

RFP SCHEDULE 2 – APPENDIX E

ANTICIPATED SOCIAL PROCUREMENT DETAILS

SECTION A INTRODUCTION

A.1 City Council Motion

A.1.1 The North End Water Pollution Control Centre (NEWPCC) Upgrade: Biosolids Facilities project was the subject of a February 2, 2022 City of Winnipeg Council motion that directed the inclusion of social procurement. The Council motion is as follows:

- (a) That any future tenders for subsequent phases of the North End Water Pollution Control Centre Project require bidders to include the following information and undertakings in their submissions, which will be evaluated as part of that Bid Opportunity:
 - (i) estimated numbers of and classifications of skilled tradespersons to be employed;
 - (ii) specific information on its intended partnerships or self-directed plans to secure a skilled project labour workforce;
 - (iii) specific commitments to engage skilled labour including targets for employment of Indigenous peoples and other under-represented groups within the Manitoba market; and
 - (iv) proposed plans and partnerships with organizations to promote employment and training initiatives for Indigenous and other under-represented groups within the Manitoba market.

A.2 Purpose of this Document

A.2.1 The purpose of this document is to outline the working definitions and concepts the City is contemplating for inclusion in the Design Build Agreement. Sources for the working definitions are given to justify the working concepts being expressed in this document.

A.2.2 The information provided in this document is not finalized, binding nor contractual and should only be used as a guide and is subject to change. The finalized contractual definitions and terms will be those that are included in the executed Design Build Agreement.

SECTION B DEFINITIONS

B.1.1 "Best Efforts" means that Design Builder has made a commercially reasonable effort, to the satisfaction of the City, to achieve the Minimum Thresholds, and is able to clearly demonstrate reasons as to why the Minimum Thresholds were unachievable if not met, but does not obligate the Design Builder to:

- (a) pay employees, subcontractors or partner organizations more than the prevailing market rate; and

- (b) impede or delay the project solely to achieve the Minimum Thresholds, provided the Design Builder is using all reasonable effort to work collaboratively with the City to avoid any impediment or delay;
- B.1.2 "**Indigenous peoples**" means anyone who is First Nations, Metis and Inuit Peoples;
- B.1.3 "**Manitoba Market**" is the labour pool of residents of Manitoba, which are defined as a person who makes their home or is ordinarily present in Manitoba (has a Manitoba Medical Card or is registered to vote in Manitoba), but does not include a student who is a resident of another province or country and studying in Manitoba, a transient, or a visitor in Manitoba. (*Source: Province of Manitoba*);
- B.1.4 "**Minimum Thresholds**" means, with respect to specific commitments to engage skilled labour including targets for employment of Indigenous peoples and other Under-Represented groups within the Manitoba Market, a contractual minimum threshold set in the Design Build Agreement of project employment hours which includes subcontractors;
- B.1.5 "**Newcomers**" refers to people arriving from countries outside Canada, such as recent immigrants (less than five years in Canada), refugees, refugee claimants or asylum seekers, and temporary residents. (*Source: Our Winnipeg 2045*);
- B.1.6 "**People facing poverty**" refers to people that do not have enough income to buy a set of goods and services considered to represent a modest, basic standard of living (*Source: Market Basket Measure, Stats Canada*);
- B.1.7 "**Persons with disabilities**" refer to individuals who have a long-term or recurring physical, mental, psychiatric, sensory, or learning impairment which may limit certain kinds of activity or could be perceived as a limitation. These include visible and non-visible disabilities. (*Source: City of Winnipeg*);
- B.1.8 "**Racialized peoples**" refers to a group of people who have identifiable characteristics that differ from those of the majority or dominant population. (*Source: Immigration, Refugees and Citizenship Canada*);
- B.1.9 "**Self-Identification**" refers to the voluntary act of identifying oneself as a particular kind of person or asserting to recognition as a member of a group, without necessity of having legal status or registration;
- B.1.10 "**Skilled labour**" refers to workers certified for an occupation by a regulatory authority, which includes being classified under the ten (10) Heavy Construction job classifications (*Source: Province of Manitoba*) or classified under any of the following industrial, commercial, and institutional categories: Journeyperson, Skilled Tradesperson, Trainee, and Construction Worker (*Source: Province of Manitoba*) as outlined in the Province of Manitoba's Construction Industry Wages Act and The Employment Standards Code (*Source: Province of Manitoba*);
- B.1.11 "**Under-Represented Groups**" refers to Racialized Peoples, Newcomers; Persons with Disabilities; Women; People Facing Poverty; Veterans, and 2SLGBTQQIA+ Peoples. (*Source: Sustainable Procurement Action Plan, City of Winnipeg*);

B.1.12 "**Veterans**" refers to any former member of the Canadian Armed Forces who successfully underwent basic training and is honorably discharged. (*Source: Veteran Affairs Canada*);

B.1.13 "**Women**" refers to all people who identify as women, whether they are cisgender or transgender women. (*Source: Department of Justice, Government of Canada*); and

B.1.14 "**2SLGBTQIA+ peoples**" refers to Two-Spirit, Lesbian, Gay, Bisexual, Transgender, Queer, Questioning, Intersex, Asexual, Plus peoples. (*Source: Government of Canada*)

SECTION C ANTICIPATED SOCIAL PROCUREMENT REQUIREMENTS

C.1.1 The RFP will have social procurement requirements that will require a minimum passing threshold. The social procurement score will also count to the overall scoring of the RFP Submission.

C.1.2 The Design Build Agreement is anticipated to include requirements to meet Minimum Thresholds and to include social procurement reporting, which will be subject to accountability measure that will recognize Best Efforts to meet same.

C.2 Anticipated Step 2 Submission Requirements

C.2.1 Plans and partnerships to secure Skilled Labour for the Project.

C.2.2 Proposed plans and partnerships with organizations to promote employment and training initiatives for Indigenous and other Under-Represented Groups within the Manitoba Market.

C.2.3 Estimated numbers of and classifications of Skilled Labour to be employed.

C.2.4 Minimum Thresholds for employment hours for employment of Indigenous peoples and other Under-Represented Groups within the Manitoba market.

C.3 Minimum Threshold

C.3.1 A Minimum Threshold for the specific target employment hours for Indigenous peoples and other Under-Represented Groups (totalled together) within the Manitoba Market is being set at 5% of skilled labour hours. The specific target employment hours will include subcontractors.

C.4 Self-Identification

C.4.1 All employment hours reported will be based on Self-Identification from employees as Indigenous or members of another Under-Represented Group within the Manitoba Market.

C.5 Best Efforts

C.5.1 The achieved outcomes for employee hours from Indigenous peoples and other Under-Represented Groups from within the Manitoba Market will be assessed and if do not

meet the Minimum Thresholds the Design Builder will need to show that Best Efforts have been made to meet the Minimum Thresholds.

- C.5.2 Best Efforts could include training opportunities made available for target groups; number of new hires employed via a social enterprise or workforce development organization that works with target groups; efforts taken to engage with apprenticeship programs and institutions; events attended and hosted to engage with training, employment services organizations; labour unions and workforce development organizations; information on employee progression over the life span of a project; engagement with labour unions; and other actions.

C.6 Accountability

- C.6.1 If the Minimum Thresholds are not met and Best Efforts are not shown, the City of Winnipeg will hold the Design Builder accountable for not meeting same.
- C.6.2 The accountability measures may include a financial penalty, loss of financial incentive, and/or council updates on the target status. Additionally, the Design Builder's performance regarding social procurement on this contract may be considered in future procurements with the City of Winnipeg.