



NEGOTIATED REQUEST FOR PROPOSALS FOR DESIGN-BUILD SERVICES IN _____ MB.

NRFP #:

Issued By: Manitoba Housing

Issue Date:

Site Visit:

Submission

Deadline:

Proposals to be submitted electronically
via MERX portal

@ www.merx.com/manitobahousing

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SAMPLE

1 INTRODUCTION

1.1 Purpose and Scope

The Manitoba Housing and Renewal Corporation's ("Manitoba Housing") objective of this Negotiated Request for Proposals (NRFP), is to solicit proposals from qualified Proponents to provide the complete Design-Build Services for the _____. The Proponent must utilize the design-build service delivery methodology and a full range of professional consultant and contractor services during the design and construction phases of the project. The Services consists of but is not limited to the design and construction of the _____, as described in Section 2 – Project Overview, Appendix 1 – Scope of Work and Schedule A – Description of Services. This Project is part of The Manitoba Housing and Renewal Corporation's _____ Program.

For the purposes of this procurement process, the Manitoba Housing Contact shall be:

Name:

Contract Administrator

Asset Management – Procurement

Email:

Proponents must submit all inquiries, in writing, to the Manitoba Housing Contact via the email address above at least five (5) business days before the Submission Deadline.

1.2 Agreement for Services

The selected Proponent may be requested to enter into negotiations for an Agreement (Appendix 3) with Manitoba Housing for the provision of the Services.

It is anticipated that the agreement will be executed within ____ days from the end of negotiation with the highest ranked Proponent.

1.3 Trade Agreements

Manitoba Housing is dedicated to open, fair and transparent business conduct. Proponents should note, procurements falling within the scope of _____ Chapter 5 of the Canadian Free Trade Agreement are subject to that chapter but the rights and obligations of the parties shall be governed by the specific terms of each particular tender call.

1.4 Site Visit

Site Visit/ Proponents Conference

Proponents _____ must attend a site visit/proponents conference on the following specified date, time and Project site location:

Date:

Time:

Location:

Proponent Attendance is:

Consultant Attendance is:

Sub-Consultant Attendance is:

Subcontractor Attendance is:

Site visits begin promptly at the time, date and location specified above. Proponents that arrive more than ten (10) minutes late may be disqualified from this procurement process.

Proponents _____ are required to sign in when they arrive. Proponents submitting a proposal must attend and sign-in for their proposal to be compliant. No exceptions to this will be permitted.

This may be the only opportunity during the Proposal phase to view inside the building. Proponents are not to directly contact building staff.

All questions and enquiries from the site visit must be submitted to the Manitoba Housing contact person prior to the date and time as per Section 4.3.

Proponents cannot rely on information received from Manitoba Housing's representatives or other third parties at the site viewing unless the Manitoba Housing Contact provides the information in writing.

1.5 Definitions

In this NRFP:

Agreement means the formal written agreement to provide the Services to be negotiated and signed by Manitoba Housing and the successful Proponent (if any), substantially set out in Appendix 3.

Design-Builder means the Proponent who enters into the Agreement with Manitoba Housing to provide the Services that are contemplated in this NRFP.

NRFP means this Negotiated Request for Proposals in respect of the Services which includes all addenda that may be issued in respect of the NRFP prior to the Submission Deadline.

Proponent means the entity or person that makes a Proposal.

Proposal means the response to this NRFP made by a Proponent.

Services means the design services, work, tasks, activities, materials and other deliverables to be performed or provided by the Proponent as more particularly described in this NRFP and required by the Project.

Sub-consultant/Subcontractor means a person or entity having a direct contract with the Design-Builder to perform a part or parts of the Services that are subject of this NRFP.

Submission Deadline means the date and time set out on the title page of this NRFP or any amendment to that date and time made by Manitoba Housing by way of addendum to that date and time.

2 PROJECT OVERVIEW

2.1 Project Budget

Manitoba Housing currently has an approved budget for the project of approximately \$_____. This includes all applicable taxes, cash allowances if required and construction contingency.

2.2 Project Delivery Method

Manitoba Housing will use a Design-Build project delivery method for the Services. Construction documents, design drawings and specifications must align with current National Master Format (NMS) and be prepared by the Proponent. Manitoba Housing intends to enter into a contract, with the successful Proponent, to undertake the work using the CCDC 14 Design-Build Stipulated Price Contract 2013 and Manitoba Housing's CCDC14 Supplemental Terms and Conditions. Manitoba Housing reserves the right to change, alter or cancel the project delivery method.

