Technology Name	
Conversion Process Category (Select all that apply)	Technology Sub-category
<input type="checkbox"/> Physical process	Describe Key Physical Processes Below:
Waste conversion achieved through application of physical operations only.	
<input type="checkbox"/> Biological process	Select from the following list
Waste conversion achieved through application of biological processes with or without ancillary physical operations.	Choose One
	If Other, describe:
<input type="checkbox"/> Chemical process	Describe Key Chemical Processes Below:
Waste conversion is achieved through application of chemical processes with or without ancillary physical operations.	
<input type="checkbox"/> Thermal process	Select from the following list
Waste conversion is achieved through application of heat with or without ancillary physical processes and a synthesis gas is produced and pre-treatment of synthesis gas is undertaken prior to thermal oxidation.	Choose One

Technology Information Form T2 –Technology Reference Facility Identification

The Respondent is to identify a technology reference facility in the Table below.

The completed Form T2 is to be included in Section 1 of the Qualifications Document.

A separate T2 form is to be completed for each technology reference facility.

Table: Technology Reference Facility Identification

Technology Reference Facility Name

Location	Street	Postal/Zip Code
	City	
	Country	
Facility is located in the host jurisdiction of (eg. City / Region / County etc):		
The Facility is regulated by the following government agencies responsible for environmental protection:		
Federal Level:		
Province / State Level:		
Local Municipal Level (City / Region / County etc):		

Technology Reference Facility Description		
New and Emerging Technology Category (Must agree with Form T1) choose		
Processing Capacity	Units (eg. tonnes / yr)	Quantity
Design Capacity		
Operating Capacity		

Type, Source and Quantity of Waste Processed at Reference Facility		
Waste Type	Source of Waste	Quantity of Waste Processed in Previous Twelve (12) Months
Mixed Municipal Solid Waste ¹		
Residual Municipal Solid Waste ²		
Other (describe)		
Total		

Notes:

1. Means no at-source separation by the waste generator.
2. Means waste is separated at-source by the waste generator.

**Technology Information Form T3 -
Technology Reference Facility Contact Information**

The Respondent is to provide contact information for the technology reference facility in the Table below.

The completed Form T3 is to be included in Section 1 of the Qualifications Document.

A separate T3 form is to be completed for each technology reference facility.

Table: Technology Reference Facility Contact Information

Contact Information for Reference Facility Owner	
Contact Name:	
Contact Title:	
Address: Street	Telephone #:
Address: City	Fax #:
Address: Postal Code	E-mail Address:
Address: Country	

Contact Information for Reference Facility Operator (if different from above)	
Contact Name:	
Contact Title:	
Address: Street	Telephone #:
Address: City	Fax #:
Address: Postal Code	E-mail Address:
Address: Country	

Contact Information for Reference Facility Environmental Regulatory Agency	
Contact Name:	
Contact Title:	
Address: Street	Telephone #:
Address: City	Fax #:
Address: Postal Code	E-mail Address:
Address: Country	

Contact Information For Reference Facility Host Jurisdiction	
Contact Name:	
Contact Title:	
Address: Street	Telephone #:
Address: City	Fax #:
Address: Postal Code	E-mail Address:
Address: Country	

**Technology Information Form T4 -
Technology Reference Facility Processing Operations Block Diagram**

The Respondent is to provide a processing operations block diagram for the technology reference facility in the format provided below.

The completed Form T4 is to be included in Section 1 of the Qualifications Document.

A separate T4 form is to be completed for each technology reference facility.

Processing Operations Block Diagram

Waste Type Received

†

Processing Operation #

†

†

Products	
Solid	
Liquid	
Gas	
Residue	
Solid	
Liquid	
Gas	

†

Intermediate Material Type

†

Processing Operation #

†

†

Products	
Solid	
Liquid	
Gas	
Residue	
Solid	
Liquid	
Gas	

†

Intermediate Material Type

†

Processing Operation #

†

†

Products	
Solid	
Liquid	
Gas	
Residue	
Solid	
Liquid	
Gas	

†

Intermediate Material Type

†

Processing Operation #

†

†

Products	
Solid	
Liquid	
Gas	
Residue	
Solid	
Liquid	
Gas	

Technology Information Form T5 – Ability to Comply with Environmental Regulatory Requirements

Most commonly applicable environmental regulatory requirements are listed in the Table below. Other requirements may be applicable to the specific technology proposed by the Respondent. Respondents are to make their own determination of the applicability of environmental regulations to facilities employing their proposed technology.

The Respondent must confirm that the proposed New and Emerging Technology is capable of complying with existing applicable environmental requirements using the table below.

The completed Form T5 is to be included in Section 1 of the Qualifications Document.

Table: Commonly Applicable Provincial Environmental Regulatory Requirements

Provincial Environmental Approval	Corresponding Regulation / Guideline	Applicability	If not applicable, provide reason.
Environmental Assessment Act	O. Reg. 334 – General	<input type="checkbox"/> Yes <input type="checkbox"/> No	
	O. Reg. 116 – Electricity Projects	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Environmental Protection Act, Part V Section 27	O.Reg. 347 General - Waste Management	<input type="checkbox"/> Yes <input type="checkbox"/> No	
	Interim Guideline for the Production and Use of Aerobic Compost in Ontario, 1991.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Environmental Protection Act, Part II, Section 9	O. Reg. 346 General – Air Pollution	<input type="checkbox"/> Yes <input type="checkbox"/> No	
	Guideline A-7 – Combustion and Air Pollution Control Requirements for New Municipal Waste Incinerators	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Other (as determined the Respondent)		<input type="checkbox"/> Yes <input type="checkbox"/> No	

Table: Applicable Municipal Approvals

Municipal Approval	Applicability	If not applicable, provide reason.
City Sewer Bylaw, Municipal Code 1184 Chapter Section 681	<input type="checkbox"/> Yes <input type="checkbox"/> No	
City Noise Bylaw, Municipal Code Chapter 591	<input type="checkbox"/> Yes <input type="checkbox"/> No	

Respondent Name:

We confirm that we have reviewed the existing environmental regulatory framework and confirm that the technology we are proposing is capable of satisfying the applicable regulatory requirements:

Name (please print)		Date (yyyy-MM-dd)

Project Development Form PD1 – Project Development Reference Facility Identification

The Respondent is to identify a project development reference facility in the Table below.

