

**REQUEST FOR PROPOSALS  
RFP# 1070-1819/14**

**For  
New Rental Housing Units Under the  
Building BC: Indigenous Housing Fund**

**Province of British Columbia**

**Issued Date: 18 June 2018**

**Submission Deadline: 05 October 2018 @ 2:00 p.m. PST**

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# 1. INTRODUCTION

## 1.1. Invitation to Proponents

This Request for Proposals (“RFP”) is an invitation by the BC Housing Management Commission (“BC Housing”) to Indigenous non-profit housing providers, First Nations, Metis Nation BC, and non-profit and for-profit developers, who want to partner with Indigenous organizations and, First Nations interested in creating new affordable rental housing units for Indigenous persons within the province of British Columbia. Projects can be located either On or Off-reserve.

Proponents are expected to have the necessary experience, resources and capacity to undertake such a project and are encouraged to partner with other organizations, community groups or municipalities to strengthen their proposals.

Submissions that include a social equity component that enriches the Indigenous community and/or residents are highly encouraged.

For further details please refer to Part 2 – The Deliverables.

For the purposes of this procurement process, the BC Housing contact shall be:

BC Housing Contact:	<b>Mike Lachocki</b> Supply Chain Management <a href="mailto:purchasing@bchousing.org">purchasing@bchousing.org</a>
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All queries and information requests are to be made in writing only to the BC Housing contact. No responses to any other form of request will be responded to unless it has been submitted in writing to the above contact person at the above email address no later than the date and time for the deadline for questions specified within this RFP.

Since this is the first time that First Nations and Metis Nation BC are eligible for provincial housing funding, questions about how proposals can be adjusted to fit within the funding framework set out in this RFP are encouraged.

## 1.2. Introduction to BC Housing Management Commission (“BC Housing”)

BC Housing was established as an agency of the Province of British Columbia in 1967 to manage provincial and federal-provincial housing and property. In all its programs and activities, it is accountable to the provincial ministry responsible for housing.

The Provincial Rental Housing Corporation (“PRHC”) is the land holding corporation for provincially owned social housing. BC Housing administers activities on behalf of PRHC, which buys, holds and disposes of properties, and leases residential properties to non-profit societies and co-operatives.

BC Housing is authorized to act on its own behalf and also for PRHC. All terms and conditions of an agreement naming both entities are for the benefit of both BC Housing and PRHC and may be enforced against the other party(ies) in any resulting agreement in the name of BC Housing or PRHC or both.

### **1.3. Introduction to Aboriginal Housing Management Association (“AHMA”)**

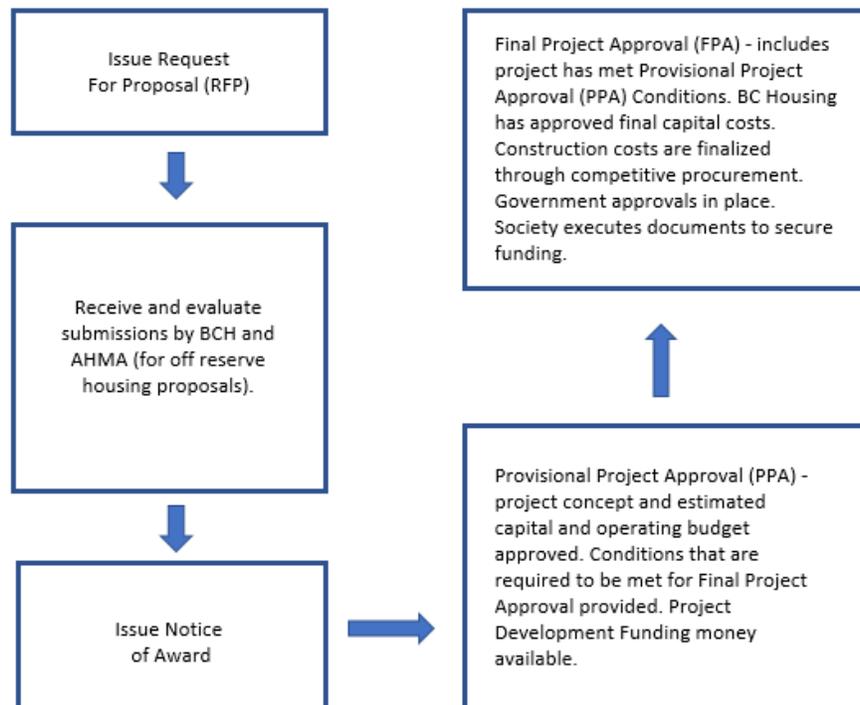


The Aboriginal Housing Management Association (“AHMA”) is the first of its kind not for profit off reserve Indigenous housing authority in Canada. AHMA leverages the collective impact of their membership to provide safe and secure housing for Urban, Rural, and Northern Indigenous Peoples in the Province of British Columbia, Canada.

AHMA provides a capacity building role for Indigenous housing providers, offering guidance when requested for proposal development, project commitment and construction. Once the project is active, AHMA fulfills the role of the Province by providing ongoing agreement oversight, funding, and support for off reserve Indigenous Housing Providers.

### **1.4. Proposal Review Process**

Selection of proposals will be based upon the overarching desired outcome to facilitate the creation of new Indigenous housing units across British Columbia.



**Provisional Project Approval (“PPA”)** – A BC Housing Development Manager will work with the Proponent to assess and refine aspects of their proposal, including finalizing the construction and take-out financing requests. Please note that because of this assessment the proposal may require some adjustments and this will need to be addressed between the Proponent organization, AHMA (for off reserve housing proposals) and the BC Housing Development Manager. BC Housing and AHMA will also review and approve proposed Operating budgets at this stage.

