



## **THE CITY OF WINNIPEG**

**QUALIFICATION OPPORTUNITY NO. 472-2008**

**REQUEST FOR QUALIFICATIONS FOR THE PROVISION OF COMMERCIAL REAL  
ESTATE SERVICES**

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## **PART B - BIDDING PROCEDURES**

### **B1. CONTRACT TITLE**

B1.1 REQUEST FOR QUALIFICATIONS FOR THE PROVISION OF COMMERCIAL REAL ESTATE SERVICES

### **B2. INTENT OF QUALIFICATION**

B2.1 The intent of this Request for Qualifications is to provide the City with sufficient information to qualify Applicants to perform commercial real estate transactions with estimated commissions exceeding \$100,000.00 from date of award of Contract to July 31, 2010.

B2.2 Applicants wishing to be qualified shall complete the Qualification Application and the Qualifications Questionnaire documents.

B2.2.1 Additional pertinent information may be submitted to demonstrate qualifications more fully.

B2.3 Applicants qualified under this Request for Qualifications will be invited to perform commercial real estate transactions on behalf of the City.

B2.4 Qualification of Applicants to bid on prospective Work shall not be construed as a commitment by the City to award contracts to any Applicant or to pay any costs incurred by the Applicant in preparing a response or otherwise in relation to this statement.

B2.5 The City reserves the right to contact owners, or owner's representatives or other individuals that have been identified, as well as the references provided in the Qualification Submission.

B2.6 The City intends to maintain approximately four (4) pre-qualified Proponents for the Provision of Commercial Realty Services on the Pre-qualified Proponents list.

### **B3. SUBMISSION DEADLINE**

B3.1 The Submission Deadline is 4:00 p.m. Winnipeg time, July 31, 2008.

B3.2 Qualification submissions determined by the Manager of Materials to have been received later than the Submission Deadline will not be accepted and will be returned upon request.

B3.3 The Contract Administrator or the Manager of Materials may extend the Submission Deadline by issuing an addendum at any time prior to the time and date specified in B3.1.

### **B4. ENQUIRIES**

B4.1 All enquiries shall be directed to the Contract Administrator identified in D4.1.

B4.2 If the Applicant finds errors, discrepancies or omissions in the Qualification Opportunity, or is unsure of the meaning or intent of any provision therein, the Applicant shall notify the Contract Administrator of the error, discrepancy or omission, or request a clarification as to the meaning or intent of the provision at least five (5) Business Days prior to the Submission Deadline.

B4.3 Responses to enquiries which, in the sole judgment of the Contract Administrator, require a correction to or a clarification of the Qualification Opportunity will be provided by the Contract Administrator to all Applicants by issuing an addendum.

B4.4 Responses to enquiries which, in the sole judgment of the Contract Administrator, do not require a correction to or a clarification of the Qualification Opportunity will be provided by the Contract Administrator only to the Applicant who made the enquiry.

B4.5 The Applicant shall not be entitled to rely on any response or interpretation received pursuant to B4 unless that response or interpretation is provided by the Contract Administrator in writing.

**B5. ADDENDA**

- B5.1 The Contract Administrator may, at any time prior to the Submission Deadline, issue addenda correcting errors, discrepancies or omissions in the Qualification Opportunity, or clarifying the meaning or intent of any provision therein.
- B5.2 The Contract Administrator will issue each addendum at least two (2) Business Days prior to the Submission Deadline, or provide at least two (2) Business Days by extending the Submission Deadline.
- B5.2.1 Addenda will be available on the Bid Opportunities page at The City of Winnipeg, Corporate Finance, Materials Management Branch internet site at <http://www.winnipeg.ca/matmgt/bidopp.asp>
- B5.2.2 The Applicant is responsible for ensuring that he has received all addenda and is advised to check the Materials Management Branch internet site for addenda regularly and shortly before the Submission Deadline, as may be amended by addendum.
- B5.3 The Applicant shall acknowledge receipt of each addendum in Paragraph 6 of Form A: Qualification Application. Failure to acknowledge receipt of an addendum may render a Qualification Application non-responsive.