The completed Form PD1 is to be included in Section 1 of the Qualifications Document.

A separate PD1 form is to be completed for each project development reference facility.

Table: Project Development Reference Facility Identification

Project Name	
Project Type	
Brief Project Description	
Location	
Owner	
Operator	
Capital Cost (in 2003 \$ Cnd, excluding land purchase)	
Design, Construction, Commissioning Completion Date	(yyyy-mm-dd)

**Project Development Form PD2 –
Project Development Reference Facility Contact Information**

The Respondent is to provide contact information for the project development reference facility in the Table below.

The completed Form PD2 is to be included in Section 1 of the Qualifications Document.

A separate PD2 form is to be completed for each project development reference facility.

Table: Project Development Reference Facility Contact Information

Contact Information for Reference Facility Owner	
Contact Name:	
Contact Title:	
Address: Street	Telephone #:
Address: City	Fax #:
Address: Postal Code	E-mail Address:
Address: Country	

Contact Information for Reference Facility Operator (if different from above)	
Contact Name:	
Contact Title:	
Address: Street	Telephone #:
Address: City	Fax #:
Address: Postal Code	E-mail Address:
Address: Country	

Contact Information for Reference Facility Environmental Regulatory Agency (if applicable)	
Contact Name:	
Contact Title:	
Address: Street	Telephone #:
Address: City	Fax #:
Address: Postal Code	E-mail Address:
Address: Country	

Contact Information for Reference Facility Host Jurisdiction	
Contact Name:	
Contact Title:	
Address: Street	Telephone #:
Address: City	Fax #:
Address: Postal Code	E-mail Address:
Address: Country	

Operating Capability Form OP1 – Facility Operations Reference Facility Identification

The Respondent is to identify a facility operations reference facility in the Table below.

The completed Form OP1 is to be included in Section 1 of the Qualifications Document.

A separate OP1 form is to be completed for each reference facility.

Table: Facility Operations Reference Facility Identification

Name Reference Facility

Location	Street	
	City	Postal/Zip Code
	Country	
Facility is located in the host jurisdiction of (eg. City / Region / County etc):		
The Facility is regulated by the following government agencies responsible for environmental protection:		
Federal Level:		
Province / State Level:		
Local Municipal Level (City / Region / County etc):		

Reference Facility Description		
Type of Waste Management Activity choose...If activity is processing choose		
Capacity	Units (e.g. tonnes / yr)	Quantity
Design Capacity		
Operating Capacity		

Type, Source and Quantity of Waste Processed at Reference Facility		
Waste Type	Source of Waste	Quantity of Waste Processed in Previous Twelve (12) Months
Mixed Municipal Solid Waste¹		
Residual Municipal Solid Waste²		
Other (describe)		
Notes:		
1. No at source separation by waste generator		
2. At source separation by waste generator		

**Operating Capability Form OP2 –
Facility Operations Reference Facility Contact Information**

The Respondent is to provide contact information for the facility operations reference facility in the Table below.

The completed Form OP2 is to be included in Section 1 of the Qualifications Document.

A separate OP2 form is to be completed for each reference facility.

Table: Facility Operations Reference Facility Contact Information

Contact Information for Reference Facility Owner	
Contact Name:	
Contact Title:	
Address: Street	Telephone #:
Address: City	Fax #:
Address: Postal Code	E-mail Address:
Address: Country	

Contact Information for Reference Facility Operator (if different from above)	
Contact Name:	
Contact Title:	
Address: Street	Telephone #:
Address: City	Fax #:
Address: Postal Code	E-mail Address:
Address: Country	

Contact Information for Reference Facility Environmental Regulatory Agency	
Contact Name:	
Contact Title:	
Address: Street	Telephone #:
Address: City	Fax #:
Address: Postal Code	E-mail Address:
Address: Country	

Contact Information for Reference Facility Host Jurisdiction	
Contact Name:	
Contact Title:	
Address: Street	Telephone #:
Address: City	Fax #:
Address: Postal Code	E-mail Address:
Address: Country	

Access and Information Form A&I1

The Respondent must confirm that it will provide to the City all information produced from the operation of the Small Scale Research Facility and will not restrict the City’s ability to copy, distribute, publish or report the information.

The Respondent must confirm that the City and its designates will have unrestricted access to view the Facility during normal hours of operation.

The completed Form A&I1 is to be included in Section 1 of the Qualifications Document.

Respondent Name:

We confirm that we are willing to provide to the City all information on the operation of the Small Scale Research Facility without exception and will place no restriction on the City’s abilities to copy, distribute, publish or report the information, and we also confirm that we will allow the City and its designates unrestricted access to view the Facility during normal hours of operation:

Name (please print)	Signature	Date (yyyy-MM-dd)



City of Toronto Purchasing Policies

1. Re-employment of Former Employees after Reorganization (2 pages)
2. Declaration of a Non-Discrimination Policy (2 pages)
3. Environmentally Responsible Procurement Statement (1 page)
4. Fair Wage Policy (4 pages)
5. Labour Trades Contractual Obligations in the Construction Industry Policy (2 pages)
6. Occupational Health and Safety Statutory Declarations (3 pages)
7. Municipal Freedom of Information and Protection of Privacy Act (1/2 page)
8. Conflict of Interest Policy (1/2 page)
9. Restrictions On The Hiring And Use Of Former City Of Toronto Management Employees For City Contracts (1 page)
10. Interprovincial Fairness Legislation (2 pages)
11. Lobbying Disclosure (2 pages)
12. Notice of No Submission Form (1 page)



Re-Employment of Former Employees after Reorganizing

Policy Statement

From time to time the City of Toronto may implement special programmes to meet downsizing and reorganizing objectives. The intent of these programmes is to permanently reduce the size of the workforce. The City therefore restricts the rehiring of former employees who have taken advantage of these programmes.

Application

This policy applies to all former employees who have left under a voluntary or position termination separation programme or with any form of retirement incentive.

Definitions

Separation Programme: A special programme offering financial incentives that is introduced to meet downsizing or reorganizing objectives.

Retirement Incentive ., Any financial incentive that facilitates early retirement.

Former Employees: All employees who have left any of the predecessor municipalities or their agencies, boards or commissions. All employees who leave the present City of Toronto or any of its special-purpose bodies.