**Final Project Approval (“FPA”)** – If the proposal receives PPA, the capital costs will be reviewed for approval by BC Housing. All necessary planning approvals will need to be in place and the Proponent organization will be required to execute documents to secure funding.

This process is not a guarantee of receiving BC Housing funding which will only occur should the proposal successfully proceed through to and including FPA. The amount of money requested may be conditional upon Proponent financing (should this be required) and on other conditions specific to the Proponent’s proposal.

## 2. REQUIREMENTS AND DELIVERABLES

### 2.1. Description of Deliverables

Once operating, the housing provider will be wholly responsible for:

- Programs and services offered (if any)
- Collection of rents
- Resident relations and selection of new residents
- Building maintenance and upkeep – internal and external
- Community relations
- Capital planning
- Operating budgets

This program does not include housing with residential care components.

#### 2.1.1 Target Population

The target population are Indigenous families, seniors, individuals, and persons with a disability.

#### 2.1.2 Rents and Income

Proposals must reflect the following regarding rents and income:

<b>Income</b>	All households must have an income that is at or below the Housing Income Limits (“HILs”), as published by BC Housing
<b>Rents</b>	All rents in the projects must be rent-geared-to-income (“RGI”), in accordance with the BC Rent Scale
<b>Income Testing</b>	Annual

While tenant households will have a range of incomes below the applicable HIL and rents will vary accordingly BC Housing recommends using a conservative estimate of RGI rent revenue for proposal purposes, such as the figures below:

<b>Studio</b>	<b>1 Bedroom</b>	<b>2 Bedroom</b>	<b>3 Bedroom</b>	<b>4+ Bedroom</b>
\$375	\$375	\$570	\$660	\$700

For additional information on HILs and RGI, please refer to the information links in Appendix B.

### **2.1.3 Proponents**

Proponents include Indigenous organizations, First Nations, and non-profit and for-profit developers in partnership with Indigenous organizations and First Nations, that are interested in creating new affordable rental housing units for Indigenous persons within the province of British Columbia. Indigenous Housing providers are defined as an organization with the majority of its directors self-identifying as being of Indigenous descent, which has a primary purpose of providing affordable housing to Indigenous people.

The successful Proponents will submit their Constatng Documents to BC Housing for compliance review and eligibility for take-out financing. If not compliant, they will be required to revise them or, where appropriate, establish a new entity that meets all requirements.

Proponents are invited to submit their proposals along with qualified development consultants, project managers and or construction managers who make up their project team. Note that in the evaluation of a Proponent's proposal, the entire project team will be evaluated. Proponents are not required to have identified their entire team upon submission of their proposal but should provide details on their plan to engage those services. If the Proponent plans to undertake all work itself please note this in the submission and provide evidence of ability to successfully carry out all activities. The Proponent's philosophy should reflect their approach towards housing their identified target population(s) and any initiatives or operations undertaken should support this approach.

Partnerships are encouraged to promote the use of community-based resources, including Indigenous work-force training programs, into the development of affordable housing. Proponents should possess experience in developing and maintaining long term successful relationships within their sites' region.

**Please note:** Individual, site-specific operating agreements will be developed for each successful Proponent.

### **2.1.4 Resident Selection**

The housing provider will develop a fair and transparent resident selection process in accordance with the Operating Agreement, and will be responsible for final resident selection. Proponents are strongly encouraged to use the Housing Registry, but may develop and maintain their own wait list of eligible applicants where appropriate.

### 2.1.5 Staffing Requirements

For all staff working with the residents, whether part-time or full-time, paid or voluntary, the Proponent will have written policies on eligibility, selection, remuneration, training, safety and security. The safety and security policies and procedures must be in accordance with current Occupational Health and Safety Regulations contained within the *Workers Compensation Act* of BC. The Proponent shall ensure that all staff possesses the appropriate skills, training and qualifications for the tasks that they perform.

Proponents must also ensure that the staff undergoes a criminal record check in accordance with the *Criminal Records Review Act* and keep evidence on file that the criminal record check was completed. The Proponent is required to have a written policy on the frequency of subsequent criminal record checks.

## 2.2. Funding

### 2.2.1 BC Housing contributions

BC Housing can provide:

- **Capital Grant:** up to \$200,000 per housing unit (secured by a 35-year forgivable mortgage).
- **Interim Construction:** up to 100% of approved construction cost, subject to BC Housing lending criteria.
- **Take-out Financing:** available to Indigenous non-profit housing provider secured by 35-year repayable mortgage with a minimum Debt Coverage Ratio (DCR) of 1.0 and satisfying CMHC loan insurance financing requirement for projects located On or Off Reserve lands.
- **Operating Subsidy:** Operating subsidy is available to assist projects in maintaining affordability (RGI rents for households with incomes at or below HILs). Limited funding for tenant programs may also be available where required.

**Please note:** Proposals under this program must not be contingent on cross-subsidy from other sources, including other BC Housing programs. Units in the development are not eligible for Shelter Aid for Elderly Renters (“SAFER”) or Rental Assistance Program (“RAP”).

### 2.2.2 Proponents contributions

Proponents are to provide:

- **Equity Contributions:** Contributions in the form of land, or other equity (cash, other assets), that would increase the viability of undertaking their development. All contributions must be firmly committed and evidenced in the Proponent’s submission.

