



**REQUEST FOR EXPRESSIONS OF INTEREST:**

**REDEVELOPMENT OF MANITOBA HOUSING OWNED  
LAND ON MAYFAIR AND RIVER AVENUE**

**REOI #:** HD0101 - 2018

**Issued By:** Manitoba Housing

**Issue Date:** May 18, 2018

**Submission  
Deadline:** August 3, 2018  
**4:00 pm. Central Time**

**Proposals should be enclosed in a sealed  
Envelope addressed to:**

*Manitoba Housing  
Housing Delivery Branch  
200 – 352 Donald Street  
Winnipeg, MB R3B 2H8  
Attention: Terry Kozak*

**The REOI #, Submission Deadline, and Proponent's name and  
Return Address should appear on the face of the envelope.**

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## 1.0 INTRODUCTION

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### Background and Project Description

Manitoba Housing owns the Province's housing portfolio and provides subsidies to approximately 34,900 housing units under various housing programs. Within the portfolio, Manitoba Housing owns 17,600 units of which 13,100 units are directly managed by Manitoba Housing and another 4,500 units are operated by non-profit/cooperative sponsor groups or property management agencies.

In 2017, Manitoba Housing demolished a 75 unit family project at 145 River Avenue and 124 Mayfair in Winnipeg which it owned and operated. Redevelopment opportunities are now being explored for both these properties for multi-residential and mixed-use.

Manitoba Housing is committed to support the construction of new affordable and/or social housing rental units and will explore entering into a partnership arrangement with a private or non-profit sector proponent to redevelop and market the River and Mayfair Avenue site.

The partnership arrangement could involve Manitoba Housing and the successful proponent entering into a Joint Venture agreement based on proportionate shares in the development. As Manitoba Housing is the sole land holder of the property, it could sell a portion of its land to the proponent and both partners would share in the cash distribution. Manitoba Housing could subdivide the land and sell to proponents on the condition that a portion of the land be developed for rental housing purposes. Alternatively, an outright purchase of the land with an acceptable multi-residential, mixed-use development scheme would also be considered.

Manitoba Housing is seeking proposals for the proposed redevelopment of 145 River Avenue and 124 Mayfair in Winnipeg, Manitoba.

A competitive project selection process is being used to ensure that the most appropriate, sound and cost-effective project proceeds to commitment. Further details can be found in Section 3.0 of this REOI document.

## 2.0 SITE DESCRIPTION

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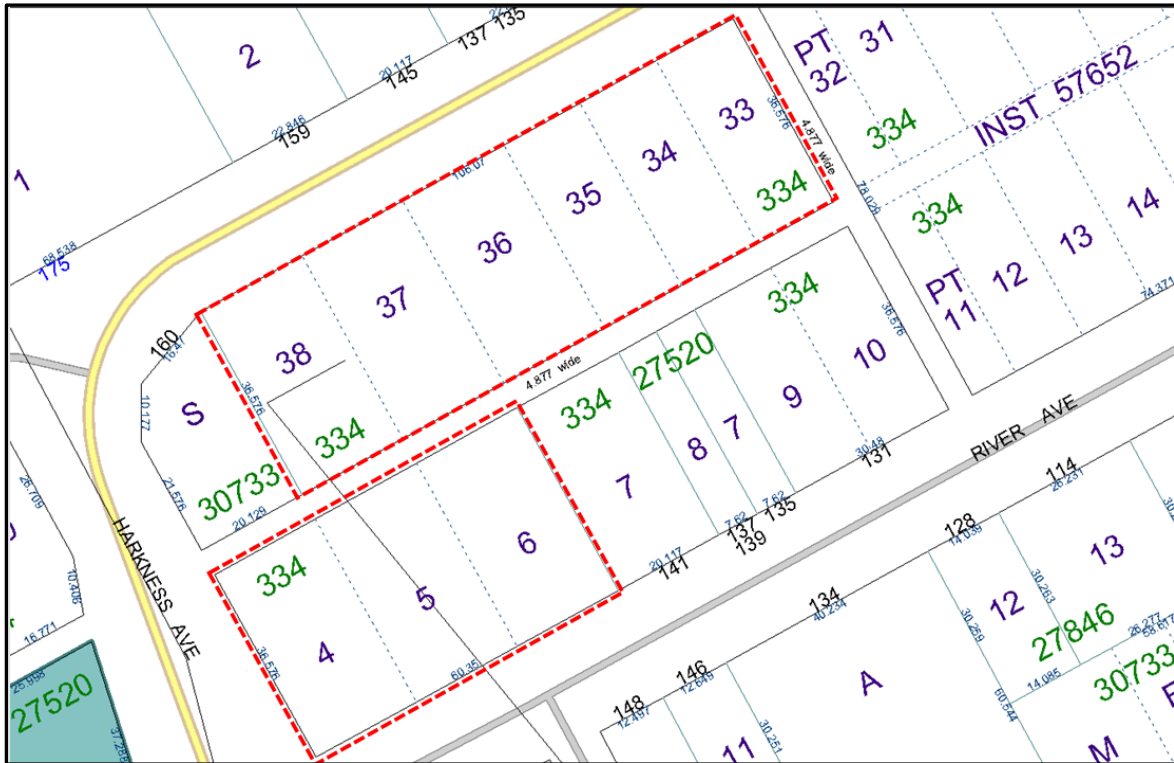
Both land parcels are currently zoned Residential Multi-Family – Medium Density (RMF-M).