3 SCOPE OF SERVICES

3.1 Service Stages

The Services to be performed by the Design-Builder will be provided in stages as follows:

Stage 1 - Schematic Design;

Stage 2 - Design Development;

Stage 3 - Construction Working Drawings and Specifications;

Stage 4 - Construction/Administration; and

Stage 5 - Pre-occupancy, Occupancy and Post-Construction.

3.2 Services

The Design-Builder shall provide the full scope of services as specified in Schedule A – Description of Services and [Manitoba Housing's Design Guidelines for Multi-Unit Affordable and Social Housing](#) during each of the above stages.

3.3 Project Milestone Schedule

The following project milestone schedule dates are proposed targets for each task only and do not include:

- 3.3.1 Manitoba Housing's review, disposition and approval at each drawing stage and required design change; and
- 3.3.2 Consultant's review and response to disposition sheets.

Project milestone schedule dates are subject to change at the sole discretion of Manitoba Housing.

No	Task	Anticipated Duration (in weeks)
1.	Appoint Design-Builder <ul style="list-style-type: none"> • Proposal evaluation start date : 	
2.	Design Team Kick-off meeting	
3.	Completion of Schematic Design	
4.	Completion of Design Development	
5.	Completion of Working Drawings and Specifications	
6.	Total Number of Weeks to the Start of Construction	
Target Substantial Performance Date:		
Close-Out Documents		
Warranty Notice in Writing		

3.4 Licensing and Registration Requirements

The project team shall be comprised of individuals who are licensed, certified, registered, or otherwise authorized to provide the necessary professional services to the full extent that may be required by provincial law and professional associations in the Province of Manitoba at the time of the Submission Deadline.

By virtue of submission of a Proposal, the Proponent certifies that the project team are in compliance with the requirements of Section 3.4. The Proponent's project team acknowledges that Manitoba Housing reserves the right to verify any information provided for this NRFP and that false or erroneous certification may result in the proposal declared

non-responsive and further review and determination under the Manitoba Housing Supplier Relationship Management process.

The successful Proponent shall be required to maintain such license and registration requirements throughout the period of the Services.

3.5 Project Team

The Proponent represents and warrants the entities and persons proposed in the proposal to perform the required services will be the entities and persons that will perform the services in the fulfillment of the project under any contractual arrangement arising from the submission of the proposal. If the Proponent proposes any entity or person in fulfillment of the project who is not an employee of the Proponent, the Proponent warrants it has written permission from such entity or person (or the employer of such entity or person) to propose the services of such entity or person in relation to the services to be performed.

3.6 Use of Consultants, Sub-consultants, Contractors and Subcontractors

The use of Consultants, Sub-consultants, Contractor and Subcontractors is acceptable, providing the Consultants, Sub-consultants, Contractor and Subcontractors report directly to the Proponent, and the Proponent agrees to be held responsible for the actions and performance of these Consultants, Sub-consultants, Contractors and Subcontractors and their respective officers, employees or agents. Consultants, Sub-consultants, Contractors and Subcontractors, if to be used, must be identified in a Proponent's Proposal as part of their Proposal in accordance with Section 4.5 C (2) of this NRFP and cannot be changed without written approval of Manitoba Housing. Where no list of Consultants, Sub-consultants or Contractors and Subcontractors is submitted, it is deemed the Proponent will use its own forces to perform the Services.

3.7 Capacity Resource Planning

Capacity Resource Planning (CRP) is the process of determining the resource capability of a Proponent to meet the demands of Manitoba Housing. The Proponent must define the process their firm utilizes for performing CRP. Key metrics utilized (hours, dollars, etc.), frequency of updating and cadence for review must be identified.

Manitoba Housing will perform due diligence on the Capacity Resource Planning (CRP) data submitted by Proponents. Manitoba Housing reserves the right to disqualify a Proponent from this competition should the analysis on the CRP data indicate a potential risk to award the scope of work to the said Proponent.

4 PROPONENT'S INSTRUCTION

4.1 Submission Deadline

The Submission Deadline is as set out on the title page to this NRFP. Manitoba Housing may extend the Submission Deadline by issuing an addendum at any time before the

Submission Deadline or before the date and time previously specified in any addendum extending the Submission Deadline.

4.2 MERX Electronic Bid Submission

Proposals must be submitted electronically, prior to Submission Deadline, through MERX at www.merx.com/manitobahousing, the Electronic Bid Submission (EBS) System used by Manitoba Housing. Proposals submitted by personal delivery or courier, fax or email are not permitted and will not be considered.

It is solely the Proponent's responsibility to ensure the Proposal is received by Manitoba Housing through the MERX EBS System prior to the Submission Deadline. Proposals received after the Submission Deadline will not be accepted.

