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**THE CORPORATION OF THE CITY OF VICTORIA**

**REQUEST FOR PROPOSAL 20-008**

**SUPPLY OF PUBLIC REALM WASTE BIN ENCLOSURES**

The City of Victoria is requesting proposals from qualified suppliers to provide Public Realm Waste Bin Enclosures.

**THIS IS A JOINT TENDER AS PER THE LIST OF PARTICIPANTS IN NO. 3.1 OF THE INSTRUCTIONS AND CONDITIONS OF TENDERING.**

Attached are the [Instructions to Proponents](#), [Terms of Reference](#), [Submission and Evaluation Criteria](#) and Appendix A that are to be used as the basis for your proposal.

**Submissions will be received up to 4:00:00 p.m. Victoria time**  
**Tuesday, February 25, 2020**

Upload Electronic Submissions to:  
<https://victoria.bonfirehub.ca>

**Note: Hardcopy submissions will NOT be accepted at the City of Victoria.**

The City appreciates all proposal responses; however, only short-listed or successful candidates will be contacted. Status of award may be viewed at <https://bids.victoria.ca/BIDS/closed-opportunities/>.

**Commented [RF1]: Please note:** The ideas, opinions, and suggestions provided are intended to promote best practices in procurement related to social procurement values and outcomes only. Any sample clauses, statements, checklists, training materials, and/or documents are provided as a framework for your consideration and are not legal advice on your specific procurement or contractual arrangements.

**THE CORPORATION OF THE CITY OF VICTORIA**  
**REQUEST FOR PROPOSAL 18-020**  
**PUBLIC REALM WASTE BIN ENCLOSURES**  
**INSTRUCTIONS TO PROPONENTS**

PAGE 1 OF 6

**1.0 SUBMISSION REQUIREMENTS**

1.1 Proposal submissions will be accepted up to **4:00:00 p.m.**, Victoria time, **Tuesday, February 25, 2020**. All submissions and accompanying documents must be uploaded electronically at <https://victoria.bonfirehub.ca>. Hardcopy submissions will **NOT** be accepted.

a) **Requested Files:**

Organize your submission into the following individual files (note the required file types):

- i) Cover Letter (File type: PDF) – required
- ii) Proposal submission (File type: PDF) – required
- iii) Pricing Submission (File type: any) – required

Each file has a maximum size of 50MB. You will upload each file individually.

b) **Important Notes:**

Uploading large documents may take significant time, depending on the size of the file(s) and your Internet connection speed. Allocate sufficient time for all uploads to complete prior to closing time.

The City will not be liable for any delay for any reason including technological delays, or issues by either party's network. The City will not be liable for any damages associated with Proposals not received prior to the closing time.

c) **Technical Support:**

The City is using BonfireHub public portal for the submission process. Please contact Bonfire at <https://victoria.bonfirehub.ca/portal/support> for technical questions related to submitting your documents.

The City does not accept submissions received in hardcopy, via our facsimile machine or email.

1.2 Proposals received and not conforming to Item 1.1 and 1.2 above, will be returned (unopened) to Proponent(s) without consideration.

1.3 Proposals, rather than tenders, have been requested in order to afford Proponents a more flexible opportunity to employ their expertise and innovation, and thereby satisfy the City's needs. Proposals should be based on these Instructions, the Terms of Reference, and the Submission and Evaluation Criteria.

1.4 Any addenda to this Request for Proposal will be posted on the City's web site located at [https://bids.victoria.ca/BIDS/opportunity/current\\_opportunities.aspx](https://bids.victoria.ca/BIDS/opportunity/current_opportunities.aspx). Although the City will attempt to e-mail registered Proponents to notify you when addenda are posted on the website, the City does not guarantee that e-mails will be sent to you or received by you. **It is the sole responsibility of the Proponent to make sure that they are in receipt of all addenda prior to the closing date and acknowledge receipt of the addenda on their Cover Letter.**

Commented [RF2]: Rationale for procurement via request for proposals is clearly defined.

- 1.5 All proposal submissions after closing time and date become the property of the City.
- 1.6 This Request for Proposal is subject to the City's Purchasing Policy which may be viewed at <http://www.victoria.ca/EN/main/business/bid-opportunities/purchasing-policies-forms.html> and the laws of the Province of British Columbia.
- 1.7 This Request for Proposal is subject to the terms and conditions of the New West Partnership Trade Agreement (NWPTA) and the Canadian Free Trade Agreement (CFTA).
- 1.8 The City appreciates all proposal responses, however only short-listed or successful Proponents will be contacted. Status of award may be viewed at <https://bids.victoria.ca/Bids/closed-opportunities/>.

