



THE REGIONAL MUNICIPALITY OF DURHAM  
AND  
THE REGIONAL MUNICIPALITY OF YORK

REQUEST FOR PROPOSALS RFP-604-2008

TO DESIGN, BUILD, OPERATE AND MAINTAIN AN ENERGY FROM WASTE FACILITY

ADDENDUM #11 – OCTOBER 30, 2008

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This addendum will form a part of the Proposal Documents for the above-noted proposal and shall be read in conjunction therewith. This addendum will take precedence over all requirements of the original Proposal Documents and any addenda issued previously. Bidders shall acknowledge receipt of this addendum by signing and returning it with the completed Proposal submitted. If, in the opinion of the Regions, the addendum issued affects the price of the proposal and the addendum is not returned or acknowledged, then the proposal submitted will be deemed non-compliant and rejected. If, in the opinion of the Regions, the addendum does not affect the proposal price and it is not submitted with the proposal or acknowledged, the bidder will be allowed two working days to submit the missing signed addendum to the Region of Durham Purchasing Section.

Please note the following changes/clarifications:

**The purpose of this addendum is to provide additional clarification and specific revisions regarding delineation of the roles and responsibilities of the DBO Contractor, the Regions and the Regions' Consultants in the context of the approvals processes and the Early Works activities associated with development of the proposed energy from waste Facility.**

**Addendum 11, Revision 1**

**Delete:** Appendix 1, Scope of Work, to Appendix E, the Early Works Agreement, to RFP-604-2008

**Substitute:** Appendix 1, Revised Scope of Work, to Appendix E, the Early Works Agreement, to RFP-604-2008 attached hereto.

## EARLY WORKS AGREEMENT APPENDIX 1

### REVISED SCOPE OF WORK

The Early Works shall consist of the following elements:

1. Refine Architectural Design

The RFP requires proponents to propose a basic Facility design. The RFP provides Proponents a cash allowance of **up to \$9,000,000.00** for the Preferred Proponent to develop and implement architectural enhancements to their basic design to accommodate local requirements and the Owners' preference for an innovative building design.

Under this Early Works task, the Preferred Proponent will develop, in co-operation with the Owner, the final architectural design for the Facility. The activities within this task include:

- (a) Preparation and submission of drawings illustrating three (3) alternate proposed designs for the Facility;
- (b) Review of these designs with the Owner and local stakeholders at no fewer than 10 public meetings within Durham Region and the formulation of a preferred architectural design; and
- (c) Preparation of a final set of drawings and a three dimensional model illustrating the preferred architectural design of the Facility.
- (d) Based on the preferred architectural design, complete a visual assessment and submit as a package forming part of the EPA application

2. Responsibilities Regarding Regulatory Approvals

The Preferred Proponent shall have sole responsibility for obtaining all regulatory authorizations, permits, licenses and approvals necessary for the design, development, construction and operation of the Facility save and except where such regulatory authorizations, permits, licenses and approvals require the direct participation of the Regions in order to obtain said approval. In such cases, the Preferred Proponent shall have the primary responsibility to obtain such regulatory authorizations, permits, licenses and approvals with the collaboration and cooperation of the Regions.

Without limiting the generality of the foregoing requirement, the Preferred Proponents shall be responsible for:

- (a) collaboration with Regional staff in the development and pre-submission review of all regulatory approvals submissions;
- (b) joint negotiations with the Owner and all regulatory agencies; and,
- (c) Payment of application processing fees.

All applications for regulatory approvals shall clearly identify the Regions as Owner of the Facility.

All applications for regulatory approvals shall be in the joint names of the Preferred Proponent and the Regions as their interests may exist as design, build operator and as owners of the Facility,

3. Support of Regulatory Approval Applications

Without limiting the foregoing responsibilities of the Preferred Proponent, the Preferred Proponent will work with the appropriate regulatory authorities to respond to any questions, attend meetings, provide additional information and generally provide support so that the required approvals are obtained in a timely fashion.

