



DATE: May 5, 2010
TO: ALL RESPONDENTS
FROM: LCBO PURCHASING DEPARTMENT
SUBJECT: RFP #2010-29

**Consulting Services Evaluation of Proposals for a Web Portal,
Inventory Control, Financial and warehouse Management
System Solution**

The Liquor Control Board of Ontario invites bids for Consulting Services Evaluation of Proposals for a Web Portal, Inventory Control, Financial and warehouse Management System Solution

Respondents **must** submit **one (1) original Technical Response, signed by an authorized representative (prominently marked "Original") and should submit three (3) additional identical copies in a sealed package.** Do **NOT** include any reference to or any pricing information with the Technical Response. Responses that contain any reference to or any pricing information in the Technical Response will be disqualified.

Respondents must submit the Pricing Response Form and should include **one (1) identical copy in a separate sealed envelope apart from the rest of the Response.** The sealed envelope containing the Pricing Response Forms should be placed with the rest of the Response into a sealed package.

RFP #2010-29
Liquor Control Board of Ontario,
Purchasing Department,
1 Yonge Street, Suite 1404,
Toronto, Ontario, M5E 1E5.
Attn: Jim Matera, Purchasing Supervisor

In the interests of a timely and fair process, **late proposals will not be considered and will be returned unopened. All proposals must bear an original signature. Unsigned proposals will be disqualified.** In order to be considered, all proposals must be signed and received on time no later than **2:00:59 p.m. Toronto Time, May 26, 2010.**

All general inquiries should be directed by fax to Jim Matera, Purchasing Supervisor at 416-864-6853, or by email at jim.matera@lcbo.com. Enquiries must be received prior to **2:00:59 p.m. on May 14, 2010.** The LCBO will not be required to respond to late enquires.

Thank you.

Jim Matera
Purchasing Supervisor



**REQUEST FOR PROPOSALS
for
Consulting Services
Evaluation of Proposals for a Web Portal, Inventory Control, Financial
and Warehouse Management System Solution**

RFP # 2010-29

Closing Date and Time:

May 26, 2010 at 2:00:59 p.m. Toronto time

Purchasing Contact:

Jim Matera, Purchasing Supervisor



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1.0 INTRODUCTION

This Request for Proposals (“RFP”) is an invitation to interested vendors (“Respondents”) to submit Proposals (“Responses”) to the Liquor Control Board of Ontario (“LCBO”) for the provision of consulting services to assist in the evaluation of proposals (the “Project”) for computer software and services (a Web Portal, Inventory Control, Financial and Warehouse Management System Solution) for the LCBO’s Specialty Services Department that will be solicited under a separate RFP.

This RFP is intended to assist Respondents in gaining an understanding of the LCBO’s requirements. However, each Respondent is responsible for verifying all the information required for its Response.

Please be advised that the LCBO is under no obligation to proceed with this Project after receiving and reviewing Responses, and that under no circumstances will any Respondent receive payment of any kind for submitting information in response to this RFP.

2.0 BACKGROUND

The Liquor Control Board of Ontario is a corporation wholly owned by the Province of Ontario.

The LCBO is the largest purchaser of alcoholic beverages in the world. It markets beverage alcohol in the Province of Ontario. In the fiscal year ending March 2008, net sales were \$4.1 billion.

Addition information about the LCBO is available on the LCBO website at www.LCBO.com. The LCBO annual report can be found at <http://lcbo.com/aboutlcbo/annualreport2008.shtml>.

In addition to its network of over six hundred stores, the LCBO also operates the Specialty Services Department (“the Department”) through which “Customers” can obtain beverage alcohol products that are not readily available through stores or the LCBO Vintages website. Customer orders may be for private individuals, wine clubs, licensed establishments such as bars and restaurants, or businesses not engaged in the resale of beverage alcohol.

The Department is part of the Logistics Division, and operates from a single location at 33 Freeland St. Toronto that houses its offices and a dedicated warehouse. It issues purchase orders, receives and warehouses products, processes customer orders, accepts payments and prepares customer orders for pickup at its location or another LCBO location.