**B6. QUALIFICATION SUBMISSION**

- B6.1 The Qualification Submission should consist of the following components:
- (a) Form A: Qualification Application;
  - (b) Form B: Qualification Questionnaire, including references and disclosures;
  - (c) Resumes of key personnel proposed to perform the Work; and
  - (d) Applicant's Proposed Fee Schedule.
- B6.2 All components of the Qualification Submission shall be fully completed or provided, and submitted by the Applicant no later than the Submission Deadline, with all required entries made clearly and completely, to constitute a responsive Qualification Submission.
- B6.3 The Qualification Submission may be submitted by mail, courier or personal delivery, or by facsimile transmission.
- B6.4 If the Qualification Submission is submitted by mail, courier or personal delivery, it should be enclosed and sealed in an envelope clearly marked with the Qualification Opportunity number and the Applicant's name and address, and shall be submitted to:
- The City of Winnipeg  
Corporate Finance Department  
Materials Management Division  
185 King Street, Main Floor  
Winnipeg MB R3B 1J1
- B6.4.1 Samples or other components of the Qualification Submission which cannot reasonably be enclosed in the envelope may be packaged separately, but shall be clearly marked with the Qualification Opportunity number, the Applicant's name and address, and an indication that the contents are part of the Applicant's Qualification Submission.
- B6.5 Applicants are advised not to include any information/literature except as requested in accordance with B6.1 and B2.2.1.
- B6.6 Applicants are advised that inclusion of terms and conditions inconsistent with the Qualification Opportunity document, including the General Conditions, will be evaluated in accordance with B12.2(a).

B6.7 If the Bid Submission is submitted by facsimile transmission, it shall be submitted to (204) 949-1178.

B6.7.1 The Applicant is advised that the City cannot take responsibility for the availability of the facsimile machine at any time.

B6.8 Qualification Submissions submitted by internet electronic mail (e-mail) will not be accepted.

## **B7. QUALIFICATION APPLICATION**

B7.1 The Applicant shall complete Form A: Qualification Application, making all required entries.

B7.2 In Paragraph 3 of Form A: Qualification Application, the Applicant shall identify a contact person who is authorized to represent the Applicant for purposes of the Qualification.

B7.3 Paragraph 7 of Form A: Qualification Application shall be signed in accordance with the following requirements:

- (a) if the Applicant is a sole proprietor carrying on business in his own name, it shall be signed by the Applicant;
- (b) if the Applicant is a partnership, it shall be signed by the partner or partners who have authority to sign for the partnership;
- (c) if the Applicant is a corporation, it shall be signed by its duly authorized officer or officers;
- (d) if the Applicant is carrying on business under a name other than his own, it shall be signed by the registered owner of the business name, or by the registered owner's authorized officials if the owner is a partnership or a corporation.

B7.3.1 The name and official capacity of all individuals signing Form A: Qualification Application should be printed below such signatures.

B7.3.2 All signatures shall be original.

B7.4 If a Qualification Application is submitted jointly by two or more persons, the word "Applicant" shall mean each and all such persons, and the undertakings, covenants and obligations of such joint Applicants in the Qualification Submission and the Contract, when awarded, shall be both joint and several.

## **B8. QUALIFICATION QUESTIONNAIRE**

B8.1 The Applicant shall complete Form B: Qualification Questionnaire, making all required entries.

B8.2 In Paragraph 1 of Form B: Qualification Questionnaire, the Applicant (Licensed Real Estate Broker) shall identify key personnel (Licensed Real Estate Agents) proposed to perform the Work of the Contract, any Professional Designations they may hold, and their years of experience in Commercial Real Estate.

B8.2.1 Applicants are invited to submit a statement of experience for each Licensed Real Estate Agent on a separate page.

B8.3 In Paragraph 2 of Form B: Qualification Questionnaire, the Applicant shall identify Commercial Properties sold within the last five years, which may include current properties, including the location, description, approximate value of sale, completion date, previous owner and contact information for previous owner.

