



# Request for Qualifications to Design, Build and Operate an Energy from Waste Facility

## RFQ 601-2007

Issued by the Regional Municipality of Durham

<b>Date of Issue:</b>	July 12 <sup>th</sup> , 2007
<b>Deadline for Inquiries:</b>	August 17, 2007
<b>Deadline for Addenda:</b>	August 24, 2007
<b>Closing Date:</b>	September 6, 2007 at 2:00 PM Local Time



## Durham/York Residual Waste Study

July 12, 2007

We are pleased to announce that on July 12, 2007, the Regional Municipalities of Durham and York ("Durham" and "York" respectively), through the Durham's Finance Department, will be issuing a Request for Qualifications for the Thermal Treatment of Residual Waste. This is the next stage in the ongoing process undertaken by the two Regions' for several years now to address their long term post-diversion waste management needs.

The process leading to the issuance of the Request for Qualifications commenced in 2004 when Durham established a task force to identify and examine its long-term waste disposal options. Through the work of that task force, the following 'guiding principles' were identified to guide Durham's subsequent decision making in connection with its waste management needs:

- Reducing long-term dependence on waste disposal by diverting up to 70% of its waste through the use and promotion of recycling programs; and
- Providing a stable and viable long-term solution (i.e. 50 year time frame) that is cost-effective, reliable and, above all, minimizes impacts to health and the environment.

In consideration of these factors, Durham and York initiated a joint Residual Waste Planning Study to examine a variety of long-term waste disposal options from landfill to the thermal treatment of waste. This Study was conducted under the auspices of an Environmental Assessment in order that the social, economic and environmental concerns of their residents were heard and considered. After carefully considering the various options, Durham determined that:

- A land fill option within Durham Region was not acceptable due to the social and environmental impacts caused by landfill; and
- The option of continuing to send waste to a landfill outside of Durham or York was not acceptable because it will not provide the security of a long term and stable solution. This conclusion was reached after careful consideration of the fact that any non-local landfill option exposes Durham to significant public policy risks that are not within its control. Recent events, such as the Province of Ontario's agreement with two Senators



### Durham/York Residual Waste Study

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from the State of Michigan to phase out and terminate the disposal of municipal waste from Ontario to Michigan land-fills, illustrates this risk. In addition, Durham has also determined that trucking thousands of vehicle kilometers every day does not promote a safe and environmentally responsible solution.

As a result of their review of various alternatives, Durham and York have determined that the local thermal treatment of waste, or an Energy from Waste facility, is the post-diversion waste management solution that best meets their needs while still adhering to the aforementioned principles. Currently in the Environmental Assessment, Durham and York are assessing several potential sites for an Energy from Waste facility. In addition, a preliminary business case analysis has been conducted which determined that:

- Municipal partnering opportunities should be explored to make the Energy from Waste facility more viable;
- The Regions should enter into discussions with the Province to secure a power-purchase agreement ; and
- A municipally owned Energy from Waste of facility that is privately designed, built and operated is the most appropriate method of ownership and project delivery for the tonnages committed by the two Regions

The release of the Request for Qualifications is the first step in the process of Durham and York identifying, assessing the qualifications of, and ultimately selecting a developer and a form of thermal treatment technology that meets the aforementioned principles. Those proponents who respond to this Request for Qualifications, and best satisfy its requirements, will be qualified to submit a detailed proposal to the two Regions in response to a Request for Proposals anticipated to be issued in late 2007 or early 2008.

As this process proceeds, the Regions will be selecting a preferred site(s) for a thermal treatment facility. Once the siting decision is made, and the preferred proponent and technology are identified, then the Regions, in conjunction with the preferred proponent, will be in a position to complete the Environmental Assessment process.

The upcoming Request for Qualifications is an important milestone in the completion of the Durham/York Residual Waste Management Environmental Assessment. Issuing this Request for Qualifications demonstrates Durham and York's commitment to this



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project. As a result, we invite you to examine these requirements and determine whether you are interested in partnering with Durham Region and York Region in developing a long-term waste management solution to the citizens of these vital Regions.

If you are interested in finding out further information regarding the Environmental Assessment or the Residual Waste Planning Study, then we encourage you to examine the project website at [www.durhamyorkwaste.com](http://www.durhamyorkwaste.com).

Any questions regarding the Request for Qualifications must be directed either by e-mail to [rfq6012007inquiries@region.durham.on.ca](mailto:rfq6012007inquiries@region.durham.on.ca), or by fax to 905 666 6210, Attention RFQ601-2007 Contact Person.

Sincerely



Roger Anderson  
Durham Regional Chair



William Fisch  
York Regional Chair



**Durham/York Residual Waste Study**

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# Glossary of Terms

Closing Date	As defined in Section 5.2.
Combustion	Refers to controlled burning of waste or rapid oxidation accompanied by the release of energy in the form of heat and light, in which heat chemically alters organic compounds, converting them into stable inorganics such as carbon dioxide and water.
Conflict of Interest	Means, for the purpose of this RFQ: <ol style="list-style-type: none"><li>1. An unfair advantage over other RFQ Respondents in relation to the Project, thereby rendering the RFQ process non-competitive and unfair (e.g., an RFQ Respondent has information not available to other RFQ Respondents);</li><li>2. Activities, relationships or contracts which render the RFQ Respondent unable or potentially unable to perform the duties and obligations required of the RFQ Respondents if selected as the Preferred Vendor; or</li><li>3. Activities, relationships or contracts which impair or potentially impair the RFQ Respondent's judgement in performing its duties and obligations if selected as the Preferred Vendor.</li></ol>
Deadline for Addenda	As defined in Section 5.6.
Deadline for Inquiries	As defined in Section 5.6.
Durham	The Regional Municipality of Durham or its geographic area, as the context requires.
EA Study	As defined in Section 1.2.2.
EFW Facility	As defined in Section 1.2.3.
Financial Information	As defined in Section 4, Financial Requirements, Criterion 4.
Flue Gas	The gases coming out of a chimney after Combustion in the burner.
Gasification	The conversion of solid waste into a gas for use as a fuel.
GTA	Greater Toronto Area
Michigan	The State or Government of Michigan, or its geographic area, as the context requires.
MSW	Common garbage or trash generated by residents, industries, commercial businesses, and institutions that remains after diversion programs have been used to remove recoverable materials.
Objectives	As defined in Section 3.
Ontario	The Province of Ontario, or its geographic area, as the context requires.
Ontario Air Emission Requirements	As defined in Appendix 1.
Plasma Gasification	Gasification using thermal treatment equipment that operates at extremely high temperatures produced by a plasma torch.
Preferred Vendor	As defined in Section 1.3.2.

Project	Encompasses the design, construction (including construction financing) and operation of the EFW Facility, and includes, the EA Study, the supply of municipal waste, and the sale of energy.
Prime Project Coordination Team Member	As defined in Section 1.1 of Form 1.
Prime Design Team Member	As defined in Section 1.1 of Form 1.
Prime Construction Team Member	As defined in Section 1.1 of Form 1.
Prime Financing Team Member	As defined in Section 1.1 of Form 1.
Prime Operations Team Member	As defined in Section 1.1 of Form 1.
Proposed Facility	The EFW Facility proposed by an RFQ Respondent utilizing the Thermal Treatment Technology as declared in Section of Form 1.
Pyrolysis	Decomposition of waste and its constituent chemicals by heat in the absence of oxygen.
Qualified Respondent	As defined in Section 4.1.
Reference Facility	A thermal waste treatment facility presented by the RFQ Respondent in response to Criterion 1 of Section 3, that is operational and uses the Thermal Treatment Technology identified in Section 1.3 of Form 1.
Regions	Durham and York collectively.
Regional Clerk	Ms. P.M. Madill, Regional Clerk The Regional Municipality of Durham 605 Rossland Road, East, Main Floor Whitby, Ontario, L1N 6A3
Respondent Contact	As defined in Section 1.4 of Form 1.
RFP	As defined in Section 1.3.2.
RFQ	Is this document, "Request for Qualifications to Design, Build and Operate an Energy from Waste Facility, RFQ 601-2007, Issued by the Regional Municipality of Durham, dated July 12, 2007, and any addenda posted electronically in Adobe PDF format on Durham's website at <a href="http://www.region.durham.on.ca/purchasing">www.region.durham.on.ca/purchasing</a> .
RFQ Contract Person	Regional Municipality of Durham 605 Rossland Road East, 4th Floor, Finance Department Purchasing Section PO Box 623, Whitby, Ontario, L1N 6A3 Fax: 905-666-6210 E-mail: rfq6012007inquiries@region.durham.on.ca
RFQ Respondent	As defined in Form 1.
RFQ Submission	A response to this RFQ prepared by an RFQ Respondent.
SRF	Solid Recovered Fuel suitable for thermal treatment prepared by the processing of mixed solid waste.
SynGas	Any gas recovered from a thermal treatment technology that is used to generate electrify or heat/steam energy.
System 2 (a)	As referenced in Section 2.1.3.

System 2 (b)	As referenced in Section 2.1.3.
Thermal Treatment Technology	Use of elevated temperatures to treat MSW including Combustion Gasification, Pyrolysis or Plasma Gasification.
Tonne	A metric tonne.
York	The Regional Municipality of York or its geographic area, as the context requires.

# 1. Introduction

This section provides an overview of the process undertaken by the Regions to determine the need for the EFW Facility leading to the rationale for the release of this RFQ.

## 1.1 Background on the Regions

### 1.1.1 The Region of Durham

Durham is one of five regional municipal governments of the GTA established by Ontario in 1974. The regional system of government is comprised of two levels of municipal government; Durham is the upper tier government, and the eight area municipalities within its boundaries (the Cities of Oshawa and Pickering, Towns of Ajax and Whitby, Municipality of Clarington, and Townships of Brock, Scugog and Uxbridge) constitute the lower tier government.

Located east of the City of Toronto, Durham covers an area of approximately 2,535 square kilometres (979 square miles), and lies along a continuous urbanized lakeshore that shares prime access to the Great Lakes and the northeast markets of the continent, encompassing over 120 million persons. Durham has all the utilities, transportation and social infrastructure associated with a modern metropolitan area. The single most significant economic factor for Durham has been the dramatic increase in residential and commercial development. In May 2001, Durham's population was 531,000. A target of 760,000 people has been estimated for the number of people living in the region by the year 2011, and a target of 970,000 people is anticipated by the year 2021.

Durham is responsible for all aspects of waste management including collection, processing, diversion, haulage, and disposal programs. Two of Durham's eight local municipalities (the City of Oshawa and the Town of Whitby) maintain responsibility for the local collection of garbage, kitchen organics, leaf and yard waste, but have partnered with Durham to support the standardized waste management program region-wide. The materials managed by Durham include: blue box recycling; source separated kitchen organics; leaf and yard waste; white goods, scrap metal, tires, and other recyclables; all residual waste and household hazardous waste. In 2006, Durham Region's total waste stream was approximately 231 thousand tonnes per year. Approximately 44% of these materials were diverted from landfill disposal.

