

NATIONAL CAPITAL COMMISSION
COMMISSION DE LA CAPITALE NATIONALE

BUILDING LeBreton

*Library Parcel
Request for Qualifications*

Issued: 30 October 2020
RFQ Submission Deadline: 15 January 2021

Canada



Table of Contents

Summary Key Information	1	7.0 Anticipated Procurement Schedule	33
Introduction	2	8.0 Information Session	34
1.0 Project Overview	4	9.0 Commercially Confidential Meetings	35
1.1 Purpose of the RFQ	4	10.0 Enquiries	36
1.2 Eligibility to Participate in the RFQ	4	11.0 Additional Information	38
1.3 Project Description	4	11.1 Evaluation Solely on the Basis of Information Provided	38
1.4 CMHC Involvement	4	11.2 One Submission per Team.....	38
2.0 Background	5	11.3 Exclusivity.....	38
2.1 NCC Mandate	5	11.4 Evaluation of Joint Ventures and Partnership	38
2.2 Site Description	6	11.5 Compensation	39
2.3 Pre-Development Conditions.....	9	11.6 Rejection of Submissions	39
2.4 Available Studies and Reports	11	11.7 Public Engagement.....	39
2.5 Municipal Planning Designation and Zoning By-Law	11	11.8 Disclosure of Information	39
3.0 Project Requirements	12	11.9 Modifications and Clarifications	39
3.1 LeBreton Flats Master Concept Plan.....	12	12.0 Legal and Procurement Matters	40
3.2 Design Excellence.....	14	12.1 Content of the RFQ.....	40
3.3 Affordable Housing.....	14	12.2 Addenda	40
3.4 Sustainability.....	15	12.3 Notification and Debrief.....	41
3.5 Site Access and Connectivity.....	17	12.4 Right to Terminate	41
3.6 Indigenous Considerations	19	12.5 Due Diligence	41
3.7 Culture and Heritage	19	12.6 Prohibited Communication	41
4.0 Procurement Process	20	12.7 Ownership of Proposals	41
4.1 General	20	12.8 Rights of the NCC.....	42
4.2 Stage-1 Request for Qualifications	20	12.10 Access to Information Act.....	42
4.3 Stage 2— Request for Proposals	21	12.11 Conflict of Interest	42
4.4 Negotiation and Execution of the Agreements	22	12.12 Limitation of Liability.....	43
4.5 Key RFP Requirements.....	22	12.13 Applicable Laws	44
4.6 Approvals	23	12.14 No Assignment	44
5.0 Proposal Preparation Instructions	24	12.15 Changes to Proponent's Team	44
5.1 Delivery of Proposal	24	12.16 Open, Transparent and Fair.....	46
5.2 Proposal Submission Deadline	25	12.17 Joint Venture Proposals.....	46
5.3 Amendments to Proposals.....	25	Appendix A Subject Site Legal Description.....	47
5.4 Withdrawal of Proposals	25	Appendix B RFQ Proposal Form	48
6.0 Requirements and Evaluation Criteria	26	Appendix C Conflict of Interest Form	50
6.1 Conduct of Evaluation.....	26	Appendix D Infrastructure and Encumbrances Affecting the Subject Site	51
6.2 Mandatory Requirements	27		
6.3 Rated Requirements:	27		
6.4 Scoring Guide.....	32		

Summary Key Information



RFQ Title

The title of this procurement process is: "Building LeBreton - RFQ Library Parcel". Proponents shall use this title on all correspondence.



Information Session

A non-mandatory information session will be held on November 17, 2020. The information session will take place by webcast. For more information please refer to Section 8.



Enquiries

Enquiries regarding this RFQ shall be directed by email to building-batir.lebreton@ncc-ccn.ca no later than noon, EST on December 18, 2020.



Proposal Submission Deadline

January 15, 2021, noon, EST



Proposal Delivery

The RFQ response, the proposal, shall be submitted by the proponent by epost Connect Service, please refer to Section 5.



Fairness Monitor

A fairness monitor will oversee the entire procurement process to ensure the process is conducted in a fair, open and transparent manner.



Introduction

The National Capital Commission is very pleased to present this Request for Qualifications, which will identify potential proponents to participate in a rare development opportunity: the creation of an entirely new community right at the heart of a major city.

It is no overstatement to say that the redevelopment of LeBreton Flats will transform Canada's Capital. When it is complete, thousands of people will live and work at LeBreton Flats, and even more will visit to enjoy beautiful new public-realm spaces, parkland, amenities, and attractions.

This transformation begins with the property at 665 Albert Street, the “Library Parcel” near the future Ottawa Public Library-Library and Archives Canada joint facility and the Pimisi O-Train light-rail station.

The NCC has studied world-class developments around the world, consulted thousands of Canadians, and engaged the business community, the cultural sector, the Algonquin Nation, and many groups and organizations, to develop its visionary Master Concept Plan for LeBreton Flats.

We asked: What do you want LeBreton Flats to be?

And we were told people wanted it to be a community for everyone, with a range of residential options that includes family homes and affordable housing.

They want it to be connected, accessible, and pedestrian- and cyclist-friendly, based around public transit.

They want it to honour the area’s natural legacy, including inviting, open, green spaces and easy access to the waterfront, as well as its cultural legacy and history, from its role as the traditional land of the Algonquin Nation in the Region, to its history as one of Ottawa’s oldest industrial neighbourhoods.

And they want it to be environmentally sensitive and responsible: sustainable, resilient, and carbon-neutral, on the leading edge of green planning and design.

This shared vision is captured in the LeBreton Flats Master Concept Plan created by the NCC in 2020, and this offering is the first phase of development under this new plan as part of the NCC’s Building LeBreton project.

An exciting series of cultural and commemorative landmarks have already taken root at the Flats, including the Canadian War Museum, the National Holocaust Monument, the world-class Pumphouse/Tailrace whitewater kayaking course, the Fleck Fountain Plaza, the Royal Canadian Navy Monument at Richmond Landing, and the Canadian Firefighters Memorial.

New residential developments are growing up around the Flats, as well as on the islands and across the Ottawa River in Gatineau.

LeBreton Flats Park has become an important site on the Capital’s festival scene, including playing host to our world-famous Bluesfest.

Building on these developments and governed by the Master Concept Plan, our partners will be challenged to set new standards for innovation and ingenuity. In return, they will be part of making history — creating a nationally significant destination in which all Canadians can see a reflection of themselves and our collective aspirations.

We invite you to grasp this remarkable opportunity and join us as we design and build the Capital of the future.

1.0

Project Overview

1.1 Purpose of the RFQ

This Request for Qualifications (RFQ) is issued by the National Capital Commission (NCC) in respect of the project generally described in Section 1.3 below. The purpose of this RFQ is to invite interested parties to submit a proposal indicating their interest in and qualifications for the project. Based on these proposals, the NCC intends to select, in accordance with the terms of this RFQ, a shortlist of up to five (5) proponents to participate in the next stage of the procurement process, namely the Request for Proposals (RFP) stage.

This document outlines the procurement process, response requirements, and evaluation criteria.

1.2 Eligibility to Participate in the RFQ

Any interested parties are welcome to apply to compete in the procurement process.

1.3 Project Description

Through a two-stage procurement process, the NCC intends to divest the fee simple interest of the Subject Site to the successful proponent for a mixed-use development that will achieve excellence in city building, design and sustainability, and that will contribute to the creation of a new vibrant neighbourhood.

The NCC intends on using the proceeds from the divestiture to continue to invest in adjoining Building LeBreton lands.

1.4 CMHC Involvement

The NCC and the Canada Mortgage and Housing Corporation (CMHC) are collaborating on the disposal of the Subject Site, exclusive of the Air Rights, by offering it for acquisition at a discount to no cost through the Federal Lands Initiative (FLI). The FLI program supports the disposition of surplus federal lands to housing providers for the purpose of creating new affordable units that are energy efficient, accessible and socially inclusive.

2.0

Background

2.1 NCC Mandate

In recognition of the Capital's unique role in Canada, the Parliament of Canada passed the National Capital Act in 1959. The Act established the NCC, a Crown corporation whose responsibility is "to prepare plans for and assist in the development, conservation and improvement of the National Capital Region in order that the nature and character of the seat of the Government of Canada may be in accordance with its national significance." This mandate evolved from the NCC's predecessor agencies, established as far back as 1899.

In order for the NCC to achieve its mission, Parliament granted the corporation several key powers, including the acquisition and disposal of lands and the coordination of the development of federal lands in the National Capital Region.

In support of the NCC's ongoing desire to develop LeBreton, the NCC adopted the LeBreton Flats Preliminary Master Concept Plan (MCP) in January 2020, which outlines a cohesive vision for the 29-hectare undeveloped area. This plan will guide the implementation of the development in a strategically phased approach over the coming decades and will ensure an ambitious, integrated and feasible vision to create a dynamic community and vibrant destination.

The issuance of this RFQ for the development of the Library Parcel, the Subject Site, is the NCC's next step in achieving its vision for LeBreton Flats.

For more information on the NCC's mandate, please visit <https://ncc-ccn.gc.ca/about-us>.

2.2 Site Description

2.2.1 SUBJECT SITE AND LOCATION

The properties subject to this call for proposals consists of:

- approximately 0.96 hectares (2.37 acres) of land, with an address municipally known as 665 Albert St.
- approximately 0.12 hectares (0.29 acres) of the air rights reserved by the NCC over the Pimisi station and the small parcel of approximately 0.03 hectares (0.07 acres) located north of the Pimisi Station (together referred to as the “Air Rights”).

All legally described in Appendix A and together referred to as the “Subject Site” located north of Albert Street, east of Booth Street, south of Pimisi station and west of the site of the future Ottawa Public Library - Library and Archives Canada Joint Facility.

2.2.2 CITY CONTEXT

The Subject Site is located on the western edge of downtown Ottawa, approximately 1.5 kilometres from Parliament Hill, amongst some of Ottawa’s fastest growing neighbourhoods, including Hintonburg, Mechanicsville, Dalhousie, West Centretown, Centretown and the Lorne Avenue Heritage Conservation District.