Support of all approval applications shall include taking the lead role as proponent at any hearing necessitated by an application for regulatory approval or any appeal resulting from the issuance thereof. The Preferred Proponent shall collaborate with, and take direction from, Regional staff in conjunction with any required hearing.

4. Support of Environmental Assessment (“EA”) Studies

Contemporaneous with the Early Works, the Regions’ EA consultants will be undertaking additional site-specific studies in support of the Region’s EA application for the Facility. The Regions have primary responsibility for the conduct and completion of the EA.

These site-specific studies include a traffic impact assessment, site servicing (water, sewer, gas) studies, archaeological and other potential studies. The Preferred Proponent’s right to comment on the EA study will cooperate with the Regions’ EA consultants and will provide any technical details on the proposed Facility as is required to support these studies. The Preferred Proponent will be provided with copies to all of these site-specific studies as and when they are prepared and provided with a reasonable opportunity to comment upon same before they are submitted by the Regions as a part of the Region’s EA application..

In the event that the EA regulatory approval process results in a hearing, the Preferred Proponent shall cooperate with the Regions and shall support the Regions in the conduct of said hearing.

5. Participation in Public Meetings

Proponents shall include an allowance for preparation for attending and participating in no less than 10 public meetings including presentations to Committees and Council for the purpose of reporting on the progress of the Early Works and discussing the proposed architectural design options.

6. Details Regarding Certain Specific Approvals

The Regions have set out below additional details regarding a number of the regulatory approval processes which will be the responsibility of the Preferred Proponent. In addition, attached hereto is a chart identifying the major regulatory approvals which will be required to be completed as a part of the Early Works.

- A. The Preferred Proponent shall complete and submit all applications required to obtain any local municipal approvals for the construction and operation of the Facility. Local municipal approvals undertaken as part of the Early Works shall include:

- (a) Site Plan Approvals including:
  - (i) Traffic impact assessments;
  - (ii) Road needs study;
  - (iii) Site servicing studies;
  - (iv) Review and negotiation of proposed architectural designs and site layout and landscaping with local municipality;
  - (v) Conservation Authority approvals. and
  - (vi) The negotiation and execution of a site plan agreement with the Municipality of Clarington.

Additional local municipal approvals undertaken as part of the Early Works may include:

- (b) Official Plan Amendment Applications;
- (c) Rezoning Application.

- B. The Preferred Proponent shall be responsible for negotiating Certificates of Approval from the Ontario Ministry of the Environment (“MOE”) for the Facility. Required Certificates of Approval from the MOE shall at a minimum include:

- (a) Air and Noise Emissions (s. 9, EPA);
- (b) Stormwater (s. 53, Ontario Water Resources Act (“OWRA”)); and,
- (c) Waste Management (Part V, EPA).

During the preparation of the RFP the Regions met with representatives of MOE and incorporated potential MOE baseline requirements into the RFP documents. The Preferred Proponent will work with the Owner in negotiating the final details associated with these conditions.

- C. The Preferred Proponent shall be responsible for obtaining approvals from a variety of electrical utility authorities in order to connect to the electrical transmission grid to sell electricity generated at the Facility and to receive electricity. These authorities include, but are not limited to:

- (a) Hydro One Networks Inc.; and,
- (b) The Independent Electrical System Operator (“IESO”).

As there is considerable lead-time associated with obtaining these approvals, the Hydro One FORM B and the IESO System Impact Assessment applications have already been submitted by the Regions.

The Preferred Proponent will be required to amend these applications to incorporate to the specific technical details of their proposed electrical equipment and interconnect. The Preferred Proponent will be required to address any issues regarding electrical interconnection with the grid and obtain the required approvals.

7. Other Approvals

The Preferred Proponent will be solely responsible for obtaining any other required approvals including, without limitation, any approvals required from Transport Canada pursuant to the federal *Aeronautics Act* related to the local Oshawa Airport zoning Regulations.