### 1.1.2 The Region of York

York, another of the five regional municipal governments of the GTA, is the upper tier municipal government, and the nine area municipalities within its boundaries (City of Vaughan, Towns of Aurora, Markham, Newmarket, East Gwillimbury, Richmond Hill, Whitchurch-Stouffville and Georgina, and the Township of King) constitute the lower tier.

York encompasses an area of approximately 1,776 square kilometres from Lake Simcoe in the north to the northern limit of the City of Toronto. It borders Simcoe County and Peel Region in the west and Durham in the east. During 2006, York's population grew by approximately 32,291 people reaching a total estimated population of 950,674. This growth is expected to continue to nearly 1.3 million by 2026.

York and its nine local municipalities work collectively to deliver waste management services to local residents. The local municipalities are responsible for the collection of all waste, organic and recyclable materials while York is responsible for diversion and waste disposal. Within this hierarchy, the programs and materials managed by York include: blue box recycling, source separated organics, household hazardous wastes, yard wastes, white goods, scrap metal, tires, other recyclables, and disposal of residual waste. In 2006, York's nine local municipalities generated an estimated 326,000 Tonnes of recyclable materials and waste. Approximately 40% of these materials were diverted from landfill disposal.

## 1.2 The Search for a Stable, Long Term Solution for Waste Disposal

### 1.2.1 Reliance on Non-Local Landfills

In 2004, all of Durham's residual waste was being disposed at landfills and, as a result of the closure of the Toronto Keele Valley landfill, Durham came to rely almost entirely on Michigan landfills for the majority of its residual disposal needs. As a result of this reliance, Durham reviewed its residual waste disposal strategy and established a task force to identify and examine its long-term disposal options. Through the work of that task force, the following Guiding Principles were identified to inform Durham's subsequent decision making in connection with its residual waste disposal management needs:

1. Reducing long-term dependence on waste disposal by diverting up to 65% of its waste through the use and promotion of recycling and composting programs; and
2. Providing a stable and viable long-term solution (i.e. 50 year time frame) that is cost-effective, reliable and, above all, minimizes impacts to health and the environment.

York has also recognized the need to reduce its reliance on landfill disposal of wastes, and has undertaken a number of initiatives to achieve this objective. These projects include: the Inter-Municipal Waste Diversion Strategy; completion of implementation of source separated organic waste diversion (green bins) region-wide in 2007; the Dongara residual waste fuel pelletizing project; and advocating for change within the packaging industry. York is committed to increasing its current 40% rate of diversion from landfill to 65% by 2010.

### 1.2.2 The Residual Waste Planning Study (Environmental Assessment)

In 2005, following the work of the above noted task force, Durham and York partnered on a joint Residual Waste Planning Study to examine a variety of long-term waste disposal options from landfill to the thermal treatment of waste. This study, the 'Durham/York Residual Waste Study' ("EA Study")<sup>1</sup>, is designed to investigate alternative methods of managing future residual waste while also addressing the social, economic and environmental concerns of residents. It is being conducted under the auspices of the Ontario Environmental Assessment Act to ensure that input from residents and key stakeholders are heard and adequately considered. This EA Study has completed its initial phase of assessing options to manage residual waste.

At the outset, with extensive public consultation, the Regions determined that a local landfill solution was not acceptable. The Regions also determined that the option of continuing to transport waste to a landfill located outside of Ontario was not sustainable, because it does not provide the security of a long-term and stable solution. This conclusion was reached after careful consideration of the fact that any non-local landfill option exposes the Regions to significant public policy risks that are not within its control. This very real and apparent risk was borne-out by the following recent events:

- In 2006, US legislation was introduced to ban the disposal of Canadian waste in Michigan landfills. If supported and passed by the US House of Representatives and Senate, U.S. legislation of this nature could close the Michigan border to the disposal of Canadian waste within 90 days of passage; and
- In response to this threat Ontario reached an agreement with Senators from Michigan to phase out and terminate the disposal of municipal waste from Ontario to Michigan landfills by the end of 2010. Within this timeframe there will be a 20 per cent reduction by 2007, a further 20 per cent reduction by the end of 2008, and a total elimination of municipal waste shipment by the end of 2010. In return, Michigan has agreed not to pursue amendments to the bill, or pursue similar current or future measures consistent with their constitutional duties.

These determinations were strengthened by the belief that trucking waste thousands of vehicle kilometres every day does not promote a safe and environmentally responsible solution.

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<sup>1</sup> Details on the EA Study can be located at <http://www.durhamyorkwaste.ca>

### **1.2.3 The Selection of the Preferred Solution: Energy From Waste**

As Durham and York Regions proceeded with the EA Study, they also conducted business case assessments to identify, analyze and compare residual waste disposal under landfill and or thermal treatment options. In addition, Durham and York teamed to perform an additional analysis of potential delivery options that involved the public and private sectors to varying degrees with regards to the financing, design, construction and operation of a local facility. The results of these studies were the identification of an energy-from-waste solution (collectively the "EFW Facility" as defined below):

- The preferred option for residual waste disposal option would be an energy-from-waste facility owned by the Regions with a preferred technology as identified in Section 2.1.3;
- The preferred delivery model is public ownership with a contract with the private sector to design, build, and operate the facility under a single contract of up to 25 years with renewal periods within that timeframe;
- After the allocation of diversion programs, the capacity is between 150,000 and 250,000 Tonnes per year at project start-up in 2011, with future scalability required to accommodate growth to as high as 400,000 Tonnes per year over the life of the anticipated contract (the initial capacity will be determined by the Regions prior to the issuance of the RFP); and
- The roles of Durham and York and the Preferred Vendor are as defined in Section 2.2.

### **1.2.4 The York Durham Partnership on Energy from Waste**

Durham and York have agreed to form a partnership on the EFW Facility and have entered into an agreement, elements of which are highlighted below:

- Durham and York will own the EFW Facility;
- The EFW Facility will be located either within York or within Durham;
- The Regions will continue to partner on the completion of the EA Study;
- Durham will lead the procurement process to engage the Preferred Vendor to design, build and operate the EFW Facility;
- The Regions will pursue commercial arrangements to secure the revenue stream(s) that result from the sale of energy (electricity or heat/steam) generated by the EFW Facility; and
- The Regions will provide guarantees on waste quantities.

## **1.3 Engaging the Private Sector to Design, Build and Operate the EFW Facility**

For details on the roles and responsibilities of the Preferred Vendor, refer to Section 2.2. An overview of the procurement process is provided below. RFQ Respondents should refer to Section 5 and 6 for procedural and legal conditions respectively.

### **1.3.1 Stage 1: This Request for Qualifications**

As the first step in selecting the Preferred Vendor, Durham and York are soliciting RFQ Submissions. The information provided will be used to select the Qualified Respondents to be invited to submit proposals in response to an RFP.

### **1.3.2 Stage 2: The Request for Proposal Process**

Following completion of the RFQ stage, Qualified Respondents will be invited to provide detailed proposals in response to a request for proposals that will include the design, construction and operating contract ("collectively the RFP"). The RFP will describe the Regions' requirements and performance expectations for design, construction and operation of the EFW Facility. The Regions will evaluate the detailed proposals received from the Qualified Respondents. The Regions will also seek any necessary clarifications, and then determine whether the Regions' objectives can be met. After reviewing the RFP submissions, the successful Qualified Respondent (the "Preferred Vendor") will be selected for the purposes of concluding a contract. .

## 2. Overview of the Project

This section provides background on the Project to inform the RFQ Respondents on broader matters such as the supply of municipal waste, site selection and sizing, and the anticipated roles of the parties.

### 2.1 Background Information

#### 2.1.1 Supply of Residual Municipal Waste

York is committed to achieving a goal of 65% diversion from landfill disposal by 2010, and increasing this rate thereafter. Key success factors in achieving this goal include York's continuing efforts to expand its source-separated organics program as well as the capture of additional recycling. Implementation includes a fundamental reliance on development of the infrastructure and end-markets necessary to support these efforts. York is currently considering options to enhance both efficiency and throughput at its material recycling facility including the potential capture of additional recyclables. York has contracted organic waste processing capacity at the Orgaworld B.V. composting facility that was recently approved by the Ontario Ministry of the Environment and is currently under construction in London, Ontario.

Durham is committed to achieving a goal of up to 65% diversion by 2011, and increasing this rate thereafter. It has implemented several initiatives that will enable it to achieve this goal. For instance, in July 2006 Durham and the City of Oshawa and the Town of Whitby (which maintain local collection responsibility) introduced the green bin collection of organics in the Cities of Oshawa and Pickering and the Towns of Whitby and Ajax, thereby joining the Municipality of Clarington, and the Townships of Brock, Uxbridge and Scugog who began diverting kitchen organics from the waste stream during 2003. The green bins and recyclables are picked up weekly. To encourage residents to divert material from their waste stream, bag limits have also been established, with residual waste collection occurring every other week. The construction of a new Material Recovery Facility also commenced in 2006, and with the newer sorting technology, Durham can continue to expand and optimize its already successful Blue Box recycling program.

#### 2.1.2 Sizing

As previously noted in Section 1.2.3, for the purposes of this RFQ, the waste to be initially processed by the EFW Facility, after the allocation of the above noted diversion programs, is between 150,000 and 250,000 Tonnes per year at project start-up, with future scalability. Negotiations between Durham and other municipalities regarding waste supply commitments are presently ongoing and the required initial capacity of the EFW Facility will be finalized prior to the issuance of the RFP to the Qualified Respondents. RFQ Respondents should note that this rate could rise to as high as 400,000 Tonnes per year over the anticipated life of the EFW Facility.

Residual waste is primarily sourced from single-family households although some waste is also collected from multi-residential households and drop off depots. The waste from drop off depots may include some waste from small commercial sector generators.

#### 2.1.3 Preferred Technology

As noted in Section 1, the first phase of the EA Study considered the selection of a suitable technology. In June 2006, the Regions approved the technology options for the EFW Facility to be:

- System 2(a) -Thermal treatment of MSW and recovery of energy followed by recovery of materials from ash/char; or
- System 2(b) -Processing of MSW to recover recyclable materials and produce SRF followed by the thermal treatment of the SRF to produce energy.

The final decision on the technologies used to implement the preferred residuals processing system will be based on the results of the competitive process, which has begun with the release of this RFQ.

Refer to Section 1.3 of Form 1 for a detailed breakdown of the technologies approved for the EFW Facility.