### 124 Mayfair

106.7 metres x 36.58 metres  
2017 City of Winnipeg Assessed Value: \$2,009,000

### 145 River

60.35 metres x 36.58 metres  
2017 City of Winnipeg Assessed Value: \$1,615,000



## **Density**

Manitoba Housing is committed to increasing the current density on the Mayfair and River site. Both sites would have to be rezoned in order to accommodate the construction of more than  $\pm$  80 units. The most flexible zoning district is “RMU” Residential Mixed Use. This would allow for higher density multi-family and some neighbourhood commercial uses.

The City of Winnipeg Urban Planning Division is generally supportive of rezoning the site, given its proximity to a rapid transit station, to the Downtown, as well as the proposed affordability component of the project.

## **Height**

The City of Winnipeg Urban Planning Division is generally supportive of mid-rise buildings on this site – which would be in the up to 6 storey ( $\pm$  60 feet) range.

## **Form**

The City of Winnipeg Urban Planning Division would encourage buildings to be constructed in accordance with Transit Oriented Development (TOD) principles, which includes buildings close to the sidewalk, parking hidden from view of streets (i.e. behind buildings or underground) , and architectural features that create a sense of place.

The Transit Oriented Development (TOD) handbook provides design guidelines and planning objectives for development adjacent to high frequency transit. Please refer to the following link for further information regarding the TOD handbook.

<http://www.winnipeg.ca/ppd/planning/TOD/default.stm>

## **Land Use**

The City of Winnipeg Urban Planning Division would encourage mixed-use on site. For the commercial component, Manitoba Housing would encourage uses that support the local community, such as a daycare, laundromat, small grocery, etc.

## **Parking**

The City of Winnipeg Urban Planning Division’s starting point for on-site parking is a 1 to 1 parking ratio (1 stall per residential dwelling unit). However, this can be reduced through the provision of indoor, secure bicycle parking, and car share vehicles.

## **Back lane**

The Public Works Department will require property to be opened as right-of-way. The existing right-of-way width is 4.877m. For multi-family, the City of Winnipeg will require a total right-of-way width of 7.25m.

## **Water**

This site would be able to accommodate a building of non-combustible construction with a sprinkler system, and may be able to accommodate wood-frame construction depending on building size, site layout, etc. City of Winnipeg planning engineers would be required to conduct a more detailed review once the development is further along during the pre-application or development application process to determine if the existing system can provide adequate fire flows for the proposed building.

The City of Winnipeg can provide a simulated hydrant flow test, if desired, for the subject property.

## **Wastewater & Land Drainage**

The combined domestic wastewater and land drainage runoff peak flows cannot exceed combined domestic wastewater and land drainage runoff peak flows of the existing site, prior to redevelopment. Site use prior to demolition of the former buildings can be used for determination of the peak flows from the existing site.

The site will also be assigned a “c” value during the detailed design stage of development. The “c” value assigned for the property may result in a more strict reduction to land drainage runoff from the site (beyond the pre and post requirement above).