Conditions

Former employees who have taken part in a separation programme or received a retirement incentive cannot be rehired by the City or any of its special-purpose bodies, for a period of Two (2) Years starting from an employee's separation date. Any employee who is rehired after the two-year period is considered a "new" employee in terms of salary, benefits and seniority.

Former employees who have taken part in a separation programme or received a retirement package and subsequently *work* as consultants are also prohibited from participating in projects directly or indirectly related to the City or its special-purpose bodies for a period of two years.

For example, such a former employee may not work in the following consulting roles:

- ? an individual working as an independent consultant,
- ? an individual working for a consulting firm-, i. e., the firm may bid on City contracts but may not involve a former employee on the project,
- ? an individual working for a firm that has been subcontracted by another consulting firm to perform a specific component of a contract.

An individual may be rehired under extenuating circumstances *before* the *two-year period expires*, for example, when a former employee with specialized skills and/or experience is required to work on a special project. The individual would be hired on a short-term basis for not more than Six (6) Months.

Any rehiring must be recommended by the Chief Administrative Officer and requires the approval of City Council.

Implementation

When former employees apply for positions at the City or at its special-purpose bodies, recruiters should check employment records to determine if they left the City or a special-purpose body with separation packages or retirement incentives.

A standard clause should be inserted in all consulting contracts awarded by the City and its special purpose bodies to ensure compliance with the rehiring policy. This clause would prohibit any consulting company from utilizing former employees who received a separation package from working on any project related to the City, within two years of their terminations- Requests for Proposals should include this information so that consulting *companies are* informed of this condition, before submitting their Proposals.

In exceptional circumstances when a manager wishes to rehire a former employee who took part in separation programme, he/she must submit a memo to the Executive Director of Human Resources.

This memo should include the following information.,

- ? an outline of the work to be done,
- ? the duration of the project,
- ? the particulars of the individual's separation,
- ? the rationale for rehiring the individual before the end of the two-year period.

A copy of the memo and approval should be sent to the Staffing Unit in Employment Services.

Any former employee who is rehired within two years is employed under the following terms:

- ? on a contract basis if in a management or excluded position,
- ? on a temporary or casual status if in a bargaining-unit position.

Content Approved by: Senior Management Team

Date: June 1999

Related Information: Strategic Policies and Priorities Committee (Report No- 2 Clause 2), February 1998

Definitions:

**Aboriginal/
First Nations
of Canada:**

A person is an Aboriginal person if he or she is a member of the Indian, Inuit or Metis peoples of Canada.

Disability:

A person is a "person with a disability" if the person has a persistent physical, mental psychiatric, sensory or learning impairment and,

- (i) the person considers himself or herself to be disadvantaged in employment by reason of that impairment, or -
- (ii) the person believes that an employer or potential employer is likely to consider the person to be disadvantaged in employment by reason of that impairment.

Race:

A person is a member of a racial minority if the person is, because of his or her race or colour. in a visible minority in Canada. The fact that a person is an Aboriginal person does not make him or her a member of a racial minority

Environmentally Responsible Procurement Statement

The City of Toronto Environmentally Responsible Procurement Policy encourages bidders to also offer products/services that are environmentally preferred.

Environmentally preferred products/services offered must be competitive in cost, conform to specifications, performance requirements and, be suitable for the intended application as determined by the using department(s)

Environmentally preferred products/services are those such as durable products, reusable products, energy efficient products, low pollution products/services, products (including those used in services) containing maximum levels of post-consumer waste and/or recyclable content, and products which provide minimal impact to the environment.

An environmentally preferred product is one that is less harmful to the environment than the next best alternative having characteristics including, but not limited to the following:

1. Reduce waste and make efficient use of resources: An Environmentally Preferred Product would be a product that is more energy, fuel, or water efficient, or that uses less paper, ink, or other resources. For example, energy-efficient lighting, and photocopiers capable of double-sided photocopying.
2. Are reusable or contain reusable parts: These products such as rechargeable batteries, reusable building partitions, and laser printers with refillable toner cartridges.
3. Are recyclable: A product will be considered to be an Environmentally Preferred Product if local facilities exist capable of recycling the product at the end of its useful life.
4. Contain recycled materials: An Environmentally Preferred Product contains post-consumer recycled content. An example is paper products made from recycled post-consumer fibre.
5. Produce fewer polluting by-products and/or safety hazards during manufacture, use or disposal: An EPP product would be a non-hazardous product that replaces a hazardous product.
6. Have a long service-life and/or can be economically and effectively repaired to upgraded.

Bidders shall if requested, provide written verification of any environmental claims made in their bid/proposal satisfactory to the City of Toronto within five (5) working days of request at no cost to the City. Verification may include, but not be limited to, certification to recognized environmental program (e.g., Environmental Choice Program [ECP]), independent laboratory tests or manufacturer's certified tests, Only proven environmentally preferred products/services shall be offered. Experimental or prototype products/services will not be considered.

For a copy of *the* City of Toronto Environmentally Responsible Procurement Policy, contact the Finance Department Purchasing and Materials Management Division at (416) 392-7303 or (416) 392-1302.

State if environmentally preferred products/service is being offered: YES _____ NO _____

State briefly the environmental benefit of the product/service offered:

FAIR WAGE POLICY*

A1. Definitions.

As used in this Fair Wage Policy, the following terms have the meaning indicated:

CONTRACT – A legal, business agreement between the City of Toronto and the Contractor to perform work or services or in the provision of materials and supplies.

CONTRACTORS – The prime contractor with the City of Toronto performing work or services in the execution of the Contract.

FAIR WAGE SCHEDULE – Stipulated rates of pay for different classifications of work produced and obtainable from the Fair Wage Office.

FIELD WORK – All work in performance of the Contract that is not shop work.

FRINGE BENEFITS – Includes such benefits as company pension plans, extended health care benefits, dental and prescription plans, etc. It does NOT include legislated payroll deductions such as C.P.P., E.H.T., W.S.I.B. or E.I.C.