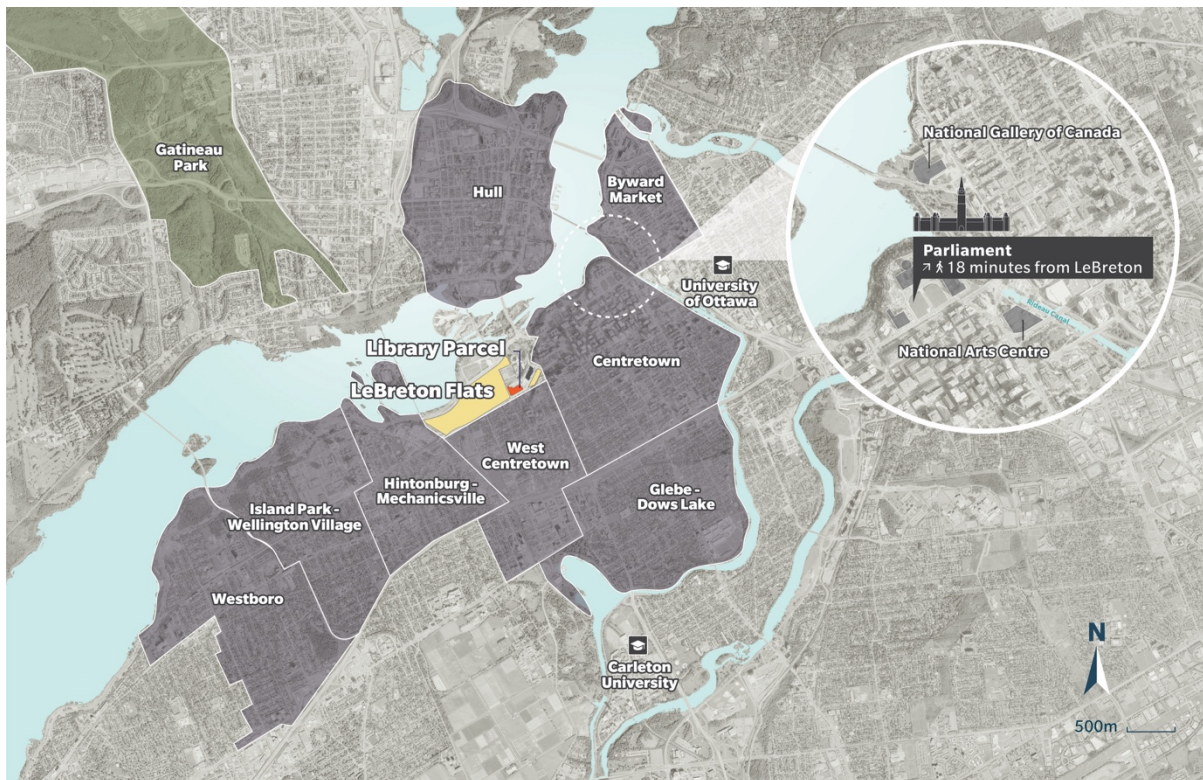


The Subject Site is located within the Albert District of the LeBreton Flats Master Concept Plan area, adjacent to Phases I to III of Claridge's East Flats development and nearby to the Zibi development on Chaudière and Albert islands. The Subject Site is referred to as the Library Parcel due to its immediate proximity to the future Ottawa Public Library and Library and Archives Canada Joint Facility. More information on the Ottawa Public Library and Library and Archives Canada Joint Facility is available here: <https://inspire555.ca/>

Set to open in 2024, the municipal-federal public institution will include the Ottawa Public Library's Central Library and Library and Archives Canada's public services, exhibitions

and events, which showcase Canada's heritage. It will be a modern, iconic facility that will respond to rapidly developing technology, growing customer expectations and changing demographics. The joint programming and services will make this a truly unique offering in Canada, which thereby will provide a significant public benefit and amenity to the Library Parcel.

The Subject Site is well situated in proximity to several points of interest including the Canadian War Museum, the National Holocaust Monument, the Parliament of Canada, the National Gallery of Canada and Place du Portage, all located along the Ottawa River waterfront.



Caption: City context



Caption: Neighborhood context

2.2.3 TRANSIT NETWORK

The Subject Site is well-served by public transit including the O-Train light-rail transit (LRT) corridor and local and interprovincial bus routes.

One of the most significant features of the Subject Site is its immediate proximity to the Pimisi Station that is part of Ottawa's Confederation LRT line. The LRT line runs east-west between Tunney's Pasture, which is approximately 2.4 kilometers west of the Subject Site to Blair station which is 9.6 kilometres east of the Subject Site.

The Trillium O-Train Line runs north-south between Bayview station, which is one stop west of the Subject Site, to Greenboro station, which is approximately 10 kilometers south of the Subject Site.

In the future, the LRT lines are planned to In the future, the O-Train LRT lines are planned to expand an additional 32 kilometers east, approximately 20 kilometers west and an additional 11 kilometres south of the current terminus stations.

2.2.4 CYCLING AND PEDESTRIAN NETWORKS

The Subject Site is surrounded by a variety of cycling and pedestrian infrastructure. There is a multi-use pathway along the north side of Albert Street in front of the Subject Site as well as dedicated cycle lanes along Booth Street, north of Albert Street, which link to the NCC's Capital Pathway network along the Ottawa River waterfront with access into Gatineau, Westboro, and Downtown Ottawa.

2.3 Pre-Development Conditions

2.3.1 CONTAMINATION

The Subject Site is contaminated and will require remediation and/or risk management as determined by the proponent's proposed uses. Notwithstanding the condition of the Subject Site, the property for this development project is offered on an "as-is", "where-is" basis with no compensation from the NCC for remediation.

The Subject Site has metals and polycyclic aromatic hydrocarbons (PAH) impacts in fill to a depth ranging from approximately 1 to 3 meters below ground surface. One area of petroleum hydrocarbon impact was identified in the southern section of the block. Historical

leachate tests have determined that the soil is classified as non-hazardous, however confirmatory testing will be required, at the sole cost of the proponent. The fill is underlain by glacial till. It is possible that contamination may extend into the till in some areas of the site.

Available Environmental Site Assessment reports will be provided to shortlisted proponents at the RFP stage.

2.3.2 SERVICING

The Subject Site has access to municipal servicing infrastructure with capacity to allow development to proceed. A Master Servicing Report will be provided to shortlisted proponents at the RFP stage for more information.



2.3.3 ENCUMBRANCES

There are encumbrances affecting title and future development of the Subject Site, namely municipal works such as the Combined Sewage Storage Tunnel (CSST), the Interceptor Outfall Sewer (IOS), and by virtue of its proximity to the City's light rail transit system. It is understood that these municipal works can be built over, subject to the City of Ottawa's review and approval.

Information on registered and unregistered known encumbrances is offered in Appendix D of this RFQ for general information only. Proponents cannot rely solely on this information and must satisfy themselves as to the existence of any easements or other encumbrances affecting the Subject Site. Redacted versions of the relevant unregistered agreements will be provided to shortlisted proponents at the RFP stage for more information.



2.4 Available Studies and Reports

Multiple studies have been undertaken. Relevant information regarding archeology, servicing, environment and encumbrances will be available to shortlisted proponents at the RFP stage for information purposes only.

2.5 Municipal Planning Designation and Zoning By-Law

The Subject Site is designated Central Area in the City of Ottawa Official Plan and located within the LeBreton Flats character area of the City's Central Area Secondary Plan.

The NCC will soon be seeking amendments to the City's Official Plan to implement the vision of the LeBreton Flats Master Concept Plan (MCP) (<https://ncc-ccn.gc.ca/projects/lebreton-flats-master-concept-plan>) which primarily updates the Secondary Plan, which was based on the 1997 NCC plan for LeBreton Flats. The Library Parcel is part of the MCP area; however, the proposed policy updates are not expected to conflict with existing policies for the Subject Site as there was a site-specific Official Plan amendment approved in 2018 updating 665 Albert to a Mixed-Use designation with a permitted building profile of 25 storeys.

The Subject Site is mainly zoned MD[2509] H(83)-h, which is a Mixed-Use Downtown zone permitting a wide range of residential, commercial, and institutional uses with a maximum building height of 83 metres. Urban Exception 2509 applies to all of the parcels under this zoning and are considered one lot for

zoning purposes. It includes the provisions for maximum floor area, the maximum number of towers, and holding provisions, which cannot be lifted until a Site Plan application is approved.

The Subject Site's zoning should be referenced from the City of Ottawa's Zoning By-law 2008-250 Consolidation web page and the provisions of Urban Exception 2509, including the requirements to lift the holding symbol.

<https://ottawa.ca/en/living-ottawa/laws-licences-and-permits/laws/law-z/planning-development-and-construction/maps-and-zoning/zoning-law-no-2008-250/zoning-law-2008-250-consolidation>

Development within the Pimisi Station Air Rights will require a Zoning By-law amendment.

In the event that any inconsistency exists between the information provided by the NCC and the City of Ottawa information, the interpretation of the City of Ottawa will prevail. Information on site condition and municipal regulation is presented in this RFQ for general information only.

Proponents cannot rely solely on the abbreviated information affecting the Subject Site and must satisfy themselves concerning interpretation of such, including through consultation with the City of Ottawa and any other stakeholders.

For inquiries to the City of Ottawa regarding municipal matters related to the Subject Site, contact Andrew McCreight, Planner III, Development Review Central at Andrew.McCreight@ottawa.ca.

3.0

Project Requirements

3.1 LeBreton Flats Master Concept Plan

On January 23, 2020, the NCC's Board of Directors approved the Preliminary Master Concept Plan (MCP) for LeBreton Flats which lays the framework for a dynamic new community and capital destination to emerge at LeBreton Flats over the coming decades.

<https://ncc-ccn.gc.ca/projects/lebreton-flats-master-concept-plan>.

Based on public feedback and stakeholder engagement, this plan envisions a place that is pedestrian- and cyclist-friendly, surrounded by lively and active parks and plazas, including the dynamic Aqueduct District, the Ottawa riverfront and the large Park District. A future diverse residential community will be supported by retail and employment opportunities, capitalizing on direct access to two light-rail transit stations. A number of additional strategies will be developed over the coming months and added to the Preliminary Master Concept Plan to finalize a complete Master Concept Plan during winter 2020-2021.