Additional land drainage servicing requirements are described at the following website:

<http://winnipeg.ca/waterandwaste/dept/comDevParkLots.stm>

## **City of Winnipeg contact for further information requirements**

Michael Robinson, MCIP  
Senior Planner, Urban Planning Division, Planning, Property and Development  
City of Winnipeg

Phone: 204-986-3213

Email: [michaelrobinson@winnipeg.ca](mailto:michaelrobinson@winnipeg.ca)

Website: [winnipeg.ca](http://winnipeg.ca)

Address: 15-30 Fort Street, Winnipeg, MB R3C 4X5

## **3.0 PROJECT SPECIFICATIONS**

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### **Mandatory Residential Component**

Affordable housing is a key priority for the Province of Manitoba. A mandatory residential housing component is required as part of this Request for Expressions of Interest. A mandatory requirement means the minimum elements that a Proposal must contain in order to receive further consideration, as set out in Section 5.0 under the heading **Mandatory Requirements**.

The mandatory residential housing component will be based on the following criteria:

- Housing will remain the focal point of the site, and its proposed redevelopment will take into consideration mixed-use development that consists of a mix of housing and commercial development.
- The housing mix should include a combination of affordable and market rental units.

Proponents must be prepared to leverage equity from additional sources, and are encouraged to explore additional financial incentives through various provincial and federal funding programs.

### **Visitable and Accessible**

A visitable and accessible component will be strongly considered in the proposal evaluation process. Visitable design features include the following:

1. An accessible path of travel with a gentle grade from the front street, sidewalk, or driveway to a main entrance of the dwelling unit;
2. A no step entrance with access from the front of the dwelling unit;
3. Interior doorways on the main floor shall have a minimum clear width of 32 inches and there shall be clear passage throughout with a minimum of 36 inches clear width to access all main floor activity areas, including the washroom; and
4. Access to a main floor washroom that shall enable a person using a mobility device, such as a wheelchair, to enter, close the door and use the facilities.

### **Energy Efficiency**

Additionally, Proponents must be committed to meeting Manitoba Hydro's Power Smart New Buildings Program 2.0 – Performance Path. More information on the New Buildings Program can be found by visiting Manitoba Hydro's website at:

[http://www.hydro.mb.ca/your\\_business/new\\_building/index.shtml](http://www.hydro.mb.ca/your_business/new_building/index.shtml)

## **3.0 FINANCIAL ASSISTANCE**

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Financial assistance from Manitoba Housing may include a one-time capital contribution on a per unit basis toward the project in the form of a fully forgivable loan that would not have to be repaid if select terms and conditions are adhered to. A Financial Assistance Agreement (FAA) would have to be executed in order to ensure, amongst other requirements, the housing units would remain affordable for a minimum fifteen (15) year period.

Housing units eligible for financial assistance from Manitoba Housing would have to be leased to individuals with low and moderate-incomes in accordance with applicable Program Income Limits (PILs), and the units would have to be leased at the applicable affordable rental rate. Information regarding current PILs and applicable Affordable Rental Rates can be found by visiting Manitoba Housing's website at:

<http://www.gov.mb.ca/housing/progs/pil.html#affordable>

Financial assistance may also be available via the Housing Investment Corporation (HIC). HIC is a dedicated, pooled lending institution for the affordable and non-profit housing sector. Its purpose is to help providers identify new opportunities to leverage their assets to effectively

meet the affordable housing demands in their communities by offering low financing costs at longer terms that are customized to the social housing market. HIC has met with affordable housing providers across the country and garnered close to \$200 million worth of projects for the first phase, most of which will include new builds across Canada. HIC is in the process of garnering support from providers to participate in the second phase of projects beginning in 2019, which will include both modifications to existing buildings as well as new builds. Please contact Sandra Hodzic, Manitoba Housing's Social Innovation Lead, at [sandra.hodzic@gov.mb.ca](mailto:sandra.hodzic@gov.mb.ca) for further information.

Proponents must be prepared to leverage equity from other sources in order to take part in this proposed redevelopment project.

## 4.0 PROCESS

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The selection process includes this REOI stage and likely a subsequent Request for Proposals (RFP) stage. Manitoba Housing reserves the right not to conduct a further RFP or to proceed further with this REOI in the event of insufficient response to this REOI or other circumstances at Manitoba Housing's discretion.

Submitted expressions of interest will be reviewed by a Manitoba Housing Evaluation Committee to gauge proponent interest in developing the Site, the general viability of the proposed housing initiative, as well as how the proposed housing initiative meets the priorities of Manitoba Housing.

