



# **TORONTO HYDRO-ELECTRIC SYSTEM LIMITED**

## **Contractor Pre-Qualification**

### **Application**

**Version 2.3**

**August 25, 2016**

# INSTRUCTIONS TO CONTRACTORS

## 1. INTRODUCTION

- (i) This Contractor Pre-Qualification Application (the "Application") is being issued and administered by the Toronto Hydro-Electric System Limited ("THESL") Supply Chain Services Department on behalf of THESL and/or its Affiliate(s), as defined in the *Business Corporations Act* (Ontario), as the case may be ("Toronto Hydro"), in order to obtain Applications from one or more contractors that may result, if approved by Toronto Hydro, in being designated as a qualified contractor ("Qualified Contractor") and be placed on Toronto Hydro's Qualified Contractor's list(s) in relation to the technical requirements of the project categories listed herein.
- (ii) A contractor's qualification signifies that an applicant has met the minimum technical requirements established by Toronto Hydro. It does not mean that the contractor is on equal footing with other Qualified Contractors, nor does it mean that the contractor has met all the procurement requirements necessary to perform work.
- (iii) For greater certainty, a contractor's qualification does not mean that the contractor will be invited to submit competitive bids for any Toronto Hydro projects, nor does it mean that the contractor will be awarded any contract for work by Toronto Hydro.
- (iv) Toronto Hydro reserves the right, in its sole discretion, to conduct additional pre-qualifications for specific projects.

## 2. QUALIFICATION

- (i) Contractors interested in qualifying shall complete and submit the following information:
  - (a) A duly signed copy of the Initial Contractor Pre-Qualification Certificate;
  - (b) Section One – identification of the project categories of interest;
  - (c) Section Two – the contractor's business information;
  - (d) Section Three – financial information;
  - (e) Section Four – references for projects the contractor has completed relevant to the project categories of interest;
  - (f) Section Five – references for projects the contractor is engaged in as of the date of submission of this Application;
  - (g) Section Six – health and safety information;
  - (h) Section Seven – minimum employee training requirements;
  - (i) Section Eight – minimum employee qualifications;

- (j) Section Nine – vehicle description capabilities;
  - (k) Section Ten – design qualifications;
  - (l) Section Eleven – audit minimum employee training requirements; and
  - (m) A declaration of whether the Contractor or any of its affiliates has been charged or convicted of any criminal or regulatory offence in any jurisdiction (including but not limited to Toronto, Ontario, Canada, the United States, and the European Union). Please attach any such declaration(s) to this application.
- (ii) Failure to complete the Application in its entirety or with sufficient information and/or detail, or if the Application contains fraudulent, false, deceptive or misleading information, may result in rejection of the contractor's application and/or disqualification.
  - (iii) All responses and accompanying documentation submitted by contractors shall become the property of Toronto Hydro and will not be returned.
  - (iv) Contractors that have previously qualified and wish to renew their status as a Qualified Contractor shall complete and submit the Application, as amended from time to time by Toronto Hydro, in its sole discretion, every three (3) years or such other period of time as determined by Toronto Hydro, in its sole discretion.
  - (v) Contractors that have previously performed work on a project(s) for Toronto Hydro shall submit a statement identifying the project(s) and any training completed pursuant to Toronto Hydro's training programs and requirements in connection thereto, including, without limitation, training in accordance with the Toronto Hydro Work Protection Code, the THESL Rule Book, and Confined Space Training.

### **3. SUBCONTRACTORS**

- (i) If Toronto Hydro elects, in its sole discretion, to approve the contractor as a Qualified Contractor for specified types of work, the Qualified Contractor shall be responsible for ensuring that any subcontractors that may be retained by the Qualified Contractor possess the skills, experience and safety training and equipment necessary to perform the work for which they are being sub-contracted prior to performing any work for Toronto Hydro. For greater certainty, the Qualified Contractor shall be entirely responsible for its subcontractors and their representatives (including but not limited to their respective directors, officers, employees, and agents) at all times.