**2.2.3 Ownership**

Proponents must demonstrate that they have a mortgageable ownership interest in the proposed site, either in the form of freehold title or a long-term lease at nominal value. Developments will remain wholly owned by the non-profit housing provider.

Where proposals are on reserve, Proponents are encouraged to identify any issues to the BC Housing Contact.

**2.3. Forms of Agreements and Security**

The successful Proponent must enter into a 60-year Operating Agreement for the management of all units within the development. An indicative Operating Agreement is attached at Appendix G for reference, BC Housing reserves the right to modify the Operating Agreement at its sole discretion.

BC Housing's standard mortgage package for a repayable mortgage (35-years), and a forgivable mortgage for the capital grant (35-years), will also be required.

A section 219 Covenant and Option to Purchase will also be registered against the title.

Where proposals are on reserve, Proponents are encouraged to identify any issues to the BC Housing Contact.

### 3. PROPOSAL REQUIREMENTS, SUBMISSION FORMAT AND EVALUATION OF PROPOSALS

#### 3.1 Timetable and Submission Instructions

Proponents should submit their bids according to the following timetable and instructions.

##### 3.1.1. Timetable

Issue Date of RFP:	18 June 2018
Webinar Information Session:	available to view anytime after 12 July 2018
Deadline for Questions:	10 August 2018
Deadline for Issuing Addenda:	20 August 2018
Submission Deadline:	05 October 2018 @ 2:00 p.m. PST
Rectification Deadline:	19 October 2018 @ 1:00 p.m. PST

A pre-recorded webinar will be made available for viewing after 12 July 2018.

A link will be made available closer to the date and posted to the BC Housing website and as an addendum in MERX.

Any questions can be sent to: [purchasing@bchousing.org](mailto:purchasing@bchousing.org)

The RFP timetable is tentative only, and may be changed by BC Housing at anytime.

##### 3.1.2. Proposals Must be Submitted in the Prescribed Manner

The submission procedures listed in this document shall be followed by all Proponents. Proponents are cautioned to read the entire RFP and follow the procedures required by this RFP carefully, as any deviation from these requirements may be cause for rejection.

Proposals must be submitted electronically through MERX or emailed to:  
[purchasing@bchousing.org](mailto:purchasing@bchousing.org).

For assistance in using MERX, please watch the online Electronic Bid Submission tutorial:  
<http://www.merx.com/tutorials>.

Alternatively, MERX can be contacted directly at 1-800-964-MERX or by visiting the MERX website at [www.merx.com](http://www.merx.com).

**Please note:** It is extremely important that you obtain and retain the PIN number assigned by MERX to upload electronic proposal documents.

Proposals are to be submitted in the format provided. Proposals must be in English. Pricing must be quoted in Canadian dollars and exclusive of taxes.

All responses should be properly signed and dated where requested. Where a Proponent is a corporation, have the responses signed with the legal name of the corporation followed by the legal signature and capacity of an Authorized Representative to bind the corporation into a Contract.

Where a Proponent is a partnership, have the response form signed by the general partner or the partner with the authority to bind the partners. Where the Proponent is a sole proprietor, have the response signed by the Proprietor.

Responses that are illegible, conditional, obscure, contain arithmetical errors, erasure, alterations, or irregularities of any kind may be declared informal and rejected.

### **3.1.3. Proposals Must be Submitted on Time**

Proposals must be submitted on or before the Submission Deadline. Proposals submitted after the Submission Deadline will not be accepted or evaluated.

Onus and responsibility rests solely with the Proponent to submit its proposal on time as indicated in the RFP. Proponents are advised to make submissions well before the deadline. Proponents making submissions near the deadline do so at their own risk.

### **3.1.4. Amendment of Proposals**

Proponents may amend their submissions prior to the Submission Deadline by the same method as prescribed for the submission of proposals.

### **3.1.5. Withdrawal of Proposals**

Proponents may withdraw their proposals prior to the Submission Deadline by the same method as prescribed for submission of proposals.

## **3.2 Stages/Overview of Proposal Evaluation**

Proposal Evaluation will occur in two phases. AHMA will assist in the review of off reserve housing proposals.

**Phase 1-** BC Housing will review all proposals received on a regional basis. The evaluation team will consist of development and operations staff very familiar with the regions.

**Phase 2** – BC Housing executive evaluation team will review all evaluated proposals from Phase 1 and make the final determination of proposals to proceed with based on highest scores by region, total funding available over the next twelve months towards this RFP and the desired intent to allot geographic distribution of projects across the entire province.

**3.2.1. Stage I**

Stage I will consist of a review to determine which proposals comply with all Minimum Requirements. BC Housing reserves the right to waive informalities and minor irregularities in proposals received subject to the following.

1. Proponents shall not be allowed to significantly alter or resubmit new proposals after the Submission Date in section 3.1.1 Timetable.
2. Proposals failing to satisfy the minimum requirements as of the Submission Date may be provided an opportunity to revise their proposals to address minor deficiencies. Proposals revisions shall be submitted prior to the Rectification Date Deadline established in section 3.1.1 Timetable.
3. A proposal may be determined to be deficient if it materially deviates from the requirements stated in the RFP. Such proposals may not be considered for further evaluation or award.
4. Proposals failing to satisfy the minimum requirements as of the Rectification Date Deadline may be excluded from further consideration.

**3.2.2. Stage II**

Stage II will consist of a scoring of each qualified proposal based on the Proponent's responses to the rated criteria as per Rated Criteria.