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In most cases, the process is facilitated by a local “Agent” of the alcoholic beverage manufacturer (“Vendor”). Generally, the Agent will solicit customer orders, collect deposits (where applicable) request that the LCBO issue purchase orders, collect payment from the customer and arrange for pick up and delivery of the product.

The Department’s annual sales are approximately \$160 Million.

Because of its unique business requirement, the Department relies primarily on its own computer system for business operations. The current system was developed internally a number of years ago and was converted to Oracle Forms and an Oracle database for Y2K. In the last decade the Department has grown steadily and has become more complex with changes in the consignment business. The Department has outgrown the current system and the version of Oracle forms used is no longer supported.

A separate RFP will be issued to solicit proposals for a proven commercial software package for a warehouse management system and the related implementation services. The significant functions of the system will be:

- *A web portal for use by Agents to submit purchase order requests and customer order information, monitor inventory and outstanding purchase orders and make payments for customer orders and outstanding fees*
- *An inventory control system to manage purchase orders and track and value inventory*
- *Related financial systems to provide operational control and an auditable environment*
- *A warehouse management system (WMS) to provide common warehouse functions from receipt of goods to pick up of customer orders*

3.0 **PROJECT DESCRIPTION**

LCBO’s IT Logistics Support Department is seeking to fill the role of a Senior Consultant to assist with the evaluation of the Request for Proposals for this new system.

3.1 **Scope of Services/Specifications**

Under general direction from an assigned LCBO Senior Manager, the successful candidate will be responsible to lead an evaluation team consisting of other LCBO divisional personnel and will lead in the evaluation of Responses to the previously mentioned warehouse management system RFP. Specific responsibilities will include:

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- Co-ordinate the activities of user, Information Technology division and software vendor personnel for purposes of the evaluation process
- Analyze proposals and prepare summaries;
- Facilitate Short List discussions, scoring and documentation;
- Prepare Test Scripts and questions for short-listed respondent solution demonstrations;
- Conduct Vendor reference checks and due diligence;
- Organize and oversee Vendor demonstrations;
- Document evaluation and scoring of demonstrations;
- Evaluation of Pricing and final scoring based on RFP criteria
- Project administration, meetings and updates.

Other responsibilities of this position include:

- Report to the SVP Information Technology
- Follow up on action items
- Resolve issues
- Track time against specific tasks and projects
- Keep management informed
- Research and review industry solutions
- Ensure all deliverables are to specifications/requirements

3.2 Requirements/Qualifications

The person filling this role requires a demonstrated, in depth understanding of several of the following:

- Operational process improvement for wholesale/distribution business operations, including warehousing
- Evaluation, selection and implementation of business application software
- Beverage alcohol distribution in Canada
- Ontario Government procurement policies and practices
- Strong troubleshooting and root cause analysis capabilities
- Demonstrated ability with problem/change management process, well-developed analytical, organizational, and strong customer service orientation and excellent verbal and written communication skills



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- LCBO and Specialty Services operations

The successful candidate must also have the following qualifications:

- Minimum of 10 years experience preparing and evaluating Requests for Proposals
- Extreme flexibility and high availability as required to accommodate the schedules of LCBO and Respondent/Vendor personnel

4.0 BUSINESS REQUIREMENTS

4.1 Type of Contract

The successful Respondent who is selected will be required to enter into an Agreement with the LCBO.

4.2 Term of Contract

This request for services is for a period of 4 months.

Start date: June 14th, 2010

End date: October 15th, 2010

The LCBO may at its sole discretion, extend the Agreement end date upon thirty (30) days prior written notice to the successful Respondent.

4.3 No Guarantee of Volume of Work or Exclusivity

The LCBO makes no representation or guarantee as to the value or volume of work to be assigned to the successful Respondent. The contract that will be executed with the successful Respondent will not be an exclusive contract for the supply of the services described in this RFP. The LCBO may contract with other Respondents for the same or similar services as those described in this RFP.