B8.3.1 Notwithstanding B2.5 and B8.3, reference checks may not be restricted to only those submitted by the Applicant, and may include organizations representing persons, companies or individuals known to have done business with the Applicant.

**B9. RESUMES OF KEY PERSONNEL**

B9.1 The Applicant shall provide resumes for the Applicant (Real Estate Broker) and key personnel (Real Estate Agents) proposed to perform the Work.

**B10. PROPOSED FEE SCHEDULE**

B10.1 The Applicant shall provide their proposed fee schedule which will include their anticipated commissions on Commercial Properties sold for the City.

**B11. QUALIFICATION**

B11.1 The Applicant shall:

- (a) undertake to be in good standing under The Corporations Act (Manitoba), or properly registered under The Business Names Registration Act (Manitoba), or otherwise properly registered, licensed or permitted by law to carry on business in Manitoba; and
- (b) be financially capable of carrying out the terms of the Contract; and
- (c) have all the necessary experience, capital, organization, and equipment to perform the Work in strict accordance with the terms and provisions of the Contract.

B11.2 The Applicant and any proposed Subcontractor (for the portion of the Work proposed to be subcontracted to them) shall:

- (a) be responsible and not be suspended, debarred or in default of any obligations to the City (a list of suspended or debarred individuals and companies is available on the Information Connection page at The City of Winnipeg, Corporate Finance, Materials Management Branch internet site at <http://www.winnipeg.ca/matmgt/debar.stm>.)

B11.3 The Applicant and/or any proposed Subcontractor (for the portion of the Work proposed to be subcontracted to them) shall:

- (a) have successfully carried out work similar in nature, scope and value to the Work; and
- (b) be fully capable of performing the Work required to be in strict accordance with the terms and provisions of the Contract; and
- (c) have a valid Real Estate Brokers License and be registered by the Manitoba Securities Commission;
- (d) have a minimum of three (3) Licensed Real Estate Agents, registered with the Manitoba Securities Commission, throughout the period stated in D2.1.

B11.4 The Applicant shall submit, within three (3) Business Days of a request by the Contract Administrator, proof satisfactory to the Contract Administrator of the qualifications of the Applicant and of any proposed Subcontractor.

B11.5 The Applicant shall provide, on the request of the Contract Administrator, full access to any of the Applicant's equipment and facilities to confirm, to the Contract Administrator's satisfaction, that the Applicant's equipment and facilities are adequate to perform the Work.

**B12. QUALIFICATION EVALUATION**

B12.1 The Evaluations of Qualification Submissions will involve a two stage approach.

B12.1.1 The first stage will be the evaluation of all written submissions, in order to create a short list of Applicants to advance to the 2<sup>nd</sup> stage of the evaluation process.

B12.1.2 The City reserves the right to limit the short list to eight (8) Applicants.

B12.2 The evaluation of both the first and second stage will be based on the following criteria

- (a) Completeness of responses to stated requirements or acceptable deviation therefrom;

- (b) Qualifications/ Commercial Real Estate experience of Applicant and key personnel;
- (c) References; and
- (d) Applicants Proposed Fee Schedule.

- B12.3 Further to B12.2(a), the Award Authority may reject a Qualification Submission as being non-responsive if the Qualification Submission is incomplete, obscure or conditional, or contains additions, deletions, alterations or other irregularities. The City may reject all or any part of any Qualification Submission, or waive technical requirements or minor informalities or irregularities, if the interests of the City so require.
- B12.4 Further to B12.2(b), the Qualifications/Commercial Real Estate experience of the Applicant and key personnel will be based on volume of transactions, number of years of experience and value of properties sold by the Licensed Real Estate Broker and Licensed Real Estate Agents proposed to perform the Work. The City reserves the right to reject any Qualification Submission submitted by an Applicant who does not demonstrate, in his Qualification Submission or in other information required to be submitted, that he is responsible and qualified.
- B12.5 Further to B12.2(c) the Award Authority may reject any Qualification submitted by an Applicant whose references are of a continuously disapproving nature or whose work experience is not consistent with the qualifications required to perform various types of Commercial Real Estate transactions.
- B12.6 Further to B12.2(d) for the purposes of evaluation only, the Applicant's Proposed Fee Schedule will be evaluated based on the lowest cost to the City for the sale of properties valued over \$3 million.
- B12.7 The 2<sup>nd</sup> stage of the evaluation of will involve an interview with the Applicant to review and, if necessary, clarify the Applicant's Qualification Submission in order to assist the City in making its evaluations.