## **2.0 DEFINITIONS**

- 2.1 The Corporation of the City of Victoria is referred to as the "City".
- 2.2 The members of the Greater Victoria Joint Purchasing Group participating in this tender, are referred to as the "Participants" as listed in clause no. 3.3.
- 2.3 The entity submitting a proposal is referred to as the "Proponent".
- 2.4 The successful Proponent is referred to as the "Contractor".

## **3.0 GREATER VICTORIA JOINT PURCHASING GROUP**

- 3.1 The Greater Victoria Joint Purchasing Group (GVJPG) has been formed by organizations that are responsible for purchasing goods and services. The purpose of the GVJPG is to increase the purchasing power of the individual participants by obtaining favourable pricing through competitive processes, increased collective volumes and contract administration. The GVJPG consists of participants from local government, universities, colleges and school districts within Greater Victoria and the Cowichan Valley:

- Camosun College
- Capital Regional District
- Capital Regional District – Integrated Water Services
- Capital Regional Housing Corporation
- City of Colwood
- City of Langford
- City of Victoria
- Cowichan Valley Regional District
- District of Metchosin
- District of Sooke
- District of Central Saanich
- District of North Saanich
- District of Oak Bay
- District of Saanich
- District of the Highlands
- Greater Victoria Public Library

- Royal Roads University
- School District #61 (Victoria)
- School District #62 (Sooke)
- School District #63 (Saanich)
- School District #64 (Gulf Islands)
- School District #79 (Cowichan)
- Town of Sidney
- Town of View Royal
- Township of Esquimalt
- University of Victoria
- Westshore Parks & Recreation

3.2 For the purpose of this RFP, the City is acting as the lead agency and will be the single point of contact. Any verbal representations, promises, statements or advice made by any other members of the GVJPG, other than that offered through the City, should not be relied upon.

3.3 In order to provide some members of the GVJPG with cost-effective service, the following organizations have combined their requirements and are Participants in this RFP:

- City of Victoria
- District of Saanich

3.4 The Contractor must provide each of the above Participants (clause 3.3) the same unit prices and services as proposed in this RFP. Each Participant, as a separate legal entity, will issue its own Purchase Order and process its own invoices.

3.5 The GVJPG Participants (clause 3.3) listed are the members who were able to supply requirements. GVJPG members who did not supply requirements at this time may in the future wish to become participants in this contract. Please state in your Proposal if you are prepared to offer the same unit prices and services proposed to the listed participants, to other members of the GVJPG.

### **3.0 CONFIDENTIALITY**

3.1 The City recognizes the importance to Proponents that their ideas and plans remain confidential; otherwise they may be reluctant to disclose such information. The City will endeavour to respect and protect the confidentiality of such information and will treat it as supplied in confidence within the meaning of section 21 of the *Freedom of Information and Protection of Privacy Act*.

### **4.0 PRICING**

4.1 Your price should identify the "Unit Cost" per waste bin enclosure which must include all material costs, labour costs, inspection, shipping, and any other charges, **excluding applicable taxes**, so as to be the final cost to the City for the proposed items.

4.2 The specifications listed in the attached Terms of Reference are minimum requirements to be undertaken. Proponents may also provide separate pricing on additional requirements they feel would benefit the City in meeting its goal.

4.3 All prices proposed are to be in Canadian funds.

**5.0 PAYMENT TERMS**

5.1 All invoices paid as a result of the Request for Proposal will be paid as per the City of Victoria's standard payment terms "Net 30 Days".

5.2 All invoices, quoting the City's Purchase Order Number, should be submitted electronically to [accountspayable@victoria.ca](mailto:accountspayable@victoria.ca).

**6.0 BUDGET**

6.1 Acceptance of any proposal may be subject to budget considerations and available funding.

**7.0 TERM OF AGREEMENT**

7.1 The term of the agreement will be for period of two years from the date of award.

7.2 The City reserves the right to extend this agreement for three additional one-year periods, provided agreement to do so is reached between the City and the Contractor no later than thirty (30) days prior to the expiration of the current agreement.