Once this initial review is complete, Manitoba Housing may proceed to the RFP stage and request detailed proposals from those proponents who have expressed a project interest and with whom Manitoba Housing wish to further explore project development opportunities.

## 5.0 PROPONENTS INSTRUCTIONS

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### 5.1 Submission Address and Deadline

Expressions of Interest must be submitted in a sealed envelope. Proponents must submit four (4) hard copies of their Proposal, addressed as follows and delivered to:

The Manitoba Housing and Renewal Corporation  
Housing Delivery Branch  
REOI # HD0101-2018  
200 – 352 Donald Street  
Winnipeg, MB R3B 2H8  
Attn: Terry Kozak

**Proposals submitted by facsimile transmission (fax) or electronic mail (e-mail) will not be accepted.**

**All Proposals must be sent to Manitoba Housing in a sealed envelope by no later than 3:00 p.m. Central Time on August 3, 2018** at the above address.

**Proposals received after the Submission Deadline will not be accepted and will be returned to the Proponent unopened.**

The Submission Deadline can be extended by issuing an addendum at any time prior to the Submission Deadline or prior to the date and time previously specified in any addendum extending the Submission Deadline. Addenda will be posted on the MERX electronic tendering system at [www.merx.com](http://www.merx.com). It is the responsibility of Proponents to check the MERX website for any addenda.

The appropriate signing officer or officers of the Proponent must sign proposals, in ink. Expressions of Interest, once submitted, become the property of Manitoba Housing. All expressions of interest will be kept in the strictest of confidence subject to such disclosures as may be required under the provisions of *The Freedom of Information and Protection of Privacy Act* or *The Personal Health Information Act*.

**It is solely the Proponent's responsibility to ensure that the Proposal is received at the designated location prior to the Submission Deadline.**

## **5.2 Proposal Inquiries**

Proponents shall be solely responsible for obtaining all information that may be necessary in order to understand the requirements of this REOI and submit a Proposal in accordance with the terms and conditions of this REOI. No allowance shall be made for the failure of a Proponent to obtain such information or to make such investigations.

Proponents shall examine the REOI as soon as possible after receipt. Should a Proponent discover any errors or omissions, the Proponent shall notify the Administrator as soon as possible so further instructions may be issued to all Proponents before the Submission Deadline.

All inquiries related to this REOI are to be made, in writing, at least 5 business days prior to the Submission Deadline as noted above. Inquiries received after this date may not be answered. Written inquiries are to be directed to:

Terry Kozak  
Manitoba Housing  
200 – 352 Donald Street  
Winnipeg, MB R3B 2H8  
Telephone: (204) 793-1850  
Facsimile: (204) 948-4733  
E-Mail: [terry.kozak@gov.mb.ca](mailto:terry.kozak@gov.mb.ca)

Written inquiries submitted by fax or e-mail will be accepted. If Manitoba Housing determines that an inquiry will be of interest to all Proponents, it will be communicated in writing to all registered Proponents. The source of the inquiry will be kept confidential.

## **5.3 Proposal Format**

Simplicity and clarity of responses are important. Proponents should avoid including extraneous or irrelevant information. Failure to respond to any section, subsection or clause will reduce the assessed value of the Proposal.

All Proposals submitted in hardcopy must be bound in such a manner as to lay flat when opened and should be printed on 8 ½" X 11" paper using a 10 point (or larger) font. The proposal should not exceed 15 pages, but Proponents may provide appendices that reference relevant projects and personal resumes. Appendices will not have page limitations.

#### **5.4 Proposal Content**

Proposals must contain the following items in their submitted Expression of Interest:

##### **Proponent Qualifications and Experience:**

Proponents shall include a company profile and state their intent to provide the Services as described in their Proposal. The Proposal shall be signed in ink by an appropriate Proponent officer holding authority to legally bind the Proponent organization.

Proponents shall describe their qualifications to undertake this work, including a brief description of the corporate structure/organization. Proponents shall provide a brief profile of each team member's experience in developing housing.

Proponents shall provide a list of all development team members and their respective roles in the project including any architectural firms or project development consultants that have been or will be engaged.

Proponents should provide at least two (2) summary-type project descriptions from representative projects of similar scope and scale executed by the Company and/or by sub-contractors in the past that demonstrate the ability to undertake this assignment.