**3.3 Stage I - Minimum Requirements****3.3.1. Minimum Requirements**

Other than inserting the information requested on the submission forms set out in the RFP, a Proponent may not make any changes to any of the forms. Proponents submitting proposals that do not meet the minimum requirements may be provided an opportunity prior to the Rectification Date to rectify any deficiencies.

**3.3.2. Appendix A – Submission Form**

Each proposal should include an Appendix A – Submission Form completed and signed by an authorized representative of the Proponent.

### **3.3.3. Appendices C, D and E**

Each Proponent must include all forms requested, completed in their entirety according to the instructions contained in the form.

By submitting a proposal, a Proponent is deemed to confirm that it has prepared its proposal with reference to all the provisions of the Form and has factored all the provisions of pricing including insurance and indemnity requirements, into its pricing assumptions or calculations.

### **3.3.4. Responses to Evaluation Criteria**

In your proposal, clearly indicate the Proponents' understanding of the RFP and deliverables. Provide all responses to the criteria in the order requested in Stage II Evaluation of Rated Criteria. Your proposal and responses to the criteria should demonstrate clarity, thoroughness and concision.

## **3.4 Stage I – Suggested Proposal Format**

### **3.4.1. Submission Proposal Format**

To receive uniformly formatted submissions, please comprise your submission using only the headings listed in the Rated Criteria identified in section 3.5.1. Do not include additional information not requested as this will not be evaluated. Include all identified appendices.

Proponents must use all appendix forms identified with this RFP when preparing their submission. Submissions that do not include these forms will not be evaluated.

### **3.4.2. Rectification Date**

Proposals satisfying the minimum requirements before the Rectification Date may proceed to Stage II.

Proposals failing to satisfy the minimum requirements after the Rectification Date may be provided an opportunity to rectify any minor deficiencies during the Rectification period. Refer to Stage I for further details.

Any proposals failing to satisfy the minimum requirements after the Rectification Date will be excluded from further consideration.

### 3.5 **Stage II – Evaluation of Rated Criteria**

Stage II will consist of scoring of each qualified proposal based on the rated criteria as provided below.

#### 3.5.1. **Rated Criteria**

The following is an overview of the categories and weighting for the rated criteria of the RFP that will be evaluated in Stage 2:

<b>Rated Criteria Category</b>	<b>Weighting (%)</b>
Design, Capital Costs & Project Planning	40
Contributions	15
Operations Planning, Capability & Philosophy	40
Sustainability	5
<b>Total Points</b>	<b>100</b>

BC Housing recognizes that the project information provided by the Proponent may not be in a finalized state. Proponents are however required to provide their best estimate proformas.

#### 3.5.2. **Qualitative Evaluation Criteria Format and Content:**

To conduct a thorough evaluation of all proposals received, proposals should be well ordered, detailed and concise. Clarity of language and adequate documentation are essential. Proponents are therefore requested to provide detailed functional information. General sales and promotional literature will not suffice and will not be considered.

Proponents are requested to respond to each facet of the RFP’s objectives, expectations and requirements.

To allow for proper evaluation of proposals, Proponents are urged to address the following sections, as a minimum, in their proposals.

#### **Design Capital Costs & Project Planning (40%)**

##### **a. Concept:**

Provide a clear outline of the concept (project):

- Describe the type of development, number of units and mix of suite types including targeted residents by suite as outlined in Section 2.1.1 above, number of storeys, office/meeting rooms, parking and green spaces. Provide a rationale to explain as to why this type best suits the target population of independent families and seniors.
- Provide any proposed site layout, building schematics, drawings or floor plans.
- Identify any amenities and services to be offered (if any, and if separately funded) and why these have been included. For example – day-care, resident programs, retail, etc.
- Identify and clearly explain any partnering arrangements or relationships. Provide a rationale as to how and why these partners were chosen and how the Proponent intends to manage these partnerships going forward.

Unit size and design must be suitable for the target population of independent families and seniors. BC Housing will evaluate proposals more highly that demonstrate a viable project with higher percentages of family units (2+ bedrooms).

If the project will be located On-Reserve please identify:

- Whether the subject property is governed by the Indian Act or a First Nations Land Code;
- Whether the site can be accessed directly by a provincial road or has approved legal access;
- Whether the site been surveyed;
- If a Band vote is required or has already taken place regarding the project; and,
- The maximum term of a land-lease for the site.

If the property is governed by a Land Code please provide a Certified Copy of the Land Code including any amendments.

BC Housing will evaluate proposals higher based in part upon projects that include a Social Equity component that enriches the community and/or residents. For example - incorporating daycare spaces within the development.

**b. Capital Budget:**

Fully complete Appendix C: Capital Budget template with realistic estimated costs that include escalation and contingencies. Please identify this in separate line items. Include any identified assumptions, notes, explanations or rationale to explain how and why the submitted budget numbers were determined. The budget should be directly related to the building concept.

For Construction Cost Framework information see link in Appendix B.

**c. Project Schedule:**

Include a realistic project schedule showing a chronological progression of work with time estimates for major activities and an overall time-length for completion. The project schedule should include identification of the critical path activities and project milestones.

**d. Project Risks:**

Identify and prioritize a comprehensive list of risks identified for all phases of the project including ongoing operations. For each high priority risk provide a detailed contingency plan.

**e. Project Communications:**

Include details on the proposed communications plan for the project: identify type, method and frequency for each identified stakeholder. Explain how any project changes to schedule or risks would be effectively communicated.