#### **2.1.4 Site Selection**

##### Short List of Sites

The second stage of the EA Study is underway and is focussed on the selection of a site to host the EFW Facility within the Regions. Details on the status of the site selection process are provided at [www.durhamyorkwaste.ca](http://www.durhamyorkwaste.ca).

##### Facility/Site Size Requirements

As noted in Section 2.1.2, the ultimate capacity of the EFW Facility could be as much as 400,000 Tonnes per year operating on a full time basis. To meet this requirement, each of sites under consideration meets the corresponding sizing criteria of approximately 10 to 12 hectares (25 to 30 acres). This site sizing estimate is based on a "stand-alone" facility with provision for expansion to a capacity of 400,000 Tonnes per year, on-site ash processing, storm water management features, parking for 100 vehicles, on-site roads for full management and queuing of waste and ash vehicles and adequate buffer zones and set-backs.

##### Selection of Preferred Site

The selection of the preferred site, which is anticipated prior to the issuance of the RFP, will represent an important milestone of the EA Study. The Preferred Vendor will be required to work with the Regions to meet the requirements of the Ontario Environmental Protection Act and other approvals to complete the site approvals process.

##### Completion of the EA Study

The EA Study is expected to be submitted to the Ontario Minister of the Environment in 2008.

## **2.2 Anticipated Roles of the Regions and the Preferred Vendor**

The anticipated roles of the Regions and the Preferred Vendor are discussed below and provided for indicative purposes. The Regions reserve the right to amend these roles should they determine that greater value could be achieved by allowing the Preferred Vendor to assume additional or fewer responsibilities. The Regions may seek input from the Qualified Respondents through commercially confidential meetings to confirm roles and responsibilities.

### **2.2.1 Roles and Responsibilities**

A summary of the anticipated roles and responsibilities is provided below. These roles and responsibilities are only provided for indicative purposes and may be amended by the Regions in the development of the RFP:

- Regions' Responsibilities:
  - Own the EFW Facility;
  - Select and provide the site to host the EFW Facility based on the results of the EA Study;
  - Work with the Preferred Vendor to obtain environmental approvals and any municipal land-use approvals;
  - Determine the size of the EFW Facility;
  - Guarantee waste supply;
  - Determine the need for future expansions or modifications to the EFW Facility;
  - Develop the specifications for the design and construction portion of the contract which, for the purposes of this RFQ, is assumed to be for a period of 2 years;
  - During the construction period, monitor, inspect construction progress and at key milestones approve and issue payments;
  - Develop the terms of the operating portion of the contract;

- During the operational period, monitor, inspect and approve performance and make regular progress payments; and
- Assume all responsibilities and risks related to the sale of energy (electricity and/or useful thermal energy) and recyclables.
- Preferred Vendor's Responsibilities:
  - Assist with environmental approvals and other approvals as required (e.g. building permits, servicing agreement, health and safety, etc.);
  - Provide the Thermal Treatment Technology;
  - Design and construct the EFW Facility to the performance and size specifications developed by the Regions;
  - Finance all construction obligations between milestone progress periods payments;
  - Implement expansions and modifications to the EFW Facility as directed by the Regions;
  - Operate and maintain the EFW Facility;
  - During the operational period, comply with performance specifications developed by the Regions;
  - Finance operations between milestone contract payments; and
  - Meet environmental and health and safety requirements.

### 3. Format and Content of RFQ Response

This section provides RFQ Respondents with details on the suggested format and content of their response, and mandatory submission requirements.

RFQ Respondents should review Sections 5 and 6 to identify procedural requirements relating to the RFQ Submission, such as the Closing Date and the need for submissions to be in English.

Although not a mandatory requirement, for ease of evaluation, the RFQ Respondent’s response should follow the headings in the sequence as set out below. The RFQ Submission should indicate the subsections, content and order, as noted.

**Table 1: Sample Table of Contents**

<b>Content</b>	<b>Suggested Text Page Limit</b>
<b>Part 1: Executive Summary</b>	1 to 2 pgs
<b>Part 2: Mandatory Submission Requirements</b>	
Mandatory Criterion 1: Completed Form 1	As required
Mandatory Criterion 2: Ability to Bond	As required
<b>Part 3: Rated Requirements</b>	
<b>Technical Requirements</b>	
Criterion1: Reference Facilities	
Capacity and Availability	
Involvement of RFQ Respondent in Reference Facilities	7 to 10 pages per
Compliance and Mitigation Program for the Reference Facilities	Reference Facility
Description of Reference Facility Process and Operations	
Integration of the Reference Facilities into Host Community	
Criterion 2: EFW Facility	
Proposed Project Team	
Related Corporate Experience of RFQ Respondent	
Organization of RFQ Respondent	5 to 10 pages
Human Resource Capabilities	
EFW Facility	
Ability of Proposed Facility to Meet Objectives	
Description of Proposed Facility	
Criterion 3: References	
References for Reference Facilities	1 to 2 pages
References for RFQ Respondent	
<b>Financial Requirements</b>	
Criterion 4: Financial Requirements	2 to 5 pages
Financial Condition	(depends on
Financial Capacity	quantity of
Track Record and Experience	Financial
	Information)

#### Part 1: Executive Summary

RFQ Respondents should provide a brief summary of the:

- RFQ Submission;
- Corporate team members as designated in Form 1; and
- The Proposed Facility.

## Part 2: Mandatory Submission Requirements

### Mandatory Criterion 1: Completed Form 1

RFQ Respondents are advised that electronic signatures will not be accepted on the original copy.

The RFQ Respondent must submit a completed and signed Form 1: RFQ Submission Form.

In Section 1.1 of Form 1, the RFQ Respondent must identify the corporate entities that are responsible for each of the major functional roles of its proposed team, and collectively will form the RFQ Respondent. A corporate entity is allowed to assume responsibility for more than one of the functional roles noted within the form. Unless otherwise provided herein (refer to Section 6.22), the corporate composition of the RFQ Respondent cannot change if the RFQ Respondent becomes a Qualified Respondent.

In Section 1.3 of Form 1, the RFQ Respondent must declare which approved Thermal Treatment Technology is proposed for its Proposed Facility (i.e. by placing a check-mark in the appropriate box on the form). RFQ Respondents shall be restricted to one Thermal Treatment Technology per submission. Unless otherwise provided herein (refer to Section 6.21), the Thermal Treatment Technology for the Proposed Facility cannot change if the RFQ Respondent becomes a Qualified Respondent. In addition, RFQ Respondents are advised that the Reference Facilities should use the same Thermal Treatment Technology identified in Section 1.3 of Form 1.

### Mandatory Criterion 2: Ability to Bond

RFQ Respondents must provide evidence of an ability to provide bonding, as described in Section 4.2, Ability to Bond.

## Part 3: Rated Requirements

### Technical Requirements

#### Criterion 1: Reference Facilities

The submittal of information on the Reference Facilities is for the purpose of demonstrating the application of the Thermal Treatment Technology (as declared in Form 1) and the breadth and scope of experience of the RFQ Respondent in connection with the technical requirements of the EFW Facility.

An individual Reference Facility may identify one or more aspects of the technical requirements of the EFW Facility.

RFQ Respondents should provide operating data and details (as described below) to the extent of their direct involvement in such aspects of the Reference Facilities. Such information is to be submitted for at least two (2) and up to five (5) Reference Facilities (if required) that use the Thermal Treatment Technology as declared in Section 1.3 of Form 1.

Rated Evaluation Criteria 1a) through 1 d) will be the basis of the Regions' consideration of information provided regarding these Reference Facilities.

Capacity and Availability

For each Reference Facility, RFQ Respondents should provide the following information:

- Name and location;
- An overview of the Thermal Treatment Technology of the Reference Facility;
- General information on the owner and operating data:
  - Corporate name;
  - Contact name, address, phone number and email address;

- The date the facility began operating;
- The number of years the Reference Facility has been in full operation; and
- Whether the facility has been in full operation for at least two (2) consecutive years.
- The thermal processing unit technology (e.g. grate or gasifier) and the company that manufactures/supplies this technology;
- Feedstock information, including:
  - The feedstock source (annual percentages of residential, institutional, commercial, and industrial materials accepted for the past two years);
  - The feedstock composition (annual percentages of organics/fibres/metals/etc. and approximate heating value for the past two years);
  - Whether the facility thermally processes a SRF derived from the feedstock entering the facility;
  - The annual quantity (Tonnes/year) of the feedstock processed by the facility for the past two years; and
  - The annual quantity and type of all auxiliary fuels (e.g. natural gas) introduced into the process for the past two years under normal operating conditions;
- Other capacity and availability information, including:
  - The number of thermal processing lines;
  - A list of the individual processing units (front-end mechanical processing, furnace or gasifier, boiler, energy production units, Flue Gas cleaning equipment) that comprise each processing line;
  - The design capacity of each processing line (tonnes/day);
  - The quantity of MSW or SRF processed through each thermal processing line (in Tonnes/day and Tonnes/year) for the past two years; and
  - The calculated percentage availability of the facility to thermally treat MSW or SRF (based on hours that the thermal processing line(s) have operated divided by 8760 hours/year) for each year of the past two years and the number and length of shutdown periods (identifying both planned and unplanned) per year.

Involvement of RFQ Respondent in Reference Facilities

For each Reference Facility, RFQ Respondents should describe the extent that any corporate team members designated in Form 1 are/were involved with the following:

- Conceptual design and process layout;
- Detailed design of plant process and ancillaries;
- Building construction, site works, equipment supply installation;
- Management of all construction activities;
- Operations and maintenance;
- Permitting, approvals, public meetings, hearings; and
- Financing/ownership.

Compliance and Mitigation Program for the Reference Facilities

For each Reference Facility, RFQ Respondents should describe the environmental monitoring program, including:

- Frequency of testing and testing parameters for all emissions and a list of corresponding regulatory compliance levels for the jurisdiction within which the Reference Facility is located;
- Data demonstrating the emissions performance of each facility. RFQ Respondents are expected to convert as appropriate the emissions performance data for each facility into units that can be compared to

the Ontario Air Emission Requirements;

- The quantity (per day and per year) of wastewater produced and discharged. Describe wastewater treatment measures and any issues meeting sewer discharge criteria. Describe the nature of any sludge resulting from wastewater treatment and how the sludge is managed;
- Describe how storm water is managed at the facility; and

Describe how potential impacts to the local community, human health and/or environment such as odour, aesthetics, noise, traffic and litter are addressed at the facility;

- Describe the number and types of complaints related to the facility received during the past two years, and how such complaints were addressed; and
- Provide details of where the facility was not in compliance with any permits and/or regulatory requirements over the past two years and the measures taken to address non-compliance. Provide a description of any offences, charges and/or fines that resulted from any incidents of non-compliance.