### **4. CONFLICTS OF INTEREST**

- (i) Contractors shall disclose in their response to this Application and on an ongoing basis thereafter any conflict of interest, real or perceived, that exists now or may exist in the future, with respect to any matters in this Application, any invitation to submit competitive bids and resulting contract thereto, or in relation to Toronto Hydro, including the disclosure of any personal or business relationships between the contractor, or its directors, officers, employees, agents, design, architectural or

consulting firms, and contractors and Toronto Hydro or its directors, officers, employees, agents and contractors.

## **5. EVALUATION**

- (i) All Applications will be evaluated based on any number of criteria which Toronto Hydro, in its sole discretion, considers relevant, including, without limitation, the following:
  - (a) technical capacity, skill and competence of the contractor;
  - (b) applicable experience;
  - (c) financial strength;
  - (d) health and safety performance;
  - (e) work load;
  - (f) reputation;
  - (g) previous working relationship, if any, with Toronto Hydro, including any outstanding, unresolved, or prior disputes, claims, actions or other proceedings between the contractor and Toronto Hydro; and
  - (h) any other factor or criterion that Toronto Hydro, in its sole discretion, deems relevant.
- (ii) Toronto Hydro is not obligated to inform contractors of the relative weight to be given to any particular evaluation criterion, or to provide reasons to any contractor with respect to any exercise of Toronto Hydro's discretion.

## **6. INVESTIGATION**

Toronto Hydro may, at any time, investigate and verify the information submitted by a contractor and any other relevant information from the sources identified by the contractor in this Application and/or other independent sources.

## **7. PERSONAL INFORMATION**

If, and to the extent that any information provided in this Application is personal information of an identifiable individual, the contractor represents and warrants that it has obtained any and all consents required under applicable privacy laws to permit Toronto Hydro to collect such information from the contractor and to use such information in considering the Application.

## **8. CONFIDENTIALITY**

All information submitted by a contractor in accordance with the requirements of this Application will be treated as confidential by Toronto Hydro and used only for the purpose of establishing the contractor's ability to satisfy the requirements of the Application and will not be disclosed to any third party except as necessary to investigate and verify the information submitted by the contractor as set forth in "Section Six: Health and Safety Information" and process this Application or as permitted or required by law.

## **9. SELECTION OF CONTRACTORS**

- (i) Contractors that satisfy the criteria and conditions of this Application will be notified by Toronto Hydro of their selection as Qualified Contractors for specified types of work.
- (ii) Qualified Contractors shall immediately notify THESL's Director, Operation Support Services at the address set forth in "Section 12: Enquiries" of any changes at any time to the information submitted in the Application. Without limiting the generality of the foregoing, if a contractor changes its name, it shall provide THESL's Director, Operation Support Services with a detailed explanation for the change of name.
- (iii) Toronto Hydro may, in its sole discretion, temporarily or permanently suspend or disqualify a Qualified Contractor from Toronto Hydro's Qualified Contractors' list that fails to maintain compliance with:
  - (a) any statutes, regulations, by-laws, codes, standards or guidelines of municipal, provincial or federal authorities (collectively "Applicable Laws") that are applicable to this Application or the contract for the work on a particular project, including, without limitation, all applicable Ontario Energy Board codes, rules, or guidelines; or
  - (b) the rules, guidelines or specifications established by Toronto Hydro from time to time of which the contractor has been advised; or
  - (c) the requirements of this Application.

## **10. NO LIABILITY**

All costs, expenses, losses, damages or liabilities that may be incurred by the contractor as a result of or arising out of submitting this Application or Toronto Hydro's rejection of this Application or the contractor's subsequent temporary or permanent disqualification or suspension as a Qualified Contractor shall be borne entirely by the contractor. Toronto Hydro and its directors, officers, employees, agents and contractors shall not be liable for any costs, losses, damages or liabilities whatsoever in the event the contractor is not qualified; or in the event that a Qualified Contractor is subsequently temporarily or permanently suspended or disqualified. Furthermore, neither Toronto Hydro nor any of its directors, officers, employees, agents or contractors shall be liable for any claims, demands, actions, regulatory proceedings, penalties, damages, losses, judgments and settlements, liabilities, costs, expenses (including legal fees and other related costs and expenses) arising out of, related to, or incidental to any breach, violation, negligence,

wilful misconduct, fraud, fault, or omission of a Qualified Contractor, in whole or in part, or any of its directors, officers, employees, agents or subcontractors.

