



**Expression of Interest:
Supply of Common Earthworks Material**

Closing location:
Blackfalds Town Office
5018 Waghorn Street
Blackfalds, AB T0M 0J0

Closing date and time:
December 16, 2020
2:00PM, Mountain Daylight Time

General Contact Person
Martine Francis, Stantec Project Manager
Phone 403.392.3675 martine.francis@stantec.com

Town of Blackfalds
Box 200
Blackfalds, AB
T0M 0J0

Table of Contents

1. Background	3
2. Overview	3
3. Definitions	5
4. Expression of Interest	6
5. Confidentiality and Security of Information	7
6. Vendor Expenses	7
7. Period of Commitment	7
8. Multiple Proposals	8
9. Price	8
10. Irrevocability of EOI Submissions	8
11. EOI Closing	8
12. Consent to Use Information	8
13. Information Disclosure and Confidentiality	8
14. Vendor Profile	9
15. Fee Schedule	11
16. Evaluation Criteria	11
17. Approval Process	11

1. Background

The Town of Blackfalds is seeking expression of interest (EOI) for accepting excess common excavation material from an upcoming earthworks project. The Town of Blackfalds is preparing to initiate the second phase of the East Area Stormwater Project within the north half of 25-39-27-W-4, west of RR270. The project will generate approximately 130,000 m³ of excess common material. The Town is seeking offers for accepting this material to offsite location(s).

The Town of Blackfalds is situated in North-Central Alberta, along the QE II Hwy and Hwy 2A, between the cities of Red Deer and Lacombe and operates under a council-manager form of government. The Council is comprised of six elected members and an elected Mayor. The Chief Administrative Officer is responsible for the Town administration functions.

Blackfalds has been one of Canada's youngest and fastest growing communities for over 10 years, with growth above the provincial average. In 2018 the growth rate was 2.11% compared to the provincial average of 0.9%. Record breaking commercial and industrial development has also been taking place in recent years. The availability of and attractive pricing of land within the community coupled with quality of life amenities such as the Abbey Centre, athletic venues such as the skateboard & bike skills park, Regional Transit System (BOLT) and the parks and trails systems are contributing factors to the ongoing growth.

Blackfalds has a population of just over 10,000 and provides municipal services including administration, finance, public works, recreation, water and wastewater services.

2. Overview

The Town of Blackfalds is inviting Expressions of Interest (EOI), from landowners that are requiring fill material to support their land development(s). The Town would like to enter into an arrangement with the landowner(s) or developer(s) who provide the most favorable offer to the Town for the supply of this material.

The Town's goal is to establish an agreement with the selected landowner(s) such that the value of the hauling of material offsite is not borne by the Town. The agreement is intended to be mutually beneficial for both parties. The Town intends to construct the Phase 2 project within the budgetary limits of the 2021 Capital Plan. In order to provide the best possible outcome for the taxpayers in Blackfalds the Town seeks to sell the excess common excavation material.

The Proponents are requested to provide one of the following:

- their location for stockpiling the material and a proposed unit rate (\$/m³) for material delivered to the identified location by the Town's Contractor. The unit rate for the cut volume of material will include the transport and unloading of material to the specified location. The unit rate should take into consideration the hauling distance to the specified location.
- to provide their own hauling and transport of the material with their preferred Contractor at no expense to the Town. Proponents are to submit their Contractors company information, verification of Certificate of Recognition (COR) with their submission. Provide copy of relevant safety documentation, including hazard assessment(s), safety manual, Emergency Response Plan, and other documentation as required. The Proponents Contractor will be required to meet the Town's Contractors schedule for hauling offsite under this scenario.

As part of an upcoming tender process the Town will be identifying the accepted stockpile location(s) for Contractors to price the hauling of material to the specified location(s).

Proponents are requested to provide a map showing the stockpile location and identify haul routes from the proposed excavation location. Distances for haul routes clearly indicated in the Proposal. For the purpose of the EOI submission the Proponent can assume the point of hauling distance calculation begins at the location indicated below.



Figure 1: Haul path starting point

At the Proponents request, the Town will make available all borehole logs and geotechnical information for consideration by the Proponent in making their offer. Refer to contact information in Section 4.3 to request the geotechnical information.

3. Definitions

Throughout this Expression of Interest the following terminology will be used:

“Additional Services” means services requested by Town of Blackfalds not listed within this agreement.