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4.4 Materials and Copyright

All designs, drawings, sketches, graphic representations, specifications, computer generated designs, papers, data, reports, plans and other materials and documents created by the successful Respondent to carry out the services to be performed for the LCBO (the "Materials") will be the property of the LCBO and the successful Respondent shall not make any use of the same, except with prior written approval of the LCBO. The successful Respondent agrees that all right, title and interest in the Materials prepared for the LCBO will vest in the LCBO and that the LCBO will have the right to copy such Materials and to use them for any purpose. The successful Respondent shall deliver all Materials to the LCBO after completion of the projects or at termination of the contract unless otherwise specified.

4.5 Indemnity

The successful Respondent shall be responsible for all damages occasioned wholly or in part by any act or omission of the successful Respondent, its employees, agents or subcontractors. The successful Respondent will be required to indemnify the LCBO, its officers, directors, members, agents and employees, and save them harmless from and against any and all claims, demands, actions, causes of action, lawsuit, proceeding, damages, losses, costs, liabilities and expenses (including legal fees on a solicitor and client basis) which may be made against or incurred by the LCBO, in any way based upon, occasioned by or attributable to anything done or omitted to be done by the successful Respondent, its employees, agents or subcontractors in connection with the contract to be entered into by the LCBO and the successful Respondent .

4.6 Compliance with Laws, Regulations and Standards

The Respondent shall comply with all applicable federal, provincial, and municipal laws, regulations, codes, ordinances, policies, directives and orders, and carry on its business in compliance with the highest professional standards prevailing in its industry. The successful Respondent shall be responsible for providing services in a professional and competent manner by persons qualified and skilled in their occupations. If any of the services or deliverables provided are not in accordance with the requirements of the Agreement, the successful Respondent shall make the necessary corrections at its own expense.



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4.7 Insurance

The successful Respondent shall carry such insurance as may be required by the LCBO, and shall furnish satisfactory proof thereof when required by the LCBO within ten (10) days from the date of request. The successful Respondent shall maintain at its sole cost and expense, the following insurance coverages with financially sound and reputable insurance companies:

- 4.7.1 Comprehensive General Liability insurance in the amount of at least \$2,000,000.00, that protects the successful Respondent and its employees and agents, from all claims, demands, actions, and causes of action that may be taken or made against the successful Respondent for any loss of or damage to property, or personal injury including bodily injury or death, that may arise with respect to the successful Respondent's performance of work as set out in the Agreement. This policy must also include contractual liability, non-owned automobile liability, completed operations coverage as well as a cross liability clause. This policy must add the LCBO as an additional insured but only with respect to and during the successful Respondent's performance of its obligations as set out in the Agreement.
- 4.7.2 Automobile Liability insurance with limits of not less than \$1,000,000.00 per occurrence, which must include legal liability for damage to non-owned automobiles. This policy must provide coverage for bodily injury or property damage arising out of the ownership, use or operation of all owned and/or leased automobiles.
- 4.7.3 Errors and Omissions Liability insurance with limits of not less than \$2,000,000.00.
- 4.7.4 These policies must provide the LCBO with 30 days notice of cancellation or material change. Certificate(s) of Insurance evidencing the insurance coverage required in 4.7.1, 4.7.2 and 4.7.3 above, must be submitted within ten (10) days of the contract award. The insuring company must originally sign the Certificate(s). The insurance policies must be maintained in full force and effect at all times throughout the term of the contract.



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4.8 Workplace Safety and Insurance

The successful Respondent shall submit a valid clearance certificate of Workplace Safety and Insurance Act (WSIA) coverage to the LCBO prior to the commencement date of the Agreement, if requested by the LCBO. In addition, the successful Respondent shall, from time to time at the request of the LCBO, provide additional WSIA clearance certificates. The successful Respondent shall pay when due, and ensure that each of its subcontractors/consultants pays when due, all amounts required to be paid by it and its subcontractors/consultants, from time to time during the term of the Agreement, under the WSIA, failing which the LCBO shall have the right, in addition to and not in substitution for any other right it may have pursuant to the Agreement or otherwise at law or in equity, to pay to the Workplace Safety and Insurance Board any amount due pursuant to the WSIA and unpaid by the successful Respondent or its subcontractors/consultants and to deduct such amount from any amount due and owing from time to time to the successful Respondent pursuant to the Agreement together with all costs incurred by the LCBO in connection therewith.