Description of  
Reference Facility  
Process and Operations

For each Reference Facility, RFQ Respondents should provide the following information:

- A description of the facility/process design, including:
  - A description of facility development including any expansions or major upgrades;
  - Waste receiving, tipping and storage;
  - All pre-treatment and sorting operations, including if applicable the process used to generate SRF from MSW;
  - The mass and energy balance related to the facility;
  - The description and process flow diagram(s) describing the facility;
  - Applicable thermal processing unit including control systems and features;
  - SynGas clean up (if applicable);
  - Energy production system including control systems and features;
  - Flue Gas cleaning system;
  - Wastewater treatment system (if applicable);
  - Ash (bottom, fly) or char management, including quantities, potential beneficial uses and material recovery; and
  - Any history of civil judgements against the facility.
- A site plan showing buildings and other major processing component structures, on-site roads, property line, and drawing scale;
- Details on the infrastructure required for the facility including water/wastewater services, natural gas supply or transformers/transmission lines or other services related to connecting to the electrical grid, and transportation of goods/services/staff to and from the facility;
- Details regarding significant operational and maintenance challenges experienced at the facility and the lessons learned by the RFQ Respondent in addressing these challenges. In addition, provide details on maintenance frequency, how shut downs are managed, and any associated impacts to process and revenue generation;
- Indicate the net quantity (per input tonne of waste per day and per year) and type of energy recovered and sold. Indicate conditions of sale (e.g. quality, minimum quantity) and any difficulties meeting these conditions; and
- Other information to indicate the degree to which the facility has been a success.

Integration of the Reference Facilities into Host Community

For each Reference Facility, RFQ Respondents should provide the following information:

- The relationship between the facility and the host community, including any reporting requirements, roles, and arrangements including any host community agreements, or voluntary initiatives;
- The methods used to consult with the local community during all major phases of the facility (Design, Construction and Operation), including any ongoing relationships such as committees that have public membership;
- The methods used to educate and/or communicate with the public regarding the facility;
- Unique architectural or design features that were adopted to better integrate the facility into the community (provide photos as appropriate); and
- Other information to indicate the successful integration of the facility into the host community.

## Criterion 2: EFW Facility

Proposed Project Team

*Related Corporate Experience of RFQ Respondent*

RFQ Respondents should describe the extent of each corporate team members' involvement in projects similar in nature and scope to the EFW Facility (Reference Facilities and/or other projects) of:

- The Prime Project Coordination Team Member in the overall project coordination for design, construction and operations;
- The Prime Design Team Member in any design phases including:
  - Conceptual design and process layout; and
  - Detailed design of plant process and ancillaries,
- The Prime Construction Team Member in any construction phases including:
  - Building construction, site works, equipment installation;
  - Construction management;
  - Commissioning; and
  - Description of construction related litigation.
- The Prime Operations Team Member in the operation and maintenance including contract management and energy generation and sales.

*Organization of RFQ Respondent*

RFQ Respondents should provide the following details:

- An organizational chart with an accompanying description indicating the roles and responsibilities of each of the corporate members declared in Form 1;
- Information on how each of the corporate team members declared in Form 1 have interacted on previous projects (including but not limited to the Reference Facilities), focusing on projects that are similar in nature and scope to the EFW Facility; and
- Other information to indicate why the organizational structure proposed will be able to successfully undertake the EFW Facility.

*Human Resource Capabilities*

RFQ Respondents should provide the following information:

- A description of their capability to provide sufficient human resources with the credentials and experience to successfully fulfill the following roles:
  - Overall project coordination and management;
  - Design (conceptual design and process layout and detailed design

- of plant process and ancillaries);
- Construction (building construction, site works, equipment installation, construction management, and commissioning); and
- Operations and maintenance including contract management and energy generation.
- Other information to indicate capabilities of providing the human resources required to successfully undertake the EFW Facility.

#### EFW Facility

##### *Ability of Proposed Facility to Meet Objectives*

RFQ Respondents should provide the following information regarding the Proposed Facility (which effectively represent the “Objectives”):

- An overview of the conceptual design and approach to process a minimum of 150,000 Tonnes of MSW per year.
- The ability and proposed approach to expand the facility up to 400,000 Tonnes of MSW per year;
- An overview of the potential to generate and supply to the grid a minimum of 500 kWh of electrical energy per input Tonne of waste;
- An overview of the potential to recover and market thermal energy (e.g. steam, hot water etc.);
- An overview of the potential to recover marketable metals and potentially other products from solid residues;
- Potential to mitigate impacts to human health and safety; and
- An overview of the Flue Gas cleaning system proposed in order to meet or exceed Ontario Air Emission Requirements.

##### *Description of Proposed Facility*

RFQ Respondents should provide the following information regarding the Proposed Facility:

- Identify general infrastructure requirements, including all major servicing requirements (water, sewer, natural gas, electricity);
- Identify the major components of the Proposed Facility, including:
  - Front end SRF preparation (if applicable);
  - Applicable Thermal Treatment Technology (grate, gasifier or other) including control systems and number of thermal processing lines;
  - SynGas clean up (if applicable);
  - Flue Gas cleaning system; and
  - Energy production system including control systems;
- Identify any design or architectural elements that might be considered, pending the selection of the site by the Regions, that could add to the aesthetic appeal of the facility;
- Provide a rationale for any differences between the major system components, including, without limitation, boiler, energy production units of Reference Facilities and the Proposed Facility;
- Identify the processing rates of proposed processing lines and facility scalability;
- Provide a rationale for any differences between the Flue Gas cleaning equipment of the Reference Facilities and the Proposed Facility;
- Indicate how the RFQ Respondent’s proposed Flue Gas cleaning system will address Ontario Air Emission Requirements; and
- Other information to demonstrate how the Proposed Facility will provide a reliable, proven, practical and effective, long term waste management solution.

#### Criterion 3: References

These references (i.e., individuals) will be contacted during the RFQ evaluation process as necessary to confirm the capabilities of the RFQ Respondent and to confirm the information provided by the RFQ Respondent in their RFQ Submission.

References for Reference Facilities	<p>For each Reference Facility, Respondents should provide the following information:</p> <ul style="list-style-type: none"><li>• The following references for each Reference Facility identified in response to Criterion 1 requirements. References are required from:<ul style="list-style-type: none"><li>– Owner/Operator of the Reference Facility;</li><li>– Host Municipality; and</li><li>– The local regulatory authority for area in which the Reference Facility is located.</li></ul></li><li>• For each reference, provide the following:<ul style="list-style-type: none"><li>– Contact name and title;</li><li>– Address, email address, website address, phone number; and</li><li>– Relationship, if any, to the RFQ Respondent or its team members.</li></ul></li></ul>
References for RFQ Respondent	<p>Two third party references for each corporate team member declared in Form 1. For each reference, provide the following:</p> <ul style="list-style-type: none"><li>• Contact name and title;</li><li>• Address, email address, website address, phone number; and</li><li>• Relationship to the RFQ Respondent (if any).</li></ul>

## **Financial Requirements**

### Criterion 4: Financial Requirements

Financial Condition	<p>The RFQ Respondent should provide the following information for the Prime Financing Team Member using one of the methods provided below:</p> <ol style="list-style-type: none"><li>1. A current credit rating report from Standard &amp; Poor's, Moody's Investor Services or Dominion Bond Rating Service;</li></ol> <p style="text-align: center;">-or-</p> <ol style="list-style-type: none"><li>2. In lieu of a credit rating report from one of the above noted rating agencies, the following financial information (collectively the Financial Information):<ol style="list-style-type: none"><li>i. Copies of annual audited (to the extent an audit has been conducted) or unaudited Financial Statements and annual reports or other similar financial information for each of the last three (3) fiscal years;</li><li>ii. Copies of the interim financial statement for each quarter since the last fiscal year for which annual financial statements are provided;</li><li>iii. Details of any material off-balance sheet financing arrangements currently in place;</li><li>iv. Details of any material events that may affect the entity's financial standing since the last annual or interim financial statements provided;</li><li>v. Details of any bankruptcy, insolvency, company creditor arrangement or other insolvency proceeding in the last three (3) fiscal years.</li></ol></li></ol>
Financial Capacity	<p>The RFQ Respondent should provide the following information of the Prime Financing Team Member:</p> <ul style="list-style-type: none"><li>• Provide a current letter of reference from a bank or other licensed financial institution that confirms length of time the Prime Financing Team Member has been a client, and details of the relationship, and support in meeting the Financial Capacity criterion in Section 4; and</li></ul>

Track Record and Experience

- Any known or committed construction projects that are planned to occur over the next 5 years.

The Prime Financing Team Member should provide a minimum of two (2) project examples of financing capabilities, approaches and experience relevant to the nature and scope of the EFW Facility. For each project provide:

- Project name and location (City, Province/State, Country);
- Project description (including dates) and current status;
- The method of delivery (e.g. conventional, design-build, public-private-partnership etc);
- Project capital cost;
- Role in providing, arranging, or securing financing for the construction project;
- A summary of the amounts, term, and types of financing raised by the RFQ Respondent (including the risk capital contributed), and disclosure of any incidents of default;
- Key individuals and their respective roles;
- Relevance to the project regarding design, construction or operational components;
- Any history of litigation;
- Client reference (client name, contact name, location, phone number, and e-mail address); and
- Any further information that will assist in evaluating the RFQ Submission.

## 4. Evaluation of RFQ Responses

This section provides RFQ Respondents with an overview of the process and criteria that will be used to evaluate RFQ Submissions, and should be considered in parallel with Section 3.

### 4.1 Overview of Evaluation Process

This RFQ is the first stage of a two-stage procurement process, with the RFP being the second stage. The purpose of the RFQ is to identify Qualified Respondents who may bid on the RFP.

An evaluation committee, consisting of representatives of the Regions and their advisors, will conduct the evaluation of RFQ responses. The Regions may employ advisors to assist in other roles with respect to the RFQ, as deemed necessary. The evaluation committee will review all RFQ Submissions received to ensure they meet all mandatory requirements. The evaluation committee will also score all RFQ Submissions that meet all mandatory requirements in relation to the criteria and points identified in Section 4.3.

In addition, the Regions may, at their sole discretion, visit the Reference Facilities for the purpose of verifying the information provided by the RFQ Respondent.

Subject to the approval of Durham Council and York Council, RFQ Respondents will be deemed to be a qualified respondent ("Qualified Respondent") if their RFQ Submissions:

1. Meet all of the mandatory criteria; and
2. Obtains the minimum grade of 60% on each of the following criterion (refer to Section 4.3 for details)
  - Criterion 1: Reference Facilities;
  - Criterion 2: EFW Facility;
  - Criterion 3: References; and
  - Criterion 4: Financial Requirements.

