



Transportation and Works Department
Office of the Commissioner

MEMORANDUM

TO: Bill Fisch, Regional Chair and Members of Council

FROM: Bruce Macgregor, P.Eng.,
Commissioner of Transportation and Works

DATE: April 17, 2007

RE: **Pre-Qualification of Thermal Waste
Waste Treatment Technology Vendors**

On Wednesday, April 11, 2007, the Solid Waste Management Committee adopted Clause 4 of Report No. 5 dealing with the Durham York Residual Waste Environmental Assessment: Pre-qualification of Thermal Waste Treatment Technology Vendors. Attachment 2 to the Report was a Summary of Proposed Anti-Lobbying Clause which Committee referred back to staff for clarification. Staff have reviewed the anti-lobbying clause and revised it (attached) to allow for:

- Meetings, interviews, tours of facilities or presentations that are duly authorized as part of the procurement process.
- All correspondence or contact by interested parties with respect to this project must be directly and only with the Project Authority.

These two changes allow staff and elected officials to visit facilities to better understand the issues and impact of energy from waste facilities on a community and allow vendors who may bid on the Energy from Waste project to be able to communicate with the Region on other business.

AC/tl

Attachment (1)

YORK-#403428-v2

**PRE-QUALIFICATION OF THERMAL WASTE
TREATMENT TECHNOLOGY VENDORS**

Summary of Proposed Anti-Lobbying Clause

- Once the draft Request for Qualifications is prepared, it is proposed that all communications with potential vendors be directed through a single Regional procurement contact (the “Project Authority”) and that no project related communications occur between potential vendors and Environmental Assessment team consultants, Regional staff & elected officials.
- Respondents will be required to adhere to a proposed anti-lobbying clause to be included in the Request for Qualifications and Request for Proposal documents, which is to remain in effect through the entire procurement process including both the Request for Qualifications and subsequent Request for Proposal.
- Proposed Clause:

“Anti-Lobbying

*Respondents or their Team Members or anyone involved in the Team will not engage in any form of political or other lobbying whatsoever with respect to this project or seek to influence the outcome of this qualification process. This anti-lobbying clause extends to all members of Regional or Local Area Municipal Councillors within both Durham and York Regions, their respective staff members or their appointees, including members of the consulting team. In the event of any such lobbying, the Regions will reject any RFQ or subsequent RFP submission by that Respondent without further consideration and terminate that Respondent’s right to continue in the process. All correspondence or contact by interested parties with the Regions **with respect to this project** must be directly and only with the Project Authority.*

*It should be duly noted by all Respondents that this anti-lobbying clause extends from the release date of this RFQ through the date and time when the two respective Regional Governments formally award the project, i.e., AFTER the RFP review stage. Any **activity contrary to this provision** undertaken during this timeframe will result in immediate disqualification from the process be it during the RFQ stage, the RFP stage or anytime between and after the commencement of this process until the date of award.*

This clause shall not be construed as prohibiting any activity which is duly authorized as part of the procurement process, including meetings, interviews, tours of facilities or presentations, which activities may include the participation of Council members from the Regions or their area municipalities.