##### **Project Concept:**

A detailed overview of the proposed project which includes:

- A narrative description of the overall project concept and development approach.
- Architectural vision for the site.
- Any preliminary conceptual drawings, including site plans, if available.
- Identification of the specific target population(s) to be served.
- Proposed number, type and size of units.
- Size, design and construction specifications for the entire project.
- Special design and amenity considerations (i.e. visitable and accessible design).
- A high level description of any intended green building or sustainable design practices.
- A description of any non-residential or commercial portion of the project, including the marketing plan for each use.

##### **Site and Neighbourhood:**

- A description of how the proposed project concept is suitable for the site.

- A description of how the proposed project and building design is compatible with the neighbourhood.

### **Financial Plan, Project Viability and Value for Money:**

- Describe the cost assumptions used to complete the capital budget.
- A list of prospective capital funding sources including equity contributions, grants and related estimated funding amounts.
- Describe the estimated amount of mortgage financing required, the proposed amortization period, interest rate and term.
- Describe how the project will be financially viable and how the long-term viability of the project can be protected.

### **Partnerships**

- Provide details of any relevant partnerships with other private or non-profit sector groups.
- Stipulate the preferred partnership arrangement which may include: 1) A Joint Venture Agreement with Manitoba Housing; 2) Manitoba Housing subdividing the land and selling on the condition that a portion of the land be developed for rental housing purposes; and/or 3) An outright purchase of the land with an acceptable multi-residential, mixed-use development scheme.

Proposals should contain the following items in their submitted Expression of Interest:

### **Apprenticeship Training and Skills Development:**

- Apprenticeship Manitoba's mission is to provide access to training, supports and certification of skilled workers to help meet the needs of Manitoba industry.
- Outline how the project will incorporate procurement practices that support apprenticeship training and skills development as part of the tender evaluation process.

### **Social Enterprise**

- Social enterprises provide valuable benefits to communities by offering opportunities for skill development, steady employment, and a durable path out of poverty for low-income families and individuals.
- Outline how the project will work with social enterprise groups to create training opportunities for tenants and low-income individuals with limited work experience or have barriers to entering employment.

### **Development Plan and Timetable:**

A broad outline of the anticipated project development work plan/approach that includes information on specific activities, tasks, key milestones, and allocated human and financial resources.

## **5.5 Proposal Conditions**

A Proponent should clearly understand, and by submitting a Proposal, agree that its Proposal or any part of its Proposal is subject to the following conditions, in addition to any other terms and conditions set out in this REOI:

### ***A. Disqualification***

No Proposal will be considered which is received after the Submission Deadline. No Proposal will be considered from a Proponent where Manitoba Housing, in its sole discretion, determines that a potential conflict of interest exists (Please refer to Appendix “A” – MHRC Conflict of Interest Policy & Guidelines). No Proposal will be considered that is in any way conditional or that proposes to impose conditions on Manitoba Housing that are inconsistent with the requirements of this REOI and the terms and conditions stipulated herein.

### ***B. Right of Rejection***

The submission of a Proposal, the receipt of a Proposal by Manitoba Housing and the opening of a Proposal, or any one of those, does not constitute acceptance, in any way whatsoever, of a Proposal.

A Proposal is not and shall not be deemed in any way to be a unilateral contract. It is an offer by the Proponent to Manitoba Housing to carry out the provisions of this REOI. A Proposal may be accepted or rejected by Manitoba Housing in its entire discretion.

A Proposal, or any part of a Proposal, is not accepted unless Manitoba Housing accepts it in writing and the written acceptance has been delivered to the selected Proponent.

### ***C. Right to Reissue REOI***

Manitoba Housing reserves the right to reissue the REOI where, in Manitoba Housing’s sole opinion, none of the Proposals submitted in response to the REOI warrant acceptance or where it would be in the best interest of Manitoba Housing to do so.

### ***D. Cost of Proposal***

Costs incurred in the preparation, presentation and submission of a Proposal shall be borne entirely by the Proponent.

### ***E. Decisions of Evaluation Committee***

All decisions on the degree to which a Proposal meets the stated criteria or the score assigned to a Proponent or to part of a Proposal will be determined solely by the Evaluation Committee. The Evaluation Committee’s determinations in this regard are final and may not be appealed by a Proponent.