All decisions on whether a RFQ Submission meets the above two requirements are matters within the sole discretion of the evaluation committee to determine. The Regions reserve the right to request additional information from RFQ Respondents at any time(s) after the Closing Date, including during the evaluation stage, and to request that RFQ Respondents attend a clarification meeting(s). Only Qualified Respondents approved by both Durham Council and York Council will be invited to respond to a detailed RFP in the second stage of the procurement process.

RFQ Respondents are advised that any and all determinations and decisions made by, or on behalf of, the Regions relating to this RFQ and any RFQ Submissions, including without limitation, whether the RFQ Submissions clearly meet the mandatory criteria and the extent to which scoring and points are awarded under rated criteria, are within the Regions' sole and absolute unfettered discretion and are final and binding without appeal whatsoever. The Regions reserve the right to permit a short cure period following the Closing Date during which any RFQ Submissions, which contain minor irregularities, can be corrected.

The RFQ Respondent is responsible to provide all information requested.

### 4.2 Evaluation of Mandatory Requirements

RFQ Respondents that meet the following Mandatory Criteria will proceed to the evaluation of the Rated Requirements.

#### Mandatory Criterion 1: Successful Completion of Form 1: RFQ Submission Form:

RFQ Respondents must submit a complete and signed Form 1: RFQ Submission Form.

## Mandatory Criterion 2: Ability to Bond

The RFQ Respondent must provide evidence of the ability to provide Bonding for an amount not less than \$115 million (Canadian currency), demonstrated by providing a letter of reference recently signed by a licensed surety that confirms the capability of receiving such bonding from the surety.

### 4.3 Evaluation of Rated Requirements

RFQ Respondents are advised that the primary basis for the evaluation of the rated requirements is the degree to which the RFQ Submission demonstrates the ability to meet the stated criterion, as further defined below.

**Table 2: Scoring of Rated Criteria**

<b>Criteria</b>	<b>Max</b>	<b>Min to Qualify</b>
<b>Technical Requirements</b>		
<b>Criterion 1: Reference Facilities</b>		
1a: Capacity and Availability		
1b: Involvement of RFQ Respondent in Reference Facilities		
1c: Compliance and Mitigation Program for the Reference Facilities		
1d: Description of Reference Facility Process and Operations		
1e: Integration of the Reference Facilities into Host Community		
<b>Total for Criterion 1</b>	<b>100</b>	<b>60</b>
<b>Criterion 2: EFW Facility</b>		
2a: Proposed Project Team		
2a i: Related Corporate Experience of RFQ Respondent		
2a ii: Organization of RFQ Respondent		
2a iii: Human Resource Capabilities		
2b: EFW Facility		
2b i: Ability of Proposed Facility to Meet Objectives		
2b ii: Description of Proposed Facility		
<b>Total for Criterion 2</b>	<b>100</b>	<b>60</b>
<b>Criterion 3: References</b>		
3a: References for Reference Facilities		
3b: References for RFQ Respondent		
<b>Total for Criterion 3</b>	<b>100</b>	<b>60</b>
<b>Financial Requirements</b>		
<b>Criterion 4: Financial Requirements</b>		
Criterion 4a: Financial Condition		
Criterion 4b: Financial Capacity		
Criterion 4c: Track Record and Experience		
<b>Total for Criterion 4</b>	<b>100</b>	<b>60</b>

#### 4.3.1 Technical Criteria

##### Criterion 1: Reference Facilities

- |                               |  |
|-------------------------------|--|
| 1a: Capacity and Availability | <p>Each of the Reference Facilities should be of the scope and nature of the EFW Facility. A Reference Facility should ideally:</p> <ul style="list-style-type: none"> <li>• Utilize the Thermal Treatment Technology of the Proposed Facility (as declared in Form 1);</li> <li>• Have a minimum total capacity of 150,000 Tonnes of MSW per year; and,</li> <li>• Be currently operating and have been in full operation for at least the last two (2) consecutive years, with the most recent year operating at a minimum 90% annual availability (based on the total hours that the thermal processing line(s) have operated divided by 8760 hours/year).</li> </ul> |
|-------------------------------|--|

1b: Involvement of RFQ Respondent in Reference Facilities	RFQ Submissions will be evaluated based on the extent to which the corporate team members declared in Form 1 were involved in the design, construction and operational phases of the Reference Facilities.
1c: Compliance and Mitigation Program for the Reference Facilities	RFQ Submissions will be evaluated based on the extent to which the Reference Facilities comply with regulatory requirements and the measures to mitigate potential impacts to the environment and human health.
1d: Description of Reference Facility Process and Operations	RFQ Submissions will be evaluated based on the degree to which the process and operation of the Reference Facilities demonstrate a successful application of the Thermal Treatment Technology associated with the Proposed Facility.
1e: Integration of the Reference Facilities into Host Community	RFQ Submissions will be evaluated based on the successful integration of the Reference Facilities into the host community (i.e. into the local area in which the facilities are sited).

Criterion 2: EFW Facility

2a: Proposed Project Team

<i>2a i: Related Corporate Experience of RFQ Respondent</i>	RFQ Respondents will be evaluated based on the extent to which the experience of the corporate team members is relevant to their proposed roles (as declared in Form 1), and demonstrates a record of success for that role.
<i>2a ii Organization of RFQ Respondent</i>	RFQ Respondents will be evaluated on the suitability of the organizational structure, and the degree to which the proposed structure demonstrates an ability to successfully undertake a project of the scope and magnitude of the EFW Facility.
<i>2a iii: Human Resource Capabilities</i>	RFQ Respondents should demonstrate the capability to provide the human resources with the credentials and experience necessary to successfully undertake a project of the nature and scope of the EFW Facility.

2b: EFW Facility

2b: EFW Facility	Durham/York recognize that there may be technical differences between the Reference Facilities for which the RFQ Respondent has been responsible for designing, developing and/or operating and the Proposed Facility. These differences may be based on the RFQ Respondents experiences and/or the differences between the residual municipal wastes that will be supplied by the Regions and the materials processed by the Reference Facilities. Criterion 2b) is intended to allow RFQ Respondents to describe the concept that they would consider for the development of the Proposed Facility and to note differences between the Proposed Facility and their Reference Facilities.
<i>2b i: Ability of Proposed Facility to Meet Objectives</i>	RFQ Respondents should demonstrate that the Proposed Facility would successfully meet the Objectives.
<i>2b ii: Description of Proposed Facility</i>	RFQ Respondents will be evaluated on the extent to which the Proposed Facility will provide a reliable, proven, practical and effective, long term waste management solution.

Criterion 3: References

3a: References for Reference Facilities	RFQ Respondents will be evaluated on the extent to which the references support the information provided and demonstrate a track record of success.
3b: References for RFQ Respondents	RFQ Respondents will be evaluated on the extent to which the references support the information provided and demonstrate a track record of

success.

### **4.3.2 Financial Requirements**

#### Criterion 4: Financial Requirements

*4a: Financial Condition* RFQ Respondents will be evaluated on the extent to which they have the financial strength to construct and operate the EFW Facility as proposed in this RFQ.

*4b: Financial Capacity:* RFQ Respondents will be evaluated on the extent to which:

- They demonstrate the capacity to access a minimum of \$75 million of capital per year over a two year period, in a timely manner for the purposes of meeting construction financing obligations and ongoing operating requirements; and
- Any known or committed projects will not impair their capability to meet annual construction financing obligations of \$75 million over a two-year period and ongoing quarterly operating requirements in the order of \$2 million.

*4c: Track Record and Experience:* RFQ Respondents will be evaluated on the extent to which they demonstrate a successful track record of historic borrowing for infrastructure projects that are of the scope and magnitude of the EFW Facility (e.g. a minimum of \$75 million of capital per year over a two-year period and ongoing quarterly operating requirements in the order of \$2 million).

### **4.4 Failure to Comply**

Failure to comply with any mandatory requirements of this RFQ may result in disqualification of a RFQ Respondent and/or the rejection of its RFQ Submission.

## 5. Instructions to RFQ Respondents

This section provides RFQ Respondents with procedural matters related to the preparation of responses.

### 5.1 Deadline for RFQ Submission and Labelling Instructions

RFQ Respondents must submit ten (10) bound copies and one (1) original copy of their RFQ Submission to the Regional Clerk in a sealed envelope, or package clearly addressed using a label similar to that provided below.

REQUEST FOR QUALIFICATIONS

Ms. P.M. Madill, Regional Clerk  
The Regional Municipality of Durham  
605 Rossland Road, East, Main Floor  
Whitby, Ontario, L1N 6A3

PROJECT: Request for Qualifications to Design, Build and Operate an Energy from Waste Facility

NUMBER: RFQ 601-2007

RFQ Submissions must be received no later than 2:00 PM, local time on September 6, 2007 (collectively the "Closing Date") and will be opened at a public meeting at 2:15 PM on September 6, 2007 in Room 1-G at 605 Rossland Road East, Whitby.

RFQ Submissions must be legible, written in ink, or typewritten. The person signing on behalf of the RFQ Respondent must initial erasures, over-writing or strikeouts. Electronic submissions (e.g. PDF) will not be accepted.

RFQ Submissions received after the Closing Date will not be considered and will be returned unopened.

Should a dispute arise from the terms and conditions of any part of the RFQ regarding meaning, intent or ambiguity, the decision of the Regions shall be final.

### 5.2 Risk of Third Party Delivery (Mail, Courier, etc.)

The use of the mail or courier services or any third party for delivery of an RFQ Submission will be at the sole risk of the RFQ Respondent. The Regions assume no responsibility to deliver any RFQ Submission to the Regional Clerk, even if received elsewhere at the premises prior to the deadline for RFQ Submissions. The onus unequivocally remains with the RFQ Respondent to ensure that its RFQ Submission is delivered to the Regional Clerk by the closing time stipulated herein, and in accordance with the submission process. Misdirected submissions, submissions received after the Closing Date will not be accepted and will be returned unopened.

### 5.3 Inquiries During RFQ Call

All questions or inquiries must be made in writing or by Fax and received by the RFQ Contact Person by no later than August 17, 2007 ("Deadline for Inquiries").

The Regions have the right not to respond to any request made by a potential respondent to the RFQ. Where the Regions, in their discretion, consider that such report(s) or request(s) necessitate a change to this RFQ, the Regions will prepare and issue an appropriate addendum.

Information given orally by the Regions, their staff, or consultants shall not be relied upon by an RFQ Respondent, and will not be binding on the Regions or even considered in the evaluation of RFQ Submissions.

Any responses to inquiries will be posted electronically in Adobe PDF format on Durham’s website at [www.region.durham.on.ca/purchasing](http://www.region.durham.on.ca/purchasing). Clarifications to inquiries will be posted by August 24, 2007.