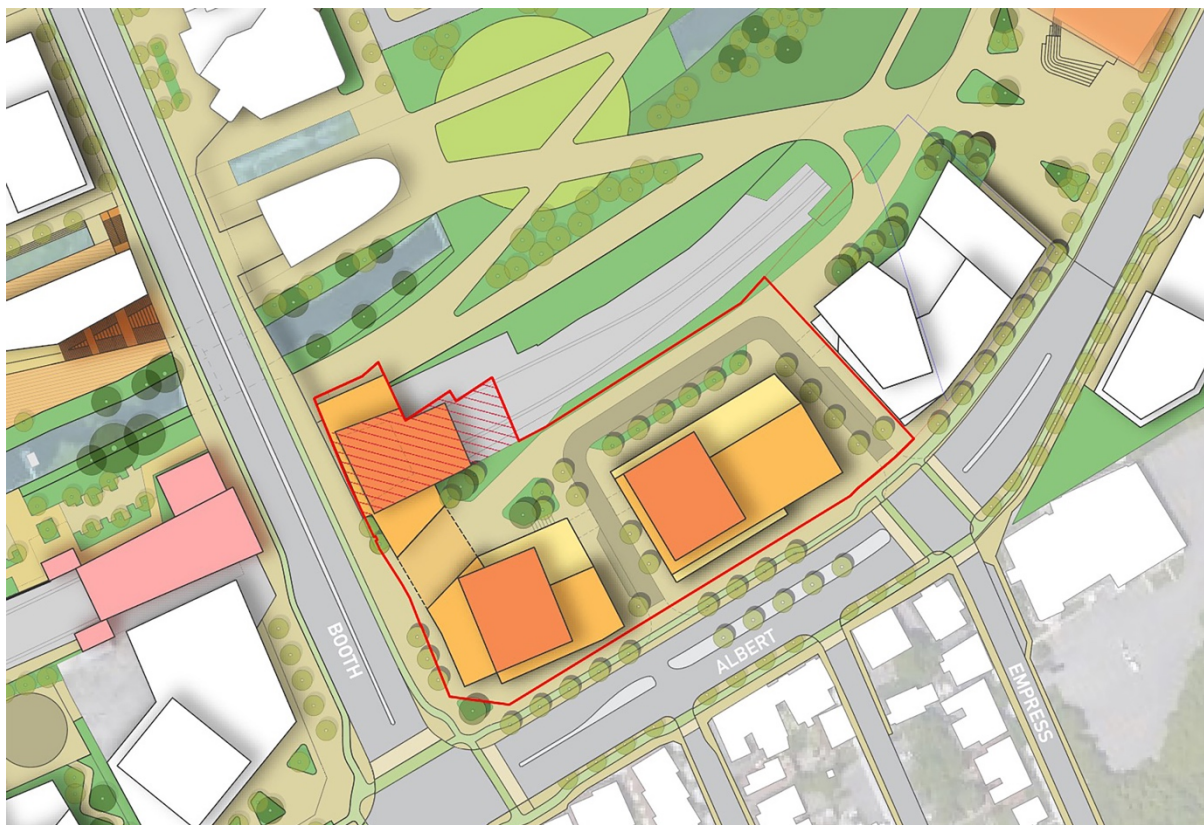
This two-stage procurement process for the redevelopment of the Subject Site is the first phase of the implementation of the NCC's Master Concept Plan. The proponent's RFQ proposal for the Subject Site shall be developed in keeping with the NCC's vision as elaborated in the LeBreton Flats Master Concept Plan.

As the Subject Site is at a prominent location fronting the corner of Albert and Booth streets between Pimisi LRT station and the Ottawa Public Library and Library and Archives Canada Joint Facility, it will act as a natural conduit between the downtown core and LeBreton Flats, signifying the transition from the Capital Experience to the Civic Experience as described under the key experiences to be created by the MCP.

The MCP should be read in its entirety for the vision of the overall plan area, the guiding principles, the strategies on parks and public realm, mobility, and land use, and the urban design guidelines for built form.

The area is planned as a transit-oriented community, with a mobility network designed for filtered permeability that prioritizes through routes for active modes and de-emphasizes the priority of motor vehicles. Buildings throughout LeBreton Flats will be required to provide active frontages along publicly accessible areas to ensure an animated public realm. The built form is intended to emphasize human-scale

development at street level, while allowing for towers set back on top of podiums, placing the greatest density and height closest to the LRT transit stations. The plan also establishes a respectful transition of height towards neighbouring communities, through step backs of built form, height transitions and thoughtful structure and public realm design features.



LEGEND

- TOWER
- MID-RISE
- POTENTIAL BUILT AREA /
(SUBJECT TO CITY OF OTTAWA BUILD OVER APPROVAL)
- PODIUM
- AIR RIGHTS
- SUBJECT SITE

Figure Caption: Demonstration development concept of the Subject Site

3.2 Design Excellence

The proponent shall demonstrate how its proposal (especially the design concept) conforms with the MCP. The MCP is intended to provide a cohesive and consistent design standard across the MCP area to ensure creativity, innovation and high-quality built form and public realm.

3.3 Affordable Housing

Affordable housing is an important outcome to deliver in this early phase of the Building LeBreton project given the historical context and transit-oriented location of the site, the alignment with other federal objectives and the expectations expressed by many stakeholders and the City of Ottawa. In line with the National Housing Strategy objectives and the Master Concept Plan Guiding Principle "Build Community," residential affordability must be delivered in this development phase. Additional information with respect to the National Housing Strategy can be found at: <https://www.cmhc-schl.gc.ca/en/nhs>.

To facilitate the integration of affordable housing into the developmental proposal, the NCC and CMHC are collaborating on the disposal of the Subject Site, exclusive of the Air Rights, by offering it for acquisition at a discount to no cost through the Federal Lands Initiative (FLI).

To be eligible to acquire the site under the FLI, the proponent will be required to deliver a primarily residential development including a minimum of 600 residential units. The proponent shall demonstrate in its RFP proposal that it meets or exceeds the FLI and NCC criteria which will be described within the evaluation criteria to be specified in the RFP. The successful proponent will be selected to acquire the Subject Site upon successfully undergoing the process as described in Sections 4.2 to 4.4 of this document. The discount the proponent will earn will be calculated according to the depth of social outcomes that the proponent will commit to achieve in the RFP proposal.

The affordable housing market value of the Subject Site, exclusive of the Air Rights, is Thirty Million Dollars (\$30,000,000.00) plus HST. CMHC will contribute the FLI program funding which will be calculated according to the outcomes the proponent commits to achieve on the FLI criteria. The proponent's land value discount may increase up to the affordable housing market value depending on the extent to which it is able to exceed the FLI criteria, generally described at <https://www.cmhc-schl.gc.ca/en/nhs/federal-lands>, which will be customized to this project and further described in the RFP document.



3.4 Sustainability

The MCP sustainability strategy will showcase LeBreton Flats as one of Canada's most sustainable communities as it begins to develop and matures into a mixed-use community. On this prominent site, the NCC is committed to demonstrating leadership in advancing sustainability, climate mitigation and resiliency in the Capital.

At completion, LeBreton Flats will be a net zero community, where ultimately no net carbon emissions are produced by the community. The path to the delivery of zero carbon will be through the development of high-performance buildings, clean sources of community energy, and carbon offsets if necessary.

The sustainability strategy will form part of the final MCP and outline the long-term commitments to be measured through lens of the MCP's Guiding Principles, with a focus on four elements: zero-carbon community, ecological integrity, health and well-being, and water and waste. The strategy will rely on the highest standards, best practices, and certification rating systems in the industry to define the performance standards and expectations for development. The sustainability strategy will include a phased approach so that it can remain flexible and adapt to change as new standards in design and construction emerge and new technologies and innovation can be adopted.

As the Library Parcel is the first phase of development in this new community, it will predominantly deliver its carbon neutrality at a building scale, focusing on highly energy efficient buildings that use carbon free renewable energy, carbon offsets, or a combination of both.

The sustainability requirements for the Library Parcel are in two parts: (1) certification to the Canada Green Building Council's (CaGBC) Zero Carbon Building Standard for design and performance; and, (2) application of a suite of best practices from other rating systems, including from Leadership in Energy and Environmental Design (such as LEED for Neighbourhood Development v4, LEED Building Design and Construction (BD+C) v4.1 and LEED for Homes Multifamily Midrise v4.0) to ensure community and site integration and broad green building principles.

CaGBC's Zero Carbon Building program website is found at:
https://www.cagbc.org/CAGBC/Zero_Carbon/CAGBC/Zero_Carbon/zero_carbon.aspx?hkey=2b5d1da1-0a13-4037-8673-d24cec008961

The RFP will provide the specific performance standards and targets to be considered for evaluation. In addition, as part of the proposal's sustainability plan, the RFP will include evaluation of strategies to meet the CaGBC's Zero Carbon Building Standard.

It should be noted that the federal government, through Public Services Procurement Canada (PSPC), is currently modernizing its district energy system which is connected to federal buildings in the core of the National Capital Region and this work will be completed by 2025. There may be heating and cooling supply lines within close proximity of the Subject Site so there may be opportunities for the developer to connect to the Energy Services Acquisition Program (ESAP) to access carbon-neutral cooling and potentially to source carbon-neutral fuel for heating. The information about the ESAP project, please visit <https://www.tpsgc-pwgsc.gc.ca/biens-property/gestion-management/ecologisation-greener/esap-pase-eng.html>.

For more information and questions regarding ESAP, contact Don Grant, ESAP Engagement and Communications Manager, at donald.grant@tpsgc-pwgsc.gc.ca.

An alternative would be developing an on-site district energy system that develops and delivers renewable energy within the Subject Site, such as geothermal, hydrothermal, solar thermal and/or other sources.

For evaluation purposes during the RFP, a clear plan and design components demonstrating how net zero carbon will be achieved on the Subject Site will be expected and evaluated in accordance with the evaluation criteria to be specified in the RFP.

3.5 Site Access and Connectivity

The vehicular access for the Subject Site will be from the new re-aligned Empress Street and Albert Street intersection, which is part of the City of Ottawa's project to re-design Albert and Slater streets in this area. The draft design is available on the City's website and construction is scheduled to start in winter 2022. Further information about the project may be found

here: <https://ottawa.ca/en/city-hall/public-engagement/projects/reconstruction-albert-streetqueen-streetslater-street-empress-avenue-bay-street-and-bronson-avenue-queen-street-laurier-avenue>

The proponent should be aware that shared access will be required for the abutting NCC lands to the east of the Empress and Albert street intersection.