NON-COMPLIANCE – The occurrence of any of the following conditions:

- (1) Contractor fails to co-operate with the Manager, Fair Wage Office in fulfilling his/her responsibilities under the Fair Wage Policy and the Labour Trades Contractual Obligations in the Construction Industry.
- (2) Sub-contractor fails to co-operate with the Manager, Fair Wage Office in fulfilling his/her responsibilities under the Fair Wage Policy and the Labour Trades Contractual Obligations in the Construction Industry.
- (3) Contractor or Sub-contractor has been found in violation of the Fair Wage Policy (non-compliance applies to both Contractor and Sub-Contractor).
- (4) Contractor has been found in violation of the Labour Trades Contractual Obligations in the Construction Industry.
- (5) Sub-contractor has been found in violation of the Labour Trades Contractual Obligations in the Construction Industry.

SHOP WORK – Any work in performance of the Contract that is done in or at any factory, foundry, shop or place of manufacture not located at or upon the site of the work, and not operated solely for the purpose of the work.

SUB-CONTRACTORS – Any agent of the prime contractor or any Sub-contractor hired to perform any of the work or services in the execution of the Contract.

WAGES or RATE OF WAGES – Includes the hourly rate, vacation and holiday pay and any applicable amount for fringe benefits shown in the current Fair Wage Schedule, to be paid to the worker as part of the worker's wages or for the worker's benefit provided for in any collective agreement applicable to that worker.

WORKERS – Includes mechanics, workers, labourers, owners and drivers of a truck or other vehicle employed in the execution of the Contract by the Contractor or by any Subcontractor under them and clerical staff.

* Fair Wage Policy – (extracted from Schedule A of the City of Toronto Municipal Code, Chapter 67)

FW R(07/03)

A2. Purpose and History, Fair Wage Policy.

- A. The Fair Wage Policy has a central principle the prohibition of the City doing business with Contractors, Sub-contractors and suppliers who discriminate against their workers.
- B. Originally implemented in 1893 to ensure that contractors for the City paid their workers the union rates or, for non-union workers, the prevailing wages and benefits in their field, the Fair Wage Policy has expanded over the years to other non-construction classifications such as clerical workers.
- C. The Policy also requires compliance with acceptable number of working hours and conditions of work in order to protect the rights of workers.

A3. Intent, Fair Wage Policy.

The intent of the Fair Wage Policy can be summarized as follows:

- (1) To produce stable labour relations with minimal disruption.
- (2) To compromise between the wage differentials of organized and unorganized labour.
- (3) To create a level playing field in competitions for City work.
- (4) To protect the public; and
- (5) To enhance the reputation of the City for ethical and fair business dealings.

A4. Establishment of Rates.

- A. Establishing fair wage rates and schedules are intended to minimize potential conflicts between organized and unorganized labour in the tendering and awarding of civic contracts.
- B. Fair Wage rates are established through discussion with employee and employer groups and associations (having both union and non-union members).
- C. These rates are reviewed by the above-noted groups and are recommended to Council, by the Manager, Fair Wage Office for approval on a regular basis.
- D. Certain designated construction related rates are based on the lowest rate established by collective bargaining, while the wage rates for other classifications are based on market and industrial surveys in accordance with the prevailing wages for non-union workers in the geographic area.
- E. Similarly, the City encourages contractors to hire and train apprentices under approved programs.
- F. In this regard, guidance on appropriate fair wage rates (including an appropriate factor for apprenticeship programs for construction related trades) will be sought from employee and employer groups as part of establishing Fair Wage Schedules.

A5. City of Toronto Council References.

- A. City of Toronto Council, by the adoption of Corporate Services Committee Report No. 13, Clause No. 1, as amended, at its meeting of October 1 and 2, 1998, directed that the Fair Wage Policy of the former Municipality of Metropolitan Toronto be adopted for all City Departments, Agencies, Board and Commissions and replace all existing fair wage policies of the former local municipalities.
- B. City of Toronto Council, by the adoption of Administration Committee Report No. 7, Clause No. 1, as amended, at its meeting of June 18, 19 and 20, 2002, directed that certain changes be made to the Fair Wage Policy and Procedures.
- C. City of Toronto Council, by the adoption of Administration Committee Report No. 5, Clause No. 2, as amended at its meeting of June 24, 25 and 26, 2003 directed that certain further changes be made to the Fair Wage Policy and Procedures, and to the Fair Wage Rate Schedule.

A6. Application.

- A. The provisions of the Fair Wage Policy apply equally to contractors and all sub-contractors engaged in work for the City of Toronto. It is understood that contractors cannot sub-contract work to any sub-contractor at a rate lower than called for in the Fair Wage Policy. Contractors or general contractors will be responsible for any violations or non-compliance issues arising from the engagement of any sub-contractor on City work.
- B. The fair wage rates do not apply to small businesses, typically those with owner-operators, or partnerships, or principals of companies as long as they undertake the work themselves.
- C. It should be noted that under the above City of Toronto Council Reference authorities, the conditions of the Fair Wage Policy cannot be waived, unless authorized by Council to do so.

* Fair Wage Policy – (extracted from Schedule A of the City of Toronto Municipal Code, Chapter 67)

FW R(07/03)

A7. Contractor and Sub-contractor Responsibilities.