4.9 Payments to Respondents

The LCBO has adopted an electronic payment system for successful Respondents. The successful Respondent will be asked to provide banking information including its Bank Code, Transit Number and Account Number to ensure receipt of payment / remittance accurately and on time. The successful Respondent will also have the option of receiving payment details by email or EDI through its financial institution.

4.10 LCBO Confidential Information

The successful Respondent may have access to information and documents that the LCBO considers confidential, proprietary or sensitive ("**LCBO Confidential Information**"). The successful Respondent shall keep strictly confidential any LCBO Confidential Information that it obtains or creates in the course of performing its obligations under the Agreement. Both during and following the term of the Agreement, the successful Respondent must maintain the confidentiality and security of all LCBO Confidential Information. The successful Respondent shall not directly or indirectly disclose, destroy, exploit or use, either during or following the term of the Agreement, except to the extent



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necessary to perform the services under the Agreement or where required by law, any LCBO Confidential Information, without first obtaining the written consent of LCBO.

4.11 Assignment and Subcontracting

The successful Respondent agrees not to assign or subcontract ANY portion of its rights or obligations under the Agreement without the prior written consent of the LCBO. The Respondent shall designate in writing to the LCBO all subcontractors and shall not subsequently change such subcontractors without the LCBO's prior written approval. The Agreement shall be binding on the successors and permitted assigns of the Respondent.

4.12 Accessibility Standards for Customer Service

All employees or other representatives of the successful Respondent who provide goods or services to members of the public or other third parties on behalf of the LCBO will be required to complete on-line training provided by the Ontario Ministry of Community and Social Services on providing goods and services to persons with disabilities in accordance with the Accessibility Standards for Customer Service (Ontario Regulation 429/07). The successful Respondent will be required to provide the LCBO with written confirmation of such training no later than 30 days after the start of the Agreement. The successful Respondent is also required to ensure that all new employees or other representatives who provide goods or services on behalf of the LCBO have completed such training prior to commencing any work for the LCBO and to provide the LCBO with written confirmation of such training.

5.0 INFORMATION REQUIRED IN RESPONSES

In order to facilitate the evaluation process, Respondents are requested to reference and entitle their Response with each corresponding section number and title of the sections outlined in Section 5.0 of this RFP.

The submission information set out in Section 5.0 is either "Mandatory Information" or "Desirable Information" (both as defined below). By submitting a Response, the Respondent will be considered to have read and understood each of the requirements set out in Section 5.0.



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“Mandatory Information” is information described by “must”, “shall”, “mandatory”, “requires” or other similar expressions that Respondents are required to submit as part of its Response. Failure of a Respondent to satisfy one or more of the Mandatory Information requirements will result in the disqualification of that Response.

“Desirable Information” is information described by “should”, “desirable” or other similar expressions that Respondents may submit as part of its Response. Respondents that do not submit this information will not be rejected on that basis alone, but it may receive a lower evaluation score as a result.

Respondents should refer to Section 7.1 – Responses Submitted Only in Prescribed Manner when preparing their Response.

5.1 Technical Response

5.1.1 Attachment #1 – RFP Submission Form

Respondents should complete and submit Attachment #1- RFP Submission Form with their Response with a signature.

5.1.2 Statement of Qualifications

Respondent must provide a copy of the candidate’s resume and a summary indicating how their experience relates to the Requirements and Qualifications listed in Section 3.2.