#### 5.4 Pre-Submission Information Meeting

Following release of the RFQ and prior to the Closing Date, interested parties may be invited to meet with staff from the Regions and their advisors on this RFQ at a pre-submission information meeting. Any notification for such meeting will be issued by way of an addendum.

Although attendance at this meeting (should one be planned) is not mandatory, it is highly recommended. A list of firms in attendance will be recorded and disclosed in a subsequent addendum. The purpose of this meeting is for the Regions to provide a brief presentation providing information on the Project.

#### 5.5 Formal Amendments to RFQ (Addenda)

If it becomes necessary to revise any part of this RFQ, the revisions will be by written addendum posted electronically in Adobe PDF format on Durham’s website at [www.region.durham.on.ca/purchasing](http://www.region.durham.on.ca/purchasing). Addenda will not be made available by Durham in printed form, so prospective RFQ Respondents should monitor this site as frequently as they deem appropriate until the Closing Date.

The last day for the posting of any addendum is August 24, 2007 (“Deadline for Addenda”).

No employee or agent of the Regions is authorized to amend or waive the requirements of the RFQ document in any way unless the amendment or waiver is signed by the RFQ Contact Person in the form of an addendum posted on the Durham website. Under no circumstances shall the RFQ Respondent rely upon any information or instructions from the Regions, its employees, or its agents unless the information or instructions are provided in writing in the form of addenda issued by the RFQ Contact Person.

#### 5.6 Anticipated Key Milestone Dates

For the purpose of this RFQ, the following indicative schedule is provided:

**Table 3: Anticipated Key Milestone Dates**

<b>Milestone</b>	<b>Dates</b>
Recommendation of Preferred Site	September 2007
Council Decision on Preferred Site	December 2007
RFQ Issued	July 12, 2007
Deadline for Inquiries	August 17, 2007
Deadline for Addenda and Clarifications	August 24, 2007
RFQ Closes	September 6, 2007
RFQ Evaluation Period	September to November 2007
Preparation of RFP Documentation	July to December 2007
Council Approves Qualified Respondents	December 2007
Council Approval to Release RFP	December 2007
Issue RFP	January 2008

The above dates are tentative and subject to change at the sole discretion of the Regions.

## 6. Terms and Conditions of the RFQ Process

This section provides legal terms and conditions related to the RFQ process.

### 6.1 Introduction and Note to Potential RFQ Respondents

RFQ Responses must fully comply with the requirements set out in Section 3, 4, 5 and 6 of this RFQ. It is the responsibility of the RFQ Respondent to obtain clarification of the requirements contained herein from the RFQ Contact Person, as necessary, prior to submitting a response. A failure by any RFQ Respondent to meet any of the requirements of this RFQ may result in their disqualification and the subsequent inability to participate in the forthcoming RFP.

Where it is reasonable, RFQ Respondents are encouraged to consider relying on local and regional resources to help deliver the project.

It is essential that the elements contained in the RFQ Submission be stated in a clear and concise manner. Failure to provide complete information as requested will be to the RFQ Respondents disadvantage.

Each RFQ Submission will be evaluated solely on its content. Evaluation of the RFQ Submissions commences after the RFQ closing Date.

RFQ Submissions received by facsimile transmission machines or electronic mail will not be considered.

RFQ Submissions must not be restricted or qualified in any way by a statement added to Form 1 or by a covering letter, or by alterations to Form 1 supplied.

Electronic signatures will not be accepted.

### 6.2 Headings

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

### 6.3 Number, Gender, Person

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

- Words importing gender shall include the masculine, feminine and neutral 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.

### 6.4 Request for Withdrawal

#### 6.4.1 Withdrawal After Closing Date

RFQ Respondents may withdraw an RFQ Submission prior to, or after, the Closing Date. Withdrawal requests must be submitted in writing by fax, registered mail or courier or may be delivered to the Regional Clerk in person. It is the RFQ Respondent's responsibility to ensure that the withdrawal request is received by the Regional Clerk before the Closing Date and time in order for the RFQ Submission to be withdrawn prior to a public recording of RFQ Submissions following the RFQ

submission due date and time. An authorized signing officer of the RFQ Respondent must confirm the validity of the withdrawal request in writing before the Regional Clerk may permit the withdrawal of the RFQ Submission. An RFQ Submission that has been confirmed as withdrawn by the Regional Clerk prior to the Closing Date, and prior to being placed in the tender box, will be returned to the RFQ Respondent at the return address on the submission envelope under a covering letter.

#### **6.4.2 Withdrawal Prior to Closing Date**

A withdrawal request received by the Regional Clerk prior to the Closing Date (but after the RFQ Submission has been placed in the tender box) will be returned to the RFQ Respondent following the Closing Date along with the written confirmation of withdrawal by the RFQ Respondent. Withdrawn RFQ Submissions will be noted as withdrawn at the public recording of RFQ Submissions, and will be given no further consideration. A RFQ Respondent which has withdrawn an RFQ Submission prior to the Closing Date may submit a new RFQ Submission, which must be received by the Regional Clerk under the same terms as outlined in this RFQ.

#### **6.5 Extension of RFQ Submission Deadline**

The Regions reserve the right, in their sole and unfettered discretion, to extend the Closing Date. Should the RFQ Submission Due Date be extended, a formal addendum will be issued confirming the new date, time and location.

#### **6.6 RFQ Submission & Correspondence in English**

RFQ Submissions must be prepared in English, and RFQ Respondents must be able to converse and correspond fluently in English, directly or through an interpreter supplied by and at the RFQ Respondent's cost, in order for an RFQ Respondent to be considered for this RFQ.

#### **6.7 Costs Incurred in Preparing RFQ Submissions, Attending Meetings or Providing Clarifications**

The RFQ Respondent is solely responsible for any and all costs associated with its RFQ Submission. The Regions will not be liable for, nor reimburse any RFQ Respondent for costs, losses or damages incurred in the preparation, submission or presentation of any response to this RFQ, for interviews, or any other activity that may be requested as part of this process, or loss of future profits.

By submitting an RFQ Submission, each RFQ Respondent hereby agrees that, notwithstanding the above provision, in the event that the Regions are determined to be liable to any RFQ Respondent for any damages arising out of the conduct of the RFQ process, those damages shall be strictly limited to the cost of the preparation of the RFQ.

#### **6.8 Confidentiality and the Municipal Freedom of Information and Protection of Privacy Act**

Except as noted, all communications between the RFQ Respondents, individual Team members thereof, and the Regions and their consultants shall be treated as confidential, commencing the date of issuance of the RFQ to and after the receipt and opening of the RFQ Submissions. The Regions, in their sole and unfettered discretion, may at any time reject any RFQ Submission by a RFQ Respondent without further consideration and terminate that RFQ Respondent's right to continue in the RFQ process in the event of any breach of confidentiality by the RFQ Respondent.

All information provided to the Regions from a potential member of a RFQ Respondent, and/or a RFQ Respondent in connection with, or arising out of, the RFQ process, shall become the sole property of the Regions.

RFQ Respondents must treat all information in a highly confidential manner and not use this information for any purpose other than for replying to this RFQ, and if qualified, replying to the RFP,

and fulfilling any related contract requirements arising from the award of the RFP. Without limiting the generality of the foregoing, RFQ Respondents who are deemed qualified to submit a proposal in response to a future RFP and/or invited to participate in interviews or any aspect of the RFQ process subsequent to submissions, shall keep highly confidential all such developments and participation. All information pertaining to recommendations and information collected and processed for the Regions is for the sole use of the Regions in their sole and unfettered discretion.

- a) Information communicated by the Regions to the RFQ Respondent or by the RFQ Respondent to the Regions in the course of responding to this RFQ shall not be either divulged or issued by the RFQ Respondent on any other project unless prior approval, in writing, is obtained from the Regions.
- b) Any information that is not common knowledge, and may therefore be considered confidential by the Regions, that is acquired in the course of responding to this RFQ, shall not be used or divulged by the RFQ Respondent unless prior approval, in writing, is obtained from the Regions.
- c) Notwithstanding the foregoing, the obligation of confidentiality shall not pertain to information which,
  - i) Was at the time of disclosure, or thereafter became, part of the public domain; and
  - ii) Must be disclosed under law or court order, where, in such cases, all reasonable attempts will be made by the RFQ Respondent to notify the Regions in advance of doing so.

All correspondence, documentation and information provided to the Regions by every RFQ Respondent in connection with, or arising out of this RFQ, and all RFQ Submissions shall become the property of the Regions and as a result, such RFQ Submissions are subject to requests for disclosure under the *Municipal Freedom of Information and Protection of Privacy Act*. Accordingly, RFQ Respondents are requested to identify any information in their RFQ Submission that, if disclosed, could cause them injury. The Regions will make all reasonable efforts to maintain the confidentiality of such information, but the RFQ Respondents must be aware that the information may become public through requests for information and at all times as the result of the need for transparency and accountability in decisions made by the Regions. The Regions shall not be liable if any such confidential information becomes public or is otherwise disclosed. RFQ Respondents shall not identify their entire RFQ Submission as "Confidential". The Regions may treat such a notation on or within an RFQ Submission as grounds for disqualification.

## **6.9 Required Review, Examination and Interpretation of RFQ Documents**

Each RFQ Respondent should carefully review this RFQ for errors, omissions, defects and questionable or objectionable matter. Comments concerning the foregoing must be made in writing and received by the RFQ Contract Person by the Deadline for Inquiries. This will allow time to correct any defects through the issuance of a formal addendum. Protests based on any errors, omissions, defects and questionable or objectionable matter will be disallowed if these faults have not been brought to the attention of the RFQ Contact Person, in writing, by the Deadline for Inquiries. In submitting a response, the RFQ Respondent acknowledges having read, completely understood, and accepted the RFQ terms and conditions in full.

Each RFQ Respondent is responsible for ensuring that he/she/it has all of the information necessary to respond to this RFQ and for independently informing and satisfying themselves with respect to the information contained in this RFQ and any conditions that may in any way affect its RFQ Submission.

The Regions have the right not to respond to any report or request made by an RFQ Respondent and not to distribute copies of any reports or requests received from an RFQ Respondent and responses thereto, to the other RFQ Respondents. Where the Regions, in their sole unfettered discretion, considers that such report or request necessitates a change to this RFQ, the Regions will prepare and issue an appropriate addendum to this RFQ.

## **6.10 Requests for Clarification of RFQ Submissions by the Regions**

After the Closing Date, the Regions may request clarification of an RFQ Submission from an RFQ Respondent through the RFQ Contact Person. RFQ Respondents are entitled to respond to such requests for clarification but are not permitted to change their RFQ Submissions once submitted. Any clarification shall be in writing and shall be deemed to become part of the RFQ Respondent's RFQ submission.