## **11. COMPETITIVE BIDS**

Toronto Hydro expressly reserves the right, in its sole judgement and discretion, to determine the pre-qualified contractors that will be invited to submit competitive bids for a project, if any. Upon any such invitation, Toronto Hydro may consider factors, other than those listed in this Application, that indicate the contractor's ability to successfully execute a proposed project. The criteria in this Application are minimum criteria and do not limit the criteria and conditions in the competitive bid requestor resulting contract.

## **12. ENQUIRIES**

All questions regarding this Application shall be directed to THESL's representative in writing as follows:

[PreQualApplication@torontohydro.com](mailto:PreQualApplication@torontohydro.com)

Supply Chain Services

Toronto Hydro-Electric System Limited

500 Commissioners Street

Toronto, Ontario, M4M 3N7

Telephone: (416) 542-3100

## **INITIAL CONTRACTOR PRE-QUALIFICATION CERTIFICATE** ("Certificate")

I, the undersigned, in submitting this Contractor Pre-Qualification Application ("Application") on behalf of [REDACTED] (the "Contractor"), do hereby certify, on behalf of the Contractor and not in my personal capacity, that:

1. I understand that the purpose of pre-qualification is to ensure that all contractors interested in submitting competitive bids to Toronto Hydro, as a fundamental condition of being permitted to bid have the necessary minimum technical, financial and managerial competence to execute the work and that Toronto Hydro may conduct additional pre-qualifications for specific projects.
2. I understand that Toronto Hydro may, in its sole discretion, temporarily or permanently suspend or disqualify a Contractor that has been qualified ("Qualified Contractor") that fails to maintain compliance with:
  - a. any federal, provincial and municipal statutes, regulations, codes, by-laws, orders in council, directives, rules, guidelines and ordinances applicable to this Application or the contract for the work on a particular project, including, without limitation, all applicable Ontario Energy Board codes, rules, or guidelines; or
  - b. the rules, guidelines or specifications established by Toronto Hydro from time to time of which the contractor has been advised; or
  - c. the requirements of this Application.
3. I understand that the information submitted in the accompanying Application shall be treated as confidential, used only for the purpose of determining the Contractor's qualification to submit a competitive bids in response to a competitive bid request issued by Toronto Hydro and will not be disclosed to any third party except as necessary to investigate and verify the information submitted by the Contractor as set forth in "Section Six: Health and Safety Information" and process this Application or as permitted or required by law.
4. I understand that the information submitted in the accompanying Application shall become the property of Toronto Hydro and will not be returned.
5. I understand and agree that qualification does not entitle the Contractor to be invited to submit competitive bids for any or all of Toronto Hydro's projects and that Toronto Hydro expressly reserves the right, in its sole judgment and discretion, to determine which contractors will be invited to submit competitive bids.
6. I understand that the information submitted herein is subject to verification and that additional relevant information may be obtained, if required, from references named herein and/or other independent sources. I hereby consent to these sources providing this information and to Toronto Hydro independently verifying this information.
7. I represent and warrant that the Contractor has obtained any and all consents required under applicable personal information or privacy laws to provide the personal information of

identifiable individuals in this Application and to permit Toronto Hydro to collect such information and use such information in considering the Application.

8. I understand and agree that it will be the Qualified Contractor's obligation to ensure any subcontractors retained by the Qualified Contractor have the skills, experience and safety training and equipment necessary to do the work that has been sub-contracted, in accordance to all federal, provincial, and municipal statutes, regulations, codes, by-laws, orders in council, directives, rules, guidelines and ordinances applicable to this Agreement, including without limitation all application Ontario Energy Board codes, rules or guidelines, prior to performing any work for Toronto Hydro.
9. Any and all potential conflicts of interest between the Contractor and Toronto Hydro are expressly identified and fully disclosed by the Contractor in the Contractor's Application, including the disclosure of any personal or business relationships between the Contractor, or the Contractor's directors, officers, employees, agents or contractors and Toronto Hydro or Toronto Hydro's directors, officers, employees, agents or contractors.
10. I understand and agree that all costs, expenses, losses, damages or liabilities that may be incurred by the Contractor as a result of or arising out of submitting this Application or Toronto Hydro's rejection of this Application, or the Qualified Contractor's subsequent temporary or permanent disqualification or suspension as a Qualified Contractor shall be borne entirely by the Contractor and that Toronto Hydro and its directors, officers, employees, agents and contractors shall not be liable for any costs, losses, damages or liabilities whatsoever in the event the Contractor is not qualified, or the Contractor is subsequently temporarily or permanently suspended or disqualified as a Qualified Contractor.
11. I understand that the accompanying Application submitted by the Contractor may be disqualified at any time if this Certificate is found not to be true and complete in every respect.
12. I have read, understand and agree to comply with the statements made in this Certificate.
13. I am duly authorized by the Contractor to sign this Certificate, and to submit the accompanying Application, on behalf of the Contractor.