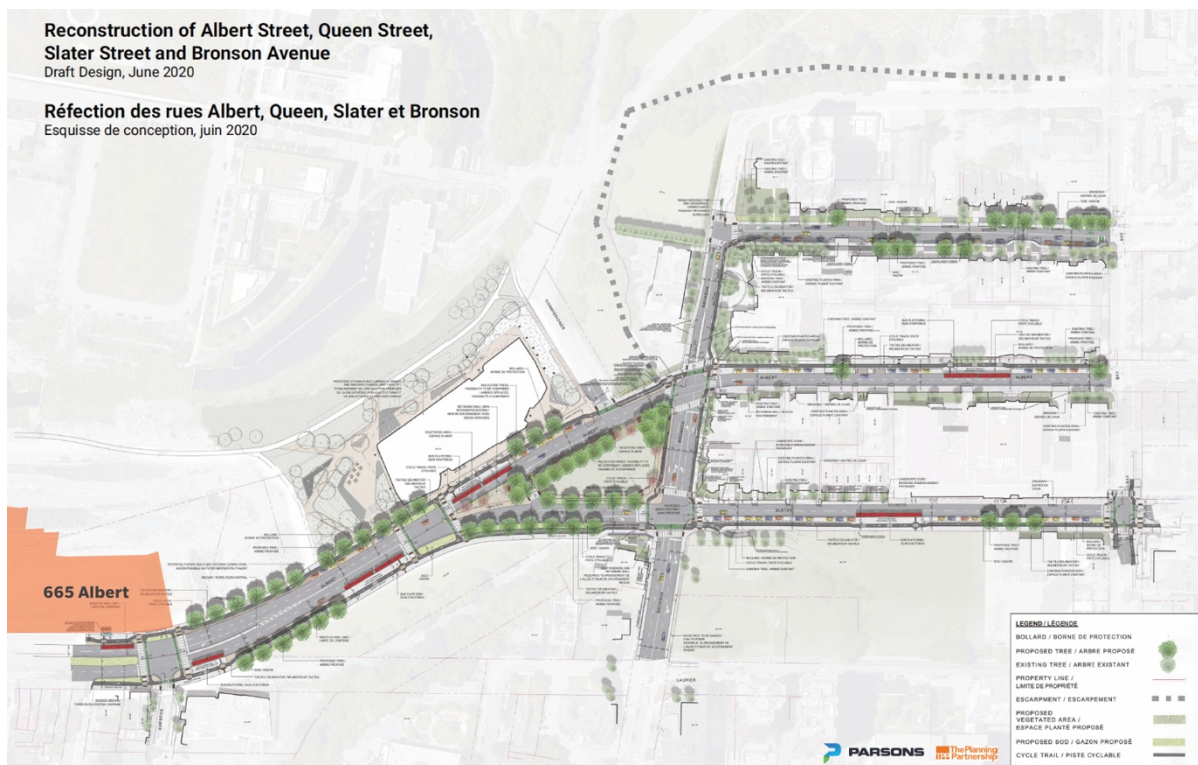


Figure Caption: Draft Design Plan for the reconstruction of Albert Street, Queen Street, Slater Street and Bronson Avenue (City of Ottawa, 2020).

Site connectivity shall be planned in keeping with the Mobility Strategy of the MCP. An east-west pedestrian connection shall be included in the proponent's development concept, linking from Pimisi station through the Subject Site to ultimately connect to the existing multi-use pathway located to the back of the Subject Site to the northeast, which will continue to the Ottawa Public Library and Library and Archives Canada Joint Facility site (555 Albert St.).

A north-south multi-use pathway connection shall also be included in the proponent's development concept to connect pedestrians and cyclists from the new Empress Street and Albert Street intersection to the multi-use pathway network located to the back of the Subject Site.

The proponent's development concept, demonstrating the two proposed connections, will help inform the future connection alignment for the abutting NCC lands to the east of the Subject Site to support overall connectivity to the multi-use pathway network. The NCC is committed to ensuring that the multi-use pathway network is well connected, particularly to Pimisi Station and the future Ottawa Public Library and Library and Archives Canada Joint Facility. Refer to the following figure illustrating connectivity options at the Library Parcel to Pimisi Station and the multi-use pathway network.

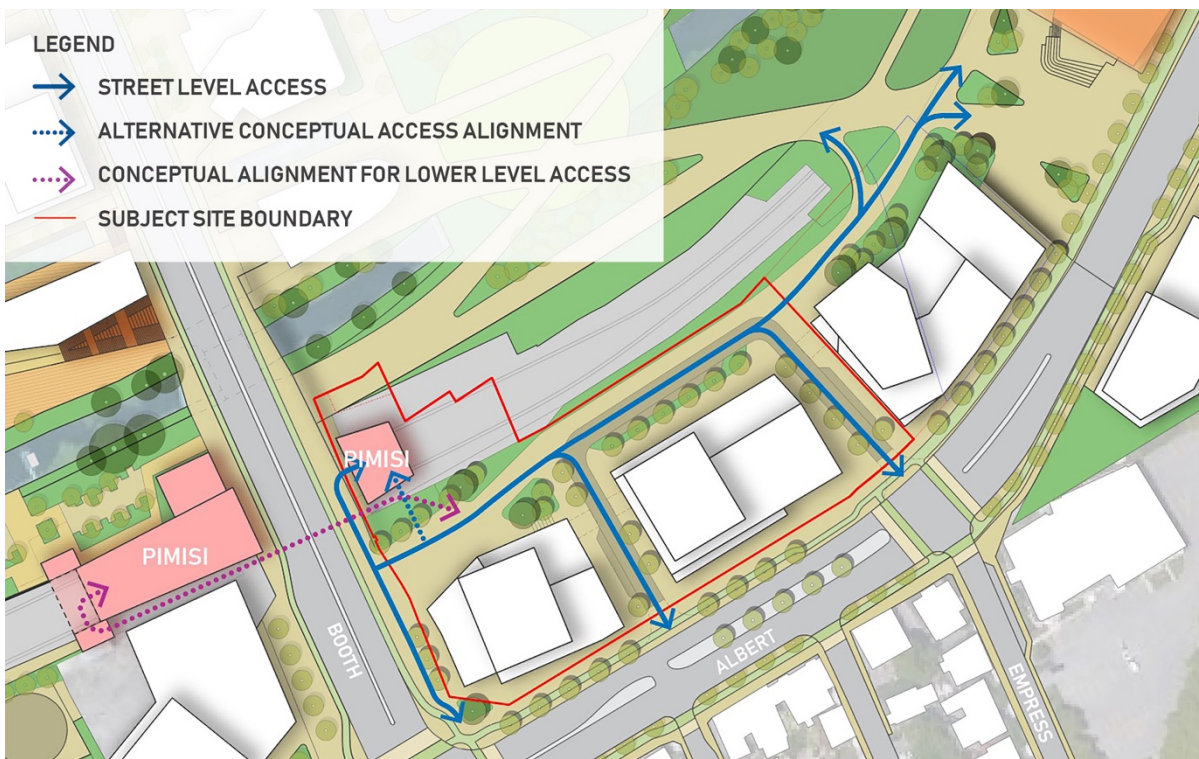


Figure Caption: Conceptual connections at the Library Parcel to Pimisi Station and the multi-use pathway network.

3.6 Indigenous Considerations

Indigenous peoples have a long history in the National Capital Region. This is and must continue to be a defining element of the Capital. The NCC has worked with the Algonquin Nation in a spirit of true friendship and collaboration for many years on a variety of projects.

The NCC continues to seek ways to build strong relations with local Indigenous leaders and peoples, with a focus on ensuring that their interests are truly reflected in the numerous projects and initiatives being undertaken across the region, including the development of LeBreton Flats.

Through both engagement and consultation, the NCC has fostered a positive working relationship and closer collaboration between the NCC and the Algonquin Nation.

While the legal duty to consult that may result from the development of LeBreton Flats is an NCC obligation to satisfy, the NCC will encourage the preferred proponent to actively participate, alongside the NCC, in Indigenous engagement. Engagement with Indigenous groups can result in the development of effective, practical relationships with Indigenous groups that complement undertakings led by the Crown as part of the duty to consult.

The NCC has initiated discussions with the Algonquin Nation about the Building LeBreton project, including the Subject Site, and this dialogue will be ongoing. The NCC will remain the lead for all matters relating to Indigenous consultation and engagement throughout this procurement process.

While the NCC has held and will continue to hold its own discussions with the Algonquin Nation about possible benefits to be derived from the development of LeBreton Flats, it is the NCC's expectation that the preferred proponent, following the RFP stage, will play an active role with respect to Indigenous engagement by offering certain benefits that can reasonably be provided through the project.

These benefits may include, without limitation:

- a) training or apprentice programs with Indigenous people that are linked to the project; and
- b) construction or other employment opportunities that are linked to the project.

However, at this stage in the procurement process, it would be premature for any prospective proponents to initiate discussions with Indigenous groups. Indigenous engagement strategies, initiatives and benefits will not be considered by the NCC as part of this RFQ but will be evaluated at the RFP stage in accordance with the evaluation criteria to be specified in the RFP.

3.7 Culture and Heritage

One of the Master Concept Plan's guiding principles, Honouring the Past, is rooted in not only the deep history of LeBreton Flats, but also a desire to connect this history to the site's future.

At the RFP stage, shortlisted proponents will be asked to integrate heritage and archeological resources and interpretation into their respective development proposals which will be evaluated in accordance with the evaluation criteria to be specified in the RFP.

4.0

Procurement Process

4.1 General

It is the proponent's responsibility to ensure the NCC receives a complete proposal that is legible, clear, concise and understandable. Failure to do so will be to the proponent's disadvantage. Each proposal will be evaluated solely on its content and in accordance with the below process. References in a proposal to additional information not submitted with the proposal, such as website addresses where additional information can be found, will not be considered in the evaluation of the proposal.

The information required from each proponent is described in Sections 5 and 6, together with the criteria by which each proposal will be evaluated. In order to ensure that each proposal is fairly and thoroughly evaluated, each proposal must adequately respond to all listed requirements and be complete in every respect.

The NCC and CMHC expect to select a successful proponent following a two-stage procurement process.

4.2 Stage-1 Request for Qualifications

The first stage is a Request for Qualifications (RFQ), which is intended to shortlist up to five (5) proponents.

4.2.1 MANDATORY REQUIREMENTS REVIEW

Proposals will first be verified to ensure that all prescribed mandatory requirements set out in Section 6.2 of this RFQ are met. The proposals deemed to have met the mandatory requirements will proceed to the rated requirements evaluation. The proposals not meeting the mandatory requirements shall be treated as non-responsive and shall not be considered further.

4.2.2 RATED REQUIREMENTS EVALUATION

Each proposal found to be in compliance with the mandatory requirements will be scored against point-rated criteria. For the point-rated evaluation, the evaluation committee will undertake an evaluation using a “consensus approach” and rate each compliant proposal based on the requirements identified in Section 6.3 of this RFQ. All members of the evaluation committee will be required to enter into a non-disclosure agreement and declare any conflict of interest situations. The NCC reserves the right to engage other external or internal specialists to assist with the evaluation process. Specialists would be non-voting and required to enter into a non-disclosure agreement and declare any conflict of interest situations.

Results of the evaluation committee’s review will be presented to the NCC’s Board of Directors for ratification of the shortlisted proponents, being the highest ranked (up to five proponents), retained to participate in Stage 2 of the procurement process. Following a presentation to the Board of Directors, the NCC will make a public announcement of the shortlisted proponents.

Only shortlisted proponents will be invited to participate in the second stage of the process, the RFP.

4.3 Stage 2— Request for Proposals

4.3.1 RFP PROCESS

The information provided in this Section does not represent a commitment by the NCC and is provided solely for information purposes. It may be modified by the NCC, in its sole discretion, at the RFP stage.