- A. The contractor or sub-contractor shall not discriminate against workers or applicants for employment as workers because of race, creed, colour, national origin, political or religious affiliation, sex, sexual orientation, age, marital status, family relationship or disability.
- B. The contractor shall at all times comply with the *Occupational Health and Safety Act* and its regulations and take every precaution reasonable in the circumstances for the protection of workers. If the contractor sub-contracts any or all of the work or services to be performed, the contractor will ensure the sub-contractors are qualified to perform the work or services and comply with the *Occupational Health and Safety Act* and its regulations.
- C. The contractor or sub-contractor shall pay or cause to be paid weekly or biweekly to every worker employed in the execution of the contract (and shall see that every owner of a truck or other vehicle employed by the contractor or by any subcontractor in the execution of the contract shall pay, or cause to be paid, weekly or biweekly to each of the owner's drivers) wages at the following rates, namely:
 - (1) For workers employed in shop work:
 - (a) the Union rate of wages in the particular district or locality in which the work is undertaken for any class or work in respect of which there is such Union rate; and
 - (b) for any class of work for which there is no such Union rate, the rate of wages shall be the rate of wages, as determined by the Manager, Fair Wage Office prevailing in the particular district or locality in which the work is undertaken.
 - (2) For workers employed in field work:
 - (a) where the contractor or sub-contractor is in contractual relationship with a Union recognized by the Ontario Labour Relations Board as the bargaining agent for the relevant workers, the applicable rate of wages set out in the collective agreement.
 - (b) where there is no such contractual relationship, a rate not less than that set out for such work in the Schedule of Wage Rates filed by the Manager, Fair Wage Office, with the City Clerk of the Corporation after being first approved by Toronto Council (hereinafter called "the Fair Wage Schedule"); and,
 - (c) for any class of work for which there is no rate, the rate of wages shall be the rate of wages, as determined by the Manager, Fair Wage Office, prevailing in the particular district or locality in which the work is undertaken.
- D. The contractor and sub-contractor shall:
 - (1) At all times keep a list of the names and classifications of all workers employed in the work, the hourly rate and hours worked per day and a record of the amounts paid to each.
 - (2) From time to time, if demanded by the Manager, Fair Wage Office, furnish a certified copy of all paysheets, lists, records and books relating to the work and keep the originals thereof open at all times for examination by the Manager; and
 - (3) At all times furnish and disclose to the said Manager any other information respecting wages of workers that may be desired by the Manger in connection with the work.
 - (4) The Fair Wage Office will have the authority to request any information respecting wages of workers, names of workers, records of amounts paid to each, paysheets, original books, etc. that may be desired by the Manager in connection with a contract that has been substantially completed within the past six months.
 - (5) Failure to co-operate will be considered non-compliance with the Fair Wage Policy.
- E. The contractor or sub-contractor shall not compel or permit any worker engaged for the Work to work more than the number of hours per day and the number of hours per week set out in the Fair Wage Schedule for the particular type of work involved except in case of emergency, and then only with the written permission of the Commissioner or head of the Department having charge of the work or the person then acting as such.

* Fair Wage Policy – (extracted from Schedule A of the City of Toronto Municipal Code, Chapter 67)
FW R(07/03)

A8. Manager, Fair Wage Office, Responsibilities.

- A. In case of a jurisdictional dispute or dispute as to rate of wages to be paid under the contract or as to the amount to be paid to any worker, the decision of the Manager, Fair Wage Office, shall be final and binding upon all parties.
- B. If the contractor or sub-contractor fails to pay any worker (or if any owner of a truck or other vehicle fails to pay any driver) wages at the rate called for in paragraph (D), the Corporation may charge an administrative fee not in excess of fifteen percent of the balance necessary to make up the amount that should have been paid from the contractor's progress draw or holdback, and may pay the worker(s) directly for any back-wages owing directly from the contractor's progress draw or holdback.
- C. If the contract is to be for the purchase of supplies or materials to which the provisions in Subsection A7 respecting the rates of wages to be paid to workers engaged in shop work and field work do not apply, Toronto Council will, before awarding same, cause to be secured from the Manager, Fair Wage Office, a recommendation as to whether or not the tenderer or bidder maintains a fair wage level.
- D. If a tenderer or bidder is found not to comply with the Fair Wage Policy the Manager may recommend the next lowest bidder for contract award in the following circumstances:
 - (1) an investigation is underway and the firm does not co-operate in providing timely information requested by the Manager, Fair Wage Office in fulfilling his/her responsibilities under the Fair Wage Policy and the Labour Trades Contractual Obligations in the Construction Industry and operationally, the provision of goods and/or services cannot be delayed.
 - (2) a contractor or sub-contractor is in violation of the Fair Wage Policy and has not paid restitution to its workers.
 - (3) a contractor or sub-contractor is unable to comply with the City of Toronto Labour Trades Contractual Obligations in the construction industry.
- E. Workers engaged in clerical office work are to be paid a rate of wages no less than the surveyed standard for each classification of worker for the particular industry at the time of tendering.
- F. The contractor and sub-contractor MUST display legible copies of this "Fair Wage Policy" in a prominent position in his/her workshop(s), accessible to all employees.
- G. The contractor shall attach to all accounts rendered for payment of money upon the contract, as requested by the Manager, Fair Wage Office and for the final account, a declaration affirming that the requirements of the foregoing paragraphs have been fully complied with.

A9. Disqualification Provisions.

- A. When a contractor or any sub-contractor is found to be in non-compliance with the provisions of the Fair Wage Policy in two separate instances over a period of three years inclusive, the Manager, Fair Wage Office must report and may recommend to the Administration Committee that the said contractor or sub-contractor be disqualified from conducting business with the City for a period of two (2) years inclusive.
- B. After the disqualifying period is over, the said contractor or sub-contractor will be placed on probation for the next contract year. If another non-compliance violation occurs, the Manager, Fair Wage Office must report and may recommend to the Administration Committee that the said contractor or sub-contractor be disqualified from conducting business with the City for an indefinite period of time.
- C. All non-compliance activities (including firm names) and disqualification statistics will be reported to Council annually. Disqualified firms will be published on the City's web site.

* Fair Wage Policy – (extracted from Schedule A of the City of Toronto Municipal Code, Chapter 67)
FW R(07/03)

Labour Trades Contractual Obligations in the Construction Industry*

B1. Legislative Applicability of Labour Trades Obligations.

The mandatory Labour Trades provisions for municipalities bound by province-wide collective agreements are separate from Fair Wage Policy established, monitored and enforced by the City. Central to any understanding of municipal obligations to Labour Trades, is that the City has no discretion in setting wage rates or in using union labour for certain trades performing work for the City. This is by virtue of the Province-wide collective agreements applicable to trades in the Industrial, Commercial and Institutional (ICI) and Residential sectors and other negotiated collective agreements in other sectors of the construction industry.

The Province-wide collective agreements are binding on all employers in the sector. The former City of Toronto was first considered an “employer” when the relevant unions obtained bargaining rights beginning in 1978. As a result, subject to the jurisdiction of the collective agreements, union workers must be used for contracted-out work. The use of union sub-contractors for municipal building projects is also required in most cases.

B2. Current Labour Trades Contractual Obligations in the Construction Industry.