“Business Day” means Monday to Friday, excluding holidays.

“Business Hours” means 8:30 a.m. to 4:30 p.m. MDT on Business Days.

“Close of Submissions” means 2:00 p.m. MDT on December 16, 2020.

“Contract” means the written agreement between the successful Vendor and the Municipality to provide Supply of Common Excavation Material contemplated by this EOI.

“Council” means Council of the Town of Blackfalds.

“Evaluation Team” means the individuals who will evaluate submissions on behalf of the Town.

“Expression of Interest” means submission of an Expression of Interest in accordance with the requirements listed here within.

“Town” means the Town of Blackfalds

“Municipal Government Act” means the Municipal Government Act, RSA 2000, c M-26 and its relevant regulations as amended from time to time.

“Must”, “mandatory”, “required”, “shall” means a requirement that must be met in substantially unaltered form in order for the Proposal to receive consideration.

“Optional” means a requirement not considered essential, but for which preference may be given.

“Proponent” means a party signing and delivery of the submission documents to the Town.

“Services” means the functions, duties, tasks and responsibilities to be provided by the Vendor as described in this EOI

“Should”, “desirable” means a requirement having a significant degree of importance to the objectives of this EOI.

“Submission” means an offer by the Vendor to perform the Services in accordance with the Contract Documents and for the specified pricing.

“**Vendor**” means an organization or a Consortium responding to this EOI with a submission.

4. Expression of Interest

The Town of Blackfalds will receive EOI submissions for accepting excess common material from the Phase 2 East Area Storm project.

This EOI will be conducted with the objective of maximizing the benefit to the Municipality, while offering landowners/developers a fair and equitable opportunity to participate.

Landowners/Developers are advised that failure to satisfy any term or condition of this EOI may result in an unacceptable submission.

4.1 EOI Schedule of Events

EOI Issue Date: December 2, 2020

EOI Closing Date and Time: December 16, 2020, 2 pm

EOI Award to Successful Proponent(s) (if any): December 23, 2020

Hauling of Material Commencement Date: February 2021

4.2 EOI Submissions

The proponent shall: Submit a digital copy of the EOI by email. In responding to this EOI, your attention is drawn to the following:

- A Submission Letter and Response Form (Appendix 1) must be completed, signed by an authorized representative of the Vendor and included in the Submission;
- Submissions received unsigned or after this EOI closing date and time may be rejected;
- Ambiguous, unclear or unreadable Submissions may be cause for rejection; and
- Submissions must be sealed and clearly marked with this EOI’s name and EOI closing date and addressed as follows:

Attention: Martine Francis, Blackfalds EAS Phase 2 Project Manager
Stantec Consulting Ltd.
(Office) 403-365-3415
(Mobile) 403-392-3675
martine.francis@stantec.com

4.3 Vendor Questions

All questions related to this EOI should be addressed to Stantec Project Manager for the Phase 2 East Area Storm Project, Martine Francis – martine.francis@stantec.com. The Vendor has a responsibility to notify the EOI contact in writing, of any ambiguity, divergence, error, omission, oversight, contradiction, or item subject to more than one interpretation in this EOI, as it is discovered, and to request any instruction, decision, or direction required to prepare the Proposal.

Verbal responses to enquires are not binding on any party.

5. Confidentiality and Security of Information

5.1 The Vendor, the Vendor's employees, subcontractors, and agents shall:

- Keep strictly confidential all information concerning the Municipality and/or third parties, or any of the business or activities of the Municipality and/or third parties acquired as a result of participation in the EOI;
- only use, copy or disclose such information as necessary for the purpose of submitting an EOI Submission or upon written authorization of the Municipality; and,
- the Vendor shall maintain security standards, including control of access to data and other information, consistent with the highest standards of business practice in the industry.

5.2 Conflict of Interest

Vendors must fully disclose, in writing to the EOI Contact on or before the closing date of this EOI, the circumstances of any possible conflict of interest or what could be perceived as a possible conflict of interest if the Vendor were to become a contracting party pursuant to this EOI.

The Evaluation Team shall review any submissions by Vendors under this provision and may reject any Proposals where, in the opinion of the Evaluation Team, the Vendor could be in conflict of interest or could be perceived to be in a possible conflict of interest position if the Vendor were to become a contracting party pursuant to this EOI.

6. Vendor Expenses

The Vendor is responsible for all costs of preparing and presenting its EOI Submission and for subsequent negotiations, if any, with the Municipality.

