

**Government of British Columbia  
Ministry of Energy and Mines  
and  
Partnerships British Columbia**

**REQUEST FOR QUALIFICATIONS FOR A PUBLIC  
PRIVATE PARTNERSHIP**

FOR THE DESIGN, CONSTRUCTION, FINANCING,  
OPERATION AND MAINTENANCE  
OF

THE SIERRA YOYO DESAN ROAD

July 18, 2003



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## **1. INTRODUCTION**

The Ministry of Energy and Mines (“MEM”) and Partnerships British Columbia, are pleased to present this Request for Qualifications (“RFQ”) to pursue the establishment of a public private partnership for the upgrade and operation of the Sierra Yoyo Desan Road (the “SYD” or the “Project”).

The overall objective of the public private partnership for the Project is:

*To procure the cost-effective design, construction, operation and maintenance of the SYD while meeting user expectations regarding level of service and schedule.*

This RFQ is being issued to invite private sector parties to demonstrate their capabilities to enter into a public private partnership with a newly formed entity (“NewCo”) (see Section 2.10 for further details) to undertake the Project. MEM intends to approve a short list of three (3) qualified Respondents from those that respond to the RFQ, who will then be invited to participate in a Request for Proposal (“RFP”) for the Project.

### **1.1 Background**

The Sierra Yoyo Desan Road, located north and east of Fort Nelson, starts 15 kilometres from the Alaska Highway and extends 173 kilometres to its end at the South Helmet airstrip. The road is currently owned by the BC Transportation Financing Authority (“BCTFA”) and is open to the general public.

As part of the Government of British Columbia’s Oil and Gas Development Strategy (introduced in May 2003) promoting all-season oil and gas activities in British Columbia, an upgrade of the SYD Road is required. Improvements will strengthen the road, improve safety and allow for an increase in exploration and development activities.

### **1.2 Public Private Partnership**

The SYD is MEM’s first public private partnership project and is the first of a number of potential road projects MEM has planned. The procurement process for the SYD Road will be used as the template for delivery of similar resource road projects by MEM in the future.

The project is currently at the “functional design” stage. MEM is inviting submissions from parties that are qualified, and interested in entering into a long-term public private partnership agreement with MEM for the upgrade and operation of the SYD. It is

anticipated that, on terms to be defined in the final agreements, the private partner will assume responsibility for all aspects of project completion. In particular, in the RFP stage MEM anticipates it will be inviting qualified parties to submit proposals to:

- a) Complete the design of the SYD to defined standards;
- b) Obtain all remaining required permits and approvals;
- c) Construct the SYD according to the project schedule;
- d) Provide necessary financing for the Project; and
- e) Maintain, manage and operate the SYD for the term of the Contract (currently contemplated to be 15 years).

NewCo, which will be formed by MEM and the road users to manage the Project, will contract with and pay the private partner from the proceeds of user charges set through government regulation.

### **1.3 Objectives**

The specific objectives of the Project are presented below, not in any specific order:

- Improve multi-season access to the oil and gas fields in northeastern British Columbia.
- Accommodate the movement of wide loads from Highway 97.
- Accommodate the movement of heavy loads without significant deterioration of the road.
- Improve the safety of vehicle operations along the SYD through improved road alignment, surface width and maintenance.
- Reduce the number of days with axle-loading capacity restrictions for road users.
- Bypass the existing major bottlenecks on the Clarke Lake Road (current access to the SYD), including the one-lane rail/road bridge over the Fort Nelson River.

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## 2. OVERVIEW OF THE SYD ROAD PROJECT

### 2.1 History of the SYD Road

A government/industry funding partnership to upgrade and maintain the existing SYD was created December 1, 1998. Maintenance and upgrade work was contracted to Walter Construction (Canada) Ltd. and its subcontractors, Kledo Construction Ltd. and SureSpan Contractors Ltd. for a five-year period ending November 30, 2003. The cost of improvements are recovered from petroleum, seismic, construction and timber companies and the provincial government shares the maintenance costs.

The SYD, located north and east of Fort Nelson, starts 15 kilometres from the Alaska Highway via the publicly maintained Clarke Lake Road, and extends 173 kilometres to its end at the South Helmet airstrip. See Figure 1 on the following page for details on its location.

Jurisdiction over the road currently rests with the BCTFA and the Ministry of Transportation (“MoT”), and while open to the general public, the road is used primarily for industrial activities.

The original upgrade of the SYD included roadside brushing and extensive placement of two-inch crushed gravel to enhance shoulder width and running surface resulting in improved sight distances, road travel and road safety. For an illustration of the effect of the upgrades see the pictures below.



**BEFORE**

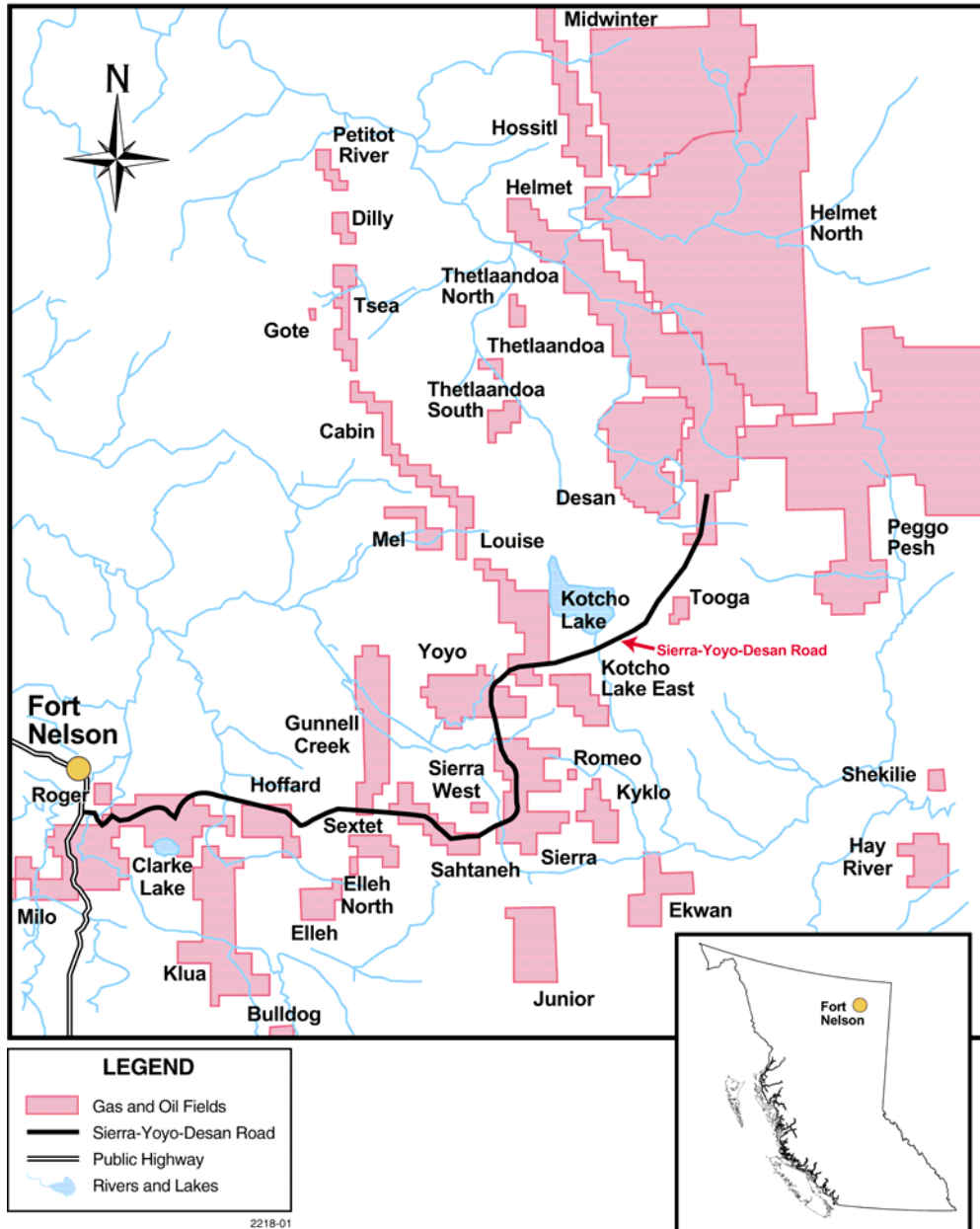
Photo of SYD road conditions prior to road upgrade.



