

APPENDIX A RFT PARTICULARS

Table of Contents

A. The Work	2
B. Material Disclosures	2
1. Contract for the Work	2
2. Term of Contract	2
3. Tariffs	2
4. COVID-19	4
5. Electronic Monitoring Policy	5
6. Occupational Health and Safety Management System (OHSMS) Certification Program	5
7. Prequalified Subcontractors	6
8. Non-Disclosure Agreement	7
9. Award of Contract	7
C. Mandatory Submission Requirements	7
1. Bid Deposit	7
2. Undertaking to Bond	8
D. Mandatory Technical Requirements	8
1. Occupational Health and Safety Management System (OHSMS) Certification Program	8
E. Pre-Conditions of Award	9
1. Executed Contract	9
2. WSIB Certificate of Clearance	10
3. Insurance	10
4. Bonds	10

APPENDIX A - RFT PARTICULARS

A. The Work

The Work includes the phased renovation of approximately 430 SM (4,628 SF) of office space, the removal of the existing stage and construction of a new stage in the Great Hall on the ground floor, and carpet replacement in an additional area measuring 560 SM (6,028 SF). The project also comprises renovations to 1,190 SM (12,809 SF) of office space on the second floor, and 210 SM (2,260 SF) of office space on the third floor at the York Region Administrative Centre, identified as Package E, located at 17250 Yonge Street, Newmarket. Further details are provided in Appendix C.

B. Material Disclosures

1. Contract for the Work

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

2. Term of Contract

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

3. Tariffs

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

If additional tariffs come into force after the Submission Deadline that increase the selected bidder's costs of performing the Work, the selected bidder shall notify the Region in writing within 15 days of the enactment of the additional tariffs. Such notice shall include a detailed description of the tariffs, including the rates and amounts of the tariffs and the specific products or components thereof that are affected. The selected bidder shall take commercially reasonable steps to mitigate the costs and damages it may incur as a result of such tariffs by consulting with the Region to determine whether:

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

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

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

This entitlement to a potential increase in the Bid Price does not apply to price increases for factors that the selected bidder could have reasonably anticipated, accounted for or avoided as of the Submission Deadline. Such factors include, but are not limited to, fluctuations in the cost of fuel, delivery costs or inflation.

The Region reserves the right to deny the selected bidder's claim for a Bid Price adjustment if the documentary evidence provided by the selected bidder does not meet

the Region's requirements, as determined by the Region in its sole discretion. The Region may refuse the selected bidder's claim for an adjustment to the Bid Price or approve an amount less than what was requested if the Region, in its sole discretion, determines that the price adjustment request is unreasonable or exceeds the Region's budgetary limits.

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

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

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

4. COVID-19

The bidder that enters into a contract with the Region for the provision of the Work shall comply with all legislation, orders and requirements related to the COVID-19 virus and its variants issued by the Government of Canada, the Province of Ontario, the Region or other applicable authority.

Bidders shall consider all legislation, orders and requirements related to the COVID-19 virus and its variants that were issued, prior to the Submission Deadline, by the Government of Canada, the Province of Ontario, the Region or other applicable authority that could impact pricing, and the bidder's prices will be deemed to include all costs associated with the foregoing.

5. Electronic Monitoring Policy

The Region has implemented an [Electronic Monitoring Policy](#), as may be amended from time to time. This policy outlines when and how employees and contractors may be electronically monitored while performing work-related duties and activities or while using Regional assets, equipment, systems or information. More information, including a link to the policy, can be found on the Region's Current Bids and Tenders webpage at: <https://www.york.ca/business/doing-business-york-region/current-bids-and-tenders>.

6. Occupational Health and Safety Management System (OHSMS) Certification Program

As part of the Region ongoing commitment to occupational health and safety, all contractors submitting bids on publicly tendered Regional construction projects must possess, at the time of bidding, at least one of the following occupational health and safety management system (OHSMS) certifications acceptable to the ("**OHSMS Certification**"):

- (a) Certificate of Recognition (COR®) issued by the Infrastructure Health and Safety Association (IHSA);
- (b) Letter of COR® Equivalency issued by the IHSA;
- (c) Letter of Reciprocity issued by the IHSA; and/or
- (d) ISO 45001:2018 certificate issued by an entity accredited by an accreditation body recognized by the International Accreditation Forum (IAF) ("**ISO Certificate**").
- (e) any other OHSMS certification accredited by the Chief Prevention Officer under section 7.6.1 of the Occupational Health and Safety Act.

Valid OHSMS Certification must be maintained for the duration of the contract.

For further details about COR®, including the certification process and fees, please contact the IHSA at 1-800-263-5024 or visit their website at <http://www.ihsa.ca/cor-home>.