The second stage is a Request for Proposals (RFP) that is intended to select a preferred proponent for the development of the Subject Site. It will consist of:

- a) Allowing the shortlisted proponents, a period of time to perform, at their cost, due diligence studies and analyses of the Subject Site, to estimate costs of development. The NCC will make available to the proponents for consultation, on a without-prejudice basis, the studies that it has in its possession and will provide access to the Subject Site.
- b) Submission by the shortlisted proponents of a technical proposal consisting of design plans for the development of the Subject Site in keeping with the specific requirements provided in the RFP document.
- c) Submission by the shortlisted proponents of a financial proposal.

The RFP proposals will be evaluated by the evaluation committee, that will include representatives from both the NCC and CMHC in accordance with the evaluation criteria to be specified in the RFP document.

Pursuant to the completion of the evaluation of proposals in the second stage of procurement (the RFP), the NCC will identify the highest ranked proponent as the preferred proponent.

4.4 Negotiation and Execution of the Agreements

Once a preferred proponent is identified, the next step in the process will be the negotiation of the business terms and conditions that will form part of the agreements (the “Agreements”) required to proceed with the redevelopment, including:

- a) Agreement of Purchase and Sale: the preferred proponent shall be required to enter into an agreement of purchase and sale with the NCC in respect of the Subject Site, the design, construction and delivery of the Subject Site.
- b) Various agreements with CMHC in accordance and further to the FLI program.

The form the Agreements will be disclosed in the second stage of the procurement process.

Provided successful negotiations of the Agreements, the NCC will recommend the preferred proponent to the NCC’s Board of Directors as the successful proponent. It shall be clearly understood that, even after the NCC’s recommendation of a successful proponent, the execution of any agreement/real estate transaction shall be subject to the NCC receiving all necessary governmental approvals referred to in Section 4.6.

4.5 Key RFP Requirements

While the final RFP requirements and terms of the Agreements are currently being defined, the NCC anticipates that some of the key business terms and requirements will include:

- a) The shortlisted proponents will be required to present their design proposal to the NCC Advisory Committee on Planning, Design and Realty (ACPDR). For more information on the NCC’s Advisory Committee on Planning, Design and Realty, please visit <https://ncc-ccn.gc.ca/committees>.
- b) Proponents will be required to provide a proposal security deposit. The amount, the form and the terms will be set out in the RFP.
- c) No physical works will be permitted on the Subject Site until the site is conveyed from the NCC to the successful proponent. However, the parties may explore the possibility of the successful proponent carrying out certain minor physical works prior to such conveyance, subject to the consent of the NCC, which will be predicated upon receiving all of its necessary approvals to permit such activities, and on terms and conditions which mitigate all risk and liability to the NCC in respect of such activities.
- d) The conveyance of fee simple interests shall be subject to restrictive covenants to be registered on title pertaining to design, land use and performance security, the details of which will be set out in the RFP.

- e) Team members of the preferred proponent, core employees, as well as any recurring subcontractors shall submit themselves to a personnel security screening process as required by the *Treasury Board's Policy on Government Security*: <https://www.tbs-sct.gc.ca/pol/doc-eng.aspx?id=16578>.
- f) Form Agreements will be included with the RFP. It is anticipated that proponents will have the opportunity to submit comments, questions and suggested modifications to the form Agreements via commercially confidential meetings and written enquiries. In view of such comments and suggestions, the form Agreements could be revised during the procurement process.

4.6 Approvals

4.6.1 GENERAL

The successful proponent will be required to obtain all necessary municipal, provincial and federal approvals at its sole cost and expense.

4.6.2 GOVERNMENTAL APPROVALS

After completion of successful negotiations, it shall be a condition precedent for the benefit of the NCC that any Agreement to be entered into by the NCC and the disposal of the Subject Site to the successful proponent be subject to the NCC obtaining the necessary internal and governmental approvals from its Board of Directors, the Treasury Board Secretariat and the Governor-in-Council (the “Approvals”). Accordingly, the acceptance and execution of any Agreements by the NCC will not be binding on the NCC until such time as the necessary Approvals are obtained. No employee, officer or agent of the NCC shall be held out as having actual or ostensible authority to bind the NCC to any Agreements.

Upon receipt of approvals under this section, the NCC and CMHC will make a public announcement communicating the details of the successful project.



5.0

Proposal Preparation Instructions

5.1 Delivery of Proposal

Proponents shall submit their proposal, the RFQ response, in either English or French by epost Connect service provided by Canada Post: <https://www.canadapost.ca/cpc/en/home.page>.

a) **Process**

To submit a proposal through the epost Connect service, the proponent must send as early as possible, and in any case no later than January 7, 2021, noon, EST (in order to ensure an answer), an email to building-batir.lebreton@ncc-ccn.ca requesting to open an epost Connect conversation. Requests to open an epost Connect conversation received after January 7, 2021, noon, EST, may not be answered.

b) **Single transmission**

Electronic proposal by epost Connect services shall be in a single transmission. The epost Connect service has the capacity to receive multiple documents, up to 1GB single message posted and a limit of 20GB per conversation.

c) **epost Connect Conversations**

If the proponent sends an email requesting epost Connect service to the specified email address building-batir.lebreton@ncc-ccn.ca, the NCC will then initiate an epost Connect conversation. The epost Connect conversation will create an email notification from Canada Post Corporation prompting the proponent to access and action the message within the epost Connect conversation. The notification will come from the email address building-batir.lebreton@ncc-ccn.ca. The proponent will then be able to transmit its proposal afterward at any time prior to the proposal submission deadline. Important: proposals will not be accepted if emailed directly to the email above.

d) **Message Fields**

The proponent should identify the title of this procurement process “Building LeBreton - RFQ Library Parcel” in the epost Connect message field of all electronic transfers.

e) **Acknowledgement of receipt**

The NCC will send an acknowledgement of the receipt of proponent document(s) via the epost Connect conversation. This acknowledgement will confirm only the receipt of proponent document(s) and will not confirm if the attachments may be opened nor if the content is readable.

f) **Errors in epost Transmissions**

The NCC will not be responsible for any failure attributable to the transmission or receipt of the proposal including, but not limited to, the following:

1. receipt of a garbled, corrupted or incomplete proposal;
2. availability or condition of the epost Connect service;
3. incompatibility between the sending and receiving equipment;
4. delay in transmission or receipt of the proposal;
5. failure of the proponent to properly identify the proposal;
6. illegibility of the proposal;
7. security of proposal data; or
8. inability to create an electronic conversation through the epost Connect service.

A proposal transmitted by epost Connect service constitutes the formal proposal of the proponent and must be submitted in accordance with Section 5.

g) **Technical Difficulties**

If you experience technical difficulties with the epost Connect service, please contact epost Customer Service at 1-866-511-0546 (available 24 hours a day).

5.2 Proposal Submission Deadline

Proposals shall be received no later than 12 NOON local (Ottawa, Ontario) time, on January 15, 2021. Proposals received after this closing time and date will be unresponsive.

5.3 Amendments to Proposals

A proponent may, before the RFQ submission deadline, amend any aspect of its proposal by withdrawing its original response by notifying the NCC in writing to the designated email address outlined in Section 10 and resubmitting the amended replacement proposal following the delivery of proposals steps outlined in Section 5.1 above.

5.4 Withdrawal of Proposals

A proponent may only withdraw its proposal by giving written notice duly signed by the proponent to be sent by email at the address outlined in Section 10.

6.0

Requirements and Evaluation Criteria

6.1 Conduct of Evaluation

In conducting the evaluation of the proposals, the NCC may, but will have no obligation to do the following:

- a) Seek clarification or verification from the proponents regarding any or all information provided by them with respect to the proposal;
- b) Conduct reference checks, to be used to verify and validate the proponent's proposal;
- c) Request specific information with respect to a proponent's legal status; and
- d) Verify and validate any information provided by proponents through independent research, the use of any government resources or by contacting third parties.

Proponents will be given a time limit to comply with a request related to any of the requirements identified in Sections 6.2 and 6.3. Failure to comply with the request within the specified time limit may result in the proposal not being evaluated by the NCC.

If the information provided by the proponent in its proposal cannot be verified and/or validated to the NCC's satisfaction, in its sole discretion, said information will not be evaluated and the proposal may be eliminated from further consideration or alternatively the proposal will receive no credit for the criterion in question, the choice of which will be at the NCC's sole discretion.

6.2 Mandatory Requirements

For a proposal to be considered, the following mandatory requirements must form part of the proponent's proposal:

	REQUIREMENT	DETAIL(S)
6.2.1	Duly signed RFQ Proposal Form	Form found in Appendix B
6.2.2	Duly signed Conflict of Interest Form	Form found in Appendix C
6.2.3	Description of Current Legal Status	Proponent to provide a narrative explaining who the proponent is, its history and its current legal status (corporation, general/limited partnership, sole proprietor, joint venture or other type of business association to carry out the proposed development).
6.2.4	Demonstration of Financial Capacity	Proponent to submit a letter from a reputable financial institution, or a chartered professional accountant, providing assurance to the NCC that the proponent is financially viable and solvent, has successfully completed projects of a similar scale and complexity and that undertaking a project of this scale will not place any undue burden on the proponent. The letter shall include the branch address, the name and title of the letter-author.

Proposals will be evaluated to ensure all mandatory requirements are met. Proposals not fully complying with the mandatory requirements, in the sole opinion of the NCC and CMHC, will be deemed non-responsive and will be given no further consideration.

6.3 Rated Requirements:

In developing its proposal, the proponent shall:

- Obtain any clarification it considers necessary prior to submitting a proposal,
- Demonstrate its understanding of the requirements contained in this RFQ,

- Concisely explain how the proponent will meet these requirements. Failure to be concise could result in the proposals being non-responsive, in the sole opinion of the NCC and CMHC; and,
- Address the points that are subject to the evaluation criteria against which the proposal will be evaluated. Simply repeating the statement contained in this RFQ is insufficient.

Proposals will be evaluated and scored in accordance with the Rated Requirements outlined in Section 6.3.1 and following the Scoring Guide defined in 6.4.