**AFTER**

Photo of SYD road conditions after road upgrade.

**Figure 1**  
**Sierra-Yoyo-Desan Resource Access Road**



## 2.2 Current Status of the SYD Project

MEM will assume responsibility for the SYD from BCTFA and MoT on December 1, 2003.

Through recent consultation with road users, the following primary areas of concern have been identified:

- The poor and unsafe condition of the Clarke Lake Road (switchbacks and coulee) from the junction with Highway 97 to about kilometre 20;
- The bottleneck caused by the single lane rail/road bridge over the Fort Nelson River; and
- The extent of axle load restrictions.

MEM is mandated with formulating and implementing a program that addresses the concerns noted by the road users and ensures further upgrades and long-term operation and maintenance of the SYD beyond November 30, 2003. A short term maintenance contract may be let effective December 1, 2003 to ensure that the road is maintained until the Preferred Proponent for the SYD upgrade and operations program has been selected and is fully mobilized.

MEM has appointed an experienced Project Manager and advisory team to carry out detailed planning for the SYD Road. The key advisors include:

- A Road User Group (“RUG”), representing the major industrial users of the SYD;
- Partnerships British Columbia, overall project advisor;
- KPMG LLP, business advisor;
- ND LEA, owner’s engineer; and
- Fraser Milner Casgrain LLP and Ministry of Attorney General, legal advisors.

A number of other consultants have also been engaged to carry out specific assignments in support of the work of the key advisors.

Functional design work has been conducted on a new route and bridge to connect Highway 97 to the SYD Road and additional work has been initiated to confirm the technical and financial feasibility of the Project and to identify environmental issues that need to be addressed.



## 2.3 Road Upgrade Description

Under the current proposal, the Preferred Proponent will provide for two distinct types of road improvements:

- Construction of a bypass of the Clarke Lake Road; and
- An upgrade of the SYD.

Route selection and evaluation work has been completed through MEM to advance timelines, generate a set of objectives, and estimate costs and risks. Preliminary design work, studies, approvals and associated background information performed to date will be provided to the Preferred Proponent to serve as a basis for completing the work as described in Sections 2.3.1 and 2.3.2 of this RFQ.

Design and construction will be required to meet a set of scope and performance objectives that will be presented in the RFP. The Preferred Proponent will be at liberty to use any or all of the work to date, but will be fully responsible for completion of the work in a manner that minimizes the net design, construction and maintenance costs, while meeting the stated objectives. Alternatives to the preliminary road and bridge locations, designs, construction methods, or procedures that improve value in meeting the requirements will be the responsibility of the Preferred Proponent.

### 2.3.1 Bypass

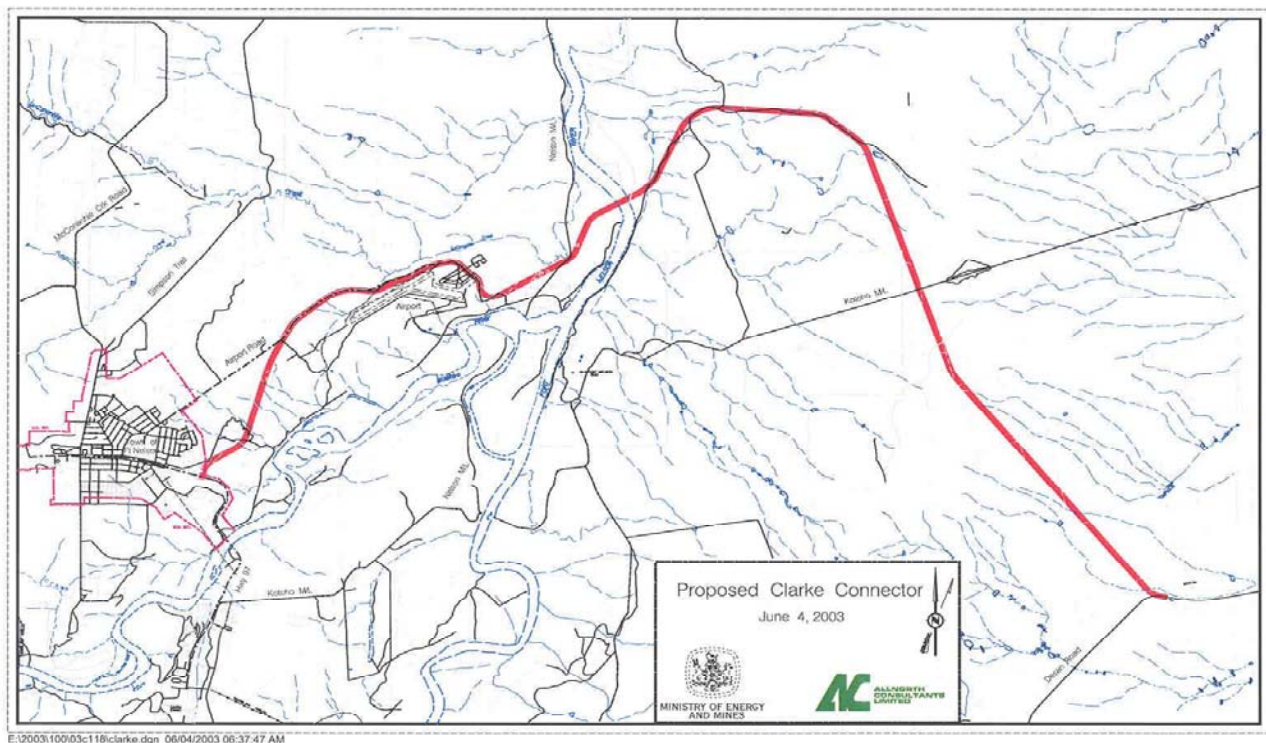
For the bypass, a new road and bridge to access the SYD from the Alaska Highway and Fort Nelson will be constructed, bypassing most of the bottlenecks and hazards identified by the RUG. The access point to the SYD will be moved closer to Fort Nelson, and would use the road connecting the Town of Fort Nelson with its airport. A new bypass will be constructed between the end of Airport Drive and the existing SYD Road at kilometre 30.6. The new bypass replaces the first 15-kilometres of the current alignment which originates from the end of the Clarke Lake Road, to the Alaska Highway south of Fort Nelson. The bypass improvements are to commence during 2003 and must be completed by December 15, 2004. The improvements are described in Table 1, and depicted in Figure 2.

To facilitate construction during the summer of 2003, the Ministry of Transportation (MoT) will fund the construction of the bypass as far as the Fort Nelson airport (Km 3.9). MoT will retain the long-term responsibility to operate and maintain this section of the road. MoT will also provide construction access to the west bridgehead by mid December 2003. The successful proponent may be required to finance the cost of constructing these connecting roads by MoT, up to a maximum of \$2 million. Further details will be provided in the RFP.