**8.0 CONFLICT OF INTEREST**

8.1 Proponents must ensure that they are not in a position that may be perceived as a conflict of interest.

**9.0 COMPLIANCE WITH LAW**

9.1 The Contractor shall comply with, and observe, all applicable laws and relevant regulations of any federal, provincial or municipal government or authority applicable to the supply of the service.

**10.0 INDEMNIFICATION**

10.1 In carrying out these works the Contractor and/or their sub-contractor(s) will act as an independent Contractor(s). The Contractor must agree to keep the City indemnified against any and all claims, actions or demands that may be brought, made or arise in respect of anything done or omitted to be done by the Contractor or its' employees who shall be and remain at all times and for all purposes, the servants or employees of the Contractor or their sub-contractor(s), save and except to the extent that such claims action or demands arise from or relate to the negligence, wrongful act or omission of the City, or any of its officers or employees.

**11.0 CANCELLATION**

11.1 The City reserves the right to cancel this Request for Proposal at any time and for any reason, and will not be responsible for any loss, damage, cost or expense incurred or suffered by any Proponent as a result of that cancellation.

11.2 The City may, on 15 days written notice to the Contractor, terminate any Agreement at any time should the City determine that the Contractor is in breach of this Agreement, or is not providing services under this Agreement in a manner that is satisfactory to the City. Before such termination, the City shall:

- a) Provide written notice to the Contractor advising of the breach of Agreement by the Contractor, or of the manner in which the services are not being provided by the Contractor in accordance with this Agreement; and
- b) Provide the Contractor with 5 days after the delivery of such notice to rectify that breach, or to reinstate services to the standard required under this Agreement.

**12.0 SUB-CONTRACTORS**

12.1 Under no circumstances is this contract or any portion thereof, permitted to sub-contract to another company or individual without prior written authorization from the City.

**13.0 PROponents' EXPENSES**

13.1 Proponents are solely responsible for their own expenses in preparing a proposal and for subsequent negotiations with the City, if any. If the City elects to reject all proposals, the City will not be liable to any Proponent for any claims, whether for costs or damages incurred by the Proponent in preparing the proposal, loss of anticipated profit in connection with any final contract, or any other matter whatsoever.

**14.0 LIMITATION OF DAMAGES**

14.1 Except as expressly and specifically permitted in these Instructions to Proponents, no Proponent shall have any claim for any compensation of any kind whatsoever, as a result of participating in the RFP, and by submitting a proposal each Proponent shall be deemed to have agreed that it has no claim.

**15.0 RESPONSIBILITY OF PROPONENTS**

15.1 Each Proponent is responsible for informing themselves as to the contents and requirement of this Request for Proposal. Each Proponent is solely responsible to ensure that they have obtained and considered all information necessary to understand the requirements of the Request for Proposal and to prepare and submit their proposal. The City will not be responsible for any loss, damage or expense incurred by a Proponent as a result of any inaccuracy or incompleteness in this proposal, or as a result of any misunderstanding or misinterpretation of the terms of the proposal on the part of any Proponent.

15.2 If a Proponent is in doubt as to the true meaning of any part of this Request for Proposal, or finds omissions, discrepancies or ambiguities, a request for interpretation or correction may be submitted to the office of Supply Management Services and, if deemed necessary by the City, an addendum will be issued to all firms registered as having received this Request for Proposal. This procedure also applies should the City, of its own accord, wish to expand or delete any part of this Request for Proposal.

**16.0 PUBLICITY**

- 16.1 The Contractor shall not make any statement of fact or opinion regarding any aspect of the Request for Proposals or resulting Contract to the media or any member of the public without the prior written authorization of the City.
- 16.2 All publicity relating to this project is subject to the approval of the City and no mention of the Project in advertising or articles in any publication will be permitted unless authorized in advance, in writing by the City.