7. Period of Commitment

EOI Submissions shall be final and binding on the Vendor for 90 days from this EOI's closing date and time and may not be altered by subsequent offerings, discussions, or commitments unless the Vendor is requested to do so by the Evaluation Team.

8. Multiple Proposals

If multiple EOI Submissions are offered, the Vendor must submit each Submission separately in the same format as outlined in the EOI. Submissions must meet the fundamental intent of this EOI. The Evaluation Team will decide the acceptability of each Submission.

9. Price

The price to accept the excess common material shall be expressed in a unit rate, \$/m³ and must be quoted in Canadian dollars and exclusive of GST. The proponent can propose a \$0 submission if they are proposing to haul and transport the excess material offsite at their own expense.

10. Irrevocability of EOI Submissions

Vendors may amend or withdraw their EOI Submission prior to this EOI's closing date and time by submitting a clear and detailed written notice to the EOI Contact. All EOI Submissions become irrevocable after this EOI's closing date and time.

Until the closing time, the Proponent may withdraw its EOI Submission without penalty or forfeiture.

11. EOI Closing

This EOI will close December 16, 2020 at 2 p.m. MDT. Proposals must be received by the EOI Contact before 2 p.m. MDT on this EOI's closing date.

The Town may, by notice or addendum to all Proponents, postpone the Close of EOI Submissions. **All notices and addendum, including the proposal documents, will be issued via the Province of Alberta's "Alberta Purchasing Connection" website and the Town of Blackfalds website. Notices to the Town of Blackfalds website are for information only and are not to be interpreted as binding on the Agreement.**

12. Consent to Use Information

The Vendor consents, and has obtained the written consent from any individuals identified in the EOI Submission, to the use of their personal information in the Submission by the Municipality, the Municipality employees, subcontractors and agents, to enable the Municipality to evaluate the Submission.

13. Information Disclosure and Confidentiality

13.1 FOIP

All documents submitted to the Municipality will be subject to the protection and disclosure provisions of the *Freedom of Information and Protection of Privacy Act (FOIP)*. FOIP allows persons a right of access to records in the custody and control of the Municipality, subject to limited and specific exceptions. It also prohibits the Municipality from disclosing the Proponent's personal or business information where disclosure would be harmful to the Proponent's business interests or would constitute an unreasonable invasion of personal privacy as defined in Sections 16 and 17 of the Act.

Proponents are encouraged to identify all portions of their submissions that are confidential and what harm could reasonably be expected from its disclosure. The Municipality cannot assure Proponents that any portion of the Proponent's documents will remain confidential under FOIP. Under no circumstances, however, will the Municipality disclose information contained in a Proposal to any other Proponent prior to the award of a contract.

13.2 Submission Return

EOI Submissions and accompanying documentation submitted by Vendors are the property of the Municipality and will not be returned.

13.3 Submission Rejection

The Evaluation Team may reject the lowest cost EOI Submission, or any or all Submissions.

14. Vendor Profile

The EOI Submission must include:

- A brief introduction of the Vendor, identifying the members of the consortium (if applicable) and the Prime Vendor who will be the Consortium's contact with the Municipality;
- The full legal name of the Vendor. In the case of Consortium Submissions, the full legal name of the Prime Vendor and each Consortium member must be provided;
- The location of the Vendor's head office and service centres. For Consortium Submissions, head office and service centre locations must be provided for each Consortium member;
- The exact location for stockpiling of common material. The Vendor is responsible for ensuring that all approvals to stockpile material at the location specified are obtained prior to accepting material. The Vendor is responsible for ensuring all erosion and sediment control practices are in place following receipt of material.
- The volume of the material available is approximately 130,000m³. The proponent is specify the volume of material they are proposing to purchase. The unit rate for material where the price considers the total trucking distance to the specified site.
- A Vendor contact for all questions and clarifications arising from the Proposal. The contact information should include the person's title, address including email, telephone and facsimile number;
- A Vendor contact authorized to participate in contract negotiations. The contact information should include the person's title, address including email, telephone and facsimile number;
- Response to each of the Vendor Requirements identified in this EOI; and

- Details of any and all subcontracting arrangements proposed by the Vendor. Provide a copy of the Certificate of Recognition (COR). Provide copy of relevant safety documentation, including hazard assessment(s), safety manual, Emergency Response Plan, and other documentation as required.