**TABLE 1 – BYPASS**

<i>Description</i>	<b>From Km</b>	<b>To km</b>	<b>Width (m)</b>	<b>Surfacing</b>	<b>Minimum Spring Load Rating (Note 1)</b>
New construction and upgrade of the existing gravel road from the end of Airport Drive to the Fort Nelson River Bridge	9.3	12.5	9.2	Gravel	70-75%
New bridge to accommodate two-way traffic over the Fort Nelson River.	12.5	12.8	9.2	Concrete or Asphalt on Concrete	100 Tons
Upgrade existing road to Kotcho Lake Winter Road.	12.8	22.0	9.2	Gravel	70 - 75%
New construction and upgrade of existing gravel road to connecting point on SYD road.	22.0	30.6	8.0	Gravel	70 - 75%

Note 1. Percent of legal gross vehicle weight.

**FIGURE 2 – MAP OF BYPASS**

The remainder of the bypass will be the responsibility of the private sector partner, including completion of construction of the road to the west bridgehead, the Fort Nelson River Bridge and the new road from the east bridgehead to the connection point with the existing SYD.

### 2.3.2 Base Upgrade

A series of upgrade options were evaluated ranging from selective repair through to construction of a new alignment. RUG was consulted to determine the extent of upgrade that is needed to support both short-term and long-term business objectives, as well the extent of financial contribution companies are prepared to accept. Based on the feedback received from these consultations, a viable upgrade plan has been identified that will improve the traveling surface. This base upgrade includes a higher level of annual maintenance to ensure the road does not deteriorate.

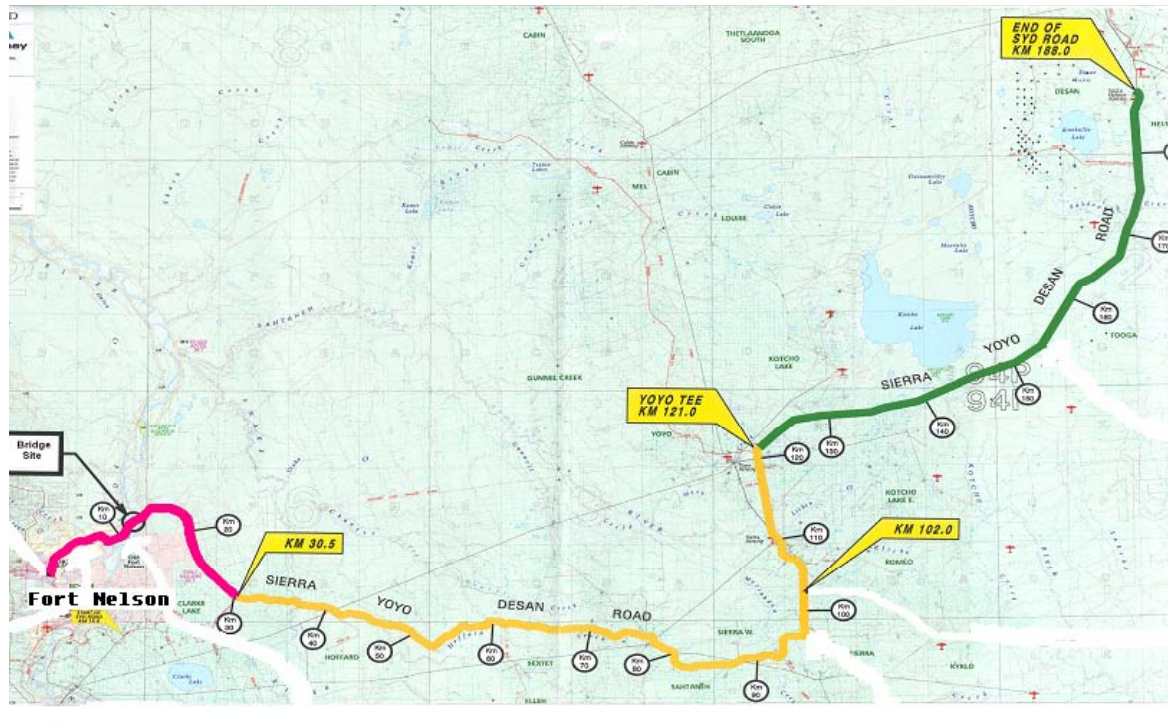
The base upgrade improvements will be undertaken by the private sector partner and are described in Table 2 and depicted in Figure 3.

**TABLE 2 –BASE UPGRADE**

Description	From km	To km	Width (m)	Surfacing	Minimum Spring Load Rating (Note 1)
Selective upgrade of existing gravel road, realignment/widening of hazardous corners, improvement to sight lines, upgrade/replacement of Snake River Bridge, upgrade/replacement of remaining bridges as required.	30.6	121.0	6.0 to 8.0	Gravel	70-75%
Selective road base/bridge repairs.	121.0	188.0	6.0	Gravel	70-75%

Note 1. Percent of legal gross vehicle weight.

FIGURE 3 – MAP OF SYD



### 2.3.3 Incremental Upgrade

Depending on affordability, the private sector partner may be required to undertake an incremental upgrade that would increase the number of days during the year that drilling activity can take place, and facilitate expanded summer drilling opportunities. The incremental upgrade includes widening and strengthening a portion of the SYD to create a road base that can support the demands of summer drilling activity. Table 3 contains a summary of the key parameters of the incremental upgrade.

TABLE 3 –INCREMENTAL UPGRADE

Description	From km	To km	Width (m)	Surfacing	Minimum Spring Load Rating (Note 1)
Widen road to consistent width, and strengthen to support summer drilling.	30.6	121.0	8.0	Gravel	80-85%

Note 1. Percent of legal gross vehicle weight.

## **2.4 Work Completed Prior to Issuance of RFP**

When the RFP document is issued, it is anticipated that the following work will have been completed by MEM and its Advisors:

- A P-Line will have been flagged from the start of the new bypass route (at the connection point to Airport Drive) to the end of the new bypass route (at the connection point to the existing SYD Road at about km 30.6 on the SYD);
- Test pits will have been dug and logged for the bypass route along the P-Line;
- Additional geotechnical drill hole(s) at an optional site for the Fort Nelson River Bridge; and
- Mapping at 5-meter contours for the bypass.

## **2.5 Work Ongoing at Time of Issuance of RFP**

When the RFP document is issued, it is anticipated that the following work will be underway by MEM and its Advisors:

- Clearing the right-of-way for the bypass;
- Preliminary drainage and sediment control structures for the bypass;
- Construction of the access road to the Fort Nelson River Bridge site from the end of Airport Drive;
- Construction of a new connector between Highway 97 and Airport Drive;
- Further archaeological assessment of the route for the bypass;
- Permitting; and
- Further environmental assessment of the entire route.

## **2.6 Additional Work Completed by Time of Signing of Contract**

It is anticipated that the following work will be completed before an agreement is signed for the Project:

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- Clearing the right-of-way for the bypass;
- Initial drainage and sediment control structures for the bypass;
- An access road to the west bridgehead of the Fort Nelson River Bridge from the end of Airport Drive;
- Construction of a new gravel-surfaced connector between Highway 97 and Airport Drive; and
- Initial environmental permitting.