For assistance in using the MERX EBS Proponents may watch the online [Electronic Bid Submission supplier training video on the MERX website](#). Alternatively, Proponents can contact MERX customer service directly at 1-800-964-6379 or via email at merx@merx.com.

Proponents will be required to obtain a unique PIN number from MERX in order to upload and submit Proposals electronically. It is important to keep this PIN number in a permanent location as it will be required each time a proponent wishes to submit a Proposal in response to a Manitoba Housing Request for Proposals. It may take time to upload and submit large documents electronically. Proponents should allow sufficient time to upload and submit Proposals.

Proposals:

- (a) Must be submitted in Adobe PDF format, Microsoft Word or Excel format unless otherwise stated, documents not submitted in these formats will render a Proposal non-compliant; and
- (b) Should contain the NRFP title, NRFP number, Submission Deadline and the Proponent's name and return address on each electronic document submitted. Manitoba Housing will review and evaluate compliant Proposals submitted by Proponents in good standing with Manitoba Housing.

4.3 Proposal Inquiries

All inquiries related to this NRFP must be directed, in writing by email, at least five (5) business days before the Submission Deadline to:

Procurement Contact Name

Manitoba Housing

Email:

Inquiries should be received no later than the inquiry deadline as noted above. If an inquiry is received later than that inquiry deadline date, Manitoba Housing may respond but is not obligated to provide a response.

If a Proponent has sent an inquiry and has not received an acknowledgement, the Proponent should follow up with Manitoba Housing. In any event, Manitoba Housing is not responsible if a Proponent's inquiry does not reach Manitoba Housing by the requisite date shown above.

Only information provided in writing by the Manitoba Housing Contact Administrator identified above will be binding on Manitoba Housing. Information provided verbally will not be binding on Manitoba Housing.

If Manitoba Housing, in its sole discretion, determines 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.

4.4 Proposal Format

A Proponent should ensure the information provided in its Proposal is stated clearly and concisely. Simplicity and clarity of responses are important. Proponents should avoid including extraneous or irrelevant information.

The Proposal content should be organized in the same sequence as the documents and information set out in Section 4.5 below.

If the Proposal does not comply with Section 4.4, the Proposal shall be given a lower evaluation rating.

4.5 Proposal Content

A. Submission Form (Appendix 2)

The Submission Form provided in Appendix 2, must be fully completed and signed by a representative of the Proponent with the authority to bind the Proponent. The form may be submitted on a Proponent's letterhead but must not otherwise be modified.

B. Table of Contents

This should provide a list of the main Proposal content and where it is found in the Proposal and include appropriate cross-references to attachments or appendices as required.

C. Proponent's Information

(1) Profile

The Proposal should include:

- (i) a description of the Proponent's business including information about:
 - a. how the Proponent is organized to carry on business;
 - b. its location(s) and any service centres that will provide the Services; and
 - c. the length of time the Proponent has been in business.
- (ii) information about the Proponent's experience in providing services comparable in scope and value (including similar location and climate) to those requested in this NRFP within the last 3-5 years.

(2) Project Team

The Proposal should include the following information:

- (i) an organization chart of the proposed project team identifying the reporting relationship among the proposed team;
- (ii) Describe any previous projects where the proposed team members have worked together on past projects effectively;
- (iii) Key Personnel (maximum 2 pages per individual)

Provide resumes for the Design-Builder and key personnel of each of the Consultants, Sub-consultants, Contractors and Subcontractors:

- a. commenting on their ability, expertise, experience and suitability for this project based on the Services in this NRFP;
- b. describing how the individual contributes to the Services, functioning as a team member working collaboratively throughout the Services and within the design-build project delivery method; and
- c. identifying project experience similar to the Services in this NRFP, including similarities in location and climate.

D. Work Plan, Methodology and Implementation

The Proposal should include a description of how the Proponent intends to provide the services. The description should include the following:

(1) Work Plan and Schedule:

Proponents should provide a detailed project work plan and schedule which outlines the Proponent's plan for proceeding with the various stages of the Services. The work plan should include sufficient detail to ensure the merits of the work plan, the schedule, and the likelihood of success can be evaluated. It should further include information on specific activities, tasks and timeframes and allocated human resources for each activity and stage of the Services.

(2) Project Management Methodology:

Proponents should describe their project management methodology, including:

- (i) methods of cost control throughout all stages of the Project;
- (ii) method of schedule control throughout all stages of the Project, including but not limited to, establishing and tracking of milestones, provision of adequate consultant resources to the Project within the current and future workloads of the Consultant, Sub-consultant, Contractor and Subcontractor entities; and
- (iii) information on monitoring and reporting systems, performance measurements and quality control.