**17.0 EVALUATION PROCESS**

- 17.1 An evaluation committee will be reviewing proposal submissions. The City reserves the right to accept any or none of the proposals submitted. The City will evaluate proposals based on the best value offered to the City and not necessarily the lowest price.
- 17.2 The City reserves the right to conduct pre-selection meetings with Proponents. The City further reserves the right to conduct post-selection meetings in order to correct, change or adapt the selected proposal to the wishes of the selection committee.
- 17.3 The Proponent acknowledges that the City may rely upon criteria which the City deems relevant even though such criteria may not have been disclosed to the Proponent. By submitting a proposal, the Proponent acknowledges the City's right under this clause and absolutely waives any right of action against the City for the City's failure to accept the Proponent's proposal

Commented [RF3]: Allows for best value consideration as opposed to best price in evaluation of responses

Commented [RF4]: Allows for open communication and an opportunity to discuss and clarify social value criteria with proponents

**18.0 ENQUIRIES**

- 18.1 All enquiries regarding this Request for Proposal must be directed in writing to Leah Hamilton, Buyer, Supply Management Services, via email to [purchasing@victoria.ca](mailto:purchasing@victoria.ca). All questions should be received at least 5 (five) business days prior to the closing time and date.
- 18.2 The City will not be responsible for, and the Proponent shall not rely upon, information, instructions or clarifications given to a Proponent other than in the form of a written addendum issued by the City. Without limiting the foregoing, any verbal representations, promises, statements or advice made by employees of the City other than that offered through the office of Supply Management Services, shall not be relied upon.

**THE CORPORATION OF THE CITY OF VICTORIA**  
**REQUEST FOR PROPOSAL 20-008**  
**SUPPLY OF PUBLIC REALM WASTE BIN ENCLOSURES**  
**TERMS OF REFERENCE**

PAGE 1 OF 3

**INTRODUCTION**

The City of Victoria is seeking proposals from qualified vendors to supply Public Realm Waste Bin Enclosures ("bins") as per the attached specification. The bins will support the City's Zero Waste program by reducing the amount of organics and recyclable that end up in landfill and improve the cleanliness of our public spaces.

The initial and any future order(s) will be based on available budget and the Participant's forthcoming plans for public realm recycling.

As part of the City's commitment to Social Procurement Initiatives, the City will include social value criteria in its evaluation of Proposals.

**Commented [RF5]:** Clearly indicates that social value criteria will be included in the evaluation process

**SCOPE OF WORK**

The Contractor will provide approximately forty-one (41) waste bins, 36 to the City of Victoria and 5 to the District of Saanich. This planned initial order quantity may vary (+ or -) by up to 15% at the proposed unit price.

Proponents should include a planned delivery schedule in their proposals that includes:

- Lead time for delivery on initial order and expect lead time on future orders (from date of order confirmation); and
- Details on delivery quantities (complete or staged delivery). If a staged delivery is proposed, please indicate estimated ship dates (in weeks) and quantities.

The bins will be delivered to:

- The City of Victoria:  
Public Works Yard  
417 Garbally Rd  
Victoria BC V8W 1P6
- The District of Saanich  
Public Works Yard  
1040 Mckenzie Ave  
Victoria BC V8P 2L4

Participants may order additional bins, as and when required. Additional orders may consist of individual or multiple bins. Proposals should include a schedule of prices that includes unit rates for the initial order and the pricing structure for future orders for individual bins and volume discounts.

**SPECIFICATIONS**

The Contractor will provide the bins as per the attached Appendix A – Public Realm Waste Bin Enclosure Drawings 20200113\_jg, with finishes as follows:

- Primed with a 2-component epoxy no less than 5mm and painted with two coats of marine enamel (colours to be confirmed upon award).

Opening cut-out specifications for cover plates (SK-27 #6) to be confirmed after award.



Signage, labelling and anti-graffiti coating are not required.

### **VALUE ENGINEERING**

Proponents may propose value engineering that maintains the bin enclosure dimensions and structural integrity. Value engineering must not alter the dimensions of the bins. Prior to accepting any value engineering, the Contractor must provide drawings sealed by a professional engineer.

### **SAMPLES**

The Participants will need to view/test a prototype before approving full production. Please indicate availability and timeframe for providing these samples, if requested.

### **SOCIAL VALUE**

The City is part of the local community and wishes to acknowledge the value of community involvement by recognizing a vendor's internal social programs, policies, procedures, accreditation and community involvement. In 2017, City Council adopted Social Enterprise and Social Procurement action plan "[Good Jobs + Good Business = Better Community](#)" that recommends procurement consider:

- **Social Procurement** – purchases should be leveraged to improve the economic, social and environmental well-being of the community.
- **Social Enterprise Development** – strengthen and grow businesses already doing business with community benefit in mind and grow the social enterprise sector.
- **Leading Economic Change** – make the mainstream economy more inclusive to ensure there is always an opportunity for everyone to prosper.