6.3.1 SUMMARY TABLE OF THE RATED REQUIREMENTS

SECTION	RATED REQUIREMENTS	POTENTIAL POINTS	MINIMUM THRESHOLD
6.3.1.1	Team Composition, Structure and Leadership description of the proponent's team including: <ul style="list-style-type: none"> a) Organizational chart/roles and responsibilities b) Narrative describing: <ul style="list-style-type: none"> 1. nature of the business, 2. plan and approach for governing, managing the team and for decision making. 	5 5 10 <hr/> Total 20 points	12
6.3.1.2	Proponent and Team's Professional Experience and Qualifications <ul style="list-style-type: none"> a) Narrative on the proponent's development experience and the proponent's experience in obtaining financing for large-scale mixed-use development. b) Resumés outlining qualifications, expertise, experience. c) 3 project examples substantially completed in the last 10 years and comparable in terms of scale, complexity and technical requirements with focus on demonstrating experience in the following areas: <ul style="list-style-type: none"> 1. remediation of contaminated sites, 2. mixed use development in a complex urban location, 3. construction and operation of affordable housing, 4. sustainability and innovation, and 5. design excellence. 	5 5 10 10 10 10 10 <hr/> Total 60 points	36
6.3.1.3	Project Understanding and Approach <ul style="list-style-type: none"> a) Vision for the development project. b) How the development will meet the guiding principles of the MCP. c) Narrative description expressing reasons why the proponent is interested in this opportunity. Barriers and/or dependencies and the strategies to overcome them. d) High level conceptual site plan illustrations, conceptual three-dimensional massing and land-use illustrations. 	4 4 4 8 <hr/> Total 20 points	12
	Total Points Available	100	60

The rated requirements relate to the following:

6.3.1.1 Team Composition, Structure and Leadership (Total of 20 points)

- a) The proponent shall provide an organizational chart describing the proposed team composed of core members, key members, subcontractors and subconsultants, as applicable. The organizational chart shall illustrate how the team will be organized and the working relationship between each of the team members.
- b) The organizational chart shall be accompanied by a concise description of the proponent's team, including:
 - 1. The nature of the business of each member of the proponent's team;
 - 2. The plan and approach for governing, managing the team and for decision making.

Evaluation Criteria:

The proposal shall be evaluated based on the degree to which the proponent provides a clear and effective team composition, structure and approach.

Elements presented in support of this criterion shall collectively demonstrate:

- a) A clearly articulated organizational structure, including a comprehensive description of the reporting structure and hierarchy of the team members and key personnel that are accountable for the needs of the project;

- b) Clear descriptions of the roles and responsibilities of each team member and key personnel;
- c) An efficient and clear decision-making process; and
- d) A clearly defined contractual and risk allocation between the project team members.

6.3.1.2 Proponent and Team's Professional Experience and Qualifications (Total of 60 points)

- a) The proponent shall provide a narrative on the proponent's development experience and the proponent's experience in financing of large-scale mixed-use development;
- b) A resumé shall be presented for all proposed team members outlining qualifications, expertise and experience. To substantiate the outlined experience and qualifications mentioned above in 6.3.1.2 a) and b), the proponent shall specifically elaborate on its experience in the areas of:
 - 1. Remediation of contaminated sites,
 - 2. Mixed-use development in a complex urban location,
 - 3. Construction and operation of affordable housing,
 - 4. Sustainability and innovation, and
 - 5. Design excellence.

- c) The proponent shall submit three (3) examples of projects substantially completed within the past ten (10) years, comparable to this project in terms of scale, complexity and technical requirements. On the technical requirements, project examples presented shall demonstrate experience of the proponent or proposed team members in the above-mentioned areas. The following information shall be specified for each project:
1. Project name;
 2. Project cost;
 3. Location of the project;
 4. Detailed project description and how the project was built and financed;
 5. Name of core members of the proposed team, and key personnel involved in the project;
 6. Relevance to the project described in this RFQ;
 7. Description of proponent's experience working with complex stakeholders;
 8. Description of the success factors and how this will be applied to the project described in this RFQ;
 9. The original project schedule and the original date of completion, and the actual completion date, with a detailed explanation of any variances (ahead of or behind schedule). If there is no variance, then explain what services or efforts were undertaken to deliver the project on time. In the case of a project not completed, original project schedule, current status and forecasted completion date and explanation of any variances as detailed during the last reporting period;
 10. Reference contact information including business and operating name, contact name, title, location, phone number and e-mail address;
 11. Graphic information package, including photographs, site plans, renderings and images; and
 12. Any further information that will assist in the evaluation of the proposal in line with the evaluation criterion for this experience.

Evaluation Criteria:

- a) Proposals will be evaluated based on the degree to which the response demonstrates the proponent's capability to:
1. Provide value-added, innovative solutions to design and technical challenges
 2. Deliver on project objectives and requirements
 3. Produce sustainable design for energy efficiency

b) The submitted examples of projects will be evaluated based on the degree to which they are collectively comparable to the project described in this RFQ and the following criteria:

1. Development of a comparable project in terms of scale and complexity;
2. Remediation of contaminated sites;
3. Mixed use development in a complex urban site;
4. Construction and operation of affordable housing;
5. Sustainability and innovation; and
6. Design excellence.

6.3.1.3 Project Understanding and Approach (Total of 20 points)

a) The proponent shall:

1. Provide a narrative description that expresses why the proponent is interested in this opportunity, the proponent's understanding of the MCP, site context and sensitivities.
2. Describe its vision for the development project, including the mix of intended uses.

3. Elaborate on how the development will meet the guiding principles of the MCP to create a high-quality mixed-used district and be delivered in a timely manner.

4. Identify barriers and/or dependencies that may arise in the development and delivery of the overall vision and the strategies that would be employed to overcome these.

b) The proponent's vision shall be supported by high-level conceptual site plan illustrations, a conceptual three-dimensional massing and land-use illustrations.

Evaluation Criteria:

a) The proposal will be evaluated based on the degree to which the vision:

1. Demonstrates understanding of the MCP objectives.
2. Identifies potential challenges and explains mitigation strategies and provides value-added, innovative solutions to technical challenges.
3. Aligns with the proponent's qualifications and experience.

6.4 Scoring Guide

SCORE	DESCRIPTION OF RESPONSE	CRITERIA
100 % of the allotted points	Response is excellent	The NCC has determined that the proponent's response to the rated requirement is outstanding. <i>For example, all specified factors of the requirement have been addressed in persuasive detail and exceed the requirements.</i>
80 % of the allotted points	Response is very good	The NCC has determined that the proponent's response to the rated requirement is sound and fully meets the rated criteria. <i>For example, all specified factors of the requirement have been addressed to varying degrees with some addressed minimally.</i>
60 % of the allotted points	Response is satisfactory	The NCC has determined that the proponent's response to the rated requirement is satisfactory. <i>For example, the specified factors of the rated requirement meet the basic requirements but with some weaknesses.</i>
50 % of the allotted points	Response is less than satisfactory	The NCC has determined that the proponent's response to the rated requirement is unsatisfactory. <i>For example, the specified factors of the rated requirement have been addressed nominally.</i>
30 % of the allotted points	Response is inadequate	The NCC has determined that the proponent's response to the rated requirement is inadequate. <i>For example, the response does not address many of the specified factors of the requirement, or the proponent did not provide any substantiating documentation or evidence in support of its response.</i>
0 % of the allotted points	Not responsive, not relevant or not discussed	A requirement has not been responded to.

Proponents scoring 60 points or higher (with a score of at least 60% in each category) will be eligible to be shortlisted. Proponents who fail to score a minimum of 60 points will be eliminated from further consideration.

From those proponents who score 60 points or higher, the NCC will shortlist up to five (5) proponents who will be invited to participate in the second stage of the process, the RFP.

7.0

Anticipated Procurement Schedule

The following information outlines the indicative timelines for the procurement process and does not represent a commitment by the NCC. Rather, it is provided solely for information purposes. Dates are subject to change in the sole discretion of the NCC.

KEY ACTIVITIES	TIMELINES
STAGE 1- REQUEST FOR QUALIFICATIONS	
Information Session	17 November 2020
End of Enquiry Period	18 December 2020
End of period to request epost Connect conversation	7 January 2021
Proposal Submission Deadline	15 January 2021
Proposal Evaluation Completion	January 2021 to March 2021
Board of Directors	April 2021
Public Announcement	April 2021
STAGE 2- REQUEST FOR PROPOSALS	
RFP Release to Shortlisted Proponents	May 2021
Proposal Submission Deadline	November 2021

8.0

Information Session

Proponents are invited to attend a non-mandatory information session to be held on November 17, 2020 at 2 PM, Ottawa time (EST) via webcast. The scope of the requirements outlined in this RFQ will be reviewed during the information session and questions will be answered. Proponents will also have the opportunity to submit questions regarding the RFQ process via the process described in Section 10 below. A representative from CMHC will be present at this information session to answer any questions with respect to FLI.

Attendees may register to the information meeting by sending an email to building-batir.lebreton@ncc-ccn.ca no later than Friday, November 13, 2020. Webcast details will be provided directly to all registered proponents.

Upon registration, the name of the proponent and the names of attendees who will represent the proponent at the information meeting must be provided. The NCC will record attendance and company name details. This information could be shared with all proponents by way of a written addendum to the RFQ.

A video of the webcast will be provided on the NCC's website. Proponents who do not attend the information session are not precluded from submitting a proposal.

9.0

Commercially Confidential Meetings

The NCC will allow Commercially Confidential Meetings (CCM) with the NCC and CMHC at the RFP stage. Proponents may use the time to present their ideas, make confidential inquiries or confirm alignments of their conceptual ideas with the intent of the NCC and CMHC. If a question posed by the proponent is deemed by the NCC and CMHC to be relevant to all proponents, the proponent will be given the option to withdraw the question or to have any response distributed to all proponents through an addendum. Individual discussions at the meeting will be kept confidential and will not be shared with other proponents. The session will neither be evaluated nor scored.



10.0

Enquiries

To ensure the integrity of the procurement process, enquiries and other communications regarding the RFQ must be directed by email to building-batir.lebreton@ncc-ccn.ca in order to be considered by the NCC and CMHC. Proponents shall be strictly prohibited from directly contacting, by phone, email or any other means, any representatives of the NCC, CMHC, NCC Board members, ACPDR members or members of the evaluation committee during the RFQ process. All communications must be through the designated email address provided.

The deadline for submitting questions is 12 NOON EST, local (Ottawa, Ontario) time, December 18, 2020. Questions submitted after this time will not be answered.

Questions submitted by other means of communication will not be answered.

Proponents should reference as accurately as possible the section and, where relevant, the sub-section of the RFQ to which the enquiry relates. Care should be taken by proponents to explain each question in sufficient detail to allow the NCC to provide an accurate answer.

To ensure transparency and quality of information provided to proponents, all questions responded by the NCC, will be made available to all proponents by issuance of an addendum to be posted on the NCC website <https://ncc-ccn.gc.ca/projects/library-parcel-development>. It is the sole responsibility of the proponent to regularly check the website for the posting of any questions and answers and addenda.



Enquiries that are “commercially confidential” shall be clearly marked “commercially confidential” at each relevant item. Items identified “commercially confidential” will be treated as such except where the NCC and CMHC determine either that the enquiry is not of a “commercially confidential” nature; or where the response would have implications beyond the interested proponent that has submitted the enquiry in the NCC’s and CMHC sole discretion.