(3) Design:

Proponents should provide a minimum of one (1) option of schematic design drawings in accordance with [Manitoba Housing's Design Guidelines for Multi-Unit Affordable and Social Housing](#) and the scope of work for this NRFP.

(4) Manitoba Resources:

Proponents should identify any resources or inputs that must be provided by either Manitoba Housing or the Government of Manitoba in order for the Proponent to ensure timely completion of the Services.

(5) Risk Assessment and Mitigation Plan:

Proponents should provide a detailed assessment of the potential risks and a mitigation plan for ensuring the Services are delivered in accordance with the requirements of this NRFP.

E. References

The Proponent must submit three (3) project references, comparable in size, scope, nature and complexity to the Services, which were provided within the last five (5) years.

Proponents should include successful construction projects that demonstrate the proponent's ability to work in similar locations and climate. The list of reference projects should demonstrate the Proponent's capabilities and suitability for completing the scope of Services required for this Project. For each project reference listed, the following information should be provided:

- (i) a brief description of the project;
- (ii) name of the entity for whom the project was done;
- (iii) the year the project was started;
- (iv) the year the project was completed;
- (v) the nature and scope of the work performed (highlight the similarities, if any, to this Project);
- (vi) method of construction (stick build, modular, ready-to-move or panelized);

- (vii) challenges and successes;
- (viii) identify which of the proposed team members for this Project were involved in each project and identify what their roles and responsibilities were;
- (ix) identify the value;
- (x) commencement budget; and
- (xi) final budget.

The Proponent must also identify at least three (3) individuals who may be contacted by Manitoba Housing for information on the Proponent's performance (and Sub-consultant's performance) in the projects listed in this section. For each reference the following information should be provided:

- (i) name of primary contact and position;
- (ii) telephone number for primary contact and entity; and
- (iii) email address for primary contact.

F. Status in Relation to Manitoba (Appendix 4)

The Proponent must provide a completed and signed Status in Relation to Manitoba, Appendix 4.

This form includes a statement about real, potential or perceived conflicts of interest of any entity that will provide the Services including all proposed sub-consultants and subcontractors of the Proponent. If a Proponent is in doubt as to whether individuals or circumstances give rise to a conflict of interest, the Proponent should consult the person identified in Section 4.3 of this NRFP prior to submitting a Proposal.

G. Fee Submission (complete Schedule B)

The Proponent must provide:

- (i) completed Schedule B – Price Form (using the form attached to this NRFP, Table 1).
- (ii)

The Proponent must indicate all prices in Canadian dollars.

Applicable taxes are to be identified separately in the space provided, and included in the extended cost as indicated.

To help determine how retail sales tax (RST) applies to these Services you can view bulletins 005, 058 and 060 [online at the Manitoba Finance website](#).

Manitoba Housing certifies that the Services for which an Agreement will be established, will be purchased under the Agreement by Manitoba Housing with

Crown funds and therefore will not be subject to the federal goods and services tax (GST). The Proponent must not include GST in any fees, prices or estimates quoted.

See Schedule B - Basic Services Fee Submission for further instructions regarding fee submissions. If a Proponent has any questions about how to fill out Schedule B, the Proponent should consult the person identified in Section 4.3 of this NRFP.

H. Capacity Resource Planning (Appendix 5)

The Proponent must submit a completed Capacity Resource Planning (Appendix 5) form with their Proposal.

The Proponent must provide the following information:

- (i) legal business name;
- (ii) current contract which includes:
 - a. Manitoba Housing contracts – list the contract number, type of work, location, square footage or number of units and the contract value
 - b. all other clients of a similar scope and value of work over the past five (5) years – list the type of work, location, square footage and contract value
- (iii) number of full time staff with the capacity to be engaged in a project;
- (iv) names of all employees assigned to a project;
- (v) the number of hours per month each employee is dedicated to the contract; and
- (vi) names of all Consultants, Sub-consultants, Contractors and Subcontractors.

Proponents are advised to carefully review the evaluation criteria (Section 6) and mandatory requirements prior to preparing their Proposals in response to this NRFP.

I. Certificate of Independent Tender Determination (Appendix 6)

Proposals must be accompanied by a fully completed and signed Certificate of Independent Tender Determination (Appendix 6).

4.6 Amendment of Proposal

Proponents may amend Proposals submitted prior to the Submission Deadline by deleting their existing Proposal from MERX EBS System and submitting a new Proposal to replace the Proposal previously submitted by the Proponent.