**Contributions (15%)**

- Provide details on any contribution (equity) to the project. Proponents are encouraged to seek out means to maximize the level of contribution to their project. Higher levels of contribution may reduce overall project costs and may increase the ability to achieve and maintain the required rental rates.
- All Proponents must evidence a mortgageable interest in land to facilitate the project. Capital contribution in the form of land will be valued at the current market value. Contributions could also include equity from local partners, waiver of development cost charges or other innovative contributions.
- Submit any copies of intent (confirmed or conditional) or commitments for financial support or other contributions from community supporters, including letters of support from service clubs, foundations, municipalities or other organizations.
- BC Housing will evaluate proposals higher based in part upon level of contribution being brought forward and level of support from local government.

**Operations Planning, Capability & Capacity (40%)**

- a. Operations:** Provide details on how operations of the project will be managed once construction is complete including:
- Property management
  - Maintenance
  - Capital Management Plans
  - Operational Management Plan
  - Need and Demand Analysis
  - Resident selection and management
  - Integration of this project into existing operations – identify and detail the impact upon the Proponent’s existing operations by taking on this additional housing project
  - Integration of this project with the neighbours and community
  - Involvement of any third parties – please identify and explain
  - If applicable, any Strata Council management or Air Space Parcel Remainder management
  - Provide most recently audited financial statements

**b. Operations Budget:**

Fully complete the Operating Budget template in Appendix D

- Monthly expected rents.
- Anticipated maintenance costs – breakdown between ongoing and periodic.
- Staffing costs.
- Anticipated Capital Replacement Reserves.
- Anticipated Operating reserves.
- Anticipated Strata or reciprocal easement and cost sharing charges (if applicable).
- Any other identified costs.
- Identify any anticipated surplus or deficit. If project will be in a deficit position, provide a financial plan by which the Proponent will meet this shortfall, including any request for subsidy to offset operating deficits.

Include any identified assumptions, notes, explanations or rationale to explain how and why the submitted budget numbers were determined.

Proponents should demonstrate that the rents that they are intending to charge will be affordable and achievable within the community for the identified target population.

**c. Proponent Capability:**

- Fully complete Appendix F – Organization Structure Form: Board/committee members, organization’s officers, directors, and senior staff; including their roles and their relevant experience, skills and/or education. If involving any external individuals please include their information.
- Demonstrate ability to manage relations with stakeholders, such as service providers, funders, Health Authorities, local and senior governments, neighbours and community members.
- Describe the organization’s capacity and ability to undertake this project both on a development and construction capacity and on an on-going operational capacity and describe any other projects that the organization has scheduled during the anticipated time frame.

**d. Stakeholder Philosophy:**

- Explain the Proponents philosophy towards serving the identified target population.
- Provide rationale to explain why this design concept best suits the intended population.
- Explain how the project will fit into the surrounding existing neighbourhood and how the Proponent will communicate with and build neighborhood relations.
- Explain how the project will honor and promote local Indigenous culture and support the Calls to Action from the Truth & Reconciliation.

**Sustainability (5%)****a. Design & Construction:**

Provide details on any innovative construction methods or design elements that would be incorporated to lessen the project's environmental impact.

**b. Operations:**

Provide details on how the operation's environmental impact will be minimized through any greenhouse gas emission reduction, use of "green" supplies and any recycling and/or composting initiatives that will be undertaken.

**c. Socio-Economic:**

Provide details on any employment or job-training opportunities directed towards Indigenous/First Nations, persons recovering from forms of abuse/addiction or low-income earners.

## **4. TERMS AND CONDITIONS OF THE RFP PROCESS**

### **4.1. General Information and Instructions**

#### **4.1.1. Proponents to Follow Instructions**

Proponents should structure their proposals in accordance with the instructions in the RFP. Where information is requested in the RFP, any response made in a proposal should reference the applicable section numbers of the RFP where that request was made.

#### **4.1.2. Proposals in English**

All proposals are to be in English only.

#### **4.1.3. BC Housing's Information in RFP Only an Estimate**

BC Housing and its advisers make no representation, warranty or guarantee as to the accuracy of the information contained in the RFP or issued by way of addenda. Any quantities shown or data contained in the RFP or provided by way of addenda are estimates only and are for the sole purpose of indicating to Proponents the general size of the work. It is the Proponent's responsibility to avail itself of all the necessary information to prepare a proposal in response to the RFP.

#### **4.1.4. Proponents Shall Bear Their Own Costs**

The Proponent shall bear all costs associated with or incurred in the preparation and presentation of its proposal, including, if applicable, costs incurred for interviews or demonstrations.

### **4.2. Communication after Issuance of RFP**

#### **4.2.1. Proponents to Review RFP**

Proponents shall promptly examine all the documents comprising the RFP, and

- a. Shall report any errors, omissions or ambiguities; and
- b. May direct questions or seek additional information;

In writing by email on or before the Deadline for Questions to the BC Housing Contact. All questions submitted by Proponents by email to the BC Housing Contact shall be deemed to be received once the email has entered the BC Housing Contact's email inbox. No such communications are to be directed to anyone other than the BC Housing Contact. BC Housing is under no obligation to provide additional information.

It is the responsibility of the Proponent to seek clarification from the BC Housing Contact on any matter it considers to be unclear. BC Housing shall not be responsible for any misunderstanding on the part of the Proponent concerning the RFP or its process.

**4.2.2. All Additional Information to Proponents by Way of Addenda**

The RFP may be amended only by an addendum in accordance with this section. If BC Housing, for any reason, determines that it is necessary to provide additional information relating to the RFP, such information will be communicated to all Proponents by addenda. Each addendum forms an integral part of the RFP.

