

**SPECIAL INSTRUCTIONS TO BIDDERS**

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## **SPECIAL INSTRUCTIONS TO BIDDERS**

### **1. Named Parties**

For the purposes of this contract the following parties are identified:

Owner	<b>The Corporation of the City of Niagara Falls</b>
Director of Municipal Works	<b>Erik Nickel, P.Eng.</b>
City Project Manager	<b>Eric Lallouet</b>
Consultant	<b>CIMA+ &amp; Ellis Engineering</b>
Contact for Enquiries	As noted below
<b>Trail &amp; Road</b>	<b>Lisa Cullen, OALA, AAPQ</b>
Telephone No:	<b>905-697-4464 x6915</b>
<b>Bridge</b>	<b>Arih Struger-Kalkman, P.Eng</b>
Telephone No:	<b>905-934-9049</b>

### **2. Tender Procedure**

The following policy regarding the submission of tenders and the tender opening procedures will be applicable for this project. Tenderers are requested to adhere strictly to the instructions concerning submission.

a) All tenders must be sealed and submitted to:

Name:	Mr. Bill Matson
Title:	City Clerk
Address:	4310 Queen Street P.O. Box 1023 Niagara Falls, Ontario L2E 6X5

By the following time:

Time:	1:45 p.m. Local Standard Time
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Date:	<b>Tuesday August 11, 2020</b>
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City of Niagara Falls  
Contract 2020-396-16

Whirlpool Road Multi-Use Pathway, Pedestrian Bridge, and Roadway Widening  
Construction from Millennium Trail to Victoria Avenue

- b) Tenders received later than the time specified will not be accepted, regardless of the postal seal date. Tenders must be plainly marked to reveal the contents and the Tenderer's name and address.
- c) Tenders shall be submitted in two envelopes, as follows:
- i. The first envelope shall contain:
    - "Agreement to Bond", duly signed and sealed (no copies or facsimiles will be accepted).
    - Tender deposit in the form of a **certified cheque, bank draft, money order, bid bond or letter of credit** (the Letter of Credit shall be in the format indicated in Agreement to Bond) and in the amount of **\$110,000**.
  - ii. The second envelope shall contain:
    - Form of Tender (including addenda if applicable).

Please note that the tender specifications shall not be included in the second envelope. In the event the first envelope does not contain the proper documents, the second envelope will not be opened.

**Envelopes will not be provided. Bidders must provide their own envelope and securely affix the appropriate envelope labels to each envelope. Envelope label templates have been provided at the end of this section.**

**Tenders may be couriered or delivered in person to the City of Niagara Falls. Staff is available to receive deliveries during normal business hours; however, please allow additional time for COVID-19 protocols.**

- d) Tenders will be opened the same day that tenders close.

Time: 2:00 p.m. Local Standard Time

Location: City Hall  
4310 Queen Street  
Niagara Falls, Ontario  
Committee Room #2A & #2B (Lower Level)

**To help limit the spread of COVID-19, the tender opening will not be held publicly.**

Once the Tender closes the City will open up Envelope #1. If the requirements for Envelope #1 are met the City will proceed to open Envelope #2. If all requirements are met in Envelope #2 the price will be summarized on a Tender summary and posted to the City Bids and Tender site with unofficial results under the bid. Final or official tender results will be posted under the bid upon the completion of the tender analyses.

- e) The total tender price will be announced for each tender opened (excluding H.S.T.).

**3. Estimated Tender Price**

An estimated tender price will not be provided for this project.

**4. Tender Award**

The award of this tender is subject to the Owner obtaining approval from the:

**City of Niagara Falls Council**

Tentatively, construction may commence, but is not guaranteed, by **September 14, 2020** provided that the contract has been executed by the Contractor and the City of Niagara Falls.

**5. Maintenance Holdback**

The following maintenance holdback will apply to this contract:

**Two Percent (2%) of Final Contract Value or Five Thousand Dollars (\$5,000.00), whichever is greater.**

**6. Liquidated Damages**

The liquidated damages for this contract shall be One Thousand Dollars (\$1,000.00) for each and every day's delay, as outlined in Special Provisions – General, Item G16.