5.1.3 References

Respondent must provide a list with names and contact information for at least three customer references that the Respondent feels would be most relevant to this LCBO assignment. These references should be able to speak to the proposed candidates qualifications and performance on their project. Preferably, at least one of these references should be a Canadian retailer and one should be a recent but substantially complete initiative. Include a brief profile of the customer and the project



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5.2 Pricing Response

- 5.2.1 Attachment #2 Pricing Response Form
Respondents must complete and submit Attachment #2- Pricing Response Form.
- 5.2.2 Respondents must provide in their Response a fixed fee for providing services to complete the Project as described in section 3.0 and in accordance with the contract start and end dates. Rates quoted by each Respondent must be all-inclusive of all labour and materials, insurance costs, travel, accommodation, parking and all other overhead expenses related to this RFP.
- 5.2.3 Respondent must also provide an hourly rate for the provision of any extension to the Contract after the End date stated in Section 4.1 of this RFP.
- 5.2.4 The LCBO will not accept any costs, and will not reimburse the successful Respondent for, any hospitality, food or incidental expenses
- 5.2.5 All pricing must be in Canadian funds.
- 5.2.6 Projects with a completion date after July 1, 2010, Bidders should factor into their Bid price and any other prices submitted as part of the Bid, the transition to the Harmonized Sales Tax on July 1, 2010, including the removal of the provincial sales tax (PST) for those items of cost on for which PST will cease to be payable after June 30, 2010.

6.0 RESPONSE EVALUATIONS

6.1 Evaluation Process

The LCBO will conduct the evaluation of Responses in the following stages:

6.1.1 Stage 1 – Mandatory Requirements

Stage 1 will consist of a review of Responses to determine which Responses comply with all of the Mandatory Requirements. Responses which satisfy



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all the Mandatory Requirements will receive a “Pass” score and those Responses that do not satisfy with all of the Mandatory Requirements will receive a “Fail” score and be disqualified and not evaluated further.

6.1.2 Stage 2 – Evaluation of Qualifications and Technical Criteria

Stage 2 will consist of a scoring of each qualified Response on the basis of the criteria stated in Section 6.2 of the RFP. Respondents **must attain a minimum overall score of 40 out of a possible 55** in order for their Response to move to Stage 3. Those Responses that do not attain the minimum score will not be evaluated further.

6.1.3 Stage 3 – Presentation/Demonstration/Interviews

Only **those Respondents scoring a minimum score of 40 out of a possible 55 for Stage 2** will be deemed qualified for consideration under Stage 3 of the process.

Notwithstanding the point scoring threshold set out in Section 6.1.3 of this RFP, if no Respondents advanced to Stage 3 of the evaluation process the LCBO reserves the right to reduce the point scoring threshold to **35 out of a possible 55** and move those Responses to Stage 3, from highest scoring to lowest scoring in sequence, that meet the reduced threshold.

The LCBO will conduct individual interviews/meetings with those Respondents who advance to Stage 3 for the purposes of clarifying items based on the Responses submitted and to allow the Respondents to conduct a presentation and/or demonstration of the proposed solution/product. Respondents may not be provided with the same questions in the course of their interview/presentation and/or demonstration, but will be asked questions pertaining to the Response submitted. By submitting a Response, each Respondent agrees to conduct presentation and/or demonstration, without charge to the LCBO, if requested. The LCBO reserves the right to request more than one presentation and/or demonstration from these Respondents.

6.1.4 Stage 4 – Reference Checks

Notwithstanding the point scoring threshold set out in Section 6.1.3 of this RFP, if no Respondents advanced to Stage 4 of the evaluation process the LCBO reserves the right to reduce the point scoring threshold to **50 out of**



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a possible 70 and move those Responses to Stage 4, from highest scoring to lowest scoring in sequence, that meet the reduced threshold.

The LCBO reserves the right to verify information contained in a Respondent's Response (including the Respondent's experience and/or ability to successfully perform the Project work) by contacting any or all of the references submitted by the Respondent. References will be evaluated and scored.

Respondents **must attain a minimum overall score of 55 out of a possible 80 for Stage 2, Stage 3 and Stage 4**, in order for their Response to move to Stage 5. Those Responses that do not attain the minimum score will not be evaluated further.