All such amendments must be signed by the Proponent or a representative of the Proponent who has the authority to bind the Proponent. Any amendment received after the Submission Deadline will not be accepted. It is solely the Proponent's responsibility

to ensure that any amendment is submitted to the MERX EBS System prior to the Submission Deadline.

4.7 Withdrawal of Proposal

A Proponent may withdraw a submitted Proposal at any time throughout the NRFP process prior to the execution of the Agreement. To withdraw a Proposal before the Submission Deadline, Proponents may withdraw it from the MERX EBS System portal. To withdraw a Proposal after the Submission Deadline, a written notice of withdrawal must be sent to the Manitoba Housing Contract Administrator at the address noted in Section 4.3 of this NRFP and must be signed by an authorized representative of the Proponent. Manitoba Housing is under no obligation to return Proposals that are withdrawn after the Submission Deadline.

5 NRFP TERMS AND CONDITIONS

By submitting a Proposal, the Proponent agrees to the following Terms and Conditions in addition to any other Terms and Conditions set out in this NRFP.

5.1 Proposal Ownership and Confidentiality

Proposals and designs, once submitted, become the exclusive property of Manitoba Housing. Manitoba Housing can utilize the selected Proponent's design documents for any future tender requirements partly or in whole. It is a requirement of the NRFP that the designs created by the successful Proponent and by any of its Consultants, Sub-consultants, Contractors and Subcontractors shall be the exclusive property of Manitoba Housing and any subcontract of the successful Proponent for engagements in furtherance of this tender shall stipulate this requirement.

Proposals, as distinct from designs created as a result of the engagement of the successful Proponent, will be kept in confidence by Manitoba Housing subject to such disclosure as may be required for internal approvals and process or under the provisions of The Freedom of Information and Protection of Privacy Act or The Personal Health Information Act, or to satisfy an Order of the Court or as otherwise required by law.

5.2 Supplier Confidentiality and Non-Disclosure Agreement

Proponents may become privy to certain non-public, confidential or proprietary information pertaining to a project. Such information must be kept confidential and must not be disclosed to any employee, consultant or third party unless all parties have executed and agreed to be bound by the terms of the Agreement. Manitoba Housing grants no rights to the confidential information. All confidential information shall remain the sole property of Manitoba Housing.

5.3 Conflict of Interest

Manitoba Housing may reject any Proposal if Manitoba Housing, in its sole discretion, determines an actual or potential conflict of interest exists.

5.4 Amendment of NRFP

Manitoba Housing may amend or clarify this NRFP by one or more addenda issued before the Submission Deadline. Manitoba Housing will not issue an addenda later than 48 hours before the Submission Deadline except for an addenda which extends the Submission Deadline.

5.5 Cost of Proposals

Proponents are responsible for all costs incurred by them in preparing, and submitting Proposals.

5.6 No Contract A and No Claims

This NRFP process is not intended to create and shall not create a formal, legally binding bidding process and shall instead be governed by the law applicable to direct commercial negotiations. For greater certainty and without limitation:

- 5.6.1 this NRFP shall not give rise to any Contract A-based tendering law duties or any other legal obligations arising out of any process contract or collateral contract; and
- 5.6.2 neither the Proponent nor Manitoba Housing shall have the right to make any claims (in contract, tort, or otherwise) against the other with respect to the outcome of the NRFP process, including any decision by Manitoba Housing to enter into an Agreement with a Proponent, any decision by Manitoba Housing not to enter into an Agreement with a Proponent or a decision by a Proponent to withdraw its Proposal.

5.7 No Contract until Execution of Written Agreement

This NRFP process is intended to identify prospective service providers for the purposes of negotiating potential agreements. No legal relationship or obligation regarding the procurement of any good or service shall be created between the Proponent and Manitoba Housing by this NRFP process until the successful negotiation and signing of a written Agreement for the acquisition of the Services.

5.8 Non-binding Price Estimates

While the pricing information provided in Proposals will be non-binding prior to the signing of a written Agreement, such information will be assessed during the evaluation of the Proposals and the ranking of the Proponents. Any inaccurate, misleading or incomplete information, including withdrawn or altered pricing, could adversely impact any such evaluation or ranking or the decision of Manitoba Housing to enter into an Agreement for the Services.

5.9 Cancellation of NRFP

Manitoba Housing may cancel this NRFP at any time, with no liability whatsoever to any Proponent.