**7. Additional Insured**

The following parties are identified to be included as additional insured for this project:

**Corporation of the City of Niagara Falls**

**Niagara Parks Commission**

**CIMA Canada Inc.**

**Ellis Engineering, Inc.**

**EXP Services, Inc.**

**Ontario Power Generation Inc.**

**8. Rights of Municipality**

- a) The Municipality reserves the right in its absolute discretion to accept a Tender which it deems most advantageous to itself and the right to reject any or all Tenders, in each case without giving any notice. The lowest or any Tender will not necessarily be accepted. In no event will the Municipality be responsible for the costs of the preparation of the submission of a Tender from any Tendered.
- b) Tenders which contain conditions or otherwise fail to conform to the Instruction to Bidders may be disqualified or rejected. The Municipality may however, in its sole discretion, reject or retain for its consideration Tenders which are non-conforming because they do not contain the content or form required by the Instructions to Bidders or for failure to comply with the process for submission set out in these Special Instruction to Bidders.
- c) Except as expressly and specifically permitted in the Instructions to Bidders, no Bidder shall have any claim for any compensation of any kind whatsoever, as a result of participating in this Tender opportunity, and by submitting a Tender each Bidder shall be deemed to have agreed that it has no claim.

**9. Harmonized Sales Taxes (HST)**

The Contractor shall **NOT** include Harmonized Sales Tax (H.S.T.) in the 'Unit Bid Prices'. **H.S.T. will be included as a separate item which is to be shown on Statement "B".**

**10. Questions Regarding the Tender**

Questions regarding this tender must be directed to **Consultant or PM** up to 1:00 p.m. local time on **Friday August 7, 2020**.

Questions received after this stated time and date may not be acknowledged, or answered. It is the Bidder's sole responsibility to ensure that questions submitted have been received.

**11. Safe Drinking Water Act**

Prior to commencing construction on City projects, all personnel who will be directing activities on the work site, including site foremen, supervisors and lead hands of both the Contractor and/or Subcontractor shall familiarize themselves with Appendix B (Performing Work on the Niagara Falls Drinking System) to ensure they understand the rules and regulations of the Safe Drinking Water Act. A signed copy of the "Record of Review", Appendix C must be submitted to the City's Project Manager prior to the commencement of any work.

**12. Additions and Deletions**

The City of Niagara Falls reserves the right to add to or delete from any portion or portions of the Schedule of Quantities and Unit Prices. These changes under this contract shall **not** be subject to the unit price adjustment provisions in the OPS General Conditions of Contract.

**13. Bidder Registration**

All new bidders must register with the Project Manager, **Eric Lallouet** via email at [elallouet@niagarafalls.ca](mailto:elallouet@niagarafalls.ca), prior to submitting a tender bid. There is no fee for registration. The email should include the following minimum information:

Company Name  
Contact Name  
Phone Number  
Fax Number  
Email Address

Please note that all communication will be to the contact provided in the registration email.

Bidders are expected to access documents from the City's website. No hard copies are available.

**Bidder registration will only be accepted until the end of the question period.**

**14. Mandatory Pre-Bid Site Meeting**

A mandatory pre-bid site meeting will be held on August 5<sup>th</sup> at 11:00am at the entrance to the Millennium Trail on Whirlpool Road. All interested bidders must attend the site meeting and sign the attendance form. Anyone who does not attend the meeting will not be eligible to bid on this project.



**15. Special Requirements**

The following **project milestones** must be met:

- Slip lane/road widening work, bridge abutments, all tree removals and clearing & grubbing to be completed by November 30<sup>th</sup>, 2020.
- All remaining work including, but not limited to: erecting the bridge, trail extension and all restoration to be completed by May 21<sup>st</sup>, 2021.

**OPG Communications and Access**

- The contractor will be responsible for coordination on a regular basis with OPG for access, health & safety and any works to take place on or around OPG property.
- Existing access roads and gates to and from OPG property are to remain accessible, secure and free of obstructions at all times.