Such addenda may contain important information, including significant changes to the RFP. Proponents are responsible for obtaining all addenda issued by BC Housing. In the Submission Form (Appendix B), Proponents should confirm their receipt of all addenda by setting out the number of each addendum in the space provided.

**4.2.3. Post-Deadline Addenda and Extension of Submission Date**

If any addendum is issued after the Deadline for Issuing Addenda, BC Housing may at its discretion extend the Submission Date for a reasonable amount of time.

**4.2.4. Verify, Clarify and Supplement**

When evaluating responses, BC Housing may request further information from the Proponent or third parties to verify or clarify or supplement the information provided in the Proponent's proposal. BC Housing may revisit and re-evaluate the Proponent's response or ranking based on any such information.

**4.2.5. No Incorporation by Reference**

The entire content of the Proponent's proposal should be submitted in a fixed form, and the content of websites or other external documents referred to in the Proponent's proposal will not be considered to form part of its proposal.

**4.2.6. Proposal to Be Retained by BC Housing**

BC Housing will not return the proposal or any accompanying documentation submitted by a Proponent.

**4.3. Negotiations, Notification and Debriefing****4.3.1. Selection of Top-Ranked Proponent**

The top-ranked Proponent, as established under Part 3 – Evaluation of Proposals, may receive a written invitation to enter into direct contract negotiations with BC Housing.

**4.3.2. Timeframe for Negotiations**

BC Housing intends to conclude negotiations within thirty (30) days commencing from the date BC Housing invites the top-ranked Proponent to enter negotiations. A Proponent invited to enter into direct contract negotiations should therefore be prepared to provide requested information in a timely fashion and to conduct its negotiations expeditiously.

**4.3.3. Process Rules for Negotiations**

Any negotiations will be subject to the process rules contained in this Part 4 – Terms and Conditions of RFP Process and the Submission Form (Appendix B) and will not constitute a legally binding offer to enter into a contract on the part of BC Housing or the Proponent. Negotiations may include requests by BC 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 BC Housing for improved pricing from the Proponent.

**4.3.4. Failure to Enter into Agreement**

Proponents should note that if the parties cannot execute a contract within the allotted thirty (30) days, BC Housing may invite the next-best-ranked Proponent to enter into negotiations. In accordance with the process rules in this Part 4 – Terms and Conditions of RFP Process and the Submission Form (Appendix B), there will be no legally binding relationship created with any Proponent prior to the execution of a written agreement. With a view to expediting contract formalization, at the midway point of the above-noted timeframe, BC Housing may elect to initiate concurrent negotiations with the next-best-ranked Proponent. Once the above-noted timeframe lapses, BC Housing may discontinue further negotiations with that particular Proponent. This process shall continue until a contract is formalized, until there are no more Proponents remaining that are eligible for negotiations or until BC Housing elects to cancel the RFP process.

**4.3.5. Notification to Other Proponents**

Other Proponents that may become eligible for contract negotiations will be so notified at the commencement of the negotiation process. Once a contract is executed between BC Housing and a Proponent, the other Proponents may be notified directly in writing and shall be notified by public posting in the same manner that the RFP was originally posted of the outcome of the procurement process and the award of the contract.

**4.3.6. Debriefing**

Proponents may request a debriefing after receipt of a notification of award. All requests must be in writing to BC Housing Contact and must be made within sixty (60) days of notification of award. The intent of the debriefing information session is to aid the Proponent in presenting a better proposal in subsequent procurement opportunities. Any debriefing provided is not for providing an opportunity to challenge the procurement process.

**4.3.8 Bid Protest Procedure**

If a Proponent wishes to challenge the outcome of the RFP process, it should provide written notice to the BC Housing Contact within thirty (30) days of notification of award, and BC Housing will respond in accordance with its bid protest procedures.

#### **4.4. Prohibited Communications and Confidential Information**

##### **4.4.1. Prohibited Proponent Communications**

The Proponent shall not engage in any Conflict of Interest communications and should take note of the Conflict of Interest declaration set out in the Submission Form (Appendix B). For the purposes of this Section, “Conflict of Interest” shall have the meaning ascribed to it in the Submission Form (Appendix B).

##### **4.4.2. Proponent Not to Communicate with Media**

A Proponent may not at any time directly or indirectly communicate with the media in relation to the RFP or any contract awarded pursuant to the RFP without first obtaining the written permission of the BC Housing Contact.

##### **4.4.3. Confidential Information of BC Housing**

All information provided by or obtained from BC Housing in any form regarding the RFP either before or after the issuance of the RFP:

- a. Is the sole property of BC Housing and must be treated as confidential;
- b. Is not to be used for any purpose other than replying to the RFP and the performance of any subsequent Contract;
- c. Must not be disclosed without prior written authorization from BC Housing; and,
- d. Shall be returned by the Proponents to BC Housing immediately upon the request of BC Housing.

##### **4.4.4. Confidential Information of Proponent**

The confidentiality of information will be maintained by BC Housing, except as otherwise required by law or by order of a court or tribunal. Proponents are advised that their proposals will, as necessary, be disclosed on a confidential basis, to BC Housing’s advisers retained for evaluating or participating in the evaluation of their proposals. If a Proponent has any questions about the collection and use of personal information pursuant to the RFP, questions are to be submitted to the BC Housing Contact.

#### **4.5. Procurement Process Non-binding**

##### **4.5.1. No Contract A and No Claims**

The procurement 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: (a) the RFP 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 (b) neither the Proponent nor BC Housing shall have the right to make any breach of contract, tort or other claims against the other with respect to the award of a contract, failure to award a contract or failure to honour a response to the RFP.