## **2.7 Environmental Approvals and Requirements**

The expected environmental approvals for the Project include:

- Approval under the *Navigable Waters Protection Act* (Canada) for the Fort Nelson River Bridge;
- Approval under the *Fisheries Act* (Canada) for the Fort Nelson River Bridge, the bypass road from the end of Airport Road to the Fort Nelson River Bridge and from the Fort Nelson River Bridge to the connection point with the existing SYD Road;
- Approval under the *Navigable Waters Protection Act* (Canada) for replacement of any of the existing bridges on the existing SYD Road;
- Approval under the *Fisheries Act* (Canada) for replacement of any of the existing bridges on the existing SYD Road; and
- Approvals and notification under the *Water Act* (British Columbia).

## **2.8 Property Acquisition and Status**

No acquisition of privately owned property is required for this Project. All of the lands required for the Project are Crown lands. It is expected that the Preferred Proponent will have a sub-lease or license from NewCo to the required right-of-way during the term of the Contract.

## **2.9 Design and Construction**

The Preferred Proponent will be responsible for the design and construction of the bypass and base upgrade improvements. This work will be required to conform to the performance objectives to be outlined in the RFP, and to an agreed schedule for the Project.

All work performed by MEM at the time of award will be provided to the Preferred Proponent. However, it will be the responsibility of the Preferred Proponent to interpret and utilize the work to date in meeting the objectives in a cost effective manner. This may include alternate designs and construction methods.

## **2.10 Operations and Maintenance**

The Preferred Proponent will be responsible for operation and maintenance of the new bypass road and the existing SYD Road as follows:

- For the new bypass road (from the end of Airport Drive) – from the date that the new bypass road is open for use by industrial users; and
- For the existing SYD Road – from the date that the Preferred Proponent assumes this responsibility from the interim maintenance contractor.

The end time of the Preferred Proponent's responsibility for operation and maintenance of the new bypass road and the existing SYD Road will be at the end of the proposed 15-year Contract period.

## **2.11 Governance**

The Preferred Proponent will enter into a Contract with NewCo, a single-purpose entity established by MEM and RUG for the ongoing management and administration of the SYD and this Project. Through existing legislation/regulation and various agreements, NewCo will obtain the following rights, obligations and authorities:

- Enter into a long-term agreement with the Province for the existing SYD and bypass, including a lease or license for the Crown lands necessary for the Project.
- Enter into a contract with the Preferred Proponent for the design, construction, financing, operation and maintenance of the SYD.
- Receive user charges collected under regulation from the industrial users of the SYD sufficient to cover contract obligations and internal administrative costs.
- Monitor design, construction, operation and maintenance of the SYD.

- Monitor traffic levels on the SYD.
- All other matters necessary for the efficient long-term operation of NewCo.

NewCo will operate through its' Board of Directors constituted primarily of representatives of individual or groups of road users with some representation from MEM.

## 2.12 User Charges

Charges are currently levied for use of the SYD by industrial users (oil & gas and forest industries) according to a schedule of charges imposed by way of regulation (Sierra Yoyo System of Charges Regulation – BC Reg. 403/98) made pursuant to the *Build BC Act* (British Columbia) and published by MEM. A copy of the current schedule of charges can be found in **Information Letter NV2002-012, Sierra-Yoyo-Desan Road Use Fees 2003/03** on the MEM website ([www.gov.bc.ca/em](http://www.gov.bc.ca/em)). Table 4 contains a summary of current levels of activity and fees collected from use of the SYD.

**TABLE 4 – SUMMARY OF TYPICAL ANNUAL ACTIVITY LEVELS AND REVENUES**

Activity Type	Typical Recent Annual Activity Levels	Usage Fee	Typical Recent Annual Revenues
Active Well	650	\$800/well	\$520,000
Inactive Well	400	\$300/well	\$120,000
Drill Rig Moves	60	\$11,000/move	\$660,000
Wells Drilled	180	\$3,700/well	\$666,000
Construction Programs	N/A	0.2% of the project construction cost, plus 0.003% of construction costs times the number of kilometres of SYD Road used to access the project	\$46,000
Geophysical Programs	11	\$1,900/program	\$21,000
Timber Hauling	250,000 m <sup>3</sup>	\$0.17/m <sup>3</sup>	\$43,000



The current schedule of charges expires on November 30, 2003 and will be replaced with a new schedule. The new schedule of charges may be established by regulation pursuant to the Ministry of Energy and Mines Act (British Columbia) rather than the Build BC Act (British Columbia) as is currently the case.

The major road users have provided MEM with an Agreement in Principle among themselves that contemplates an increase in the level of charges and a royalty rebate for a portion of the user charges paid.

NewCo will advise government on the level of user charges necessary to ensure that adequate funds are collected to cover contract and administrative costs. MEM and/or NewCo will remain responsible for collection and tracking payment of user charges. Payment of user charges is required by MEM for road users to receive permits to conduct further drilling activity in British Columbia.

### 3. SUBMISSION PROCESS AND SCHEDULE

#### 3.1 Selection Process

MEM intends to conduct a two-stage procurement process.

Stage 1 – Request for Qualifications as described in this RFQ.

Stage 2 – Request for Proposals stage, in which the Short Listed Respondents will be invited to submit Proposals, and the Preferred Proponent is selected. The Preferred Proponent will be offered the opportunity to finalize an agreement with MEM.

#### 3.2 Schedule

A schedule for the selection process for this project is provided below:

Issuance of this RFQ calling for Submissions	July 18, 2003
RFQ Submission Deadline	August 15, 2003
Short list Qualified Respondents	August 29, 2003
Issue Request for Proposals	September 5, 2003
Proposal Submission Deadline	October 31, 2003
Selection of Preferred Proponent	November 21, 2003
Execution of Contract	December, 2003

The dates above are tentative and subject to change by MEM at its sole discretion.

#### 4. SUBMISSION PROCEDURES

##### 4.1 Documentation Required

Submissions should be in a professional format, providing all of the information requested in this RFQ and should follow the outline provided in Appendix A.

Note that Respondents are required to complete and return all portions of the declaration supplied by MEM or their submission may be rejected. A separate declaration from an authorized official from each of the Respondent's Team Members is required, in the form shown in Appendix B.

Each Respondent is asked to submit ten (10) identical sets of their submission: one (1) unbound original identified as "Master" and nine (9) copies marked "Copy".

##### 4.2 Deadline and Address for Submission

Submissions **must** be received on or before the Closing Time (**4 pm Pacific Daylight Savings Time, August 15, 2003**) at the following address:

**SYD ROAD PROJECT – Response to Request for Qualifications  
ATTN: Mr. Ed Beswick  
Project Manager  
Ministry of Energy and Mines  
c/o Partnerships British Columbia  
#1250 – 999 West Hastings Street  
Vancouver, BC  
V6C 2W2**

**Fax: (604) 660-1199 (amendments to Submissions only)**

**Faxed or electronic submissions will not be accepted in response to this RFQ.**

Amendments to submissions must be received by the Closing Time. Telephone or electronic adjustments will not be considered or accepted. Amendments (but not the original submissions) may be submitted by fax (at the number listed above), but the sender assumes the entire risk that equipment and staff at the office referred to above will properly receive the fax containing the amendment before the Closing Time. MEM assumes no risk or responsibility whatsoever that any fax will be received as required,

and shall not be liable to any party if, for any reason, a fax is not properly received before the Closing Time.

#### **4.3 Late Submissions**

Submissions received after the Closing Time will be returned, unopened, to the Respondent.

#### **4.4 Enquiries/Additional Information**

All enquiries related to this RFQ must be directed, in writing, to the Project Manager.

**Contact:** Ms. Karla Kennedy  
Partnerships BC

**Fax:** (250) 356-2222  
**E-mail** [syd@partnershipsbc.ca](mailto:syd@partnershipsbc.ca)

Information obtained by a Respondent from any other source is not official and shall not be relied upon.