If it is determined the enquiry is not “commercially confidential” by the NCC and CMHC, then the NCC will inform the proponent, and the proponent will have the option of either terminating the enquiry or having the enquiry posted as an addendum.

If it is determined that the enquiry is “commercially confidential” by the NCC and CMHC, then the NCC shall keep the enquiry and response confidential and shall provide the response solely to the interested proponent which submitted the commercially confidential enquiry.

11.0

Additional Information

11.1 Evaluation Solely on the Basis of Information Provided

Proponents are advised that the evaluation will be solely based on the information provided in the proposal.

11.2 One Submission per Team

Each proponent is permitted to make one (1) proposal only.

11.3 Exclusivity

Development companies shall participate in one (1) proposal. Architects and consultants who are not potential equity participants in the project are not limited to participation in only one (1) team.

11.4 Evaluation of Joint Ventures and Partnership

Joint ventures will be evaluated for their joint experience and capabilities, based on the information provided in the proposal. For the purpose of this RFQ, a “joint venture” is defined as an association of two or more parties who combine their money, property, knowledge, expertise or other resources in a single joint business enterprise, to bid together on a requirement. For clarity, an arrangement whereby the NCC contracts directly with a prime contractor who may retain subcontractors or specialist contractors to perform portions of the work on the project is not a joint venture arrangement.

11.5 Compensation

The NCC shall not reimburse or compensate any proponent for any costs incurred in connection with the preparation of a response to this RFQ. All documents submitted in response to this RFQ shall become the property of the NCC.

11.6 Rejection of Submissions

The NCC reserves the right to reject proposals for any reason, including, without limitation, if:

- a) A proposal is incomplete;
- b) A proposal fails to provide the requested information;
- c) A proponent fails to provide timely clarification of any matters when asked to do so by the NCC; or
- d) A proponent or any member of its team makes prohibited communications per Sections 10 and 11.8.

11.7 Public Engagement

The successful proponent will be expected to engage the public as required through the City of Ottawa's development approval process. The NCC may request additional public engagement, including (but not limited to) presentation of proposal information to the public and key stakeholders, both in-person, subject to Ottawa Public Health Guidelines, and online.

11.8 Disclosure of Information

Proponents shall not issue a news release, public announcement, comments or media releases pertaining to details of the RFQ, its proposal or the selection process, without the prior written approval of the NCC and CMHC. Contravention of this provision may be grounds for disqualification, at the sole discretion of the NCC.

11.9 Modifications and Clarifications

The NCC reserves the right to make modifications and clarifications to this RFQ at any time. Notices will be posted on the NCC website:

<https://ncc-ccn.gc.ca/projects/library-parcel-development>

Proponents will be responsible for ensuring that they obtain all modifications, clarifications or addendums. It is the responsibility of the proponent to monitor the information posted on the NCC's website.

12.0

Legal and Procurement Matters

12.1 Content of the RFQ

This RFQ consists of the following documents:

- a) The body of RFQ document;
- b) Appendix A- Subject Site Legal Description
- c) Appendix B- RFQ Proposal Form
- d) Appendix C- Conflict of Interest Form
- e) Appendix D- Encumbrances

This RFQ document contains all applicable requirements for submitting a proposal. Any other information or documentation provided to or obtained by a proponent from any other source is not relevant unless issued by the NCC in accordance with the terms and conditions of this RFQ.

Each appendix attached to this RFQ is an integral part of this RFQ as if set out at length in the body of this RFQ.

12.2 Addenda

The NCC may, in its absolute discretion, amend or clarify the terms or contents of this RFQ at any time before the RFQ Proposal Submission Deadline by issuing a written addendum and posting it on the NCC website. Only the NCC is authorized to amend or clarify this RFQ by issuing an addendum. No other means of communication are authorized to amend or clarify this RFQ.

Each proponent is responsible for ensuring that it has received all addenda and is advised to check the NCC website regularly.

12.3 Notification and Debrief

Proponents that are not shortlisted will be notified in writing within a reasonable period of time following the end of the evaluation period.

Proponents who are not shortlisted may request a written debriefing via email per the process defined in Section 10 within twenty (20) business days following the receipt of the above-mentioned written notification.

The debrief will include an outline of the reasons why the proponent was not selected as one of the shortlisted proponents. The NCC will not provide any details on the contents and evaluation results of other proposals. The confidentiality of information relating to other proponents will be protected.

Any debriefing provided is not for the purpose of providing an opportunity to challenge the procurement process.

12.4 Right to Terminate

The NCC reserves the right to not accept any of the proposals submitted, to cancel this RFQ process and/or to reissue the RFQ in its original or revised form. The NCC also reserves the right to not proceed with any request for proposals as a result of this RFQ process.

12.5 Due Diligence

The Subject Site is offered on an “as-is,” “where-is” basis. Proponents shall conduct their own due diligence inquiries and investigations with respect to such matters as the Official Plan, municipal Zoning By-Law, site conditions, environmental conditions, municipal approvals, services, fees and levies, and any other aspects of their proposal. The information provided by the NCC in this RFQ and during the proponent’s information session is offered without prejudice for information purposes only.

12.6 Prohibited Communication

Proponents and members of the team are not permitted to make contact with any NCC and CMHC representatives, NCC Board members, ACPDR members or members of the evaluation committee during the RFQ process, other than through the designated email address provided to submit questions.

12.7 Ownership of Proposals

The RFQ proposals will become the sole property of the NCC.

12.8 Rights of the NCC

The NCC reserves the following rights and shall not be liable for any such actions:

- a) To issue addenda to this RFQ
- b) To change or discontinue the process at any time
- c) To extend the proposal deadline
- d) To reject or accept any or all qualification proposals

The RFQ is not an offer to enter into a contract. Neither this RFQ nor a proposal shall create contractual rights or obligations by either party.

12.10 Access to Information Act

Proposals will be held in strict confidence. Notwithstanding, proponents are advised that, as a Crown corporation, the NCC is subject to the provisions of the *Access to Information Act*. Information submitted by third parties may be released only with the agreement of the third party if properly requested, and not exempt from disclosure, under the Act. Information submitted by third parties will only be exempted from disclosure if the records or part of them qualify for an exemption under the *Access to Information Act*.

12.11 Conflict of Interest

12.11.1 GENERAL

According to Section 6.2 as a mandatory requirement, proponents are required to submit a duly signed Conflict of Interest Declaration, found in Appendix C and to disclose any perceived, real or potential conflict of interest.

If a perceived or potential conflict of interest exists, the NCC may, at its sole discretion, withhold consideration of the proposal until the matter can be resolved. Failure to appropriately manage, mitigate or minimize the perceived or potential conflict of interest to the satisfaction of the NCC, shall result in the proposal being treated as non-responsive and shall not be considered further.

Undeclared conflicts of interest shall result in the proposal being declared unresponsive. If there is any doubt as to whether or not an interest is relevant, a declaration of the interest must be made.



12.11.2 UNFAIR ADVANTAGE

In order to protect the integrity of the procurement process, proponents are advised that the NCC may reject a proposal on the following circumstances:

- a) If the proponent, any proponent team member, any of its subcontractors, any of their current or former representatives was involved in any manner in the preparation of the RFQ or in any situation of conflict of interest or appearance of conflict of interest;
- b) If the proponent, any proponent team member, any of its subcontractors, any of their respective employees or former employees had access to information related to the RFQ that was not available to other proponents and that would, in the NCC's opinion, give or appear to give the proponent an unfair advantage.

12.12 Limitation of Liability

In submitting a proposal to this RFQ, the proponent acknowledges and agrees that:

- a) The proponent shall not hold the NCC or any of its officers, employees, assigns, independent contractors, subcontractors, agents or representatives liable for any error or omission in any part of this RFQ. While the NCC has used considerable efforts to ensure that all information contained in this RFQ is accurate, the NCC does not guarantee or warrant that the information contained in this RFQ or any supplemental documents, including any information provided as part of the Subject Site visit, is accurate, comprehensive or exhaustive. Nothing contained in this RFQ is intended to relieve the proponent from forming its own opinions and conclusions with respect to the matters addressed in this RFQ.

- b) The NCC and any of its officers, employees, assigns, independent contractors, subcontractors, agents or representatives shall not be liable to the proponent or any of its officers, employees, assigns, design team members, independent contractors, subcontractors, agents or representatives for any losses (including damage for loss of anticipated profit), expenses, costs, claims, damages, including incidental, indirect, special or consequential damages, or liabilities arising out of or by reason of or attributable to this RFQ or arising out of submitting a proposal or requesting clarification, the communication of any information contained in a proposal to any party, including the public, or due to the NCC's consideration of one or more of the proposals received, or as a result of the termination of this RFQ.
- c) If the NCC or any of its officers, employees, assigns, independent contractors, subcontractors, agents or representatives is made party to any litigation arising out of or by reason attributable to this RFQ, the NCC may, at its option, and at the expense of the proponent, participate in or assume carriage of any litigation or settlement discussions relating to the foregoing, or any other matter for which the proponent is required to indemnify the NCC and any of its officers, employees, assigns, independent contractors, subcontractors, agents or representatives.

Alternatively, the NCC may require the proponent to assume or maintain carriage of a responsibility for all or any part of such litigation or discussion, at the proponent's expense.

The provisions in a), b) and c) shall survive the termination of this RFQ process and the execution of an agreement.

12.13 Applicable Laws

This RFQ will be governed by the laws applicable in the Province of Ontario, including applicable federal laws.

12.14 No Assignment

A proponent cannot assign its rights in its proposal. If any assignment is made the proposal will be rejected.

12.15 Changes to Proponent's Team

During the period between the Proposal Submission Deadline and issuance of the RFP, where a proponent wishes to add or remove any team member from those identified in the proponent's RFQ proposal, the proponent shall submit a written application to the NCC, through the designated email address set in Section 10, for approval, including supporting information that may assist the NCC in evaluating the change.

The NCC, at its discretion, may approve or refuse an application. In exercising its discretion, the NCC may, without limitation, (i) consider the objectives of carrying out an RFQ evaluation that is fair to the other proponents; and (ii) refuse to permit a change to the membership of a proponent's team if:

- a) The change would, in the NCC's judgement, result in a proponent's team that no longer holds similar qualifications and experience as that which was submitted by the proponent in its original RFQ proposal; or
- b) The evaluation of the new member of the proponent's team, using the evaluation criteria described in the RFQ, would rank that proponent lower than a proponent to the RFQ that was not selected as one of the shortlisted proponents.