- A. The City of Toronto is bound by the current province-wide collective agreements with respect to the Industrial, Commercial and Institutional sectors of the construction industry between:
- (1) The Carpenters’ Employer Bargaining Agency and the Ontario Provincial Council, United Brotherhood of Carpenters and Joiners of America.
 - (2) The Mechanical Contractors Association of Ontario and the Ontario Pipe Trades Council of the United Association of Journey-men and Apprentices of the Plumbing and Pipe-Fitting Industry of the United States and Canada.
 - (3) The Electrical Trade Bargaining Agency of the Electrical Contractors Association of Ontario and The International Brotherhood of Electrical Workers and the IBEW Construction Council of Ontario.
 - (4) The International Union of Bricklayers and Allied Craftsmen and the Ontario Provincial Conference of the International Union of Bricklayers and Allied Craftsmen, and The Masonry Industry Employers Council of Ontario.
 - (5) The International Association of Heat and Frost Insulators and Asbestos Workers and The Master Insulators’ Association of Ontario Inc.
 - (6) The International Brotherhood of Painters and Allied Trades and The Ontario Painting Contractors Association.
 - (7) The Ontario Glazier Agreement between The Architectural Glass and Metal Contractors Association and The International Brotherhood of Painters and Allied Trades; and
 - (8) The Environmental Sheet Metal Association Toronto and the Sheet Metal Workers’ International Association and the Ontario Sheet Metal Workers’ Conference.

* Labour Trades Contractual Obligations – (extracted from Schedule B of the City of Toronto Municipal Code, Chapter 67)
FW R(07/03)

- B. Exhibition Place is bound;
- (1) By collective agreements in all sectors of the construction industry between:
 - (a) The Carpenters' Employer Bargaining Agency and The Ontario Provincial Council, United Brotherhood of Carpenters and Joiners of America.
 - (b) The Mechanical Contractors Association of Ontario and The Ontario Pipe Trades Council of the United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada.
 - (c) The Electrical Trade Bargaining Agency of the Electrical Contractors Association of Ontario and The International Brotherhood of Electrical Workers and the IBEW Construction Council of Ontario; and
 - (2) By Letters of Understanding between the Board and, respectively, Local 506 of the Labourers International Union of North America and The International Brotherhood of Painters and Allied Trades.
- C. Any non-maintenance part(s) of the Work that is the work of Union members for whom the said Council, Brotherhood, Association or Local is the collective representative under the provisions of any one of the said collective agreements or the said Letters shall in each case be performed only by an employer owing contractual obligations to such representative, unless such obligations do not prohibit performance of such part(s) of the Work by others.

B3. Guidelines for Prospective Bidders.

This summary is an overview of the current status of trades' certifications and the relevant construction sectors for which firms and workers with the appropriate union affiliations must be used when performing the following work for the City of Toronto and Exhibition Place.

Type of Work	City of Toronto * I.C.I.	Exhibition Place
Asbestos/ Insulation	X	
Bricklaying/ Masonry	X	
Carpentry	X	X
Electrical	X	X
Glazing	X	
Labourers		X
Mechanical	X	X
Painting	X	X
Sheet Metal	X	

** (Industrial, Commercial, Institutional sector)*

B4. Decisions, Fair Wage Policy.

The Fair Wage and Labour Trades Office will make final decisions with respect to:

- work jurisdictions, in consultation with the industry
- type of work involved
- whether or not union firms/workers must be used
- if Labour Trades Contractual Obligations apply

* Labour Trades Contractual Obligations – (extracted from Schedule B of the City of Toronto Municipal Code, Chapter 67) FW R(07/03)

SUPPLEMENTARY SPECIFICATION - OCCUPATIONAL HEALTH & SAFETY

In addition to the other requirements of this Tender (Quotation/Request for Proposals) with respect to satisfying the requirements of the Occupational Health and Safety Act, Bidders are required to submit as part of their Tender (Quotation/Request for Proposals) submission, a **properly commissioned (**)** **Occupational Health and Safety Statutory Declaration (“OHSa Declaration”)** in the form attached to this Tender (Quotation/Request for Proposals).

Failure to submit a properly commissioned OHSa Declaration with your Tender (Quotation/Request for Proposals) submission may result in the rejection of your Tender (Quotation/Request For Proposals). However, the Commissioner may, in his or her discretion provide Bidders with an opportunity to submit the required OHSa Declaration within five (5) working days of such written request. Failure to submit the OHSa Declaration in response to that written request or the inability of the Bidder to satisfy the requirements set out in the OHSa Declaration are grounds for the Tender (Quotation/Request for Proposals) to be rejected. The City may consider previous OHSa violations as grounds for rejection and the City may terminate any contract arising from this Tender (Quotation/Request for Proposals) if the Bidder is continuously in violation of OHSa requirements.

In the event that a Bidder is unable to satisfy the OHSa Declarations requirements, Bidders are advised Occupational Health and Safety training is available to Ontario contractors through the Construction Safety Association. That training should enable Bidders to identify whether further training is necessary to satisfy the requirements of the OHSa Declaration on future Tender/Quotation/Request for Proposal submissions.

(**) The following persons, by virtue of their office, are **Commissioners** for taking affidavits in Ontario: Members of the Legislative Assembly, Provincial judges and justices of the peace, and barristers and solicitors entitled to practise law in Ontario.

STATUTORY DECLARATION (2 pages)
(Occupational Health & Safety)

PROVINCE OF ONTARIO)
JUDICIAL DISTRICT OF YORK)

IN THE MATTER OF CONTRACT NO. _____ AND ANY ENSUING AGREEMENT BETWEEN

(Company Name)

- AND -

City of Toronto

I, _____ of the City/Town/Village of _____ in the Province
(Name)

of _____, do solemnly declare the following:
(Name of Province)

1. I am the _____ of the _____ and as such
(Insert Title) **(Insert Company Name)**

have knowledge of the matters herein stated.

2. _____ is a sole proprietorship/partnership/corporation with its head office
(Company Name)

located at _____ and has carried on business as a _____
(contractor/state other type of business)

since on or about _____.
(Insert Date)

3. _____ since _____ had in place a Health and Safety Policy
(Company Name) **(Insert Date)**

under Section 25(2)(j) of the Occupational Health and Safety Act, R.S.O. 1990, c. 0.1 as amended, (the "Act") and has/have developed and maintain(s) on an annual basis a program to implement the written Occupational Health and Safety Policy. A copy of the policy and program for _____ will be delivered to the City of Toronto upon request by the
(Insert Company Name)

City and will be available for inspection at the City of Toronto, solely for the purposes of the above noted contract.