This RFP asks Proponents to provide information about their internal efforts that align with the City's Social Enterprise and Social Procurement action plan and will evaluate the proposals on the combined social impact, environmental impact, price and quality of the Contractor and its products.

### **Social Value Definitions:**

- **“Social Value”** means that the Work as described will take into consideration but not be limited to employment of people with barriers; working with social enterprises; community development; and/or utilizing locally available materials where and whenever possible
- **“Social enterprise”** means a business with an embedded mission to achieve social, cultural or environmental aims through the sale of goods and services. At least 50% of the business revenue comes from selling goods and/or services in the marketplace and at least 50% of the business profits go back into executing its social, cultural or environmental mission.
- **“Barriered individual”** means a person with barrier(s) to employment, which requires workplace, work environment, or work expectation considerations to accommodate successful participation in the workforce
- **“Supplier Diversity”** means a business that is at least 51 per cent owned, operated, and controlled by, as an example: people who identify as women or gender-diverse, Indigenous, members of a visible minority group or as LGBTQi2S+ (lesbian, gay, bisexual, transgender, questioning, intersex and Two-Spirit).

**Commented [RF6]:** Clearly relates to the City's adoption of Council's Social Enterprise & Social Procurement Action Plan. The RFP asks that proponents provide information about social values that align with the Plan's objectives. This information will then be included in the evaluation process.

**Note:** Although there are some examples provided below on page 3, without linkage to or guidance on how to respond to an organization's identified social procurement objectives, asking proponents to simply provide information about their social values may not represent the most effective way to illicit good quality responses. It can also risk some subjectivity in the evaluation process.

Using a questionnaire-based approach, linked to an organization's identified social procurement objectives, as seen in the example from the ACRD and in the BCSPi Social Value Supplier RFI, is considered a best practice since this provides the ability to clearly outline an organization's social value objectives and also allows proponents to respond directly to them.

**Commented [RF7]:** This set of expanded social value definitions is excellent as it will assist proponents in understanding how best to provide a response to the social value criteria. The definitions could be applied to most bid documents, with minimal edits required.

Proponents have the opportunity in their Proposal to describe any social value benefits they are prepared to offer as part of the work. Unless otherwise stated, it is understood that there are no extra costs for these services, however if there are any additional costs, the summary and explanation of these costs should be included in the fee proposal

Social Value benefits could include:

- Providing employment and training for youth and people with employment barriers (e.g. people with disabilities, new immigrants, chronically unemployed, ex-offenders, etc.).
- Offering full-time and living wage employment and adopting advanced health and safety practices.
- Involving Social Enterprises in any portion of the work.
- Considering social value in your production process and/or supply chain (e.g. inclusive of local sourcing for labour and/or material, using Fairtrade, B Corps suppliers, etc.).
- Your commitment to Supplier Diversity.
- Your ability to monitor and measure social value commitments.
- Any other social value commitments.

**Commented [RF8]:** This section further expands on social value and provides a good set of examples.

## **SUSTAINABILITY**

The City of Victoria, in support of our community and corporate goals, is committed to ensuring our purchasing decisions achieve best value by seeking supply and service arrangements which provide the optimum combination of quality, service, price, and sustainability considerations. Our objective is to integrate economic, social, and environmental considerations into our procurement development and award processes.

The [Victoria Sustainability Framework \(VSF\)](#) was developed in partnership with the community and sets the tone for sustainability in the City of Victoria. The VSF was adopted by Victoria City Council in 2010. It is the overarching framework for the City's highest level strategic plans, including the [Official Community Plan \(OCP\)](#) and the [Corporate Strategic Plan \(CSP\)](#).

**THE CORPORATION OF THE CITY OF VICTORIA**  
**REQUEST FOR PROPOSAL 20-008**  
**SUPPLY OF PUBLIC REALM WASTE BIN ENCLOSURES**  
**SUBMISSION AND EVALUATION CRITERIA**

PAGE 1 OF 3

**PROPOSAL SUBMISSION**

All submissions and accompanying documents must be uploaded electronically at <https://victoria.bonfirehub.ca>. Your submission should be organized into the documents and file types listed below:

- **Cover Letter** (File type: PDF)
- **Proposal submission** (File type: PDF)  
Your complete proposal submission highlighting the below evaluation criteria (including completed Appendix A – Firefighter Turnout Gear Specifications)
- **Pricing Submission** (File type: any)

**EVALUATION CRITERIA**

The following items should be included in your proposal submissions and will be the basis for evaluation. Information should be provided sequentially as shown.