14.1 Appendices

If the Vendor wishes to include any other material not specifically requested by this EOI, it may do so by including additional appendices in the EOI Submission.

14.2 Disclaimer of Liability and Indemnity

By submitting an EOI, a Proponent agrees:

- To be responsible for conducting its own due diligence on data and information upon which its Submission is based;
- That it has fully satisfied itself as to its rights and the nature extended to the risks it will be assuming;
- That it has gathered all information necessary to perform all of its obligations under its Submission;
- That it is solely responsible for ensuring that it has all information necessary to prepare its Submission and for independently verifying all information itself with respect to any terms or conditions that may affect its Submission;
- To hold harmless the Municipality, its elected officials, officer, employees, insurers, agents or advisors and all of their respective successors and assigns, from all claims, liability and costs related to all aspects of the EOI process;
- That it shall not be entitled to claim against the Municipality, their elected officials, officers, employees, insurers, agents or advisors on grounds that any information, whether obtained from the Municipality or otherwise (including information made available by its elected officials, officers, employees, agents or advisors, regardless of the manner or form in which the information is provided) is incorrect or insufficient;
- That the Municipality will not be responsible for any costs, expenses, losses, damages or liability incurred by the Proponent as a result of or arising out of submitting an EOI Submission or due to the Municipality's acceptance or non-acceptance of its Submission; and
- To waive any right to contest in any proceeding, case, action or application, the right of the Municipality to negotiate with any Proponent for the contract whomever the Municipality deems, in their sole and unfettered discretion, to have submitted the Proposal most beneficial to the Municipality.

15. Fee Schedule

See Appendix "B". Proponents are requested to provide a map showing the stockpile location and identify haul routes from the proposed excavation location. Distances for haul routes clearly indicated in the Proposal.

16. Evaluation Criteria

The Town reserves the right to accept or reject any or all EOI Submissions and to waive irregularities and informalities at its discretion. By the act of submitting its Submission, the Proponent waives any right to contest in any proceedings or action the right of the Town to award the Services to any party in its sole and unfettered discretion. The Town will evaluate proposals based on the proponents submission and unit price (\$/m³) for receiving common material. The unit rate will also consider the hauling distance for stockpiling offsite.

The evaluation process will occur in two stages.

Stage I

Stage I will consist of a review of all compliant proposals to determine the highest-ranking proponent based on the rated criteria and pricing evaluation set out below.

Stage II

Stage II will consist of the top-ranked proponents, as identified above, receiving an invitation to enter into direct negotiations with the Town.

This is an Expression of Interest and not a Request for Proposal and an Invitation to Tender. You are therefore advised that the Town reserves the right to:

- Accept a Submission with negotiation.
- Reject a Submission without negotiation.
- Negotiate changes in the technical or financial content of the successful proposal.

Subject to the requirements of FOIP, ratings shall be confidential, and no totals or scores of such ratings shall be released to any party.

17. Approval Process

Acceptance of an EOI Submission by the Town shall only be communicated by email from the Town to the successful Proponent.

The Town of Blackfalds reserves the right to accept or reject any and all Submissions, and to waive irregularities and informalities at its discretion. The Town reserves the right to accept a Submission other than the lowest Submission without stating reasons. By submitting its EOI Submission, the Bidder waives any right to contest, in any proceedings or action, the right of the Town to accept or reject any EOI Submission in its sole and unfettered discretion. Without limiting the generality of the foregoing, the Town may consider any other factor besides price and capability to perform the work in its sole and unfettered discretion.

Appendix "A"
PROPOSAL RESPONSE FORM
COMMON EXCAVATION MATERIAL
TOWN OF BLACKFALDS

Interested Contractors, in order to qualify as an approved vendor and to be evaluated properly, must submit the following information.

Bidder/Company Legal Name: _____

Contact Name: _____

Legal Business Address: _____

Phone/Fax: _____ Email/Website: _____

1. Key personnel (names and titles):

2. Contact name, phone numbers and email: _____

3. Physical address or legal land location for the stockpiling of material: _____

4. Approvals in place to receive material. Not limited to any of the following: Approved Development Permit, Stripping and Grading permit, Water act Approval:

5. Provide any other material/ documentation that you feel may assist in reviewing the proposed offer.

Authorized Signature: _____

Title: _____

Date: _____

APPENDIX "B"

Unit Rate
Volume of Material Requested
Attachment(s) Map of Haul Route