For further details about ISO 45001:2018, please contact the International Organization for Standardization at customerservice@iso.org or visit their website at <https://www.iso.org/>. Additional details about certification and accreditation bodies are available on the IAF website at <https://www.iafcertsearch.org/>.

For further details related to the OHSMS certification accredited by the Chief Prevention Officer under section 7.6.1 of the Occupational Health and Safety Act, please visit <https://www.ontario.ca/page/supporting-ontarios-safe-employers-program#section-5>.

For further details related to the OHSMS Certification Program, visit York.ca at <https://www.york.ca/business/doing-business-york-region>.

7. Prequalified Subcontractors

The Altos Partitions Installation portion of the Work must be completed by one of the following certified Teknion Altos Installer subcontractors prequalified under Request for Prequalification No. RFP P-18-09:

Altos Certified Installers:

1. Pro Office Services

830 Brock Road
Pickering, Ontario
L1W 1Z8

Contact Name: Reymon Hanna
Telephone: 416-220-1601
Email: rhanna@prooffice.ca

Contact Name: David Ghali
Telephone: 416-882-4166
Email: dghali@prooffice.ca

2. Choice Office Installations

201 Limestone Crescent
Toronto, Ontario
M3J 2R1

Contact Name: Jason Evertsen
Telephone: 416-645-8095 x27
Email: jevartsen@choiceofficeinstallations.com

The Delta Controls Vendor/Installation portion of the Work must be completed by one of the following Delta Controls subcontractors prequalified under Request for Prequalification No. RFSQ-1533-24 Delta Controls Vendors

Delta Controls Vendors:

1. Viridian Automation

Contact Name: Winston Tang

Telephone: 647-883-9700

Email: wtang@viridianautomation.com

2. Ainsworth (Delta Controls)

Contact Name: Paul Lasagna

Telephone: 416-456-0552

Email: paul.lasagna@ainsworth.com

3. Regulvar

Contact Name: Andrew Liddle

Telephone: 437-882-3848

Email: aliddle@regulvar.com

8. Non-Disclosure Agreement

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

9. Award of Contract

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

C. Mandatory Submission Requirements

1. Bid Deposit

Bidders shall submit a bid deposit in the amount of not less than 10% of the Subtotal Contract Amount generated on the Bidding Website in the Schedule of Prices (the “**Bid Price**”), to act as security for the satisfaction of the pre-conditions of award listed in Section E.

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

substantially in the form issued by the Canadian Construction Documents Committee (CCDC220 Form) or the Surety Association of Canada.

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

2. Undertaking to Bond

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

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

D. Mandatory Technical Requirements

1. Occupational Health and Safety Management System (OHSMS) Certification Program

Under the Mandatory Technical Requirements section in the Bidding Website, bidders are required to confirm whether or not they have obtained at least one valid OHSMS Certification by selecting either “yes” or “no” under each specified OHSMS Certification type category.

Bidders are also required to upload, in the document upload field titled “OHSMS Certification Documentation” in the Documents step in the Bidding Website, proof of valid OHSMS Certification in a form acceptable to the Region, in its sole discretion.

The name of the certified organization must appear on the proof of OHSMS Certification and must match the legal name of the bidder, as determined by the Region in its sole discretion.

For bidders structured as a joint venture or consortium, at least one of the parties to the joint venture or consortium must possess valid OHSMS Certification and the name of the certified party must appear on the submitted proof of OHSMS Certification.

Acceptable forms of proof of valid OHSMS Certification types are limited to the following:

- (a) Certificate of Recognition (COR®) issued by the IHSA;
- (b) Letter of COR® Equivalency issued by the IHSA;
- (c) Letter of Reciprocity issued by the IHSA; and
- (d) ISO Certificate that contains all of the following information:
 - (i) the standard for which the certificate has been issued (ISO 45001:2018 or more current version)
 - (ii) appropriate scope for Ontario based operations (the scope on the certificate must match the scope of the procurement, as determined by the Region in its sole discretion)
 - (iii) certificate expiration date
 - (iv) certificate number.
- (e) any other OHSMS certification accredited by the Chief Prevention Officer under section 7.6.1 of the Occupational Health and Safety Act.

If proof of valid OHSMS Certification has not been submitted or is submitted in a form that does not meet the OHSMS Certification requirements of the RFT, the Region reserve the right to:

- (a) contact the relevant third party issuing the subject OHSMS Certification to verify the validity of the bidder's OHSMS Certification; and/or
- (b) issue the bidder a rectification notice identifying the OHSMS Certification deficiencies and providing the bidder an opportunity to rectify the deficiencies. If the bidder fails to satisfy the OHSMS Certification requirements within 3 business days following the day the Region emails a rectification notice to the bidder, its bid will be rejected.

E. Pre-Conditions of Award

1. Executed Contract

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

2. WSIB Certificate of Clearance

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

3. Insurance

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

4. Bonds

The selected bidder shall provide:

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

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

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