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Contractor's Full Corporate/Business/Partnership Name

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Authorized Representative's Signature

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Name

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Title

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Date

## SECTION ONE: PROJECT CATEGORIES

Contractors shall identify the project category or categories for which the contractors are seeking to be pre-qualified by marking the applicable boxes:

Check Here to Apply	Project Category and Scope of Work
<input type="checkbox"/>	<b><u>Civil Hydro-Electric Distribution Work:</u></b> <ul style="list-style-type: none"> <li>• Duct &amp; Cable Chamber Systems</li> <li>• Road Crossings</li> <li>• Submersible Vaults</li> <li>• Building Vaults</li> <li>• Vault &amp; Cable Chamber Drains</li> <li>• Padmounts</li> <li>• New Residential Subdivisions</li> <li>• Industrial Subdivisions</li> <li>• Test Holes</li> <li>• FRE<sup>®</sup> Duct Installations (fiber reinforced epoxy duct, including bridges)</li> </ul>
<input type="checkbox"/>	<b><u>Underground Hydro-Electric Distribution Work (Primary; &gt;750 V):</u></b> <ul style="list-style-type: none"> <li>• Splicing &amp; Terminating</li> <li>• Submersible Vaults</li> <li>• Building Vaults</li> <li>• Padmounts</li> <li>• Cable Pulling</li> <li>• Underground Rebuilds &amp; Voltage Conversions</li> </ul>
<input type="checkbox"/>	<b><u>Underground Hydro-Electric Distribution Work (Secondary; &lt; 750 V):</u></b> <ul style="list-style-type: none"> <li>• Service Conversion Overhead to Underground</li> <li>• Terminating In-Tap Boxes &amp; Meter-bases</li> <li>• Electrical Room Rework</li> <li>• Secondary Splicing</li> <li>• Cable Pulling</li> </ul>
<input type="checkbox"/>	<b><u>Overhead Hydro-Electric Distribution Work:</u></b> <ul style="list-style-type: none"> <li>• Primary &amp; Secondary Line Work</li> <li>• Secondary Services</li> <li>• Pole Installations, Guying &amp; Anchoring</li> </ul>
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<b><u>Miscellaneous Work:</u></b> <ul style="list-style-type: none"> <li>• Telecom (Residential/Commercial/Industrial)</li> <li>• Customer Equipment</li> <li>• Residential Services</li> <li>• Street Lighting</li> </ul>
<input type="checkbox"/>	<b><u>Design Work:</u></b> <ul style="list-style-type: none"> <li>• Overhead Primary/Secondary Distribution</li> <li>• Underground Primary/Secondary Distribution</li> <li>• Railway, Transmission, Pipeline Crossings</li> <li>• Municipal Substation Egress</li> <li>• Easement Approval Drawings</li> </ul>
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<b><u>Audit Work:</u></b> <ul style="list-style-type: none"> <li>• Verification &amp; Audit of Civil Hydro-Electric Distribution Work</li> <li>• Verification &amp; Audit of Underground Hydro-Electric Distribution Work (Primary)</li> <li>• Verification &amp; Audit of Underground Hydro-Electric Distribution Work (Secondary)</li> <li>• Verification &amp; Audit of Overhead Hydro-Electric Distribution Work</li> <li>• Verification &amp; Audit of Engineering Design or Permit Approval Work</li> </ul>

## SECTION TWO: BUSINESS INFORMATION

If required, contractors may supplement the information requested with an additional sheet(s) marked as "Appendix A – Business Information".