Any change or alteration of this RFQ will be undertaken only by a written addendum issued by MEM. Addenda will be posted on the BC Bid website and provided directly to Respondents that have registered.

Enquiries and responses may be distributed to Respondents at the discretion of the Project Manager. MEM, however, reserves the right to maintain the confidentiality of enquiries from an individual party, and responses given, that relate to a particular technical or financial approach to a public private partnership for the SYD.

#### **4.5 Eligibility**

Any interested party or parties may make a Submission. Respondents may be individuals, corporations, joint ventures, partnerships or any other legal entities. Respondents, as an individual entity or a team, should have the ability to undertake the entire project as described herein.

## **5. ADMINISTRATIVE PROTOCOL**

### **5.1 Receipt Confirmation Form**

Respondents are advised to fill out and return the attached Receipt Confirmation Form (see Appendix C). While amendments to the RFQ will also be posted on the BC Bid website, all subsequent information regarding this RFQ, including amendments, will be made directly to Respondents who return the form. Subsequent information will be distributed by the method indicated on the Receipt Confirmation Form.

### **5.2 Amendments to RFQ**

Any additional information or changes to the requirements of this RFQ will be issued by MEM and posted on the BC Bid website or sent directly to those Respondents that have returned the Receipt Confirmation Form. In the event that this RFQ is amended, all terms and conditions, which are not modified, shall remain unchanged.

Each Respondent should acknowledge receipt of any amendments to this RFQ by signing and including a copy of such amendments with its submission.

### **5.3 Oral Presentations**

MEM may require some Respondents to give oral presentations in support of their submissions or to exhibit or otherwise demonstrate the information contained therein. MEM is under no obligation to require or allow an oral presentation from any Respondent.

### **5.4 Announcement**

No announcement concerning the Short Listed Respondents will be made until a complete report is prepared and approved by the appropriate bodies.

## 5.5 Data Room

Reference Documents will be made available during normal working hours at:

**ND LEA  
600 - 1455 West Georgia Street  
Vancouver, British Columbia  
V6G 2T3**

**Attention: Chelan Frandsen**

**Telephone: (604) 685-9381**

Any proponent requesting to review the contents of the Data Room must schedule an appointment through ND LEA.

## 5.6 Forms and Declarations

The Declaration of Understanding contained in Appendix B must be signed and witnessed by authorized officials of each Respondent Team Member. The completed form(s) must be submitted with the RFQ.

## 5.7 Acceptance of Terms

Each Respondent, by making a Submission, represents that the Respondent has read, completely understands, and accepts the terms and conditions of the RFQ and any amendments in full.

## **6. EVALUATION PROCESS AND CRITERIA**

### **6.1 Evaluation Process**

An Evaluation Committee, appointed by MEM, will undertake the evaluation of Submissions. The evaluation of the Submissions will be based on the contents of the Submissions, any clarifications provided in writing in response to questions asked by MEM, and Respondent interviews, if any.

Respondents should not assume that the Evaluation Committee has any knowledge of the Respondent or its members, their experience, expertise or performance on other projects other than as contained in their Submission.

Respondents will be notified in writing of the decision of the Evaluation Committee.

### **6.2 Evaluation Criteria**

This Section discusses evaluation criteria and how they will be applied.

#### **6.2.1 Evaluation Criteria and Point System**

This RFQ is open to all parties who are capable of meeting the requirements set out in this RFQ. Submissions in response to this RFQ will be evaluated as described herein. Upon receipt, all Submissions will be reviewed for completeness in accordance with the submission requirements and evaluation criteria presented in Appendix A.

Incomplete Submissions and Submissions from incomplete teams may be disqualified.

At the end of this completeness review, the evaluation will assess each Respondent's construction capability, road operations and maintenance capability, technical capability, financing capability and financial capacity.

Financial capacity will be evaluated on a pass/fail basis, separately from the weighted criteria described in this RFQ. See Section 6.2.2 for further details on financial capacity. Respondents unable to demonstrate the required financial capacity may be disqualified.

The criteria will be weighted in the evaluation of Submissions as follows:

- Construction Component (25 points)
- Road Operations and Maintenance Component (25 points)

- Technical Component (25 points)
- Financing Component (25 points)

As set out in the descriptions of the evaluation criteria in Appendix A, relevant experience with respect to resource road and bridge design, construction and maintenance and other related projects will be taken into account in the evaluation, but such experience will not be considered mandatory in order for a Respondent to be included on the short list that will be invited to participate in the RFP.

It is MEM's intention that the three (3) highest scoring and passing Respondents will be invited to proceed to the RFP stage. However, MEM reserves the right to invite a different number of Respondents to the RFP stage.

### **6.2.2 Financial Capacity**

Respondents will be evaluated with respect to financial capacity for a project of the nature and scope of the project described in this RFQ. In so doing, the following considerations need to be addressed:

- Adequacy of equity, profitability and liquidity, and demands from other projects and from litigation;
- Proof of ability to obtain a minimum of \$35 million in bonding from a bonding agency with sufficient stability and financial capacity; and
- Proof of current appropriate insurance coverage from an insurance company with sufficient stability and financial capacity.

### **6.3 Additional Information**

The Evaluation Committee will carry out their evaluation on the basis of the actual Submissions as received. MEM reserves the right for the Evaluation Committee to request additional information from any Respondent during the evaluation stage, after the Submission Closing Time, to be included with the Submission, but no additional information may be submitted by any Respondent during the evaluation phase except upon invitation and request from the Evaluation Committee. The Evaluation Committee may, in its sole discretion, independently verify any information in any Submission (including conducting credit or other checks). The Evaluation Committee shall have no obligation to request a Respondent to provide missing or deficient information.



**6.4 Meeting with Respondent**

The Evaluation Committee may at its election, invite a Respondent to meet with the Evaluation Committee during the evaluation period to provide further explanation and clarification of the Respondent's Submission, but the Evaluation Committee is not required and shall have no obligation to have such a meeting with all Respondents.

**6.5 Debriefing**

The Evaluation Committee reserves the right, in its sole and absolute discretion, to provide or not provide a debriefing to any Respondent who has not been selected as one of the Short Listed Respondents.

## **7. GENERAL TERMS AND CONDITIONS**

### **7.1 Rights of MEM**

Notwithstanding any other provision of this RFQ, MEM has the right to change the dates, schedule, deadlines, process, and requirements described in this RFQ or to reject any or all of the Submissions or to change the limits and scope of the procurement, or to cancel this RFQ or the procurement or elect not to proceed with a Request for Proposals for any reason whatsoever, without incurring any liability for costs or damages incurred by any Respondent.

In particular, MEM reserves the right to reject any Submission whether or not completed properly and whether or not it contains all required information. MEM is not bound to evaluate or accept any Submission. MEM may proceed as, in its sole and absolute discretion, it determines, following the receipt of the Submissions, including, without limitation, issuing a second or modified RFQ for the procurement.

MEM expressly reserves the right to require clarification, oral presentations or conduct site visits or accept new or additional information from any or all of the Respondents without offering other Respondents the same opportunity. Further, MEM reserves the right to waive any irregularity, nonconformity, or non-compliance in or by any Submission.

### **7.2 No Lobbying and Single Point of Contact**

Respondents or their representatives must not make any public comment, respond to questions in a public forum, or carry out any activities to publicly promote or advertise their qualifications or interest in this procurement, other than as expressly directed or permitted by MEM.