6.1.5 Stage 5 – Evaluation of Pricing

Notwithstanding the point scoring threshold set out in Section 6.1.4 of this RFP, if no Respondents advanced to Stage 5 of the evaluation process the LCBO reserves the right to reduce the point scoring threshold to **50 out of a possible 80** and move those Responses to Stage 5, from highest scoring to lowest scoring in sequence, that meet the reduced threshold.

Upon completion of Stage 4 for all Respondents, the sealed pricing envelope provided by each Respondent will then be opened and Stage 5 will consist of scoring the pricing. The evaluation of price shall be undertaken after the evaluation of mandatory requirements and any rated requirements has been completed.

Pricing will be scored based on a relative pricing formula as follows:

$$\frac{\text{Lowest Price}}{\text{Respondent's Price}} \times \text{Weighting Factor for Pricing} = \text{Score for Pricing}$$

6.1.6 Stage 6 – Cumulative Score

At the conclusion of Stage 5, all scores from Stage 2, Stage 3, Stage 4 and Stage 5 will be added and the Response that achieves the highest total score will be selected as the successful Respondent to enter into contract with the LCBO.



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6.2 Evaluation Criteria

The following is an overview of the categories and weighting for the rated criteria of the RFP.

Criteria	Weighting Factor
Stage 1 – Mandatory Requirements (see Section 6.1.1)	Pass / Fail
Stage 2 – Evaluation of Qualifications(see Section 6.1.2)	55
• Evaluation, selection and implementation of business application software	15
• Operational process improvement for wholesale/distribution business operations, including warehousing	10
• Strong troubleshooting and root cause analysis capabilities	5
• Demonstrated ability with problem/change management process, well-developed analytical, organizational, and strong customer service orientation and excellent verbal and written communication skills	10
• Ontario Government procurement policies and practices	5
• Beverage alcohol distribution in Canada	5
• LCBO and Specialty Services operations	5
Stage 3- Interviews/Presentations/Demonstrations (6.1.3)	15
Stage 4 – Reference Checks (see Section 6.1.4)	10



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Stage 5 – Evaluation of Pricing (see Section 6.1.5)	20
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7.0 PROCEDURES FOR SUBMISSION OF RESPONSES

7.1 Responses Submitted Only in Prescribed Manner

Respondents must submit a Response in accordance with the manner described below.

7.1.1 Technical Response

Respondents **must** submit **one (1) original Technical Response, signed by an authorized representative (prominently marked “Original”) and should submit three (3) additional identical copies in a sealed package.** Do **NOT** include any reference to or any pricing information with the Technical Response. Responses that contain any reference to or any pricing information in the Technical Response will be disqualified.

7.1.2 Pricing Response

Respondents must submit the Pricing Response Form and should include **one (1) identical copy in a separate sealed envelope apart from the rest of the Response.** The sealed envelope containing the Pricing Response Forms should be placed with the rest of the Response into a sealed package.

7.1.3 Responses submitted in any other manner will be disqualified.

7.2 Last Date for Submitting Responses

Responses must be submitted in a sealed package clearly marked as follows:

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LCBO Purchasing Department

1 Yonge Street, Suite 1404

Toronto, Ontario

M5E 1E4

Attention: Jim Matera, Purchasing Supervisor



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Responses must be received at the above address **no later than 2:00:59 p.m. Toronto time on May 26th, 2010.** For the purpose of calculating time, the LCBO clock at the prescribed location for submission shall govern. Please note that facsimile or email transmissions will NOT be accepted.

7.3 Late or Unsigned Response

Late or unsigned Responses will **NOT** be considered and will be returned. All Responses must be signed. **Late or unsigned Responses will be disqualified.**

7.4 No Liability for Expenses

The LCBO will not be liable for: (i) any costs incurred by any Respondent in the preparation and submission of a Response including, if applicable, costs incurred for interviews or presentations; or (ii) any expenses, costs, losses or any direct or indirect damages incurred or suffered by any Respondent as a result of participating in, or otherwise in connection with, this RFP.