**4.5.2. No Contract until Execution of Written Agreement**

The RFP process is intended to identify prospective vendors 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 BC Housing by the RFP process until the successful negotiation and execution of a written agreement for the acquisition of such goods and/or services.

**4.5.3. Non-binding Price Estimates**

While the pricing information provided in responses will be non-binding prior to the execution of a written agreement, such information will be assessed during the evaluation of the responses and the ranking of the Proponents. Any inaccurate, misleading or incomplete information, including withdrawn or altered pricing, could adversely impact any such evaluation, ranking or contract award.

**4.5.4. Disqualification for Misrepresentation**

BC Housing may disqualify the Proponent or rescind a contract subsequently entered if the Proponent's response contains misrepresentations or any other inaccurate, misleading or incomplete information.

**4.5.5. References and Past Performance**

BC Housing's evaluation may include information provided by the Proponent's references and may also consider the Proponent's past performance on previous contracts with BC Housing or other institutions.

**4.5.6. Inappropriate Conduct**

BC Housing may prohibit a supplier from participating in a procurement process based on past performance or based on inappropriate conduct in a prior procurement process, and such inappropriate conduct shall include but not be limited to the following: (a) the submission of quotations containing misrepresentations or any other inaccurate, misleading or incomplete information; (b) the refusal of the supplier to honour its pricing or other commitments made in its proposal; or (c) any other conduct, situation or circumstance, as solely determined by BC Housing, which constitutes a Conflict of Interest. For the purposes of this Section, "Conflict of Interest" shall have the meaning ascribed to it in the Submission Form (Appendix B).

**4.5.7. Cancellation**

BC Housing may cancel or amend the RFP process without liability at any time.

## **4.6. Governing Law and Interpretation**

### **4.6.1. Governing Law**

The terms and conditions in this Part 4 – Terms and Conditions of RFP Process (a) are included for greater certainty and are intended to be interpreted broadly and separately (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 or territory within which BC Housing is located and the federal laws of Canada applicable therein.

## 5. APPENDICES ATTACHED

- APPENDIX A – SUBMISSION FORM
- APPENDIX B – INFORMATION LINKS
- APPENDIX C – CAPITAL BUDGET TEMPLATE
- APPENDIX D – OPERATING BUDGET TEMPLATE
- APPENDIX E – ORGANIZATION STRUCTURE FORM
- APPENDIX F - 1) – SAMPLE SECTION 219 COVENANT/OPTION TO PURCHASE (OTP)  
*Operating Agreement administered by BC Housing*
- APPENDIX F - 2) – SAMPLE SECTION 219 COVENANT/OPTION TO PURCHASE (OTP)  
*Operating Agreement administered by AHMA*
- APPENDIX G – SAMPLE OPERATING AGREEMENTS

## APPENDIX A – SUBMISSION FORM

### 1. Proponent Information

Please fill out the following form, and name one person to be the contact for the RFP response and for any clarifications or amendments that might be necessary.	
Full legal name of Proponent:	
Any other relevant name under which the Proponent carries on business:	
Street Address:	
City, Province/State:	
Postal Code:	
Phone Number:	
Contact Person and Title:	
Contact Phone:	
Contact E-mail:	

### 2. Acknowledgment of Non-Binding Procurement Process

The Proponent acknowledges that the RFP process will be governed by the terms and conditions of the RFP, and that, among other things, such terms and conditions confirm that this procurement process does not constitute a formal legally binding bidding process, and that there will be no legal relationship or obligations created until BC Housing and the selected Proponent have executed a written contract.

### 3. Ability to Provide Deliverables

The Proponent has carefully examined the RFP documents and has a clear and comprehensive knowledge of the Deliverables required under the RFP. The Proponent represents and warrants its ability to provide the Deliverables required under the RFP in accordance with the requirements of the RFP for the Rates set out in the Rate Bid Form and has provided a list of any subcontractors to be used to complete the proposed contract. The Proponent encloses herewith as part of the proposal the required forms and documents set out below:

FORM	INITIAL TO ACKNOWLEDGE
Appendix A – Submission Form	
Appendix C – Capital Budget Template	
Appendix D – Operating Budget Template	
Appendix E – Organization Structure	

**4. Ability to Provide Deliverables**

The Proponent has carefully examined the RFP documents and has a clear and comprehensive knowledge of the Deliverables required under the RFP. The Proponent represents and warrants its ability to provide the Deliverables required under the RFP in accordance with the requirements of the RFP for the Rates set out in the Submission Form and has provided a list of any Sub-Consultants to be used to complete the proposed contract.

**5. Electronic Funds Transfer**

BC Housing implemented direct deposit payment (EFT) that requires all vendors to set up direct deposits as the method of receiving payments from BC Housing. Please identify your current payment status:

- Our company currently receives payment from BC Housing through direct deposit
- Our company does not currently receive payment from BC Housing through direct deposit. A BC Housing direct deposit form and void cheque will be submitted upon award of the opportunity.

<https://www.bchousing.org/doing-business/supplier-centre/contract-essentials>

**6. Addenda**

The Proponent is deemed to have read and accepted all addenda issued by BC Housing prior to the Deadline for Issuing Addenda. The onus remains on Proponents to make any necessary amendments to their proposal based on the addenda. The Proponent is requested to confirm that it has received all addenda by listing the addenda numbers or, if no addenda were issued, by writing the word “None” on the following line: \_\_\_\_\_.

Proponents who fail to complete this section will be deemed to have received all posted addenda.