*No assumptions should be made that information regarding the Proponent or its participants, their experience, expertise and performance on other projects is known, other than the documentation and responses submitted by the Proponent.*

**Cover Letter** 0 points

- Should contain company name, address, website, telephone number, email address and primary contact person.
- Must be signed by the person or persons authorized to sign on behalf of the company.
- Should acknowledge any addendums issued for this Request for Proposal.

**Knowledge, Experience and Qualifications** 20 points

- Provide brief profile of the company outlining its history and service philosophy. Discuss the experience of the firm in working with local governments.
- Provide name, address and brief company profile on any sub-contractors used to complete the work.
- Outline your ability to use creative solutions, innovations, methodology or other traits that will ensure a successful contract with the City.
- Provide a minimum of three (3) references from clients, highlighting services of a similar size and scope. Include client names and contact information.

Product and Service Quality

30 points

- Provide your method of monitoring the timelines, adherence of the specifications, quality of workmanship and budget, including cost control procedures.
- Outline delivery time for initial order and typical delivery timeline for future orders.
- Provide details on recommended inspection and maintenance schedule.
- State warranty on workmanship, materials and finished including any optional extended warranty. Describe the warranty process and location of warranty agent including address and phone number.

Social Value

5 points

- Describe all initiatives, policies or programs that demonstrate your company's effort towards sustainable practices and responsibility (Social, Ethical, Environmental).
- State your process that will ensure that the City's commitments to social values are included wherever and whenever in the performance of the work.
- Describe how your organization would ensure Supplier Diversity that is accessible to all types of businesses, including where appropriate Social Enterprises, Not-For-Profits, Small and Medium Enterprises, and Diverse Suppliers and how you would monitor and measure this.
- Describe how you currently recruit, retain and support employment of barriered individuals, and how you would monitor and measure this.

**Commented [RF9]:** Between social value & sustainability, a total of 10 points (or 10%) is awarded. This is a realistic weighting for this procurement process considering the nature of the good/service being sought.

**Note:** Should the procurement have been, for example, for distribution of containers as opposed to manufacture, further social value opportunities could have been considered and stronger weighting applied.

**Commented [RF10]:** Provides good guidance on how proponents should respond to the social value criteria.

Sustainability

5 points

- Provide information on your company's internal environmental programs, policies, procedures and accreditation that align with the City's Sustainability Commitment.
- Describe how your company works to reduce waste in its daily operations, reduce its greenhouse gas (GHG) emissions, and works to be more energy efficient.
- Suggest innovative ideas and/or programs that are aligned with the City's Sustainability Commitment in supplying the bins.

Fee Proposal

40 points

Proponents should provide a fee proposal, preferably in an Excel styled spreadsheet, including a detailed explanation of the makeup of the cost for this project including:

- Unit price for initial order.
- Unit price for future orders; detail any minimum order quantity, volume discounts, most-economical freight options, or other discounts available.
- Detail pricing for value engineering.
- All applicable value added taxes.

**Commented [RF11]: Note:** Another option could be to use a value-per-point model on pricing, where there is a greater focus on the value. However, since this RFP is aimed primarily at the *supply* of goods with limited service or operational requirements, the value-per-point model is not as effective.

The Evaluation Committee may apply the evaluation criteria on a comparative basis, evaluating the proposals by comparing one Proponent's proposal to another Proponent's proposal. The Evaluation Committee will not be obligated to select the proposal that offer the lowest price of cost and any proposal at all.

The weighting listed above with the evaluation criteria indicate the relative weighting anticipated by the City and is shown to give general guidance to the Proponents in the preparation of proposals. The evaluation criteria will be applied to all proposals fairly and without bias to any Proponent or proposal and the same criteria and weightings will be applied to all proposals.

The Evaluation Committee reserves the right to not complete a detailed evaluation of a proposal if the Evaluation Committee concludes, having undertaken a preliminary review of the proposal, that the Proponent or proposal as compared to all the proposals is not in contention to be the selected proposal.