## **5.6 Amendment or Withdrawal Process**

Proponents may amend Proposals submitted in response to this REOI prior to the Submission Deadline by submitting an amendment clearly identifying the change or by submitting a new Proposal that clearly indicates that it is to replace the Proposal previously submitted by the

Proponent. Amendments received after the Submission Deadline will not be considered by Manitoba Housing.

Proponents may withdraw a Proposal submitted in response to this REOI by submitting a request in writing to Manitoba Housing at any time prior to, but not after, the Submission Deadline.

All amendments or requests to withdraw a submitted Proposal shall be in writing submitted to Manitoba Housing at the address set out in Section 2.0 of this REOI.

**It will be solely the responsibility of the Proponent that submits an amendment or a request to withdraw a Proposal to ensure that the amendment or request is received prior to the Submission Deadline.**

## **6.0 PROPOSAL EVALUATION AND SELECTION**

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All expressions of interest will be opened following the noted deadline. The Evaluation Committee will be made up of representatives from Manitoba Housing. The Evaluation Committee will be responsible for reviewing and evaluating Proposals submitted in response to this REOI and recommending those projects which Manitoba Housing wish to receive a second, more detailed project proposal. Manitoba Housing may, at its sole discretion, retain additional committee members or professional advisors as is determined to be prudent or necessary.

All eligible expressions of interest will be considered although preference will be given to responses which:

- Are put forward by proponents with extensive and successful documented experience in the development and/or management of housing, or who intend to link with partners and/or consultants with more substantial experience.
- Are clearly described and are based on a sound/logical project concept.
- Provide an architectural vision that complements the surrounding neighbourhood.
- Include a commitment to incorporating procurement practices that support apprenticeship training and skills development as part of the tender evaluation process.
- Provide realistic estimated project capital and operating budgets.
- Reveal no heightened risk level which would inhibit project advancement or completion.
- Can move ahead to the construction stage within a reasonable timeframe.

The REOI evaluation process is a selection procedure. It will be finalized through completion of the following steps:

- Proponents to submit Proposals to Manitoba Housing in response to the REOI;
- Manitoba Housing will screen each Proposal to ensure that the Proposals meet all the mandatory requirements of this REOI. Any Proposal that fails to meet the mandatory criteria will not be considered further.
- Proposals that meet the mandatory requirements of this REOI will be reviewed and evaluated by the Evaluation Committee.
- Recommendation by the Committee to Manitoba Housing of the selected Proponent;
- Decision by Manitoba Housing to accept or not to accept a Proposal;

## **Mandatory Requirements**

Proposals will be screened by reference to the Mandatory Requirements. The Mandatory Requirements are:

- Receipt of proposal prior to the Submission Deadline.
- Proposals include a mandatory residential component as outlined on page four "Mandatory Residential Component".

## **Acceptance of Proposal**

If Manitoba Housing decides to accept a Proposal, it will accept the Proposal that, in the Evaluation Committee's sole opinion, is the best overall Proposal when evaluated in accordance with the above process. Should Manitoba Housing decide not to accept any Proposal, all Proponents will be given notice of such decision.

Should Manitoba Housing decide to accept a Proposal, it will notify the successful Proponent(s) in writing, followed by a commitment to proceed.

## Appendix “A” – MHRC Conflict of Interest Policy & Guidelines

### INTRODUCTION

The Manitoba Housing and Renewal Corporation (MHRC) in coordination with the Province of Manitoba is charged with the responsibility of protecting the public interest, particularly in regards to accountability for the spending of tax dollars. External agencies are perceived by the public as extensions of government. As such, boards of directors and employees of external agencies delivering services on behalf of government are accountable to the public and are particularly vulnerable to charges of conflict of interest. As a funder of many external agencies, the Province of Manitoba expects agencies to adopt the following conflict of interest policy and guidelines for their boards of directors and employees.

By stating clearly the standards of conduct expected of board members and employees, the guidelines serve as a preventative measure so board members and employees do not inadvertently place themselves in a position of perceived, potential or actual conflict of interest. Furthermore, the sections dealing with disclosure and appeals provide for avenues to clarify and resolve issues before they become a problem.

The aim of the conflict of interest guidelines is to strike a balance between legitimate protection of public interest and the protection of the board members’ and employees’ personal and professional interests.

It is the responsibility of the board of directors to ensure that these guidelines are communicated to all board members and employees of the individual external agencies and to establish procedures for ensuring compliance with the standards set out in the policy and guidelines.