5.10 Interpretation and Governing Law

These NRFP Terms and Conditions (Section 5):

- (a) are intended to be interpreted broadly and independently (with no particular provision intended to limit the scope of any other provision);
- (b) are non-exhaustive and shall not be construed as intending to limit the pre-existing rights of the parties to engage in pre-contractual discussions in accordance with the common law governing direct commercial negotiations; and
- (c) are to be governed by and construed in accordance with the laws of the Province of Manitoba and the federal laws of Canada as applicable.

6 PROPOSAL EVALUATION AND SELECTION

6.1 Evaluation Committee

The evaluation committee will be comprised of representatives from Manitoba Housing.

By submitting a Proposal, the Proponent understands all decisions on the degree to which a Proposal meets the evaluation criteria are solely within the purview and judgment of the evaluation committee. The decision of the evaluation committee is final.

6.2 Evaluation Process and Criteria

Step 1: Assessment of Mandatory Submission Requirements

Proposals received by the Submission Deadline, _____, will be assessed to determine which fulfil the following mandatory submission requirements:

Mandatory Submission Requirements

Appendix 2 - Submission Form (Section 4.5 A)

Appendix 4 - Status in Relation to Manitoba Form (Section 4.5 F)

Appendix 5 - Capacity Resource Planning (Section 4.5 H)

Appendix 6 – Certificate of Independent Tender Determination
(Section 4.5 J)

If a Proposal fails to satisfy any of the mandatory submission requirements in the chart above, Manitoba Housing will issue a rectification notice to the Proponent. The rectification notice will identify the deficiencies and provide the Proponent with a period

of three (3) business days (the Rectification Period) to rectify the identified deficiencies. If the Proponent fails to satisfy these mandatory submission requirements within the Rectification Period, its Proposal will be excluded from further consideration.

Step 2: Evaluation of Proposals and Ranking of Proponents

Each Proposal that fulfils the mandatory submission requirements will be evaluated in accordance with the criteria and points allocated to each criterion as follows:

Section	Evaluation Criteria	Points		
4.5 C	Proponent Information Profile – Project Team -			
4.5 D	Work Plan, Methodology and Implementation Work Plan and Schedule – Project Management Methodology – Design – Manitoba Resources – Risk Assessment and Mitigation Plan -			
4.5 E	References			
4.5 G	Schedule B Table 1 - Price Form			
TOTAL AVAILABLE POINTS				

The price will be evaluated using the following method:

Note: The following price scores will be rounded to a whole number. All scores achieving a fraction 0.5 or greater will be rounded up, less than 0.5 will be rounded down.

Price Scores:

The Proposal with the lowest price will receive ___ points.

All other Proposals will receive a score based on the following formula:

$$\left(\frac{\text{Total Price of lowest Proposal}}{\text{Total Price of a Proponents Proposal}} \right) \times _ = \text{Score (out of _)}$$

Step 3: Concurrent Negotiations and Best and Final Offer (BAFO) Process

Manitoba Housing may enter into concurrent negotiations with up to the top three (3) highest scoring Proponents. Proponents entering into Negotiations with Manitoba Housing may be requested to attend a formal interview session. If required, Manitoba Housing will arrange interview sessions with the top ranked Proponents within ten (10) business days following Submission Deadline.

During these concurrent negotiations, Manitoba Housing will provide each Proponent with any additional information and will seek further information and proposal improvements from each Proponent. After the expiration of the concurrent negotiation period, each of the highest scoring Proponents may be invited to revise its initial proposal and submit its Best and Final Offer (BAFO) to Manitoba Housing.

Each BAFO will be evaluated against the same criteria set out in Section 6.2 Evaluation Criteria, Step 2 above and the Proposals will be ranked in order of highest to lowest total points.

Option not to Engage in Concurrent Negotiations and BAFO

Manitoba Housing may choose not to engage in the BAFO process and may proceed directly to final negotiations with the top-ranked Proponent as set out in Section 6.3 of this NRFP.

Step 4: Assessing Status in Relation to Manitoba and Past Performance

A Proponent's status and the status of any of a Proponent's Consultants, Sub-consultants, Contractors and Subcontractors in relation to Manitoba and the record of past performance of any of them can be a factor in Manitoba Housing's determination of a Proponent's qualifications to provide the Services.

The status in relation to Manitoba and the record of past performance of the top-ranked Proponent and their Consultants, Sub-consultants, Contractors and Subcontractors will be assessed.

Status in Relation to Manitoba (Appendix 4)

If money is owed to Manitoba Housing, the Government of Manitoba or any Crown corporation of Manitoba by a Proponent or proposed Sub-Consultant, Contractor or Subcontractor Manitoba Housing may disqualify the Proponent or the proposed Sub-Consultant, Contractor or Subcontractor.