The Regions reserve the right, at any time, to modify the requirements of this RFQ.

## **6.11 Electronic Copy of RFQ Document**

This RFQ document (and drawings and other attachments where applicable) is being distributed in Adobe Acrobat 7.0 through Durham's website at [www.region.durham.on.ca/purchasing](http://www.region.durham.on.ca/purchasing). All RFQ Submissions however must be in hard copy following the instructions in the RFQ.

Notwithstanding the foregoing, information being submitted on any required RFQ form may be from printed copy pages (using "permanent" print processes) except as noted below:

Where original signatures are required such as on the Form 1, these must be signed in original ink and can be signed in counterparts.

Where a seal is being provided it must be impressed or affixed in original form as prescribed by law.

## **6.12 Waiver of Rights in RFQ Submission and Indemnity**

Each RFQ Respondent acknowledges and agrees that the Regions are likely to receive, and be required to deal with, multiple RFQ Submissions, all of which may contain or disclose information considered by their RFQ Respondents to be of special, unique, secret or proprietary nature, and that such information and the manner in which the Regions may use it may be entitled or subject to protection under any of Canada's intellectual property laws, the Competition Act, Municipal Freedom of Information and Privacy Protection Act or the common law relating to unfair competition.

The Regions will not accept any RFQ Submission that is subject to a reservation by the RFQ Respondent of any such rights, and each RFQ Respondent (by virtue of filing an RFQ Submission pursuant to this RFQ) expressly waives any and all protection to which the RFQ Respondent might otherwise be entitled in respect of that RFQ Submission under all of the foregoing laws, and expressly releases the Regions and their staff and consultants, as well as the Qualified Respondents 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 Regions in that RFQ Submission.

Each RFQ Respondent shall indemnify and save harmless the Regions, its staff and consultants against all claims, actions, suits and proceedings 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 RFQ Submission, including any and all costs incurred by the Regions.

## **6.13 Prohibition Against Gratuities**

No potential or actual RFQ Respondent and no employee, agent or representative of the RFQ Respondent, may offer or give any gratuity in the form of entertainment, participation in social events, gifts or otherwise to any member of Regional Council, officer, director, agent, appointee or employee of the Regions in connection with or arising from this RFQ, whether or not for the purpose of seeking favourable treatment in respect to the evaluation of RFQ Submissions, effective from the date of the release of the RFQ until the final approval of the Qualified Respondents by both Durham and York Regional Councils.

Where the Regions deem that this section has been breached by, or with respect to, an RFQ Respondent, the Regions may exclude the RFQ Respondent's RFQ Submission from consideration.

#### **6.14 Anti Lobbying Restrictions and Required Disclosure**

RFQ Respondents, their team members, or anyone involved in preparing their RFQ Submission must not engage in any form of political or other lobbying whatsoever with respect to this project or seek to influence the outcome of this qualification process. This anti-lobbying restriction extends to all members of the Joint Waste Management Group, Chairs and elected council and employees of Durham and York and lower tier municipalities within Durham and York, their respective appointees, and the Regions' Project advisors. In the event of any such lobbying, the Regions may reject any RFQ or RFP Submission by that RFQ Respondent without further consideration and terminate that RFQ Respondent's right to continue in the procurement process. All correspondence or contact by interested parties with the Regions must be directly and only with the RFQ Contact Person.

It should be duly noted by all RFQ Respondents that this anti-lobbying restriction extends from the release date of this RFQ through to the date and time when the Regions formally award the contract, i.e., after the RFP evaluations and award. Any lobbying undertaken during this timeframe by any RFQ Respondent or their team members, or anyone involved with their RFQ Submission may result in immediate disqualification from the process. This anti-lobbying restriction is not meant to affect the day-to-day operations of members of the Joint Waste Management Group, Chairs and elected council and employees of Durham and York and lower tier municipalities within Durham and York, their respective appointees, and the Regions' Project advisors, that may necessarily include contact with potential respondents to this RFQ regarding other business.

This section shall not be intended to disallow any meetings, interviews or clarifications requested or authorized by the Regions, the RFQ Contact Person, or any authorized designate.

#### **6.15 Materially False, Incorrect or Misleading Information**

The Regions, without liability, cost or penalty, may, at any time, during the RFQ process reject any RFQ Submission or disqualify any RFQ Respondent if, in the sole and unfettered discretion of the Regions, such RFQ Submission contains materially false, incorrect or misleading information.

#### **6.16 Public Comment or Promotion of RFQ Submission**

Except for RFQ Respondent interviews, meetings or presentations specifically authorized or arranged by the RFQ Contact Person or authorized designate, neither RFQ Respondents nor their representatives shall make any public comment, respond to questions in a public forum, or carry out any activities to publicly promote or advertise their RFQ Submission, or their interest or participation in the Project or RFQ procurement processes without the Region's prior written consent, which consent may be arbitrarily withheld or delayed.

#### **6.17 No Collusion or Fraud**

Refer to Section 1.6 Declaration of Declaration of Non Collusion or Fraud, of Form 1.

#### **6.18 Claims or Litigation Against Durham and York**

The Regions reserve the right not to accept an RFQ Submission from any RFQ Respondent who, or which, have a claim or have instituted a legal proceeding against either of the Regions, or against whom either of the Regions have a claim or instituted a legal proceeding with respect to any previous contracts, bid submissions or business transactions.

#### **6.19 Privileges of the Regions**

All RFQ Respondents are advised and put on notice that notwithstanding anything else contained in this RFQ:

- (a) All RFQ Respondents are forewarned and advised that the Regions have not determined whether to proceed with or complete any procurement process or any stage including, without limitation, the completion of the RFQ process, the commencement, implementation or completion of any RFP process or other procurement process and/or the award, negotiation or finalization of any agreement or contract for the thermal treatment of municipal solid waste and that accordingly, all RFQ Respondents acknowledge and agree that if any such processes are suspended, terminated or cancelled at any time or times during any stage of the procurement process by the Regions, then the RFQ Respondents shall have no claim against the Regions for any costs, expenses, losses including loss of profits, liabilities or damages whatsoever.
- (b) The Regions reserve the right to exercise complete and unfettered discretion in all aspects of the conduct of the procurement process, the assessment and evaluation of RFQ Submissions, including the determination of criteria, the ranking of RFQ Respondents and the selection, if any, of Qualified Respondents, without incurring any liability whatsoever to any RFQ Respondent, including any liability for costs, expenses, losses or damages, and without giving any reasons therefore.

Without limiting the generality of the foregoing, the Regions, in their sole and unfettered discretion:

- i. Reserve the right to change the dates, schedules and deadlines set out in the RFQ documents, or to change the scope of the project, or to cancel the RFQ or the Project, without stating reasons therefore;
  - ii. Reserve the right to accept or to reject any or all of the RFQ Submissions;
  - iii. Reserve the right to proceed as, in their sole and unfettered discretion, following receipt of the RFQ Submissions, including, without limitation, issuing a second or more, or a modified procurement call for the project or entering into contract negotiations with any RFP Respondent(s);
- (c) The highest ranked RFQ Submission will not necessarily be accepted.
  - (d) The issuance of the RFQ and RFP (if any) does not commit the Regions to award a Contract or to pay any costs incurred in the preparation of any RFQ or RFP submission, or attendance at any meetings with the Regions, notwithstanding any provisions in the RFP concerning an honorarium.

## **6.20 Adjustments to RFQ Submissions After Closing Date**

No adjustments by RFQ Respondents to their RFQ Submissions will be permitted after the Closing Date, except as otherwise provided herein.

## **6.21 Changes to Thermal Treatment Technology Declared in Form 1**

RFQ Respondents may request the permission of the Regions to change the Thermal Treatment Technology of the Proposed Facility, up to one month after the issuance of the RFP. In such an event, RFQ Respondents will be required to provide substitute information as required in the RFQ, as well as the rationale as to how the Regions will benefit by accepting the proposed change. Any approval of such substitution will only be allowed in the sole discretion of the Regions.

## **6.22 Changes to RFQ Respondent as Declared in Form 1**

If there is any addition, deletion, or change in the RFQ Respondent (as defined in Form 1) who has made an RFQ Submission or a change in control of any member of the RFQ Respondent (as defined in Form 1) or a material change any team member of the RFQ Respondent (as defined in Form 1) after an RFQ Submission has been delivered, the applicable RFQ Respondent must provide written notice to the RFQ Contact Person or authorized designate within five (5) business days of such addition, deletion or change. The Regions have the right to disqualify any such RFQ Respondent and/or to reject the RFQ Submission of any such RFQ Respondent if it, in its sole and unfettered discretion, considers

that the addition, deletion or change may have a material adverse impact on the ability of the RFQ Respondent to carry out the project.

The Regions will not allow any changes to the RFQ Respondent or its team members (as defined in Form 1), without their prior written consent, whose qualifications were reviewed and relied upon to qualify the RFQ Respondent. Without limiting the foregoing, the Regions may require some or all of the RFQ Respondents prime team members (as defined in Form 1), including any such prime team member that will no longer form part of the RFQ Respondent, to confirm in writing their agreement to the addition, deletion, or change in the prime team members defined in Form 1. However, any request for written confirmation shall in no way be seen as acceptance by the Regions of any such addition, deletion or change in the RFQ Respondent or its prime team members (as defined in Form 1) and will not impair the Regions' right to disqualify any such RFQ Respondent and/or to reject the RFQ Submission of any such RFQ Respondent.

In exercising their discretion pursuant to this section, the Regions may have reference to the evaluation criteria set out in Section 4 of this RFQ and such other criteria, as the Regions may consider relevant.

### **6.23 Conflicts of Interest Statement and Declaration**

Refer to Section 1.2 Declaration of Conflict of Interest, of Form 1.

### **6.24 Ineligible Team Members**

As a result of their involvement in the Project, the following advisors are not eligible to participate as a member of a RFQ Respondent's team or be retained to assist in the preparation of an RFQ Submission:

- Deloitte & Touche LLP;
- GENIVAR;
- Ramboll;
- Jacques Whitford;
- KPMG LLP;
- Bacopo Environmental Solutions Inc;
- Hill & Knowlton;
- The Host Community Peer Reviewers (to be determined); and
- Tennyson Consulting.

Other firms or persons that may be contracted or retained by the Regions to work on the Project may also be deemed ineligible to participate in any potential RFQ Respondent Team, or assist in the preparation of any RFQ Submission.

### **6.25 De-Briefing**

Any RFQ Respondent that has not been approved to proceed further in the process may request a debriefing from the RFQ Contact Person. Any information provided by the Regions in good faith may not be used against the Regions or their representatives in a court of law.