Other than as set out in Section 4.4, Respondents or their representatives shall not attempt to communicate directly or indirectly with any employees, representatives or agents of the Province of British Columbia, including members of the Evaluation Committee.

### **7.3 No Collusion**

No Respondent shall discuss or communicate with any other Respondent (or any team member, employee, representative, or agent of any other Respondent) about the preparation of a Submission. Each Respondent's Submission shall be prepared without any connection, knowledge, comparison of information, or arrangement with any other

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Respondent (or any employee, representative, or agent thereof) and each Respondent will be responsible to ensure that its participation in this RFQ process is conducted fairly and without collusion or fraud.

#### **7.4 Respondent's Expenses**

Respondents are solely responsible for their own costs and expenses in preparing and transmitting a Submission, or any additional information and for any negotiations, site visits (if any) or discussions with MEM or its representatives and consultants, relating to or arising from this RFQ. MEM and its advisors shall not be liable to pay any such costs and expenses or to reimburse or compensate the Respondent in any manner whatsoever or under any circumstances including, without limitation, in the event of rejection of any or all Submissions or cancellation of the procurement.

#### **7.5 Changes to Respondent**

If there is any addition, deletion, or change in the Respondent Team Members, or a change in the effective control in a Respondent or in any of the Respondent Team Members, or a material adverse change to a Respondent or any member of a Respondent, after a Submission has been delivered, the Respondent shall notify MEM in writing by delivery or facsimile at the address set forth in Section 4.2 of this RFQ within five days of such addition, deletion or change. MEM reserves the right to permit changes to members of a Respondent, or the right to disqualify such Respondent or disallow such addition, deletion or change in members of the Respondent if, in the sole opinion of MEM, the addition, deletion or change would have a material impact on the ability of the Respondent to carry out its obligations under the Contract.

#### **7.6 No Contract**

By making a Submission and participating in the process as outlined in this RFQ, Respondents expressly agree that no contract of any kind is formed under, or arising from, this RFQ, prior to the signing of a formal written Contract.

#### **7.7 Conflict of Interest**

Individuals on Respondent teams shall disclose in their Submission, and on an ongoing basis thereafter, any conflicts of interest, real or apparent, that exist now or may arise in the future with respect to relationships they may have or have had with the Project and MEM.

As a result of their involvement with MEM in this procurement, the following companies and their affiliates, parents, subsidiaries, and related entities are not eligible to participate as members of a Respondent:

- KPMG LLP
- Fraser Milner Casgrain LLP
- ND LEA Consultants Ltd.
- Thurber Engineering
- Environmental Dynamics
- Cook Roberts
- EVM Project Services Ltd.
- Northern Forest Resources Management Ltd.

#### **7.8 Ownership of Submissions**

MEM shall be entitled to retain all Submissions submitted in response to this RFQ, and to use any concept or element in the Submissions without payment of any compensation to the Respondent that submitted the Submission.

#### **7.9 Accuracy of Information**

MEM gives no representation whatsoever as to the accuracy or completeness of any of the information set out in this RFQ, or any other background or reference information or documents prepared by third parties and made available to Respondents. Respondents shall make an independent assessment of the accuracy and completeness of such information and shall have no claim whatsoever against MEM, or against its representatives, agents, consultants and advisors, with respect to such information.

#### **7.10 Working Language**

All Submissions must be written in English.

## 8. DEFINITIONS

In this RFQ the following definitions shall apply:

“**BCTFA**” means the British Columbia Transportation Finance Authority.

“**Closing Time**” means 4:00 pm Local Time, August 15, 2003 in Vancouver, British Columbia.

“**Contract**” means a formal written public private partnership contract between MEM and the Preferred Proponent negotiated and agreed to for the design, construction, finance, operation and maintenance of the SYD.

“**Data Room**” means the ND LEA office as referenced in Section 5.4.

“**Evaluation Committee**” means the committee appointed by MEM as described in Section 6.

“**Key Individuals**” means the specific person(s) possessing the experience and capability described in the Submission.

“**Manager**” in the context of the evaluation criteria and the submission requirements, means the Respondent Team Member with overall responsibility for the relevant segment of the project (such as the engineer of record).

“**MEM**” means the Ministry of Energy and Mines.

“**MoT**” means the Ministry of Transportation.

“**NewCo**” means the entity formed by MEM and the Road User Group to administer the Project.

“**Partner**” or “**Preferred Proponent**” means the Respondent, if any, selected by MEM to be offered the opportunity to finalize an agreement with MEM.

“**Prime Member**” means a Respondent Team Member, which qualifies under the criteria contained in Appendix A.

“**Project**” means the Sierra Yoyo Desan Road Project.

“**Reference Documents**” means information and reports included in the Data Room.

**“Respondent”** means the entity or parties responding to this RFQ.

**“Respondent Contact Person”** means the individual to which all correspondence or enquiries regarding the Respondent’s Submission should be directed.

**“Respondent Team Members”** means the individuals, corporations, joint ventures, partnerships or other legal entities described in the Submission.

**“RFP”** means the Request for Proposal for the SYD.

**“RFQ”** means this Request for Qualifications.

**“RUG”** means the Road User Group, a group representing the major users of the SYD.

**“Short Listed Respondents”** mean the Respondents, if any, selected by MEM to receive the Request for Proposal.

**“Submission”** means a submission prepared and delivered in response to this RFQ.

**“SYD”** means the Sierra Yoyo Desan Road.

## **Appendix A**

### **Submission Requirements and Evaluation Criteria**

To enhance the clarity of the Submission and to facilitate the task of the Evaluation Committee, Respondents are required to adhere to the following format and content in the preparation of their Submission. If Respondents wish to submit material additional to that described below, they are requested to include it in a separate appendix, binder or document, isolated from the main Submission material.

Respondents should minimize the length of their Submission by being concise and utilizing a minimum 11 point type size with a line spacing of 1.0. The body of the Submission (not including appendices and attachments) should be no longer than 35 pages, with each individual section restricted to the number of pages noted below. A table of concordance (see Appendix D) should be included with each Submission.

#### **Introductory Material**

- Cover page
- Transmittal letter
- Table of contents
- Table of concordance.

#### **Executive summary (2 pages)**

#### **Chapter 1 - General Information (5 pages)**

Identify the Respondent, Respondent Team Members and Key Individuals and their respective roles. Identify the Respondent Contact Person, with a telephone and facsimile number and an e-mail address. Present an organization chart showing all Key Individuals by name and other personnel by category. The organization chart should illustrate how the Respondent Team Members will be organized, how communications and responsibilities will flow and reporting relationships. Provide a brief text description of the organization chart and these lines of responsibility, communication and reporting.