### POLICY STATEMENT

The Province of Manitoba expects boards of directors and employees of external agencies which it funds to maintain high standards of integrity, impartiality and ethical conduct. Board members and employees must be constantly aware of the need to avoid situations which might result either in actual, potential or perceived misconduct, or conflicts of interest and to conduct themselves in a manner which commands the respect and confidence of their fellow citizens. This policy, including disclosure requirements, applies to all members of the boards of directors and all employees of external agencies. The policy and guidelines contained herein should complement rather than replace the provisions of relevant legislation, or any other statute, collective agreement, rule or statement which applies to boards of directors or employees of external agencies, and in the event of a conflict, relevant legislation shall govern and supersede this policy.

### DEFINITION

**A conflict of interest is any situation in which a board member or employee of an external agency has an employment, business or personal interest which results or appears to result in:**

- (a) an improper material interest or an advantage by virtue of the person’s position;
- (b) an interference with the objective exercise of the person’s duties.

A material interest includes any matter or situations where a board member or employee has a direct or indirect financial or other interest beyond the interest of an ordinary citizen.

## REQUIREMENTS FOR DISCLOSURE

**Members of the boards of directors and employees of external agencies are responsible for disclosure of any situation or matter where they have an actual or perceived conflict of interest or the potential for a conflict of interest.**

**Conflict of interest declarations should be filed annually at a minimum or updated immediately where:**

- (a) an actual, potential or perceived conflict situation arises where none existed previously;
- (b) change occurs which alters the nature or degree of the conflict, subsequent to a declaration being made.

Where a conflict of interest has been found to exist, the board member or employee, if necessary, will be required to take steps to avoid the conflict of interest. As well, where a perceived or potential conflict situation may exist, the board member or employee will be provided with advice on what steps need to be taken to remove the perception of or other potential for a conflict of interest.

Where a board member is unsure whether any conflict of interest may exist, it is his/her responsibility to seek clarification from the board of directors.

A board member shall disclose in writing to the board of directors, or request to have entered in the minutes of meetings of the board of directors, the nature and extent of his/her interest.

The board of directors shall decide by majority vote of other members at the meeting whether a perceived or actual conflict of interest exists in the case of a board member.

No board member shall be present during any discussions of the board or vote on any matter where it has been decided that a material interest exists. The minutes of the board meeting shall in each case record the member's disclosure of interest and the fact he/she took no part in the discussion or decision. In addition, the board member must refrain from attempting, directly or indirectly, to influence the decision of the board.

The board of directors may choose to delegate to an executive committee of the board, the authority to decide whether a material interest exists for board members.

If the executive committee of the board cannot decide, the matter shall be referred to the full board for decision.

Where an employee is unsure whether any conflict of interest may exist, it is his/her responsibility to seek clarification from the board of directors or the board's delegate.

An agency employee shall disclose in writing to the board of directors, or the board's delegate, the nature and extent of his/her interest.

The board of directors shall decide by majority vote whether a perceived, potential or actual conflict of interest exists in the case of an employee.

The board of directors may choose to delegate to the executive director or executive management committee, the authority to decide whether a material interest exists for employees, subject to a quarterly review and ratification of those decisions by the board.

If the board's delegate cannot decide, the matter shall be referred to the board of directors for decision.

No employee shall participate in negotiations, decision-making or activities where it has been decided that a material interest exists.

## GUIDELINES

The range, complexity and unique nature of individual external agencies' activities are such that it is not possible to outline all conflict of interest situations.

Board members and employees shall not engage directly or indirectly in any personal business transaction or private arrangement for personal profit which accrues from or is based upon their official position or authority or upon confidential or non-public information which they gain by reason of such position or authority.

Board members and employees shall not divulge confidential or restricted information to any unauthorized person or release such information in advance of authorization for its release.

Board members and employees shall not act in any official matter where there is a personal interest which is incompatible with an unbiased exercise of official judgement.

Board members and employees must declare where they have direct or indirect personal business or financial activities which conflict with their official duties and responsibilities.

Board members and employees shall not place themselves in a position where they are under obligation to any persons who might benefit from special considerations or favours on their part.

## APPEALS

A board member who disputes the manner of application of these guidelines within his/her agency may appeal such application to an independent arbitrator agreed to by both parties.