**B13. OPENING OF BIDS AND RELEASE OF INFORMATION**

- B13.1 Qualification Submissions will not be opened publicly.

**B14. NOTIFICATION OF STATUS**

- B14.1 Only Applicants selected to proceed to the 2<sup>nd</sup> stage of evaluation will be contacted.
- B14.1.1 Applicants who are short listed will be contacted to arrange an interview.
- B14.2 The Request for Qualification does not commit the City to award any contracts or to defray any costs incurred in the preparation and submission of data pursuant to this request.
- B14.3 The City reserves the right to re-issue this Request for Qualifications in the event that there are not enough pre-qualified Proponents on the list. The pre-qualified Proponents already on the list will not have to re-submit.

## **PART C - GENERAL CONDITIONS**

### **C0. GENERAL CONDITIONS**

- C0.1 Any work performed as a result of this Request for Qualifications will be subject to The *General Conditions for Supply of Services* (Revision 2007 04 12).
- C0.1.1 The *General Conditions for Supply of Services* are available on the Information Connection page at The City of Winnipeg, Corporate Finance, Materials Management Branch internet site at <http://www.winnipeg.ca/matmgt>.
- C0.2 A reference in the Qualification Opportunity to a section, clause or subclause with the prefix "**C**" designates a section, clause or subclause in the *General Conditions for Supply of Services*.



## PART D - SUPPLEMENTAL CONDITIONS

### GENERAL

#### D1. GENERAL CONDITIONS

D1.1 In addition to the *General Conditions for Supply of Services*, these Supplemental Conditions are applicable to the Work of the Contract.

#### D2. SCOPE OF WORK

D2.1 The Work to be done under the Pre-qualified Proponents List shall consist of the provision of Commercial Realty Services for the period of award of Contract to July 31, 2010.

D2.2 The Work shall be done on an "as required" basis during the term of the Pre-qualified Proponents List in accordance with D2.1.

D2.2.1 The type and quantity of Work to be performed under this Pre-qualified Proponents List shall be as authorized from time to time by the Contract Administrator and/or designated representative.

D2.2.2 Notwithstanding C7.4, the City shall have no obligation under the Pre-qualified Proponents List to require services in excess of its actual operational requirements.

D2.3 Further to D2.1 the Work may include acting as a buyer agent, listing agent, site evaluation, due diligence, and marketing of Commercial Properties or any other related type of Work as specified by the Contract Administrator or designated representative.

D2.4 Notwithstanding B2.3, the City reserves the right to initiate a public bid solicitation, outside of this Pre-qualified Proponents List where it is determined, by the City, to be in its best interests.

#### D3. DEFINITIONS

D3.1 When used in this Bid Opportunity:

- (a) "**Applicant**" means a Licensed Real Estate Broker, registered and in good standing with the Manitoba Securities Commission, submitting this Qualification Application;
- (b) "**Commercial Properties**" means properties used for retail/service, office, industrial and multiple family dwellings.
- (c) "**Proponent**" means a Proponent who is pre-qualified to be included in the Work (part of the Pre-qualified Proponents list);
- (d) "**Real Estate Agent**" means a Licensed Real Estate Salesperson registered and in good standing with the Manitoba Securities Commission;
- (e) "**Real Estate Broker**" means a Licensed Real Estate Broker registered and in good standing with the Manitoba Securities Commission.

#### D4. CONTRACT ADMINISTRATOR

D4.1 The Contract Administrator is:  
John S. Zabudney,  
Supervisor of Sales and Acquisition  
Real Estate Division, Sales Branch  
Planning, Property and Development Department  
2nd Floor, 65 Garry Street  
Winnipeg MB R3C 4K4

Telephone No. (204) 986-8290  
Facsimile No. (204) 944-8476  
Email Address [jzabudney@winnipeg.ca](mailto:jzabudney@winnipeg.ca)

**D5. SUSPENSION AND REMOVAL FROM THE PRE-QUALIFIED PROPONENTS LIST**

- D5.1 Suspension and/or removal from the Pre-qualified Proponents List may be made by the Contract Administrator, at his/her sole discretion, for any failure on the part of the Proponent to maintain the qualifications in accordance with B11, or meet any of the obligations in the Work resulting from this Request for Qualifications.

**SUBMISSIONS**

**D6. AUTHORITY TO CARRY ON BUSINESS**

- D6.1 The Proponent shall be in good standing under The Corporations Act (Manitoba), or properly registered under The Business Names Registration Act (Manitoba), or otherwise properly registered, licensed or permitted by law to carry on business in Manitoba, or if the Proponent does not carry on business in Manitoba, in the jurisdiction where the Proponent does carry on business, throughout the term of the Contract, and shall provide the Contract Administrator with evidence thereof upon request.

**D7. INSURANCE**

- D7.1 The Proponent shall provide and maintain the following insurance coverage:
- (a) commercial general liability insurance, in the amount of at least two (2) million dollars (\$2,000,000.00) inclusive, with The City of Winnipeg added as an additional insured; such liability policy to also contain a cross-liability clause (otherwise known as severability of interest), contractual liability, contingent employers liability (if not otherwise covered) to remain in place at all times during the performance of Services.
  - (b) automobile liability insurance for owned automobiles used for or in connection with the Work in the amount of at least two million dollars (\$2,000,000.00) at all times during the performance of the Work for the period stated in D2.
  - (c) Professional liability or Errors and Omissions liability insurance in the amount of at least two (2) million dollars; to be in place throughout the performance of the Work and one year after end of the duration of the Pre-Qualification list specified in D2.
- D7.2 All policies will be taken out with insurers licensed to carry on business in the Province of Manitoba.
- D7.3 The Proponent shall be responsible for the payment of all premiums and deductible amounts relating to the insurance policies.
- D7.4 Pre-qualified Proponents shall provide the Contract Administrator with a certificate(s) of insurance, in a form satisfactory to the City Solicitor, at least two (2) Business Days prior to the commencement of any Work but in no event later than seven (7) Calendar Days from notification by the Contract Administrator.
- D7.5 The Proponent shall not cancel, materially alter, or cause each policy to lapse without providing at least thirty (30) Calendar Days prior written notice to the Contract Administrator.
- D7.6 The City shall have the right to alter the limits and /or coverages as reasonably required from time to time, provided that the City shall give the Proponent reasonable notice and shall request reasonable change.

**D8. INDEMNIFICATION**

- D8.1 Proponents may be required to sign the City's indemnification form when contracted to market Commercial Properties on behalf of the City.

## **SCHEDULE OF WORK**

### **D9. COMMENCEMENT**

D9.1 The Proponent shall not be placed on the Pre-qualified Proponents List or commence any Work that results from this Request for Qualifications until:

- (a) the Contract Administrator has confirmed receipt and approval of:
  - (i) evidence that the Proponent is in good standing under The Corporations Act (Manitoba), or properly registered under The Business Names Registration Act (Manitoba), or otherwise properly registered, licensed or permitted by law to carry on business in Manitoba;
  - (ii) evidence of the Real Estate Brokers License specified in B11.3(c);
  - (iii) evidence of the Real Estate Salespersons' Licenses specified in B11.3(d); and
  - (iv) evidence of the insurance specified in D7.

## **PART E - SPECIFICATIONS**

### **GENERAL**

#### **E1. APPLICABLE SPECIFICATIONS**

E1.1 The specifications for each Commercial Real Estate transaction will be unique and will be in accordance with D2.

E1.1.1 The City will be entering into listing agreements (contracts) with each Proponent, that comply with the regulations of the Manitoba Securities Commission, from time to time as required.