#### **Chapter 2 - Construction Capability (8 pages)**

Respondents will be evaluated with respect to their project management capability for the design and construction of a project of the nature and scope of the project described in this RFQ. In addition, since the Preferred Proponent will be expected to develop a long-

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term working relationship with MEM, the Respondents will be evaluated on their capability for maintaining long-term relationships with public sector entities. These skills are critical to the “forming” of the partnership, and its long-term success. Accordingly, the following considerations must be addressed:

- a. The extent of experience (corporately) of the Respondent in project management (including design), construction, environmental management, operation and maintenance of (resource) roads and bridges and other related projects, including demonstrated experience in on-time and on-budget project delivery.
- b. The extent of experience (individually) of Respondent’s Project Managers, Construction Managers and Construction Supervisors in project management (including design), construction, environmental management, operations and maintenance for (resource) roads and bridges and other related projects, including demonstrated experience in on-time and on-budget project delivery.
- c. The availability of these Project Managers, Construction Managers and Construction Supervisors within the Respondents’ organizations.
- d. The extent of experience of Respondent’s Project Managers, Construction Managers and Construction Supervisors in building and maintaining partnerships with public and private sector stakeholders.
- e. The Respondent’s experience in working with design engineering firms in joint project delivery, especially with other Respondent Team Members.
- f. The Respondent’s experience in preparing and implementing quality management plans for projects of a similar nature and scope.
- g. The Respondent’s experience in preparing and implementing environmental management plans for projects of a similar nature and scope.
- h. The Respondent’s experience in preparing and implementing traffic management plans for projects of a similar nature and scope.
- i. Familiarity with British Columbia (or sufficiently similar) construction requirements and practices.
- j. Capable of meeting requirements for certification to operate in British Columbia.
- k. Availability of sufficient personnel and resources to carry out the project.
- l. A list of the Respondent’s past and current relevant projects, that provides for each project the following information:
  - The name and location of the project, and a description of the project addressing the relevant evaluation criteria;



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- The Respondent Team Members and Key Individuals of the Respondent that were associated with the project, the roles each played on the project, and the years over which each played those roles;
  - The capital cost of the project; and
  - The name of the client and of a reference for the project, with a current telephone and facsimile number and an e-mail address for the reference.
- m. Resumes of the proposed Project Managers, Construction Managers and Construction Supervisors, with three (3) references.

### **Chapter 3 - Road Operations and Maintenance Capability (6 pages)**

Respondents will be evaluated with respect to their Road Operation and Maintenance capability for a project of the nature and scope of the project described in this RFQ. In addition, since the Preferred Proponent will be expected to develop a long-term working relationship with MEM, the Respondents will be evaluated on their capability for maintaining long-term relationships with public sector entities. In so doing, the following considerations must be addressed:

- a. The extent of experience (corporately) of the Respondent in the efficient operation and maintenance of (resource) roads and bridges and other related projects, including demonstrated experience in on-time and on-budget project delivery, and demonstrated ability to work with minimal interference with road users.
- b. The extent of experience (individual) of Respondent's proposed Operations and Maintenance Manager in the efficient operation and maintenance of (resource) roads and bridges and other related projects, including demonstrated experience in on-time and on-budget project delivery, and demonstrated ability to work with minimal interference with road users.
- c. Experience in implementing changes in (resource) road and bridge operation and maintenance operations to allow flexibility of use with minimal ongoing cost impact.
- d. The extent of experience of Respondent's proposed Operations and Maintenance Manager in building and maintaining partnerships with public and private sector stakeholders.
- e. Experience with stakeholder consultation.
- f. Capability of meeting requirements for licensing in British Columbia.
- g. Availability of sufficient personnel and resources to carry out the Project.

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- h. A list of the Respondent's past and current relevant road and bridge operation and maintenance projects that provides, for each project, the following information:
    - The name and location of the project and a description of the project that addresses the relevant evaluation criteria;
    - The Respondent Team Members and Key Individuals of the Respondent that were associated with the project, the roles each played on the project, and the years over which each played those roles; and
    - The name of the client and of a reference for the project, with a current telephone and facsimile number and an e-mail address for the reference.
  - i. Resume of the proposed Operations and Maintenance Manager, with three (3) references.

#### **Chapter 4 - Engineering Capability (6 pages)**

Respondents will be evaluated with respect to engineering expertise and capability for designing a project of the nature and scope of the project described in this RFQ. In addition, since the Preferred Proponent will be expected to develop a long-term working relationship with MEM, the Respondents will be evaluated on their capability for maintaining long-term relationships with public sector entities. In so doing, the following considerations must be addressed:

- a. The extent of experience (corporately) of the Respondent in the efficient design of (resource) roads and bridges and other related projects, including demonstrated experience in on-time and on-budget project delivery, and demonstrated ability to work with construction firms in joint project delivery. Demonstrated engineering expertise and capacity in geotechnical and foundation engineering, river engineering (hydraulics and hydrology), road engineering (including route selection, alignment design and detailed road structure design), bridge engineering (design, load rating and rehabilitation), drainage design, environmental impact mitigation design, and traffic engineering.
- b. The extent of experience (individually) of Respondent's proposed Project and Design Managers in (resource) road and bridge design and construction and maintenance and other related projects, including demonstrated experience in on-time and on-budget project delivery, and demonstrated ability to work with construction firms in joint project delivery. Demonstrated engineering expertise and capacity (individually) in geotechnical and foundation engineering, river engineering (hydraulics and hydrology), road engineering (including route selection, alignment design and detailed road structure design), bridge

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engineering (design, load rating and rehabilitation), drainage design, environmental impact mitigation design, and traffic engineering.

- c. Experience in design strategies to accommodate changes in (resource) road and bridge construction and maintenance practices and other related projects, to allow flexibility of use with minimal ongoing cost impact;.
- d. Experience with stakeholder consultation.
- e. Capable of meeting requirements for licensing in British Columbia.
- f. The extent of experience of Respondent's proposed Project and Design Managers in building and maintaining partnerships with public and private sector stakeholders.
- g. Availability of sufficient personnel and resources to carry out the Project, including the current level of commitment to other projects.
- h. A list of the Respondent's past and current relevant projects that provides, for each project, the following information:
  - The name and location of the project, and a description of the project addressing the relevant evaluation criteria;
  - The Respondent Team Members and Key Individuals of the Respondent that were associated with the project, the roles each played on the project, and the years over which each played those roles;
  - The capital cost of the project; and
  - The name of the client and of a reference for the project, with a current telephone and facsimile number and an e-mail address for the reference.
- i. Resumes of the proposed Project and Design Managers, with three (3) references.

### **Chapter 5 - Financing Capability (5 pages)**

Respondents will be evaluated with respect to financing capability for a project of the nature and scope of the project described in this RFQ. In so doing, the following considerations will be addressed:

- a. The extent of experience of the Respondent in accessing financial markets for construction and long term financing of relevant magnitude and on favourable terms.
- b. The extent of experience of Respondent's Financing Manager in accessing financial markets for construction and long term financing of relevant magnitude and on favourable terms.

- c. The availability of Respondent's Financing Manager within the Respondent's organization.
- d. A list of the Respondent's past and current relevant projects, that provides for each project the following information:
  - the name and location of the project, and a description of the project;
  - the Respondent Team Members and Key Individuals of the Respondent that were associated with the project, the roles each played on the project, and the years over which each played those roles;
  - the capital cost of the project and the size of the financing; and
  - the name of the client and of a reference for the project, with a current telephone and facsimile number and an e-mail address for the reference.
- e. Resume of the proposed Financing Manager, with three (3) references.

#### **Chapter 6 - Financial Capacity (3 pages)**

Respondents will be evaluated with respect to financial capacity for a project of the nature and scope of the project described in this RFQ. In so doing, the following must be provided:

- a. Full sets of financial statements (audited, if available) and annual reports for each of the past five years, and interim financial statements for each quarter since the last fiscal year end for which financial statements are available, along with a disclosure of all new material contingent liabilities and all material adverse changes not yet disclosed in the financial statements, and a disclosure of any and all material off-balance sheet financing arrangements currently in place, sufficient to demonstrate that each Respondent Team Member described in the list below has the financial resources necessary to carry out its role on the Team.