Or if Manitoba Housing, in its sole discretion, determines that a conflict of interest or perceived conflict of interest or a dispute or pending dispute is of such a nature that, it would be inadvisable as determined by Manitoba Housing to enter into an agreement with the Proponent, Manitoba Housing may disqualify a Proponent or the proposed Sub-Consultant, Contractor or Subcontractor.

If a Proponent is disqualified on the basis of its status in relation to Manitoba, Manitoba Housing may proceed to assess the status in relation to Manitoba of the next-best-ranked

Proponent. If the top ranked Proponent passes this review, past performance will be assessed.

Past Performance

At a minimum, Manitoba Housing will contact the first three references provided by the top-ranked Proponent and may consult its own records and staff of a department, division or branch of the Government of Manitoba; a Manitoba Crown corporation or agency; or an academic institution, health authority or other entity who have had dealings with the Proponent or proposed Consultants, Sub-consultants, Contractors and Subcontractors.

Manitoba Housing may determine, in its sole and absolute discretion, a Proponent's record of past performance is unsatisfactory based on any of the following factors:

- (a) a Proponent or proposed Consultant, Sub-consultant, Contractor or Subcontractor is suspended or debarred from participating in the public procurement process of any of the following:
 - (i) a department, division or branch of Manitoba;
 - (ii) a Manitoba Crown Corporation or agency, or
 - (iii) an academic institution, health authority or other entity.
- (b) a Proponent's performance of a project or agreement for which a reference was checked by Manitoba was unacceptable, deficient, improper, incomplete or late according to such reference.
- (c) a Proponent or proposed Consultant, Sub-consultant, Contractor or Subcontractor is a party to a legal proceeding that determines the occurrence of improper, incomplete or negligent implementation of a project or part of a project or failure to comply with any term or condition of the agreement governing the project, and such legal proceeding has been initiated by any of the following:
 - (i) a department, division or branch of Manitoba;
 - (ii) a Manitoba Crown Corporation or agency; or
 - (iii) an academic institution, health authority or other entity.
- (d) a Proponent or proposed Consultant, Sub-consultant, Contractor or Subcontractor has initiated a legal proceeding against any entity listed in clauses (c) (i), (c) (ii) or (c) (iii) above, and Manitoba Housing is of the opinion that its existence is likely to adversely affect working relationships on the Services or under the Agreement.

If Manitoba Housing determines a record of past performance is unsatisfactory, Manitoba Housing may in its absolute discretion, disqualify the Proponent and reject its Proposal.

If a Proponent is disqualified on the basis of past performance, Manitoba Housing may proceed to assess the past performance of the next best-ranked Proponent.

6.3 Negotiation of Agreement

Manitoba Housing may invite the top-ranked Proponent, as determined through the evaluation process, to enter into negotiations to finalize the Agreement.

The Agreement shall be substantially in the form of the terms and conditions found in the CCDC14 Design-Build Stipulated Price Contract 2013 and Manitoba Housing Supplemental Terms & Conditions (in Appendix 3) of this NRFP and are to form the basis for commencing negotiations between Manitoba Housing and the Proponent.

Negotiations may include requests by Manitoba Housing for supplementary information from the Proponent to verify, clarify or supplement the information provided in its Proposal or to confirm the conclusions reached in the evaluation, and may include requests by Manitoba Housing for improved pricing or performance terms from the Proponent.

Manitoba Housing intends to conclude negotiations with the top-ranked Proponent within a period of ____ commencing from the issuance of the invitation to enter negotiations. If the parties cannot conclude negotiations and finalize the Agreement within that time period, Manitoba Housing may discontinue negotiations with the top-ranked Proponent and invite the next best-ranked Proponent to enter into negotiations. This process shall continue until:

- (a) an Agreement is successfully negotiated and finalized;
- (b) there are no more eligible Proponents remaining; or
- (c) Manitoba Housing elects to cancel the NRFP process.

If Manitoba Housing and a Proponent successfully complete negotiations, Manitoba Housing will prepare the finalized Agreement for signing by both parties.

There will be no legally binding relationship created with any Proponent prior to the approval of any award recommendation by the Manitoba Housing and Renewal Corporation (MHRC) Board and the signing of the Agreement, and the performance of the Services will not commence until the Agreement is fully signed by both the Proponent and Manitoba Housing.

6.4 Award Recommendation

If the Manitoba Housing and Renewal Corporation (MHRC) Board approve the recommendation to award, the successful Proponent will be notified by the Contract Administrator.