**7. Collection and Use of Personal Information**

Proponents are solely responsible for familiarizing themselves, and ensuring that they comply, with the laws applicable to the collection and dissemination of information, including bios, profiles and/or other personal information concerning employees and/or employees of any subcontractors.

Where BC Housing has issued a RFP that requires a Proponent to provide personal information of employees and/or subcontractors included as resources in response to the RFP, Proponents shall ensure that they have obtained written consent from each of those employees and/or subcontractors prior to submitting its proposal. Such written consents are to specify that the personal information forwarded to BC Housing is required for the purposes of responding to this RFP and use by BC Housing only for the purposes as set out in the RFP.

BC Housing reserves the right to request original or copies of the consents when required. Proponents shall comply and respond to all such requests as immediately possible.

- Personal Information *has been submitted* in relation to the RFP requirements and all required employee consents have been obtained and are retained by the Proponent.
- Personal Information *has not been submitted* in relation to the RFP requirements. Employee consents are not required.

## 8. Conflict of Interest

For the purposes of this section, the term “Conflict of Interest” means

- a. In relation to the RFP process, the Proponent has an unfair advantage or engages in conduct, directly or indirectly, that may give it an unfair advantage, including but not limited to (i) having, or having access to, confidential information of BC Housing in the preparation of its submission that is not available to other Proponents, (ii) communicating with any person with a view to influencing preferred treatment in the RFP process (including but not limited to the lobbying of decision makers involved in the RFP process), or (iii) engaging in conduct that compromises, or could be seen to compromise, the integrity of the RFP process; or,
- b. In relation to the performance of its contractual obligations contemplated in the contract that is the subject of this procurement, the Proponent’s other commitments, relationships or financial interests (i) could, or could be seen to, exercise an improper influence over the objective, unbiased and impartial exercise of its independent judgement, or (ii) could, or could be seen to, compromise, impair or be incompatible with the effective performance of its contractual obligations.

If the box below is left blank, the Proponent will be deemed to declare that (a) there was no Conflict of Interest in preparing its proposal; and (b) there is no foreseeable Conflict of Interest in performing the contractual obligations contemplated in the RFP.

Otherwise, if the statement below applies, check the box.

- The Proponent declares that there is an actual or potential Conflict of Interest relating to the preparation of its proposal, and/or the Proponent foresees an actual or potential Conflict of Interest in performing the contractual obligations contemplated in the RFP.

If the Proponent declares an actual or potential Conflict of Interest by marking the box above, the Proponent must set out below details of the actual or potential Conflict of Interest.

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The following individuals, as employees, advisers, or in any other capacity (a) participated in the preparation of our proposal; **AND** (b) were employees of BC Housing and have ceased that employment within twelve (12) months prior to the Submission Date.

\_\_\_\_\_  
Name of Individual:

\_\_\_\_\_  
Job Classification:

\_\_\_\_\_  
Department:

\_\_\_\_\_  
Last Date of Employment with BC Housing and/or its Affiliates:

\_\_\_\_\_  
Name of Last Supervisor:

\_\_\_\_\_  
Brief Description of Individual's Job Functions:

\_\_\_\_\_  
Brief Description of Nature of Individual's Participation in the Preparation of the Proposal:

\_\_\_\_\_  
*(Repeat above for each identified individual)*

The Proponent agrees that, upon request, the Proponent shall provide BC Housing with additional information from each individual identified above in the form prescribed by BC Housing.

## 9. Disclosure of Information

The Proponent hereby agrees that any information provided in this proposal, even if it is identified as being supplied in confidence, may be disclosed where required by law or if required by order of a court or tribunal. The Proponent hereby consents to the disclosure, on a confidential basis, of this proposal by BC Housing to BC Housing's advisers retained for evaluating or participating in the evaluation of this proposal.

**I have authority to bind the Proponent**

\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Signature of Proponent Representative

\_\_\_\_\_  
Name of Witness

\_\_\_\_\_  
Name and Title

## APPENDIX B – INFORMATION LINKS

**BC Housing financing eligibility requirements**

[Click on this link](#)

**BC Housing Construction Standards and Procurement Resources**

[click on this link](#)

**Construction Cost Framework**



Social\_Housing\_De  
velopment\_Cost\_Tar

**Construction Cost Framework Guide**

[Click on this link](#)

**BC Housing's Design Guidelines & Construction Standards**

[click on this link](#)

**BC Housing's Operating Cost Target Framework**

[click on this link](#)

**BC Housing's Operating Cost Target Template**

[click on this link](#)

**Detailed Instructions for Community Needs/Supply Profiles**

[click on this link](#)

**Housing Income Limits (HILS)**

[Click on this link](#)

**BC Housing's Rent Calculation Guide**

[click on this link](#)

**BC Housing's Housing Registry for Housing Providers**

[click on this link](#)

## **APPENDIX C – CAPITAL BUDGET TEMPLATE**

(see separate attachment)

## **APPENDIX D – OPERATING BUDGET TEMPLATE**

(see separate attachment)

## **APPENDIX E – ORGANIZATION STRUCTURE FORM**

(see separate attachment)

## **APPENDIX F -1 – SAMPLE SECTION 219 / OPTION TO PURCHASE (OTP)**

*For Operating Agreement administered by BC Housing  
(see separate attachment)*

## **APPENDIX F-2 – SAMPLE SECTION 219 / OPTION TO PURCHASE (OTP)**

*For Operating Agreement administered by AHMA*  
(see separate attachment)

## **APPENDIX G – SAMPLE OPERATING AGREEMENT**

(see separate attachment)