

**December 08, 2025**

**Addendum No. 02**

**File Reference Number: RFP 2025 104**

**Title: Engineering Services for Timmins Bus Garage Upgrades**

**RE: Clarifications/Questions**

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**QUESTIONS/CLARIFICATIONS:**

**Appendix A – Form of Agreement – Engineering and Design Services Agreement**

**Item 1: Section 8 (d) – Representations by the Engineering Consultant:**

- The Engineering Consultant shall not specify a product that is not fit for its intended purpose and no goods or materials generally known in the Engineering Consultant's industry to be deleterious or otherwise not in accordance with good industry practice have been or will be specified or selected by the Engineering Consultant or anyone acting on its behalf in its provision of the Services.

Would ONTC consider revising the section 8 (d) as follows:

**"Consistent with the Standard of Care stipulated in Section 9 of this Agreement,** the Engineering Consultant shall not specify a product that is not fit for its intended purpose..."

**Answer:** Yes, ONTC agrees to these changes, and they will be reflected in the final version of the agreement.

**Item 2: Section 62: Waiver:**

- Section 62 of the Engineering and Design Services Agreement imposes an extremely broad waiver of claims, which could arguably extend to claims for payment and other standard legal remedies available to the Consultant. This approach is not reasonable from a risk management perspective and deviates from standard industry practice.

Would ONTC consider narrowing the scope of this waiver to follows:

The Engineering Consultant waives against ONTC and ONTC Parties any claims ~~of any kind whether directly or indirectly~~ arising out of or connected with ~~the existence of this Agreement or for~~ any injury to or death of any person or for any loss of or damage to any property belonging to the Engineering Consultant or Engineering Consultant Parties and for any loss or damage of the Engineering Consultant unless caused by the negligent act or omission of ONTC or ONTC Parties."

**Answer:** Yes, ONTC agrees to these changes, and they will be reflected in the final version of the agreement.

This Addendum hereby forms part of the RFP.

Regards,

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