### **6.26 Failure to Comply**

Failure to comply with any material requirements of this RFQ may result in disqualification of an RFQ Respondent and/or the rejection of its RFQ Submission.

## **6.27 Anticipated Roles of the Regions and the Preferred Vendor**

For the purposes of this RFQ, the roles of the Regions and the Preferred Vendor, as presented in Section 2.2, are provided for indicative purposes. The Regions reserve the right to amend these roles prior to the release of the RFP, should they determine that greater value could be achieved by allowing the Preferred Vendor to assume additional responsibilities.

## **6.28 Option for Commercially Confidential Meetings**

The Regions reserve the right to seek input from the Qualified Respondents through Commercially Confidential Meetings to confirm these roles and responsibilities, prior to the release of the RFP.

## **6.29 Multiple Submissions and Non-Exclusivity of Team Members**

- (1) RFQ Respondents may submit more than one RFQ Submission in response to this RFQ. Each RFQ Submission will be assessed independently of any other RFQ Submission by the same RFQ Respondent.
- (2) Making more than one RFQ Submission will allow an RFQ Respondent to offer different versions of Thermal Treatment Technology, or different corporate team members of the RFQ Respondent as declared in Form 1.
- (3) Notwithstanding the provisions of Section 1.5 of Form 1, corporate entities which are team members of an RFQ Respondent are not required to be exclusive to said RFQ Respondent. A corporate entity may assume responsibility for one or more functional roles, identified within Form 1, for more than one RFQ Respondent.

# Form 1: RFQ Submission Form

Unless otherwise stated within this form, terms used herein are defined in the "Request for Qualifications to Design, Build and Operate an Energy from Waste Facility, RFQ 601-2007", issued by the Regional Municipality of Durham and dated July 12, 2007.

## 1.1 Declaration of RFQ Respondent

Respondents to the RFQ must identify the corporate entities that are responsible for each of the major functional roles of their proposed team, and collectively will form the respondent ("RFQ Respondent").

A corporate entity can assume responsibility for more than one of the functional roles noted below:

1. The corporate entity that will assume overall responsibility for the EFW Facility is \_\_\_\_\_ ("Prime Project Coordination Team Member");
2. The corporate entity with overall design responsibility is \_\_\_\_\_ ("Prime Design Team Member");
3. The corporate entity with overall responsibility for construction is \_\_\_\_\_ ("Prime Construction Team Member");
4. The corporate entity with overall responsibility for construction financing is \_\_\_\_\_ ("Prime Financing Team Member"); and
5. The corporate entity with overall responsibility for operations is \_\_\_\_\_ ("Prime Operations Team Member").

## 1.2 Declaration of Conflict of Interest

The RFQ Respondent must disclose in the space below to the Regions any potential Conflicts of Interest. If such Conflicts of Interest do exist, The Regions may, in their sole and unfettered discretion, refuse to consider the RFQ Respondent and its RFQ Submission.

The RFQ Respondent must also disclose whether it is aware of any employee of York or Durham, member of the Joint Waste Management Group, Chair or elected member of Durham Council or York Council or any Municipal Council within Durham or York, member of a agency of the Regions, board or commission or employee thereof, or any consultant or affiliate directly involved with the Project, having a financial interest in the RFQ Respondent and the nature of that interest. If such an interest exists or arises during the evaluation process, the Regions may in their sole and unfettered discretion refuse to consider the RFQ Submission until the matter is resolved to their satisfaction, if at all.

The RFQ Respondent will inform the RFQ contact person if the RFQ Respondent or any member of the RFQ Respondent's team is retained by another client, giving rise to a potential Conflict of Interest. If the Regions consider this to create a Conflict of Interest, or contravene this RFQ, then the RFQ Respondent will be required to take such steps as are necessary to remove the Conflict of Interest to the complete satisfaction of the Regions, or withdraw from the RFQ process.

If applicable, RFQ Respondents must declare any Conflict of Interest below:

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### 1.3 Thermal Treatment Technology Declaration

The RFQ Respondent declares that the Proposed Facility will utilize one of the following forms of Thermal Treatment Technology (*please place check mark in the appropriate box*):

- System 2a) with Combustion thermal treatment; or
- System 2a) with Gasification thermal treatment; or
- System 2a) with Pyrolysis thermal treatment; or
- System 2a) with Plasma Gasification thermal treatment; or
- System 2b) with Combustion thermal treatment; or
- System 2b) with Gasification thermal treatment; or
- System 2b) with Pyrolysis thermal treatment; or
- System 2b) with Plasma Gasification thermal treatment.

RFQ Respondents shall be restricted to one Thermal Treatment Technology per submission. Unless otherwise provided in the RFQ, the Thermal Treatment Technology for the Proposed Facility contained in the RFQ Submission cannot change if such RFQ Respondent becomes a Qualified Respondent.

### 1.4 Declaration of Respondent Contact

The RFQ Respondent declares that the contact ("Respondent Contact") for the purpose of communication with the RFQ Respondent is:

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

Name of Corporate Entity: \_\_\_\_\_

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

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

Phone and Fax: \_\_\_\_\_

Any communication related to this RFQ delivered to the RFQ Contact Person will have been deemed by the Regions to have been delivered to each corporate entity of the RFQ Respondent.

**1.5 Declaration of Non Collusion or Fraud**

RFQ Respondents agree that their participation in this RFQ process is conducted fairly and without collusion or fraud. An RFQ Respondent may not collude with any other RFQ Respondent (or any representative of any other RFQ Respondent) about the preparation of RFQ Submissions. The Regions have the right to disqualify any RFQ Respondent and/or reject any RFQ Submission where they are of the opinion, in their sole and unfettered discretion, that an RFQ Respondent has taken part in collusive or fraudulent behaviour.

**1.6 Execution**

A corporate representative for each member of the RFQ Respondent shall sign this form below.

*I hereby declare that I:*

- 1. *Have read and agree with the declaration made in Section 1.1 to 1.5 to this form; and*
- 2. *Have read and understand the RFQ, and I agree to bound by its requirements; and*
- 3. *Understand and accept obligations imposed by this RFQ Submission; and*
- 4. *Have the authority to bind the corporate team member of which I am a representative.*

*I, \_\_\_\_\_, am an authorized officer or director of \_\_\_\_\_, the Prime Project Coordination Team Member,*

*I, \_\_\_\_\_, am an authorized officer or director of \_\_\_\_\_, the Prime Design Team Member,*

*I, \_\_\_\_\_, am an authorized officer or director of \_\_\_\_\_, the Prime Construction Team Member,*

*I, \_\_\_\_\_, am an authorized officer or director of \_\_\_\_\_, the Prime Construction Financing Team Member,*

*I, \_\_\_\_\_, am an authorized officer or director of \_\_\_\_\_, the Prime Operations Team Member,*

*dated \_\_\_\_\_.*

This Submission may be executed in several counterparts, each of which so executed shall be deemed to be an original, and such counterparts shall together constitute one and the same instrument.

# Appendix 1: Ontario Air Emission Requirements

## **Summary of Ontario's Air Emission Requirements**

The following information summarizes the air emission requirements for the Province of Ontario. Details can be found at <http://www.ene.gov.on.ca/en/air/index.php>.

The Environmental Protection Act R.S.O. 1990, c.E.19 ("E.P.A.")

Ontario's EPA, Section 9, forms the basis for the Air and Noise approval program in Ontario. Under Section 9, most industrial processes (including thermal waste treatment facilities) that release emissions to the environment require approval and the issuance of a Certificate of Approval (CofA) Air. The Ministry of the Environment (MOE) can issue a CofA Air after receipt and review of applications that demonstrate compliance with the requirements of the EPA. In order to obtain approval under Section 9 of the EPA, applicants are required at a minimum, to demonstrate compliance with Ontario Regulation 419/05. Proponents of new municipal waste incinerators will also be expected to, at a minimum, demonstrate compliance with Guideline A-7.

### Ontario Regulation 419/05

Ontario Regulation 419/05 imposes concentration based point of impingement (POI) limits for contaminants and requires the use of approved dispersion models to assess compliance with these limits based on the aggregate emission rate of a contaminant from a facility. This effectively establishes the 'upper limit' of allowable emissions for a facility. Compliance with the POI limits is demonstrated through the preparation of an Emission Summary and Dispersion Modelling (ESDM) Report. It is important to note that the location of a POI (i.e. 'the receptor') is generally taken to be outside of the property limits of the permitted facility. A summary of O. Reg. 419/05 can be found at <http://www.ene.gov.on.ca/envision/gp/2424e04.pdf>.

### Guideline A-7

Guideline A-7 (under the EPA, Part V, Section 27 and Part II, Section 9), last revised February 2004, sets out the combustion and air pollution control requirements for municipal waste incinerators. Guideline A-7 was developed on the basis of "Maximum Achievable Control Technology" (MACT), or in the case of dioxin and furan limits the "lowest achievable emission rate" principle, human health considerations and the approaches taken by other jurisdictions. The guideline reflects the requirements for installation of air pollution control systems, sets air emission limits for particulate matter, acid gases, metals and dioxins/furans and establishes requirements for the control, monitoring and performance testing of incineration systems. The air emission limits set out in A-7 are emission limits for the concentration of specific parameters within the stack. Generally, a facility that meets these air emission limits for the parameters set out in A-7, will meet the POI limits set out for the same parameters as set out in O. Reg. 419/05. Guideline A-7 also provides guidance on design and operating considerations for municipal waste incinerators. It is important to note that Guideline A-7, while not a regulatory instrument, is a tool used for establishing requirements for incorporation into Certificates of Approval. Please note that Guideline A-7 is presently under review by the Province of Ontario. Guideline A-7 can be found at <http://www.ene.gov.on.ca/envision/gp/1746e.htm>.

### Air and Noise Certificate of Approval

Each CofA issued under Section 9 of the EPA is site-specific and is tailored to the individual characteristics of the facility and its local environment. The minimum requirements for all applications for a CofA Air and Noise are set out in the guide for Air Approvals found at <http://www.ene.gov.on.ca/envision/gp/4174e.pdf>.

Given the current regulatory approach in Ontario, it is anticipated that the CofA for a new municipal waste incinerator could include more stringent limits on stack emissions than that set out in Guideline A-7 for those parameters:

- where it can be demonstrated that available flue gas control technologies can result in emissions of parameters from the stack below A-7 limits; and/or
- where such reduced emission levels are required to enhance protection of human health and ecology.

While not specifically noted in the MOE guidance documents, the health and ecological assessment consultants for the Durham York Environmental Assessment Residual Waste Study have recommended that a Site Specific Risk Assessment (SSRA) be completed to support the environmental approvals applications in order to provide a more precise determination of potential effects on human health and the environment. The results of this SSRA could potentially influence the requirements of a CofA including the criteria and limits required.