<b>Business Contact Information</b>			
Business name (Legal Name / Operating name):			
Phone:	Fax:	Email:	Internet address:
Registered company address:			
City:	Province:	Postal Code:	
Contact person:			
Title:	Phone:	Fax:	Email:
Year business established:			
Quality assurance program(s): Yes/No		Date of implementation:	
<i>(submit a copy and any related documentation thereto)</i>			
Number of full-time employees:		Union affiliation:	
Organizational chart: Yes/No <i>(submit)</i>		Mission statement: Yes/No <i>(submit)</i>	
<b>Legal Structure</b>			
Sole Proprietorship: <input type="checkbox"/> Partnership: <input type="checkbox"/> Corporation: <input type="checkbox"/> Subsidiary: <input type="checkbox"/> Other: <input type="checkbox"/> (specify)			
If a corporation, is it <input type="checkbox"/> Federal <input type="checkbox"/> Ontario <input type="checkbox"/> Other (specify)			Incorporation number:
<i>(submit articles of incorporation)</i>			
If subsidiary, provide the legal/operating name of the parent company and submit the parent company's articles of incorporation:			
Parent company registered address:			
City:	Province:	Postal Code:	
Year parent company established:			

**Officers/Directors/Partners/Principals**

1. Name:	Title:	Phone:
2. Name:	Title:	Phone:
3. Name:	Title:	Phone:
4. Name:	Title:	Phone:
5. Name:	Title:	Phone:
6. Name:	Title:	Phone:

**Property Information**

Business property owned? Yes/No	How long at current address?
Business property leased? Yes/No ( <i>submit landlord contact information</i> )	

## SECTION THREE: FINANCIAL INFORMATION

If required, contractors may supplement the information requested with an additional sheet(s) marked as "Appendix B – Financial Information".

<b>Financial References</b>			
Bank name:		Bank number:	
Address:			
City:	Province:	Postal Code:	Phone:
Contact person:	Title:		Phone:
Type of account:	<input type="checkbox"/> Savings	<input type="checkbox"/> Chequing	<input type="checkbox"/> Other (specify)
Account number:			
Transit number:			
Submit financial statements for the shorter of the last three (3) years and the number of years in business:			
<b>Insurance References</b>			
Insurance company name:			
Address:			
City:	Province:	Postal Code:	Phone:
Contact person:	Title:		Phone:
Contractor has a minimum amount of \$5,000,000 in comprehensive general liability insurance per occurrence: <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, indicate the minimum amount of coverage per occurrence: <i>(submit a copy of the insurance certificate)</i>			
Contractor has a minimum amount of \$2,000,000 in automobile liability insurance per occurrence: <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, indicate the minimum amount of coverage per occurrence: <i>(submit a copy of the insurance certificate)</i>			
<b>Bonding Company References</b>			
Bonding company name:			
Address:			
City:	Province:	Postal Code:	Phone:
Contact person:	Title:		Phone:
Indicate performance bonding limits: <i>(submit letter from the bonding company indicating total bonding limit and confirming the availability of bonding)</i>			

<b>Primary Supplier References</b>			
1. Company name:		Contact person:	Title:
Address:			
City:		Province:	Postal Code:
Phone:	Fax:		Email:
2. Company name:		Contact person:	Title:
Address:			
City:		Province:	Postal Code:
Phone:	Fax:		Email:
3. Company name:		Contact person:	Title:
Address:			
City:		Province:	Postal Code:
Phone:	Fax:		Email:
4. Company name:		Contact person:	Title:
Address:			
City:		Province:	Postal Code:
Phone:	Fax:		Email:
5. Company name:		Contact person:	Title:
Address:			
City:		Province:	Postal Code:
Phone:	Fax:		Email:

## SECTION FOUR: PROJECTS COMPLETED

Contractors shall provide a minimum of five (5) project references, from at least two (2) different sources, for the projects completed as of the date of submitting this Application. If required, Contractors may supplement the information requested with an additional sheet(s) marked as "Appendix C – Projects Completed".