**Only one copy of the financial statements is required to be submitted. Financial statements should be submitted in a separate sealed envelope.**

For the purpose of providing this financial disclosure, MEM is requesting information only from the following Respondent Team Members (the "Prime Members"):

- any Respondent Team Member expected to have an equity interest in the Team of at least 10%;

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- any Respondent Team Member expected to carry out at least 10% of the design work;
  - any Respondent Team Member expected to carry out at least 10% of the construction work; and
  - any Respondent Team Member(s) having responsibility for 10% or more of the operational and/or maintenance aspects of the Project.
- b. The Prime Members must each include a statement giving permission to MEM to review their credit rating.
- c. Respondents must provide evidence of ability to obtain a minimum of \$35 million in bonding from a bonding agency with sufficient stability and financial capacity, and evidence of the stability and financial capacity of the bonding agency from a recognized rating agency.
- d. Evidence of appropriate insurance coverage from an insurance company with sufficient stability and financial capacity, and evidence of the stability and financial capacity of the insurance company from a recognized rating agency.
- e. Provide a list of names, current addresses and telephone numbers of responsible officials of current or former project lenders as references for the Prime Members.

### **Appendices to Submission**

- A. Schedule 1 – Declaration of Understanding**
- B. Conflict of Interest Disclosure(s) (if any)**
- C. Financial Statements (one copy only in a separate sealed envelope)**
- D. Letters from Surety Companies and Proof of Insurance**
- Other – As determined by Respondent (resumes, project lists, corporate brochures)**

**Appendix B**

**SCHEDULE 1**

**DECLARATION OF UNDERSTANDING**

MINISTRY OF ENERGY AND MINES

ATTN: Mr. Ed Beswick

Dear Mr. Beswick

I, Mr./Ms \_\_\_\_\_, am an authorized official of \_\_\_\_\_  
(*name of firm*) and confirm that:

- I have read the submission by \_\_\_\_\_ (*name of Respondent*) in response to the Request for Qualifications for the Sierra Yoyo Desan Road Project issued by the Government of British Columbia Ministry of Energy and Mines dated July 18, 2003 (the "RFQ") and understand the commitments being made on behalf of \_\_\_\_\_ (*name of firm*).
- I agree to comply with the conditions set out in the RFQ.
- I am aware of and agree to the inclusion of \_\_\_\_\_ (*name of firm*) as a member of \_\_\_\_\_ (*name of Respondent*).

Yours very truly,

\_\_\_\_\_  
(*Name*)

(*Position*)

### Appendix C

## RECEIPT CONFIRMATION FORM

**Request for Qualifications  
Sierra Yoyo Desan Road**

**Closing Date: August 15, 2003**

For any further distributed information about this Request for Qualifications,  
please return this form as soon as possible to:

**Ms. Karla Kennedy  
Partnerships BC**

*Fax: (250) 356-2222  
E-Mail: syd@partnershipsbc.ca*

**COMPANY:** \_\_\_\_\_

**STREET ADDRESS:** \_\_\_\_\_

**CITY:** \_\_\_\_\_ **POSTAL/ZIP CODE:** \_\_\_\_\_

**PROVINCE/STATE:** \_\_\_\_\_ **COUNTRY:** \_\_\_\_\_

**MAILING ADDRESS , IF DIFFERENT:** \_\_\_\_\_

**FAX:** (\_\_\_\_) \_\_\_\_\_ **TELEPHONE:** (\_\_\_\_) \_\_\_\_\_

**CONTACT PERSON:** \_\_\_\_\_

**E-MAIL ADDRESS:** \_\_\_\_\_

Unless it can be sent by fax or e-mail, please send us any further correspondence about this RFQ by:

**Courier Collect:** Courier Name and Account No: \_\_\_\_\_

**Mail** (default if neither box checked)

Signature: \_\_\_\_\_ Title: \_\_\_\_\_

**Appendix D**  
**TABLE OF CONCORDANCE**  
**Request for Qualifications**  
**Sierra Yoyo Desan Road**

Reference in Appendix A of RFQ	Evaluation Criteria Description	Page or Location in Respondent's Submission
Chapter 1	Identification of Respondent, Respondent Team Members, Key Individuals and Roles Organization Chart	
<b>Chapter 2 – Construction Capability</b>		
Chapter 2 - a	Corporate experience of Respondent – project management, construction, operation and maintenance	
Chapter 2 - b	Experience of proposed Project Managers, Construction Manager and Construction Supervisors	
Chapter 2 - c	Availability of proposed Project Managers, Construction Manager and Construction Supervisors	
Chapter 2 - d	Experience of Project Managers, Construction Manager and Construction Supervisors with partnering	
Chapter 2 - e	Respondent's experience in working with design firms	
Chapter 2 - f	Respondent's experience with quality management plans	
Chapter 2 - g	Respondent's experience with environmental management plans	
Chapter 2 - h	Respondent's experience with traffic management plans	
Chapter 2 - i	Familiarity with BC construction practices	
Chapter 2 - j	Capable of certification in British Columbia	
Chapter 2 - k	Availability of sufficient personnel and resources	
Chapter 2 - l	List of past and current relevant projects	
Chapter 2 - m	Resumes and references for proposed Project and Construction Managers and Construction Supervisors	



Reference in Appendix A of RFQ	Evaluation Criteria Description	Page or Location in Respondent's Submission
<b>Chapter 3 – Road Operations and Maintenance Capability</b>		
Chapter 3 - a	Corporate experience of Respondent in road operations and maintenance	
Chapter 3 - b	Experience of proposed Operations and Maintenance Manager	
Chapter 3 - c	Experience with implementing operations and maintenance changes to allow flexible use of roads	
Chapter 3 - d	Experience of proposed Operations and Maintenance Manager with partnering	
Chapter 3 - e	Experience with stakeholder consultation	
Chapter 3 - f	Capable of meeting licensing requirements in British Columbia	
Chapter 3 - g	Availability of sufficient personnel and resources	
Chapter 3 - h	List of past and current relevant Projects	
Chapter 3 - i	Resume and references for proposed Operations and Maintenance Manager	
<b>Chapter 4 – Engineering Capability</b>		
Chapter 4 - a	Corporate experience of Respondent in road and bridge design	
Chapter 4 - b	Experience of proposed Project and Design Managers	
Chapter 4 - c	Experience in design strategies to accommodate changes in construction and maintenance practices	
Chapter 4 - d	Experience in stakeholder consultation	
Chapter 4 - e	Capable of certification in British Columbia	
Chapter 4 - f	Experience of proposed Project and Design Managers with partnering	
Chapter 4 - g	Availability of sufficient personnel and resources	

Reference in Appendix A of RFQ	Evaluation Criteria Description	Page or Location in Respondent's Submission
Chapter 4 - h	List of past and current relevant projects	
Chapter 4 - i	Resumes and references for proposed Project and Design Managers	
<b>Chapter 5 – Financing Capability</b>		
Chapter 5 - a	Corporate experience of Respondent in accessing financial markets	
Chapter 5 - b	Experience of proposed Financing Manager	
Chapter 5 - c	Availability of proposed Financing Manager	
Chapter 5 - d	List of past and current relevant projects	
Chapter 5 - e	Resume and references for the proposed Financing Manager	
<b>Chapter 6 – Financial Capacity</b>		
Chapter 6 - a	Financial Statements	
Chapter 6 - b	Permission to review credit rating	
Chapter 6 - c	Evidence of ability to obtain bonding	
Chapter 6 - d	Evidence of current insurance	
Chapter 6 - e	References for Prime Members from lenders	
<b>Appendix A</b>	Declarations of Understanding	
<b>Appendix B</b>	Conflict of Interest Disclosures	
<b>Appendix C</b>	Financial Statements	
<b>Appendix D</b>	Letters from surety companies and proof of insurance	
<b>Other Appendices</b>	As required	