An employee who disputes the manner of application of these guidelines may appeal such application to the board of directors.

A board member or employee, at his/her option, may have a representative present at the appeal.

## DISCIPLINARY ACTION

Departure from any of these rules by board members, without the specific prior approval of the majority of board members, may be cause for dismissal from the board.

Departure from any of these rules by employees, without the specific prior approval of a board of directors, or board's delegate, may be cause for disciplinary action.

## SPECIFIC PROVISIONS FOR AGENCIES

While the guidelines mentioned above should be sufficient to protect against conflict of interest in a vast majority of cases, individual agencies may wish to develop additional more specific conflict of interest guidelines. In certain cases, the Minister may request more specific conflict of interest guidelines. These additional guidelines may also be necessary in response to particular statutory requirements, specific operational requirements, problems unique to a particular agency or at the request of Government.

On request, any additional guidelines developed for an organization should be made available to Government for approval prior to distribution and implementation.

## Appendix “B” – Procurement Guidelines

While Manitoba Housing will consider a number of procurement techniques under specific circumstances, the standard and preferred technique is public general tender. Any departure from public tendering shall require the proponent to provide a thorough rationale for their intended method and requires approval by Manitoba Housing.

### 1) For General Contract

- A minimum three week public tender period is required.
- At least three (3) bona fide bids must be received (see definition of bona fide Construction Manager, below).
- A 10% Bid Bond and a 50% Performance Bond, in favour of the owner, is required.
- The Contractor shall be experienced and capable of performing the work under the contract, satisfactory to Manitoba Housing.
- The Contract shall be reviewed by and acceptable to Manitoba Housing prior to tendering.

### 2) For General Contract (Invitational Tender)

- Requirements are the same as above except the tender would be invitational to at least five (5) bidders acceptable to Manitoba Housing.
- Manitoba Housing approval is required prior to tender.

### 3) For Construction Management

- A minimum of 75% of the total construction budget shall be fixed prices based on signed contracts with sub-trades/suppliers prior to commitment.
- No advances for any portion of the work shall be made unless signed contracts are in place.
- All sub-trades shall be competitively tendered. A minimum of three bona fide bids shall be received for each sub-trade tender.
- Fee proposals from at least two bona fide construction managers must be received. Fee proposals should be based on complete working drawings and specifications but must be based on at least completed preliminary drawings and outline specifications for the project, which include the designs of all major systems and subsystems, as well as the results of all site/installation investigations.
- Construction managers shall have completed at least two projects of comparable scale and complexity on time and within budget as indicated by evidence satisfactory to Manitoba Housing. Projects would generally be deemed comparable if they involve the same building technique and/or housing form and are at least 75% of the scale of the proposed project. The time period of the previous experience is relative only to the degree that the firm still has the skills and adequate staff available with the skills which were applied in the previous comparable projects.
- The Management Fee shall be within current market limits and acceptable to Manitoba Housing.
- Fee structure shall be:
  - 25% pre-construction stage;
  - 65% construction stage: fee divided by number of months in schedule and if project falls behind, then monthly fee is postponed;
  - 10% post construction stage.
- The Construction Manager shall have no more than (0.15% x construction budget) autonomous signing authority.

- The Site Supervisor's remuneration shall be specifically identified and acceptable to Manitoba Housing.
- All sub-trades with contract values over \$25,000, or 5% of the construction budget, shall provide a 50% Performance Bond or a 50% unconditional irrevocable Letter of Credit approved as to form and held by the owner's Lawyer. The owner may choose to require more Surety from Sub-Contractors.
- Sub-trades with prices less than 90% of the next lowest bid must be bonded.
- The construction budget shall be acceptable to Manitoba Housing and shall consist of a minimum 5% contingency (new construction) or 10% contingency (rehab or conversion). General Conditions shall represent 5% of the total construction budget, unless otherwise accepted by Manitoba Housing.
- The total construction budget (including the above noted requirements) shall not exceed the project's valuation as determined by a registered quantity surveyor appointed by Manitoba Housing at their option.
- Conflicts of interest are disallowed; for example, the architectural firm cannot act as construction manager, the construction management firm cannot be a tendered sub-trade or supplier, the development consultant cannot be either a sub-trade or construction manager, etc.

## **Appendix “C” – River and Mayfair Community Consultation Report**

Please see attached Community Consultation Report prepared by Proactive Information Services Inc.