1. Project title:		
Location:		Description:
Duration of project:		Date completed:
Project owner:		Project value: \$
Contact Person:	Title:	Phone:
2. Project title:		
Location:		Description:
Duration of project:		Date completed:
Project owner:		Project value: \$
Contact Person:	Title:	Phone:
3, Project title:		
Location:		Description:
Duration of project:		Date completed:
Project owner:		Project value: \$
Contact Person:	Title:	Phone:
4. Project title:		
Location:		Description:
Duration of project:		Date completed:
Project owner:		Project value: \$
Contact person:	Title:	Phone:
5. Project title:		
Location:		Description:
Duration of project:		Date completed:
Project owner:		Project value:
Contact person:	Title:	Phone:

## SECTION FIVE: PROJECTS UNDERWAY

Contractors shall provide references of the projects underway as of the date of submitting this Application. If required, contractors may supplement the information requested with an additional sheet(s) marked as "Appendix D – Projects Underway".

1. Project title:		
Location:		Description:
Duration of project:		Date completed:
Project owner:		Project value: \$
Contact Person:	Title:	Phone:
2. Project title:		
Location:		Description:
Duration of project:		Date completed:
Project owner:		Project value: \$
Contact Person:	Title:	Phone:
3, Project title:		
Location:		Description:
Duration of project:		Date completed:
Project owner:		Project value: \$
Contact Person:	Title:	Phone:
4. Project title:		
Location:		Description:
Duration of project:		Date completed:
Project owner:		Project value: \$
Contact person:	Title:	Phone:
5. Project title:		
Location:		Description:
Duration of project:		Date completed:
Project owner:		Project value:
Contact Person:	Title:	Phone:

## **SECTION SIX: HEALTH AND SAFETY INFORMATION**

In order to be eligible to become a Qualified Contractor for Toronto Hydro it is now a prerequisite for contractors to subscribe to ISN Software Corporation. The Contractor must maintain subscription and provide all records and information as required by ISN and Toronto Hydro to allow for the maintenance of such subscription and maintain a rating of B or higher on the ISNetworld system within 6 months after initial approval notification. Moreover, the Contractor must attain ISN registration before the initial approval notification can be given.

Moreover, the ISN status will be verified on an annual basis, based on the end of the calendar year (December 31<sup>st</sup>). If at that time the rating falls below a "B" a warning letter will be issued and the contractor will have one month's time to achieve the "B" rating or risk removal from the Qualified Contractors List.

## SECTION SEVEN: MINIMUM EMPLOYEE TRAINING REQUIREMENTS

Contractors shall identify the areas of training its employees have completed by marking the applicable boxes, as per the project categories of interest.

REQUIRED TRAINING	CIVIL	UNDERGROUND ELECTRICAL	OVERHEAD ELECTRICAL, STREETLIGHT, RESIDENTIAL	CUSTOMER EQUIPMENT	TELECOM	DESIGN
MEA Journeyperson	N/A*			N/A		N/A
Electrical	N/A					N/A
Electrical Safety Awareness						
First Aid						
CPR						
Rescue Techniques						N/A
WHMIS						
Confined Space						N/A
Asbestos Awareness				N/A		N/A
Traffic Control Site Management						N/A
Excavation/ Shoring		N/A	N/A	N/A	N/A	N/A
Operation of Construction/ Utility Vehicles			N/A			N/A
OHSA						
IHSA Rules and Policies						

\* N/A means "Not Applicable".







## SECTION ELEVEN: AUDIT MINIMUM EMPLOYEE TRAINING REQUIREMENTS

Contractors shall identify the areas of training its employees have completed by marking the applicable boxes, as per the project categories of interest.

REQUIRED TRAINING	CIVIL INSPECTOR	ELECTRICAL INSPECTOR	COMPLIANCE INSPECTOR	UTILITY INSPECTOR	PROJECT CO-ORDINATOR
MEA Journeyperson	N/A*			N/A	
Electrical	N/A				
Electrical Safety Awareness					
First Aid					
CPR					
Rescue Techniques					
WHMIS					
Confined Space					
Asbestos Awareness				N/A	
Traffic Control Site Management					
Excavation/ Shoring		N/A	N/A	N/A	N/A
Operation of Construction/ Utility Vehicles			N/A		
OHSA					
IHSA Rules and Policies					

\* N/A means "Not Applicable".