4. _____ will employ for this project a supervisor or supervisors who are
(Insert Company Name)

competent persons as defined by section 1(1) of the Act, and specifically a person or persons who:

- (a) are qualified because of knowledge, training and experience to organize the project work and its performance;

- (b) are familiar with the Act and the Regulations for Construction Projects that apply to the project work; and
- (c) have knowledge of any potential or actual danger to health and safety at the project.

5. _____ will employ for the purpose of this project the
(Insert Company Name)

following competent supervisors: _____
(Insert name of supervisors)

No supervisors other than those named shall work on the project.

6. _____ will employ for the purpose of this project the
(Insert Company Name)

following subcontractor: _____
(Insert name of subcontractors)

7. All subcontractors employed by _____ for this project will employ as a supervisor or
(Insert Company Name)

supervisors a “competent person” as defined by section 1(1) of the Act, and specifically a person or persons who:

- (a) are qualified because of knowledge, training and experience to organize the project work and its performance;
- (b) are familiar with the Act and the Regulations for Construction Projects that apply to the project work; and
- (c) have knowledge of any potential or actual danger to health and safety at the project.

8. The supervisors employed by _____ and subcontractors have successfully
(Insert Company Name)

completed the necessary health and safety courses to be considered a competent person to undertake work described in the contract.

AND I/We make this solemn Declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of “The Canada Evidence Act”.

DECLARED BEFORE ME AT THE _____)
)
 OF _____)
)
 IN THE _____)
) Signing Officer for Company
 THIS DAY OF 20____.)
)
 A Commissioner etc.)

Note: This Declaration applies with necessary modification to Quotation Requests and Requests for Proposals.

MUNICIPAL FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT REQUIREMENTS

The *Municipal Freedom of Information and Protection of Privacy Act* (the Act) applies to all tenders, quotations and proposals submitted to the City of Toronto.

Tenders, quotations and proposals will be received in confidence subject to the disclosure requirements of the Act,

Bidders/proponents should identify any portions of their tender/quotation/proposal which contain a trade secret, scientific, technical, financial, commercial or labour relations information supplied in confidence and which will cause harm if disclosed.

Questions about the Act should be directed to the Corporate Access and Privacy Division at telephone number (416) 392-9683.

Please be aware that bidders' names and the total amount of bid are always made public.

In an effort to reduce, reuse and recycle, we encourage bidders/Proponents to minimize the packaging of their submissions. The evaluations of all bids are based on the "contents" of the submissions, not the way the submissions are packaged. Thank you for reducing!

CONFLICT OF INTEREST POLICY

This is to advise you that City Council passed a new Conflict of Interest Policy in August 2000 that applies to all City of Toronto employees. This policy replaces the policies that dealt with conflicts of interest or codes of conduct in the former municipalities.

It is imperative that all suppliers be aware of the terms of the policy and understand the various situations, which are clearly a conflict of interest, to ensure that a supplier does not place any City employee in a potential conflict situation, when carrying out their respective business activities with the City of Toronto.

A copy of the policy is available on the City of Toronto's website at www.toronto.ca or by calling the Supervisor, Client Services at 416-392-1305.

RESTRICTIONS ON THE HIRING AND USE OF FORMER CITY OF TORONTO MANAGEMENT EMPLOYEES FOR CITY CONTRACTS

The purpose of this Policy to ensure that former City of Toronto management employees who took part in a separation program or received a retirement package, are prohibited from participating in contracts directly or indirectly related to the City of Toronto or its special purpose bodies for a period of two years starting from an employee's separation date.

Former employees covered by this policy are prohibited from participating in contracts directly or indirectly related to the City of Toronto or its special purpose bodies for a period of two years starting from the employee's separation date. This would include, but not be limited to, for example, the following roles:

- ? As an independent contractor/consultant;
- ? As a contractor/consultant on City project work for a company/firm (but, the firm may compete); or
- ? As a contractor/consultant on City project work for a company/firm that has been sub-contracted by another company/firm.

Former City of Toronto management employees who took part in a separation program or received a retirement incentive are prohibited from participating in contracts directly or indirectly related to the City of Toronto and its special purpose bodies for a period of two years starting from an employee's termination date.

- Notes:
- (1) Adopted by Council at its meeting of February 4, 5, & 6, 1998, Report No. 2, Clause No. 2 of the Strategic Policies and Priorities Committee, and
 - (2) Revised by City Council at its meeting of November 26, 27, 28, 2002, Report No. 14, Clause No. 6, Administration Committee.

Respondents are to state the name(s) of any former City of Toronto management employee(s) hired/used by your firm, if any, who have left the employ of the City or its special purpose bodies within the last two years.

Specify: _____.

This policy will be considered in the evaluation of all submissions received by the City of Toronto.

For further information contact:

Manager, Client and Support Services

18th Floor, West Tower, City Hall, (416) 392-1302

INTERPROVINCIAL FAIRNESS LEGISLATION

IMPORTANT NOTE

In order to comply with legislative prohibitions against awards of municipal construction contracts (which by definition of the Act extends to consulting services, including architectural or engineering services) involving persons resident in a Designated Jurisdiction as explained in this Appendix, paragraph 4 below provides that each bid is deemed to contain a certification and warranty that neither the bidder nor any proposed subcontractor is such a resident. Prospective bidders are cautioned to read carefully the definition of “person resident in a Designation Jurisdiction” in clause 1(e), the provisions regarding prohibition, disqualification and rejection in paragraph 2 and the words of paragraph 4 before submitting a bid, and to make inquiries of the City staff contact identified in the Call/Request to which this Appendix is attached if doubts or questions exist.