The following chart has been prepared to identify the anticipated major regulatory authorizations required to be completed during the scope of the Early Works. The chart identifies the assigned roles of the Preferred Proponent and the Regions (which should be interpreted as including the Regions' designated Consultants). This list is subordinate to the general responsibilities set forth previously in Appendix 1 and is provided for illustrative purposes only.

<b>Regulatory Approval</b>	<b>Primary or Lead Party</b>	<b>Secondary Party (Anticipated Contribution to Primary Party)</b>	<b>Project Phase</b>
Environmental Assessment.  Ontario Environmental Assessment Act ("EAA")	<b>Regions</b>	<b>Preferred Proponent</b>  Providing any information necessary to support the Regions' EAA application. Such information will be identified by way of an Addendum to RFP.	Early Works
Certificate(s) of Approval – Air and Noise  Ontario Environmental Protection Act ("EPA") Part II, s. 9	<b>Preferred Proponent</b>	<b>Regions</b>  Air dispersion modeling utilizing Calpuff model will have been previously completed to support EA related air and risk studies.  One (1) years worth of ambient air data will be made available to the Preferred Proponent.  A Noise Impact Assessment will be have been previously completed to support EA approvals process.	Early Works

<b>Regulatory Approval</b>	<b>Primary or Lead Party</b>	<b>Secondary Party (Anticipated Contribution to Primary Party)</b>	<b>Project Phase</b>
<p>Certificate of Approval – Waste Management</p> <p>EPA Part V, s. 27 –</p>	<b>Preferred Proponent</b>	<p><b>Regions</b></p> <p>A Noise Impact Assessment will be completed to support EA approvals process.</p> <p>Traffic Impact Assessment will be completed as part of EA study.</p> <p>Health Risk Assessment will be completed as part of EA study.</p> <p>An initial Visual Impact Assessment will be completed as a part of EA study prior to the selection of the preferred architectural design. This will be provided to the Preferred Proponent but will likely not support EPA level application requirements.</p> <p>A Land Use study will be completed as part of EA study.</p>	Early Works
<p>Certificate of Approval – Industrial Sewage Works</p> <p>Ontario Water Resources Act (“OWRA”) s. 53</p>	<b>Preferred Proponent</b>	<p><b>Regions</b></p> <p>An initial surface and stormwater management plan will be completed to support EA approvals process. Detail will likely not support OWRA level application requirements</p>	Early Works
<p>Site Plan Approval</p> <p>Municipality of Clarington Site Plan Control By-Law</p>	<b>Preferred Proponent</b>	<p><b>Regions</b></p> <p>Limited general support as may be required</p>	Early Works
<p>Ontario Conservation Authorities Act</p>	<b>Preferred Proponent</b>	<p><b>Regions</b></p> <p>Limited general support as may be required</p>	Early Works
<p>Electrical Authorities Approvals</p>	<b>Preferred Proponent</b>	<p><b>Regions</b></p> <p>Initial applications including Hydro One FORM B and IESO System Impact Assessment applications have been submitted.)</p>	Early Works

<b>Regulatory Approval</b>	<b>Primary or Lead Party</b>	<b>Secondary Party (Anticipated Contribution to Primary Party)</b>	<b>Project Phase</b>
Aeronautics Act, Oshawa Airport Zoning Regulations	<b>Preferred Proponent</b>	<b>Regions</b>  Limited general support as may be required	Early Works

The information contained in this addendum is explicitly applicable to all articles and clauses noted in this addendum. In addition, this addendum is applicable to other related articles and clauses of the Request for Proposals not specifically noted herein, as may be required in order to interpret the Request for Proposals in a fashion which is internally consistent with all addenda issued in relation thereto.

I/we hereby acknowledge receipt of this addendum.

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Signed (Must be Signing Officer of Firm)

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Position

\_\_\_\_\_  
Name of Firm