7.5 Enquiries

No Respondent may claim any advantage from any error, inconsistency or omission in this RFP. Any Respondent who has questions as to the meaning of any part of this RFP or the project, or who believes the RFP contains any error, inconsistency or omission, must make a written enquiry prior to **May 14th 2010, at 2:00:59 p.m. Toronto time,** requesting clarification, interpretation or explanation in writing to the attention of Jim Matera, , via facsimile at 416-864-6853 or email jim.matera@lcbo.com. The LCBO will not be required to respond to late or verbal enquiries.

The LCBO reserves the right to distribute any and all questions and answers to all other Respondents. Respondents are requested **NOT** to make verbal inquiries of LCBO staff and are reminded that oral information provided to any Respondent will not be binding on the LCBO.

7.6 Changes to RFP

Any changes or revisions to the RFP will be issued as a formal addendum to all Respondents. Each addendum shall form an integral part of this RFP. If any addendum is issued, the LCBO may, in its discretion, extend the Response submission deadline for a reasonable period of time.



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7.7 Contact Person

Each Respondent is requested to designate, as early as possible, one individual to whom any additional information deemed relevant to the RFP may be communicated.

7.8 Irrevocable Response

The Response submitted is irrevocable by the Respondent and shall remain open for acceptance by the LCBO for a period of one hundred and eighty (180) days after the closing date of this RFP.

7.9 One Response

Respondents may not submit more than one Response.

7.10 Changes to Response

No alteration will be accepted after the specified closing time for submitting Responses. However, the Respondent may alter or withdraw its Response at any time before the closing date and time.

7.11 Oral Information

No information given orally by the LCBO or by means of telephone or email will be binding nor will it be construed as to change the requirements of the RFP in any way.

7.12 Lowest Price

The Response with the lowest quoted price will not necessarily be selected. While price is an important element in the evaluation process, there are many other factors that the LCBO will consider in evaluating Responses. (Please refer to Section 6.0 – Response Evaluation).



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7.13 Respondent to Ensure it Understands RFP

It is each Respondent's responsibility to ensure that it has all the necessary information concerning the intent and requirements of this RFP. The LCBO makes no representation warranty or guarantee as to the accuracy of the information contained in the RFP or any addenda. All data shown or contained in this RFP or provided by way of addenda are estimates only and are provided for the sole purposes of indicating to Respondents the general size of work.

7.14 Confidential Responses

The LCBO will consider all Responses as confidential, subject to the provisions of and the disclosure requirements of the *Freedom of Information & Protection of Privacy Act*, as may be amended from time to time. The LCBO will however have the right to make copies of all Responses received for its internal review process.

7.15 Incomplete Responses

The LCBO reserves the right to reject any Response whether or not completed properly and whether or not it contains all required information. Without prejudice to this right, the LCBO may request clarification, including supplementary information related to the clarification, where any Respondent's intent is unclear and may waive or request amendment where in the opinion of the LCBO there is a MINOR irregularity or omission in the information that is to be submitted in a required document. Any response by the Respondent to such a request shall, if accepted by the LCBO, form an integral part of the Respondent's Response.

7.16 Verification

The Respondent agrees the LCBO may, if deemed necessary, verify any information provided in any Response.

7.17 Misleading Information

If there is any evidence of misleading or false information having been given, the LCBO may, at its sole discretion, reject the Response.



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7.18 Award of Project

The LCBO will have the right to select from among the Responses received, one or more Respondents to whom the project will be awarded. The LCBO reserves the right in its sole discretion and for any reason whatsoever:

1. To accept or to reject any or all Responses in whole or in part;
2. Not to proceed with all or any part of the project;
3. Cancel this RFP in its entirety

The acceptance of a Response and the award of this project or any part thereof will be made in writing and only in writing. The successful Respondent or Respondents, as the case may be, will be required to enter into and duly execute a written agreement acceptable to the LCBO. In the event that the successful Respondent fails or refuses to enter into and duly execute an agreement acceptable to the LCBO within ten (10) business days after the LCBO gives notice of the award of an agreement, or such other time as is stipulated by the LCBO, the LCBO reserves the right, at its sole discretion, to award the agreement to another Respondent, not to accept any Response, or to call for a new response, and the defaulting Respondent shall be liable for all losses, damages, costs and expenses (including consequential losses and damages, and legal fees on a solicitor and client basis) suffered or incurred by the LCBO as a direct or indirect result thereof, including but not limited to any increase in the price of performance over the price submitted by the defaulting Respondent in its Response.