The successful Proponent must submit the following documents to the Contract Administrator within ten (10) business days of the Selection Letter:

- (a) Supplier Confidentiality and Non-Disclosure Agreement;
- (b) Declaration Form Criminal Record Search and Child Abuse Registry;
- (c) COR certification (or approved equivalent) and letter of good standing;

- (d) Certificate of Insurance;
- (e) Workers Compensation Board of Manitoba clearance status report;
- (f) Performance and Labour & Materials Bonds;
- (g) A detailed Price breakdown by description of work per each unit; and
- (h) Contractor's Certification Form – Legislative and Safety Requirements.

All documents provided to the Contract Administrator must be valid, current and satisfactory to Manitoba Housing. Document requirements are further described in the CCDC14 Design-Build Stipulated Price Contract 2013 and CCDC14 Supplemental Terms & Conditions (Appendix 3).

6.5 Notification to Proponents

A Proponent that is disqualified during the evaluation process will be notified of the disqualification.

Manitoba Housing will notify all Proponents of the outcome of the NRFP process, after the Agreement is signed.

If Manitoba Housing decides not to enter into an Agreement with any Proponent, all Proponents will be given written notice of decision.

APPENDIX 1 SCOPE OF WORK

Project Name:

SAMPLE

APPENDIX 2 SUBMISSION FORM
DESIGN-BUILD SERVICES

Project Name:

1. Proponent

Legal Corporate Name of Proponent

Street

City

Province

Postal Code

Telephone Number

Fax Number

Email Address

(Mailing address if different) - Street or P.O. Box

City

Province

Postal Code

The Proponent conducts business under the above name as: (select one of the following)

sole proprietor

partnership

corporation

joint venture

2. Contact Person

The Proponent hereby authorizes the following contact person to represent the Proponent for purposes of the Proposal.

Contact Person

Title

Telephone Number

Fax Number

Email Address

3. Acknowledgment of Non-Binding Procurement Process

We acknowledge that the NRFP process will be governed by the terms and conditions of the NRFP, and that, among other things, such terms and conditions confirm that this procurement process does not constitute a formal, legally binding bidding process (and for greater certainty, does not give rise to a Contract A bidding process contract), and that no legal relationship or obligation regarding the procurement of any goods or services shall be created between the Proponent and Manitoba Housing unless and until the Proponent and Manitoba sign a written Agreement for the Services.

4. Ability to Provide Deliverables

We have carefully examined the NRFP documents and have a clear and comprehensive understanding of the Services required. The Proponent is able to provide the Services in accordance with the requirements of the NRFP for the price as set out in Fee Submission Schedules B.

5. Non-Binding Price Estimates

We have submitted our pricing in accordance with the instructions in the NRFP. While the submitted pricing is not binding upon us, we acknowledge that any inaccurate, misleading or incomplete information, including withdrawn or altered pricing, may adversely impact the acceptance or ranking of the Proposal or the Proponent's eligibility for future work.

6. Addenda

We acknowledge we have received the following addenda and they have been considered in the preparation of the tender:

Addendum No.:	_____	Addendum No.:	_____
Addendum No.:	_____	Addendum No.:	_____
Addendum No.:	_____	Addendum No.:	_____

Signatures:

I / We have the authority to bind the Proponent

_____ day of _____ , _____

_____ Signature	_____ Print Name	_____ Title
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_____ Signature	_____ Print Name	_____ Title
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APPENDIX 3 CCDC 14 DESIGN-BUILD STIPULATED PRICE CONTRACT (2013) AND
MANITOBA HOUSING SUPPLEMENTAL TERMS AND CONDITIONS

The successful Proponent will be required to enter into the standard CCDC14 Design-Build Stipulated Price Contract 2013 as amended by the Manitoba Housing Supplemental Conditions.

See MERX document for this NRFP titled Appendix 3 CCDC 14 Design-Build Stipulated Price Contract (2013) and Manitoba Housing Supplemental Conditions

SAMPLE

APPENDIX 4 STATUS IN RELATION TO MANITOBA

See MERX document for this NRFP titled Appendix 4 Status in Relation to Manitoba

SAMPLE

APPENDIX 5 CAPACITY RESOURCE PLANNING

See MERX document for this NRFP titled Appendix 5 Capacity Resource Planning

SAMPLE

APPENDIX 6 CERTIFICATE OF INDEPENDENT TENDER DETERMINATION

See MERX document for this NRFP titled Appendix 6 Certificate of Independent Tender Determination

SAMPLE

SCHEDULE A DESCRIPTION OF SERVICES

See MERX document for this NRFP titled Schedule A Description of Services

SAMPLE

SAMPLE