1. In this Appendix:
 - (a) “Construction” includes all work in or about:
 - (i) constructing, altering, decorating, repairing, demolishing, erecting or remodelling the whole or any part of a building or structure;
 - (ii) laying pipe and conduit above or below ground level;
 - (iii) excavating, tunnelling, fencing, grading, paving, land clearing and bridging;
 - (iv) building a highway, as defined in section 1 of the *Highway Traffic Act*;
 - (v) carrying out other construction activities designated by the Management Board of Cabinet, on the recommendation of the Minister of Labour; and
 - (vi) providing consulting services, including architectural or engineering services, with respect to matters set out in sub-clauses (i) to (v);
 - (b) “Contractor” means a person that enters into a contract for the Construction and includes any subcontractor;
 - (c) “Controlled” has the same meaning as in subsection 1(5) of the *Business Corporations Act*;
 - (d) “Designated Jurisdiction” means a Province or Territory of Canada prescribed by the Lieutenant Governor in Council as a Designated Jurisdiction under the *Fairness is a Two-Way Street Act (Construction Labour Mobility)*, 1999; and as of the date of the Call/Request to which this Appendix is attached the only Designated Jurisdiction is the Province of Quebec.
 - (e) “Person who is resident in a Designated Jurisdiction” means:
 - (i) in the case of an individual or a sole proprietor, one who is ordinarily resident in that jurisdiction;
 - (ii) in the case of a corporation,

- (A) one whose head office or registered office is located in that jurisdiction; or
 - (B) one controlled directly or indirectly by a person described in foregoing item (A);
 - (iii) in the case of a partnership, one that includes at least one partner who is a person resident in that jurisdiction under foregoing subclause (i) or (ii).
2. (a) The *Fairness is a Two-Way Street Act (Construction Labour Mobility), 1999*,
- (i) prohibits municipalities such as the City, and their local boards and other emanations, from entering into a Construction contract with a person who is resident in a Designated Jurisdiction (unless the person is specifically exempted by Regulation); and
 - (ii) prohibits a contractor from engaging a subcontractor who is resident in a Designated Jurisdiction (unless similarly exempted) with respect to Construction under a contract with a municipality or any of its local boards and other emanations.
- (b) A person described in clause 2(1)(a), and a person whose bid indicates an intention to engage a subcontractor described in clause 2(1)(b), is disqualified from submitting a bid in response to the Call/Request of which this Appendix forms part, and the City intends to reject any bid submitted by such a person without further consideration.
3. If a Construction contract is awarded under the Call/Request to which this Appendix is attached, it will:
- (a) contain a representation and warranty by the Contractor that neither the Contractor nor any subcontractor is a person who are resident in a Designated Jurisdiction;
 - (b) require any subcontracts not identified in the Contractor's bid to be subject to the approval of the City of Toronto; and
 - (c) provide that any breach of the representation and warranty described in foregoing clause (a) will constitute grounds for termination of the contract.
4. By submitting a bid form properly signed and executed, a bidder will be taken to be:
- (a) certifying and warranting that neither the bidder nor any proposed subcontractor is a person who is resident in a Designated Jurisdiction as defined in this Appendix,
 - (b) agreeing that if the bidder becomes the Contractor for the Construction work bid on, the bidder shall be bound by the provisions of paragraph 3 of this Appendix notwithstanding the absence of any specific repetition of or reference to such provisions in any further contract documentation which comes into existence to implement bid acceptance.

Lobbying Disclosure Form

A potential Respondent is required to ensure that no communication is made by the potential Respondent or its representatives, including a third party representative employed or retained by it to promote its Qualifications Document or oppose any competing Qualifications Document (“Lobbying”) unless such communication, relating to all meetings, written correspondence and telephone discussions that the potential Respondent or its representatives have had with any Member of Council, City Official, appointed member of any City boards, agency, commission, task force, or related organization, is disclosed to the City Clerk.

For the purpose of meeting this requirement, this form should be completed and submitted to the City Clerk on an on-going basis following any Lobbying from the issuance date of this RFQL until its completion, ie. until such time as the City has issued written notifications to all Respondents on the outcome of the screening process.

This Disclosure Form is to be submitted on an on-going basis following any Lobbying until the completion of the RFQL.

The City Clerk will provide directly to Works Committee quarterly reports containing a summary of the Lobbying Disclosures submitted by Proponents and provide the disclosure information upon request to any members of Council, City Staff or the public.

The City Clerk shall post disclosure information on the City’s Website.

By not returning this form, it will be assumed that no Lobbying has been carried out by the potential Respondent or its representatives.

The potential Respondent as required can make copies of this Lobbying Disclosure Form.

Lobbying Disclosure Form

RFQL No. RFQL for the Development and Operation of a Small-Scale Research Facility for Processing Residual Municipal Solid Waste
Potential Respondent Name:
Potential Respondent Business Address:
Potential Respondent Business Telephone No.
Name of each Representative (retained or employed that was engaged in Lobbying in respect of the RFQL).
Business Address of each Representative Named Above (if different than that of the potential Respondent)
Business Telephone No. of each Representative Named Above
List the names of individuals the potential Respondent and/or his representative(s) have contacted within the awarding body (i.e. City, Agency, Board, Commission or related organization), in connection with the RFQL named on this form. Contact within the awarding body could include but is not limited to meetings, written correspondence and telephone conversations.
Return this form to: Ulli S. Watkiss, City Clerk, City Clerk's Office City Hall, 2 nd Floor, West Tower 100 Queen Street West Toronto, Ontario Canada M5H 2N2

Name	Signature	Date (yyyy-MM-dd)

(please print)		
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NOTICE OF "NO SUBMISSION"

RFQL # :	9155-04-7021	MF
CLOSING DATE:	MARCH 4, 2004	

IMPORTANT - PLEASE READ THIS

It is important to the City of Toronto to receive a reply from all invited Proponents. There is no obligation to submit a Proposal; however, should you choose not to submit, completion of this form will assist the City in determining the type of services you are interested in submitting a Proposal in the future.

INSTRUCTIONS:

If you are unable, or do not wish to submit a Proposal on this Request for Proposals, please complete the following portions of this form. State your reason for not submitting a Proposal by checking applicable box(es) or by explaining briefly in the space provided. It is not necessary to return any other Request for Proposals documents. Just return the completed form in the enclosed Proposal Submission Envelope prior to the official closing date.

1. We do not offer this service.	<input type="checkbox"/>	Other reasons or additional comments.
2. We do not offer services to these requirements.	<input type="checkbox"/>	
3. Unable to offer services competitively.	<input type="checkbox"/>	
4. Cannot handle due to present commitments.	<input type="checkbox"/>	
5. Quantity/project too large.	<input type="checkbox"/>	
6. Cannot meet delivery/completion requirements.	<input type="checkbox"/>	
7. Licensing restrictions.	<input type="checkbox"/>	

Do you wish to participate in Request for Proposals for services in the future? YES NO

For City's use only - Do not write in this space.	Company Name:	
	Address:	
	Signature of Company Representative:	
	Position:	
	Date:	Tel. No.:
		Fax No.: