



**THE CITY OF WINNIPEG**

# **REQUEST FOR PROPOSAL**

**RFP NO. 708-2020**

**SALE OF A PORTION OF CITY OWNED PROPERTY LOCATED AT 409 MULVEY  
AVENUE**

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## **PART B - BACKGROUND AND GENERAL INFORMATION**

### **B1. CONTRACT TITLE**

B1.1 SALE OF A PORTION OF CITY OWNED PROPERTY LOCATED AT 409 MULVEY AVENUE

### **B2. SUBMISSION DEADLINE**

B2.1 The Submission Deadline is 4:00 p.m. Winnipeg time, January 29, 2021 and in accordance with the details provided in PART D -

B2.2 The Contact Person 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 B2.1.

### **B3. INTRODUCTION**

B3.1 The City of Winnipeg (the "City") invites Proposals from Proponents (each a "Proponent"), with respect to the sale and redevelopment of part of 409 Mulvey Avenue (herein called the "Subject City Property") and identified on Misc. Plan 14218/9) – Appendix "A".

B3.2 Notwithstanding anything contained herein, the Subject City Property will be sold on an "as is, where is" basis. The data contained herein is considered to be approximate information only and is not intended to fully describe the Subject City Property. Any Proponent or interested party is required to satisfy themselves as to the suitability of the Subject City Property for their purposes and conduct their own due diligence. The City provides no representations or warranties related to the Subject City Property of any kind whatsoever.

### **B4. LOCATION**

B4.1 The Subject City Property is located on the north east corner of Osborne Street and Mulvey Avenue East, and shown outlined in a solid red line and identified as "SUBJECT CITY PROPERTY, Area: 2,996 ± m<sup>2</sup> (32,250± ft<sup>2</sup>) on Misc. Plan 14218/9 attached as Appendix "A".

### **B5. COUNCIL DIRECTIVE**

B5.1 On February 27, 2013 the Subject City Property located at 409 Mulvey Avenue East was declared surplus to the City's needs.

### **B6. PROPERTY INFORMATION**

B6.1 The Subject City Property was acquired through a land exchange in the mid-1990's. The acquisition was in response to a policy directive to acquire riverbank lands for public purposes, specifically to establish a major pedestrian/cyclist/vehicle access node to the Churchill Riverbank Parkway (now known as the South Winnipeg Parkway).

B6.2 The Subject City Property is being offered with the requirement that the Purchaser will subdivide the land from the larger parcel and widen the public lane as shown on Misc. Plan 14218/9 attached as Appendix "A".

B6.3 Property details are as follows:

- (a) Site Size: 32,250 +/- sq. ft.
- (b) Current Zoning: M1 – Manufacturing-Light.
- (c) Assessment: Roll #12021336000.
- (d) Legal Description:

LOT 2 PLAN 2939 WLTO

TOGETHER WITH A RIGHT OF WAY FOR ALL PURPOSES AS APPURTENANT TO SAID LOT, OVER AND UPON PARCELS "A" AND "B" PLAN 40244 WLTO; IN RL 32 AND 33 PARISH OF ST BONIFACE. Certificate of Title: Part of 1853595.

B6.4 The Proponent will accept title to the Property subject to all exceptions, reservations and encumbrances expressed or implied, including without limitation:

**B7. ENQUIRIES**

B7.1 All enquiries shall be directed to the Contact Person identified in D5.

**B8. ERRORS AND DISCREPANCIES**

B8.1 If the Proponent finds errors, discrepancies or omissions in the Request for Proposal, or is unsure of the meaning or intent of any provision therein, the Proponent shall promptly notify the Contact Person of the error, discrepancy or omission at least five (5) Business Days prior to the submission deadline.

B8.2 If the Proponent is unsure of the meaning or intent of any provision therein, the Proponent should request clarification as to the meaning or intent prior to the submission deadline.

B8.3 Responses to enquiries which, in the sole judgment of the Contact Person, require a correction to or a clarification of the Request for Proposal will be provided by the Contact Person to all Proponents by issuing an addendum.

B8.4 Responses to enquiries which, in the sole judgment of the Contact Person, do not require a correction to or a clarification of the Request for Proposal will be provided by the Contact Person only to the Proponent who made the enquiry.

B8.5 All correspondence or contact by Proponents with the City in respect of this RFP must be directly and only with the Contact Person. Failure to restrict correspondence and contact to the Contact Person may result in the rejection of the Proponents Proposal Submission.

B8.6 The Proponent shall not be entitled to rely on any response or interpretation unless that response or interpretation is provided by the Contact Person in writing.

B8.7 The Proponent shall not be entitled to rely on any response or interpretation received pursuant to B3 unless that response or interpretation is provided by the Contact Person in writing.

B8.8 Any enquiries concerning submitting through MERX should be addressed to:  
MERX Customer Support  
Phone: 1-800-964-6379  
Email: merx@merx.com

**B9. DISCLOSURE**

B9.1 Various Persons provided information or services with respect to this Work. In the City's opinion, this relationship or association does not create a conflict of interest because of this full disclosure. Where applicable, additional material available as a result of contact with these Persons is listed below.

B9.2 The Persons are:  
(a) N/A

**B10. DISCLOSURE OF KNOWN INFORMATION ABOUT THE PROPERTY OR THE BUILDING**

**B10.1 Environmental Assessments**

- (a) The City is in possession of a Phase I ESA from 1995 and no further studies have been completed since that time. The proponent is encouraged to undertake their own environmental studies to satisfy any concerns they might have.

## PART C - DEVELOPMENT PARAMETERS

### C1. PLANNING & LAND USE

- C1.1 The City of Winnipeg's official development plan, *OurWinnipeg* (a 25-year sustainable growth vision for the entire city (By-law No. 67/2010) designates the area in which the Subject Property is located as a "*Mature Community*" within the direction strategy of *Complete Communities*. This designation supports the following:
- (a) Encourage conservation and upgrading of existing housing in Mature Areas and expand housing opportunities through infill development.
- C1.2 Select policies of Complete Communities and Areas of Stability include:
- (a) Support low to moderate change in low-density neighbourhoods through development and redevelopment that is complementary to the existing scale, character and built form;
  - (b) Promote the form of buildings and spaces that are sensitive to the community context and address the transition between new and existing developments;
  - (c) Promote a quality public realm with a high level of accessibility to community services and amenities and opportunities for gathering and social interaction;
  - (d) Encourage intensification to occur at centres and along corridors;
  - (e) Focus housing growth to areas that have municipal service capacity to support intensification, in addition to commercial and recreational amenities;
  - (f) Support Complete Communities by ensuring diverse and high-quality housing stock;
  - (g) In order to meet the full life-cycle of housing needs within the community, promote a mix of housing type and tenure, such as duplexes, low rise apartments, secondary suites, semi-detached homes, townhouses;
  - (h) Support a mix of commercial services and employment uses that serve the local community; and
  - (i) Support the subdivision of a parcel of land into two or more lots when it is done in a context sensitive manner.
- C1.3 Select policies of Complete Communities and Mature Communities include:
- (a) Support the rehabilitation of existing housing stock where required.
  - (b) Upgrade and maintain infrastructure in aging residential areas to encourage maintenance of housing.
  - (c) Support a mix of uses within buildings located on commercial streets.
  - (d) Facilitate land assembly for infill developments
  - (e) Build upon the local heritage of mature neighbourhoods, including the sustainable reuse of existing building stock and other historic elements.
- C1.4 Proponents should review the *OurWinnipeg* and *Complete Communities* development strategies and indicate how the Subject Property would be utilized or redeveloped for their intended use, in line with the aforementioned development strategies.
- C1.5 The sale of the Subject Property will be subject to the proponent submitting a subdivision application to legally subdivide the smaller parcel, identified as "Subject City Property" on attached MP 14218/9 from the larger City-owned parcel, which will be retained by the City.
- C1.6 In addition, the proponent will need to ensure the widening of the public lane to 6.25 m, as proposed on MP 14218/9, is included as part of their development application.
- C1.7 The Subject Property is located in close proximity to the CN railway lines. Future development of the Subject City Property may require a noise vibration study as part of a Development Application process to ensure the proposed use would not be unduly impacted by adjacent

railway activity. The Development Application may also require additional information regarding rail proximity impacts (and respond to the findings with solutions) to enable full development potential of the site. A noise vibration study and rail proximity impact study are not required to be submitted as part of the response to the RFP.

- C1.8 Determination of supportable uses and intensity including residential density, would be determined through the development application process.
- C1.9 Given current “M1” Manufacturing Light zoning, a rezoning application will be required to enable multi-family residential uses on site.
- C1.10 A review of Zoning By-law 200/2006 indicates the Subject City Property could enable up to 40 dwelling units if the site is rezoned to multi-family medium (RMF-M). Multi-family large (RMF-L) zoning district could enable a maximum of 80 dwelling units. If a zoning change is required, a re-zoning application would need to be submitted.
- C1.11 For information regarding land use, please contact Michael Robinson, Planner at 204-986-3213.
- C1.12 The Subject Property falls within a Waterway regulated area as identified in Waterway By-law 5888/92 and will require a Waterway Permit prior to future development of the site. Further information regarding Riverbank Management and construction within these Regulated Areas of the City can be found at the following link:

<https://www.winnipeg.ca/ppd/CityPlanning/Riverbank/ConstructionRegulationsAlongCityWaterways.stm>

In addition to the Waterway Permit, the following will be required:

- (a) Submission of Lot Grading Plan and Sections
- (b) Submission of an Engineer’s Report – Detailed Geotechnical Study outlining the risk, complexity and uncertainty associated with the project and the riverbank and provide recommendation appropriate to ensure satisfactory performance of the proposed development. The report shall be prepared and submitted under the signature and seal of a qualified professional engineer that is skilled in geotechnical engineering, and legally entitled to practice in the Province of Manitoba.
- (c) The City would consider reasonable requests to undertake riverbank stabilization work on the City’s adjacent land, subject to the Purchaser entering into an appropriate agreement.

For information regarding Riverbank Management, please contact Kendall Thiessen, Riverbank Management Engineer at 204-986-5159.

## **C2. ZONING**

- C2.1 The Subject City Property is currently zoned “M1-Manufacturing Light”.
- C2.2 The Proponent will be required, at its sole cost, to apply for and receive Council approval for a rezoning in the event that its proposed development for the Subject City Property is not a defined use within the M1 zoning category.
- C2.3 The Proponent is advised that zoning variances may be required depending on the Proponent’s intended use of the Subject City Property.
- C2.4 Any interested party should contact the Zoning and Permits Branch at 204-986-5140 to ensure that their intended development falls within the current zoning category. Any re-zoning, conditional use or variance will be at the Proponent’s sole cost and expense. The Property is being sold on an “as is, where is” basis.

### **C3. SERVICES**

C3.1 The information supplied below is to be considered as a guideline. It is the responsibility of the Proponent to satisfy itself that sufficient services are available to utilize the Subject City Property for their intended use.

#### **C3.2 Watermain & Wastewater Sewer**

- (a) The Water and Waste Department advises that there are no existing lot line connections servicing the land. If new construction occurs and there is a need for water & sewer servicing, new sewer/water service pipes would need to be installed. Once the specific type of development is known, it can be determined what the specific requirements will be as they relate to servicing.
- (b) The Proponent is responsible, at its sole cost, to satisfy itself of the potential servicing requirements for its intended development. Implementation of servicing requirements will be identified through a Development Application.
- (c) The Proponent will have to submit a lot grading plan to the Water and Waste Department for approval if they plan to change the grading of the property in any way.
- (d) The Water and Waste Department advises that the water main, located on Mulvey Avenue East, is a 150mm diameter pipe which also dead ends in front of the Subject Property. Depending on the nature of any future development, there may not be adequate flow in that water main for fire protection. If there is not adequate flow for fire protection, the developer would then be required to pay for any water main upsizing that may be required. Also, the fire hydrant, located at the dead end, does not provide the required radius of protection to cover the entirety of the Subject Property. (Appendix "D")
- (e) The Land Drainage and Flood Protection Branch advises that this property is located on the wet side of the Primary Dike; therefore, Flood Fringe requirements are mandatory for this site. Any new development in the Floodway Fringe area is governed by Manitoba Regulation 266/91 and the City of Winnipeg Charter. Properties outside the Primary Line of Defence (PLD) must be developed at or above the Flood Protection Level (FPL), and must conform to regulation 266/91. Please see the Flood Protection Level Map identified in Appendix "C".
- (f) For detailed information on specific servicing requirements contact: Mr. Marek Gajda, Water and Waste Department at 204-986-7626.

#### **C3.3 Electrical and Gas**

- (a) Manitoba Hydro will require an easement as indicated on MP 14218/9
- (b) For additional detailed information on specific servicing requirements contact Manitoba Hydro.



## **PART D - INSTRUCTIONS TO PROPONENTS, GENERAL CONDITIONS, AND EVALUATION OF PROPOSALS**

### **MATERIAL INFORMATION TO BE SUPPLIED BY PROPONENTS**

#### **D1. PROPOSAL SUBMISSION INFORMATION**

D1.1 The following shall be required:

- (a) Form A: Proposal;
- (b) The name of the organization and names of all Principals associated with the proposal;
- (c) A list and description of successful projects carried out by the Proponent, if any;
- (d) Description of key staff/team member roles to be involved in the Proponent's project, their associated professional qualifications, and prior related experience;
- (e) Contact (s) concerning previous projects;
- (f) Financial information about the Proponent;
- (g) Any other information which the Proponent considers pertinent to its proposal; and

D1.2 Details of the Proposed Purchase of the Property shall include:

- (a) The offering price (sale), financial terms, conditions, if any, related to the development of the Subject City Property, a detailed plan outlining the proposed development and / or business operation, an outline of the development timing, and any other relevant terms or assumptions.

#### **D2. GENERAL CONDITIONS OF RFP**

##### **Proposal Documents**

D2.1 Proposals shall be submitted electronically through MERX at [www.merx.com](http://www.merx.com).

D2.1.1 Proposals will **only** be accepted electronically through MERX.

D2.1.2 Any cost or expense incurred by the Proponent that is associated with the preparation of the Proposal shall be borne solely by the Proponent.

##### **Addenda**

D2.2 The City may at any time prior to the submission deadline, issue addenda correcting errors, discrepancies or omissions in the RFP, or clarifying the meaning or intent of any provisions therein.

D2.3 The Contact Person 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.

D2.4 Addenda will be available on the MERX website at [www.merx.com](http://www.merx.com).

D2.4.1 The Proponent is responsible for ensuring that he/she has received all addenda and is advised to check the MERX website for addenda regularly and shortly before the Submission Deadline, as may be amended by addendum.

D2.4.2 The Proponent shall acknowledge receipt of each addendum in Paragraph 10 of Form A: Bid/Proposal. Failure to acknowledge receipt of an addendum may render a Proposal non-responsive.

D2.4.3 Notwithstanding B3, enquiries related to an Addendum may be directed to the Contract Administrator indicated in D5.

#### **D2.5 Proposals on all or part of the Lands**

- (a) The City will only consider proposals which intend to purchase the Subject City Property referred to herein.

### **D3. EVALUATION OF PROPOSALS**

#### **D3.1 Right to Reject**

- D3.1.1 The City reserves the right to reject all or any Proposal(s).

#### **D3.2 Caveat Emptor**

- D3.2.1 The City makes no representations or warranty with respect to the quality, condition or sufficiency of the Subject City Property.
- D3.2.2 The City has not conducted a legal survey of the Subject City Property to determine the nature and extent of any structure thereon or to determine if there are any encroachments from adjoining lands.
- D3.2.3 The Subject City Property will be sold or leased on an “as is, where is” basis, subject to the conditions as outlined within this RFP. It is the responsibility of the Proponent to conduct its own due diligence in this regard.

#### **D3.3 Evaluation**

- D3.3.1 The City shall evaluate each proposal on its own merit and price alone may not be the sole determining factor that the City considers in the evaluation of each and every proposal.
- D3.3.2 Purchase price, anticipated municipal tax revenue, overall development layout, building design and quality, and proposed use of the land will all be critical factors within the evaluation.
- D3.3.3 Evaluation of Proposal shall be based on the following criteria:
- (a) Total offering price, financial terms, and potential tax revenue generated by the proposed development (30%);
  - (b) Detailed plan outlining the proposed development, including timeframe to complete (30%);
  - (c) Experience and/or history of successful projects and endeavors carried out by the Proponent (20%);
  - (d) Proposed Development alignment with Our Winnipeg Plan By-Law No. 67/2010 (20%);
- D3.3.4 Details of OurWinnipeg Plan By-law can be found at:

<https://www.winnipeg.ca/interhom/CityHall/OurWinnipeg/pdf/OurWinnipeg.pdf>

#### **D3.4 Phase I – RFP Evaluation**

- D3.4.1 The Proponents are advised to present their best offer, not a starting point for negotiations in their Proposal. The City will only negotiate with the Proponents submitting, in the City’s opinion, the most advantageous and thorough proposal.
- D3.4.2 The Planning, Property and Development Department (herein called the Department) will review all Proposals on the basis of financial, operational and strategic merit to the City.
- D3.4.3 If, after this Phase I review, the Department deems the Proposals to be unacceptable, the Proponents will be notified and no further discussions will be held.
- D3.4.4 Upon completion of the Phase I review, the Department will short list those Proposals that are worthy of additional discussions and proceed to the Phase II of the evaluation process.

#### **D3.5 Phase II – Detailed Proposal Solicitation and Evaluation**

- D3.5.1 The Department will notify all Proponents of their status within the short listing process, and will invite the short listed Proponents to submit additional or clarifying details, regarding their Proposal(s).

### **D3.6 Phase III – Negotiations**

- D3.6.1 The Department will enter into detailed negotiations with one or more short listed Proponents which it believes have the most merit. The recommended proposal(s) will be finalized for submission to and consideration by the Standing Policy Committee on Property and Development and/or the Council of the City of Winnipeg.
- D3.6.2 The Proponent with the successful proposal will be required to enter into a purchase and sale agreement or other agreement(s) with the City outlining the terms and conditions of their proposal and any other terms and conditions deemed necessary by the Council or the City Solicitor/Director of Legal Services to protect the interests of the City.

### **D3.7 No Contract**

- D3.7.1 The RFP is an inquiry only. By responding to this RFP and participating in the process as outlined in this document, Proponents expressly understand and agree that no contract of any sort is implied or formed under, or arises from this RFP and that no legal obligations between parties has, or will be, pre-determined.
- D3.7.2 The City will have no obligation to enter into negotiations or a contract with any Proponent as a result of this RFP.

### **D3.8 Confidentiality**

- D3.8.1 Information provided to a Proponent by the City, or by a Proponent to the City, or acquired by any party by way of further enquiries or through investigation, is strictly confidential. Such information shall not be used or disclosed in any way without the prior written authorization of the City, or of the Proponent.
- D3.8.2 The Proponent shall not make any statement of fact or opinion regarding any aspect of the RFP to the media or any member of the public without the prior written authorization of the Director of the Planning, Property and Development Department.
- D3.8.3 Disclosure of a successful Proposal by a Proponent is the sole responsibility of the Council of the City of Winnipeg, or its Designated Authority. The City may be obligated to disclose the final purchase price after closing date of the sale of the Subject City Property.

## **D4. OPENING OF PROPOSALS AND RELEASE OF INFORMATION**

- D4.1 Proposals will not be opened publicly.
- D4.2 After award of Contract, the names of the Proponents and the Contract amount of the successful Proponent and their address(es) will be available on the MERX website at [www.merx.com](http://www.merx.com).
- D4.3 The Proponent is advised any information contained in any Proposal Submission may be released if required by The Freedom of Information and Protection of Privacy Act (Manitoba), by other authorities having jurisdiction, or by law or by City policy or procedures (which may include access by members of City Council).
- D4.4 To the extent permitted, the City shall treat as confidential information, those aspects of a Proposal Submission identified by the Proponent as such in accordance with and by reference to Part 2, Section 17 or Section 18 or Section 26 of The Freedom of Information and Protection of Privacy Act (Manitoba), as amended.
- D4.5 Following the award of the Contract, a Proponent will be provided with information related to the evaluation of his/her submission upon written request to the Contact Person.

**D5. CONTACT PERSON**

Leah Furedi, B.Ed., CRPA, FRI(E) Senior Negotiator

Phone (204) 986-4127

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

## **PART E - APPENDICES**

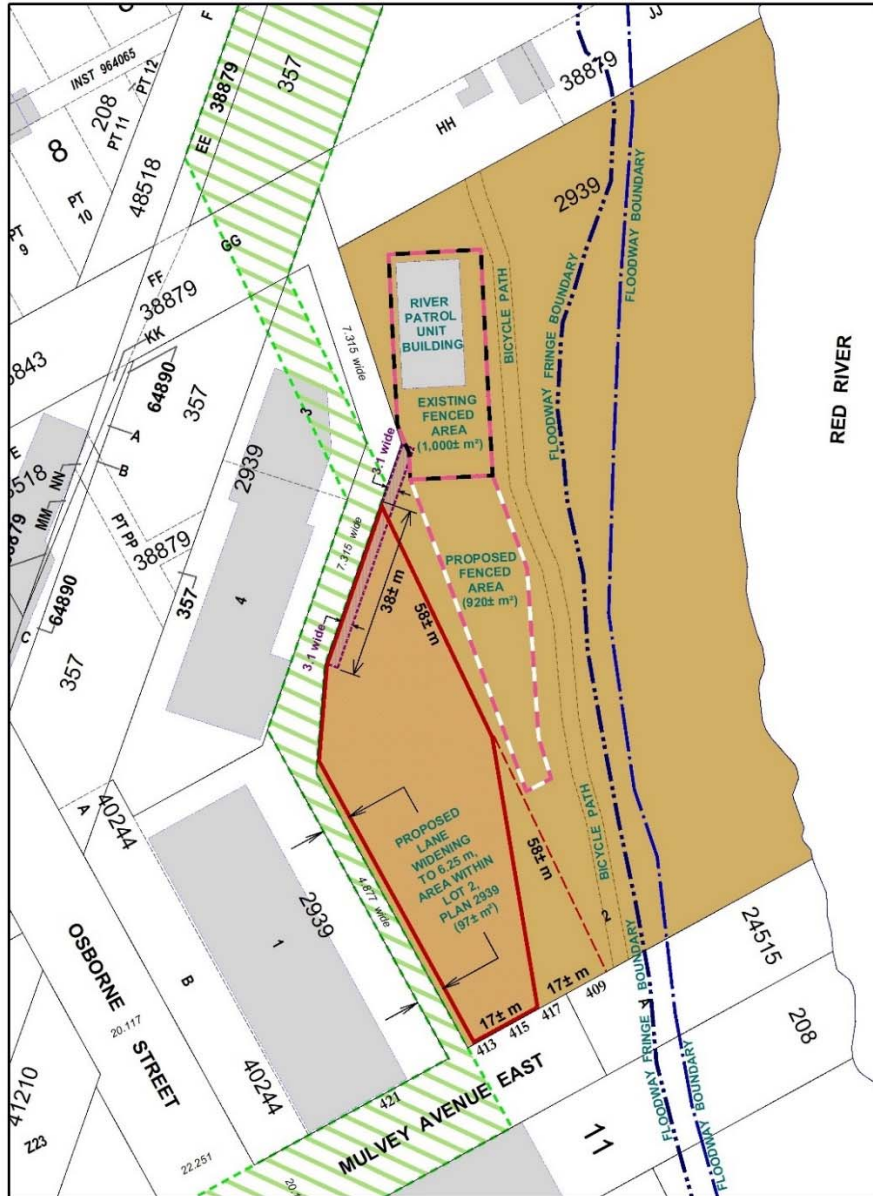
### **GENERAL**

#### **E1. LIST OF APPENDICES**

E1.1 The following Appendices are provided for the convenience of the Proponent only:

- |                |  |
|----------------|--|
| (a) Appendix A | Misc. Plan No. 14218/9                                 |
| (b) Appendix B | Map - Zoning   |
| (c) Appendix C | Flood Protection Level Map                             |
| (d) Appendix D | Map – Water Main / Sewer Main and Abandoned Water Main |
| (e) Appendix E | Phases of RFP  |

APPENDIX A  
MISC. PLAN NO. 14218/9 – “SUBJECT CITY PROPERTY”



	<b>SUBJECT CITY PROPERTY</b> - Area: 2,996± m <sup>2</sup> (32,250± ft <sup>2</sup> )
	<b>CITY OWNED PROPERTY (PARKS) - LOT 2, PLAN 2939</b> Area: 16,700± m <sup>2</sup> (180,000± ft <sup>2</sup> )
	<b>MB HYDRO EASEMENT AREA</b>
	<b>PRIMARY DIKE REVISION JANUARY 2014</b>
	<b>APPROXIMATE LOCATION OF BUILDING OUTLINES</b>

Date: 2020-OCT-20    District: CC  
File: 5472/A (V3)    Scale: 1:1000  
Requested by: LF    Drawn by: IP  
Reference Dwg No.:  
Misc. Plan No. 14218/8  
PLD-427 DWG  
Primary Line of Defence Series 400  
Water & Waste Department

NOTE: Information displayed hereon has been compiled or computed from a variety of sources and should be used as a general guide only. No warranty is expressed or implied regarding the accuracy of such information.

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**METRIC**

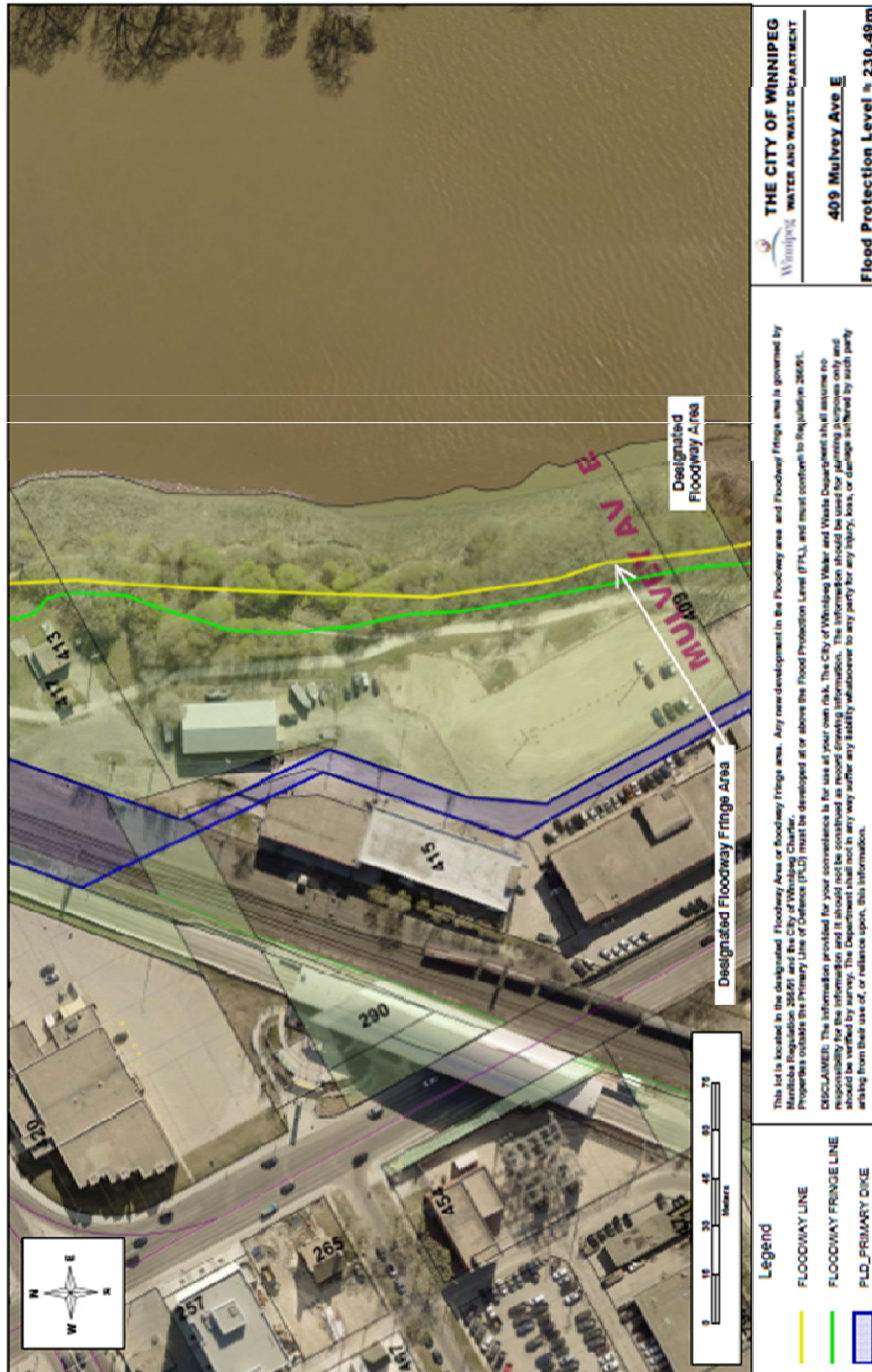
**CITY OF WINNIPEG  
PLANNING, PROPERTY AND DEVELOPMENT  
DEPARTMENT  
LAND INFORMATION SERVICES**

**MISC. PLAN NO. 14218/9**

### APPENDIX B MAP - ZONING



### APPENDIX C FLOOD PROTECTION LEVEL MAP





APPENDIX D  
WATER MAIN / SEWER MAIN / ABANDONED WATER MAIN



## APPENDIX E RFP PHASES

The following schedule identifies the anticipated scheduling of activities concerning the RFP:

- a) December to February – Phase I
- b) March to April 2021 – Phase II
- c) May to June 2021 – Phase III
- d) June 2021 – Public Service to report on recommendation of successful Proponent to Standing Policy Committee on Property and Development, Heritage and Downtown Development and/or Council for approval.

The City reserves the right to amend the forgoing schedule at any time without notice.