7.19 Information Obtained From LCBO

All requirements, designs, documentation, plans, and information obtained by the Respondent in connection with this RFP are the property of the LCBO and must be treated as confidential and not used for any other purpose other than replying to this RFP and the fulfilment of any subsequent contract. Upon request of the LCBO, all such designs, documents, plans and information shall be returned to the LCBO.



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7.20 Conflict of Interest

The Respondent is required to disclose any real, apparent or potential conflict of interest that comes to its attention in preparing its Response, during the evaluation or during the term of any subsequent agreement. The Respondent shall accept any determination by the LCBO, including any requirements to withdraw from the bidding or agreement.

7.21 Award to More Than One Respondent

The LCBO reserves the right to award a contract to one Respondent alone, or if it deems appropriate, the project may be divided and contracts awarded to more than one Respondent.

7.22 Governing Law of the RFP Process

The RFP process and the agreement resulting therefrom shall be governed by the laws of the Province of Ontario and the federal laws of Canada applicable therein.

7.23 Litigation

The LCBO may, in its absolute discretion, reject a Respondent's Response if the Respondent, or any officer or director of the Respondent, is or has been involved within five (5) years of the date of this RFP, either directly or indirectly through another corporation, (i) in a legal action taken by the LCBO, any of its Board members, officers or employees in connection with any matters related to the LCBO, or (ii) in a legal action against the LCBO, any of its Board members, officers or employees, in connection with any matter related to the LCBO, including without limitation, arising from the LCBO's exercise of its powers, duties or functions.



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Attachment #1

RFP SUBMISSION FORM

Response Submitted By:

(Full Legal Name of Respondent)

(Address)

(Phone No.)

(Fax No.)

We, the undersigned, declare that we have carefully examined all of the RFP document and any Addenda issued; visited and investigated the site, if applicable and examined all conditions and aspects affecting the Project; and if notified in writing of the acceptance of this Response within one hundred and eighty (180) days of the latest date specified in the RFP document for receipt of Responses, we agree to provide all materials and perform all the services and or work shown and described in the RFP document.

I have authority to bind the above-named Respondent:

Signature

Date

Name

Title



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**Attachment #2
PRICING RESPONSE FORM**

Response Submitted By:

(Full Legal Name of Respondent)

(Address)

(Phone No.)

(Fax No.)

We, the Respondent, understand that this Pricing Response Form, forms part of our Response to this RFP and is irrevocable for one hundred and eighty (180) days of the latest date specified in the RFP document or any Addenda for receipt of Responses.

Projects with a completion date after July 1, 2010, Bidders should factor into their Bid price and any other prices submitted as part of the Bid, the transition to the Harmonized Sales Tax on July 1, 2010, including the removal of the provincial sales tax (PST) for those items of cost on for which PST will cease to be payable after June 30, 2010.

Prices will be subject to GST/HST, as applicable.

Respondents must provide in their Response a fixed fee for providing services to complete the Project as described in section 3.0. and in accordance with the contract start and end dates. Rates quoted by each Respondent must be all-inclusive of all labour and materials, insurance costs , travel, accommodation, parking and all other overhead expenses related to this RFP.

Respondent must also provide an hourly rate for the provision of any extension to the Contract after the End date stated in Section 4.1 of this RFP.

Description:	
Consulting Services (Evaluation of Proposals for Warehouse Management System)	
Total Fixed Fee Includes P.S.T. where applicable and no other taxes.	\$



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Hourly Rate for the provision of a Contract Extension. Includes P.S.T. where applicable and no other taxes.	\$ /hr.
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