During the time period between the Proposal Submission Deadline and issuance of the RFP, where a proponent, an equity member or a key personnel becomes aware of any event which has or may have a material adverse change on the proponent, equity member or a prime member (including any event or change which would render the proponent's, equity member's or the prime member's financial situation following the event or change materially different from that which was previously disclosed to the NCC in the RFQ proposal) the proponent will forthwith in writing disclose the event to the NCC for its consideration. Based on the disclosure, the NCC may take any action it deems necessary as determined in its sole discretion up to and including disqualification of the proponent.



12.16 Open, Transparent and Fair

A fairness monitor will oversee the entire procurement process to ensure the process is conducted in a fair, open and transparent manner. The fairness monitor will submit its final report to the NCC's Audit Committee, which will be made public.

12.17 Joint Venture Proposals

The NCC will accept proposals from joint venture entities. For the purpose of this RFQ, a "joint venture" is defined as an association of two or more parties who combine their money, property, knowledge, expertise or other resources in a single joint business enterprise, to bid together on a requirement. For clarity, an arrangement whereby the NCC contracts directly with a prime contractor who may retain subcontractors or specialist contractors to perform portions of the work on the project is not a joint venture arrangement.

Note that all proposals, schedules, forms, etc. that are submitted to the NCC by a joint venture, as part of their response to the RFQ, shall be signed by an authorized representative of each of the firms comprising the joint venture.

Each proposal submitted by a joint venture must include a covering letter advising the NCC of the constituent firms' intention to operate as a joint venture if they become the successful proponent. The letter shall identify each of the firms comprising the joint venture and shall be signed by a duly authorized representative of each of the constituent firms. The covering letter submitted with each proposal must include a statement acknowledging that each party to the joint venture understands and agrees that they are jointly and severally liable for all obligations under the RFQ as well as any real estate agreement executed as a result of the RFQ-RFP procurement process for the Library Parcel.

Please note that if the preferred proponent is a joint venture, proof of a signed joint venture agreement must be provided to the NCC prior to the parties entering into negotiation, per the process described in Section 4.4.

In any joint venture, there shall be only one individual identified as proponent representative. This individual shall be responsible for any and all reporting and communication requirements and shall have the authority to bind the proponent.

Any joint venture whereby firms separate contracting activities amongst themselves and operate independently shall not be accepted in this RFQ and shall be considered as non-responsive and receive no further consideration.

Appendix A

Subject Site Legal Description

PIN 04112-0242

PART OF WELLINGTON STREET (CLOSED BY BY-LAW INST. NO. LT1243128), PLAN NO. 2, BEING PARTS 1 TO 4, ON PLAN 4R-32303; PART OF WELLINGTON STREET, CLOSED BY LT1243128 & OC1457912, PLAN NO. 2, BEING PARTS 11 TO 17, PLAN 4R-32006; SUBJECT TO AN EASEMENT IN GROSS OVER PART 12, 4R32006 AND PART 1, 4R32303, AS IN OC2177740; CITY OF OTTAWA.

PIN 04112-0244

PART OF LLOYD STREET, PLAN NO. 2, BEING PART 9, PLAN 4R-32006; S/T LT1243142; CITY OF OTTAWA.

PIN 04112-0248 (STRATIFIED OWNERSHIP – NCC)

LOTS 1 TO 21 BLOCK M PLAN 2, EXCEPT PART 10 4R21915, PART 6 4R23452 & PART 5 4R30019, SAVE & EXCEPT PART 35 ON 4R32151 AND PARTS 29 & 31 ON 4R32006; SUBJECT TO AN EASEMENT IN GROSS OVER PART 22 ON 4R32006 AS IN OC2177771; SUBJECT TO AN EASEMENT IN GROSS OVER PARTS 30 & 32 ON 4R32006 AND PART 36 ON 4R32151 AS IN OC2177774; CITY OF OTTAWA.

PIN 04112-0250

PART OF LOTS 6 AND 7, PART OF THE WATER WORKS RESERVE, PLAN NO. 9481, BEING PART 2 ON PLAN 4R-32006; SUBJECT TO AN EASEMENT IN GROSS OVER PART 38, PLAN 4R32151, AS IN OC2177774 CITY OF OTTAWA.

PIN 04112-0251

LOTS 1, 2, 3, 4, 5, 6, 7 & 8 PLAN 9481, WATER WORKS RESERVE ON PLAN 9481, ALLEY ON PLAN 9481 (CLOSED BY BY-LAW LT1243120), SAVE AND EXCEPT PART 40 PLAN 5R13914, PART 10 PLAN 4R23452, PART 1 4R30019, PARTS 20, 21, 22, 25 & 41 ON 4R32151 AND PARTS 2, 23 & 25 ON 4R32006; SUBJECT TO AN EASEMENT IN GROSS OVER PARTS 3, 24 & 26 ON 4R32006 AND PARTS 23, 26, 27, 29, 37, 38 & 42 ON 4R32151 AS IN OC2177774; CITY OF OTTAWA.

Appendix B

RFQ Proposal Form

Name of Proponent:

Name and title of Proponent's Representative(s):

Address:

Telephone number:

E-mail address:

Registered address:

The above-named Proponent Representative(s) hereby declares on its(their) own behalf and, for clarity, on behalf of all Proponent team members that:

a) It has the power and authority to bind the Proponent for the purpose of the RFQ;

b) The Proponent is:

☐ A sole proprietor

☐ A limited liability or general partnership

☐ A corporation

☐ An unincorporated consortium carrying on business under the above-mentioned proponent's name

☐ Other: _____
(please define)

- c) If invited to participate in the RFP, the Proponent would prefer to receive correspondence and associated procurement documentation in the following language during the RFP process. Please select one (1) language as the Proponent's preferred language:
- ☐ English, or
- ☐ French
- d) This Appendix B- RFQ Proposal Form has not been modified in any manner, except to include the Proponent's required information.
- e) The Proponent confirms that if invited to participate in the RFP, it acknowledges that it will be expected to demonstrate how it will meet the FLI and NCC criteria as will be further described in the RFP.

In witness whereof, the Proponent Representative has executed this RFQ Proposal Form as of the date indicated below.

Proponent Representative

Per: _____ Per: _____

Name: _____ Name: _____

Title: _____ Title: _____

Date: _____ Date: _____

I/We have authority to bind the Proponent Representative and to bind the Proponent and each Proponent team member.*

**if submitted as part of a joint venture this form shall be signed by an authorized representative of each of the firms comprising the joint venture*

Appendix C

Conflict of Interest Form

No entity affiliated with the National Capital Commission or not at arm's length from the National Capital Commission shall be eligible to reply to this Request for Qualifications (RFQ). Proponents submitting a proposal in response to this RFQ must ensure that they, and all partners, constituent firms of a joint venture, team members and their consultants, in no way, directly or indirectly, have a conflict of interest, either real or perceived, in relation to any aspect of this RFQ or their proposal for this project.

Should a perceived or potential conflict of interest exist, the NCC may, at its sole discretion, withhold consideration of the proposal until the matter can be resolved. Failure to appropriately manage, mitigate or minimize the perceived or potential conflict of interest to the satisfaction of the NCC, shall result in the proposal being treated as non-responsive and shall not be considered further.

In any event, the proponent acknowledges and agrees that the NCC shall not be liable for any cost or any other direct or indirect charge associated with the proponent's response to this RFQ.

☐ The proponent acknowledges that no conflict of interest exists, either real or perceived.

Dated at _____ this _____ day of _____, 2020.

Proponent _____

Per: _____

Title: _____

The proponent is uncertain or declares interest in the following:

Dated at _____ this _____ day of _____, 2020.

Proponent _____

Per: _____

Title: _____

Appendix D

Infrastructure and Encumbrances Affecting the Subject Site

Information on registered and unregistered known encumbrances is presented for general information only. Proponents cannot rely solely on this information and must satisfy themselves as to the existence of any easements or other encumbrances affecting the Subject Site.

Interceptor Outfall Sewer (IOS): A perpetual easement was granted to the City of Ottawa for the IOS. The terms and conditions of the easement are attached to Instrument no. OC2177740, registered on December 18, 2019. The physical limits of the IOS are approximately: width: 2.2m, dept: 14m and length: 145m. Construction above the IOS will be permitted subject to the review and approval of the plans by the City of Ottawa.

Combined Sewage Storage Tunnel (CSST), between Booth St and the Extraction Shaft: The terms and conditions of this 49-year easement are defined in the CSST Transfer Agreement Phase 1. The physical limits are approximately: width: 3m, depth: 13m, and length: 167m. Construction above will be permitted subject to the review and approval of the plans by the City of Ottawa. The registration of this easement is pending.

New Albert Street Storm Sewer (NASS): The terms of this 49-year easement are defined in the CSST Transfer Agreement Phase 1. The physical limits are approximately: width: 3.6m, depth: 11m, and length: 112m. Construction above will be permitted subject to the review and approval of the plans by the City of Ottawa. The registration of this easement is pending.

Maintenance Easement for the New Booth Street Bridge the Ottawa Light-Rail Transit LRT Station and the Corridor: The terms and conditions of this 99-year easement are attached to Instrument no. OC2177774, registered on December 18, 2019. This easement was required by the City on lands adjacent to the New Booth Street Bridge, the LRT Station and the LRT Corridor, including within the NCC's stratified lands above the LRT Corridor.

Maintenance and Support Easement (LRT MSE Wall): The terms and conditions of this 99-year easement are attached to Instrument no. OC2177771, registered on December 18, 2019. This easement is for the maintenance and support of the MSE Wall in order to protect the City's adjacent lands, being the LRT Corridor.

Restrictive Covenants affecting the NCC's Air Rights above the LRT Corridor: The terms and conditions of the restrictive covenants affecting the NCC's stratified rights above the LRT Corridor are attached to Instrument no. OC2177776, registered on December 18, 2019. Based on the restrictive covenants, the NCC is prohibited from building, erecting or installing any building, structure or other works of any kind within the stratified lands without the prior written consent of the City. The restrictive covenants run with the lands for a term of 99 years.

Confederation Line Proximity Study Guidelines:

https://documents.ottawa.ca/sites/documents/files/documents/proximity_guide-s_en.pdf

Legal Access to NCC Adjacent Lands: the NCC shall reserve a right for vehicular access through the Subject Site from the new Empress/Albert intersection, in order to provide sufficient access to allow development of its adjacent lands on the east side of the future Empress Street extension.

RIGHTS IN FAVOUR OF THE SUBJECT SITE

Restrictive Covenants affecting the City's LRT Corridor: The terms and conditions of the restrictive covenants affecting the City's stratified rights within the LRT Corridor are attached to Instrument no. OC2177783, registered on December 18, 2019. Based on the restrictive covenants, the City is prohibited from building, erecting or installing any building, structure or other works of any kind without the NCC's written approval. The restrictive covenants run with the lands for a term of 99 years.