



CITY OF DUNCAN

**REQUEST FOR EXPRESSIONS OF INTEREST
(RFEOI)**

No. R21-02

NEW CHILDCARE SPACES – RENOVATION PROJECT

Submission deadline: December 23, 2021 at 4:00 p.m.

EXPRESSIONS OF INTEREST WILL NOT BE PUBLICLY OPENED

CITY OF DUNCAN
Attn: Monika Schitteck, Director of Corporate Services
Email: duncan@duncan.ca
200 CRAIG STREET
DUNCAN, BRITISH COLUMBIA
V9L 1W3
www.duncan.ca

INTRODUCTION

Background:

While the mandate for provision of childcare and other social and health services are the responsibility of senior governments, the City of Duncan recognizes the many social, economic, and health benefits that childcare provides to its residents.

Invitation:

The City of Duncan (the “City”) invites expressions of interest for the creation of 68.5 new childcare spaces within the Cowichan Valley Regional District. Preference will be given to proposals within the greater Duncan area, and further to those within the boundaries of the City. The City was awarded a renovation grant in the value of \$809,769 to create these new childcare spaces at a location that is no longer available. The creation of spaces may be to an owned space or to a leased space with the permission of the owner.

This process may identify new or existing licenced childcare providers who are looking to expand their operations and can benefit from additional spaces in the long term.

This process may also identify buildings that could be used to create these new spaces that the building owners would be willing to lease to the City (or to a licence holder) in the long term, in exchange for the renovation of the space and subject to negotiations.

A renovation may also be considered to add capacity to an existing development project to increase the number of childcare spaces that may be accommodated in the expanded space.

Ultimately, this is intended to be a collaboration between the City – who will facilitate the renovation – and the funding source, and between the building/landowner who will provide the space and negotiate a long-term lease (minimum of 15 years, preferably longer), and a licenced childcare provider who will operate the facility and use the space in the long term.

Funding is conditional on the creation of 24 Group Child Care (Under 36 Months), 24 Group Child Care (30 Months to School Age), 10 Preschool (30 Months to School Age) and 10.5 Group Child Care (School Age) new Child Care Spaces at the Child Care Facility and that all such new Child Care Spaces be licensed in accordance with the *Community Care and Assisted Living Act*.

The submission must indicate how the renovation will create new childcare spaces.

Responsibilities of the Operator:

The authorized operator will be required to enroll in the Ministry’s Child Care Operating Funding (CCOF) Program, and in the Child Care Fee Reduction Initiative (CCFRI) for all eligible care categories.

The authorized operator will ensure the Child Care Operation commences or continues for a minimum of fifteen (15) years with the required 68.5 spaces, as determined by the Province.

An Annual Report must be provided, commencing on the anniversary date of the *Community Care and Assisted Living Act* licence and continue every 12 months of the operation, for the duration of the commitment period, will include:

- a) Number of Child Care Spaces
- b) Location
- c) Number of days open per month
- d) Number of months open per year, and
- e) Such other information as the Province may reasonably require from time to time.

Responsibilities of the City include:

The City will oversee the renovations of the proposed childcare space in coordination with the property owner and the operator.

The City will be responsible for quarterly project status reporting to the Ministry, while the project is in construction phase. This may also include detailed itemized expense reporting in such format as the Province may require.

Material Changes

Respondents should inform the City of any material change in information that might affect their qualification status at any time during the RFEOI process. Participants in a request for proposals will be required to update key qualification information at the time of proposal submission. Prior to the entry into any agreement, a successful Respondent will be required to confirm its continued status.

Request for Expressions of Interest (RFEOI) Contact

For the purposes of this procurement process, including questions and inquiries, the RFEOI contact will be: Monika Schittek, Acting Director of Corporate Services – Email: duncan@duncan.ca

Submission of Proposals

Submissions should include a completed and signed Submission Form (Appendix A) that acknowledges, among other things, that this RFEOI and any respondent submissions will not create a legal relationship or obligation regarding the procurement of any goods or service.

Proposals must be submitted to: duncan@duncan.ca or to City Hall at 200 Craig Street, Duncan, BC. Submissions are welcomed on or before the submission deadline of **December 23, 2021, at 4:00 p.m.** Applicants will receive an email confirmation receipt once submitted.

Submission Contents

Interested licenced daycare providers or agencies, and building landowners are asked to submit the following:

- Provide a brief overview of your organization's interest in providing childcare spaces.
- Identify proposed personnel and resources available in your organization/team to deliver management services. Clearly indicate relevant experience and qualifications for personnel identified.
- Provide a brief overview of organizational mandate, objectives, timelines, and communication plan.
- Provide a proposed budget that may be required, if any.
- Provide a signed Appendix A Submission Form.

RFEOI Timetable

Event	Date
Release of RFEOI	August 20, 2021
Submission deadline	December 23, 2021, at 4:00 p.m. local time
Review of submissions	January, 2022
Anticipated execution of an agreement	January, 2022

Evaluation of Submissions

The City will conduct the evaluation of submissions based on the fit and quality of the submission overall. The City is seeking a collaboration that is best suited to the funding requirements and are open to a variety of possible outcomes.

Acknowledgement of Terms of Reference and Governing Law

The respondent acknowledges that this RFEOI process will be governed by the specific Terms of Reference and Governing Law set out in this RFEOI and that, among other things, the Terms of Reference and Governing Law confirm that this procurement process does not constitute a formal legally binding bidding process and that there will be no legal relationship or obligations created until the City accepts the respondent's offer in writing and creates a written contract.

Ability to Provide Deliverables

The respondent has carefully examined this RFEOI and has a clear and comprehensive knowledge of the deliverables required. The respondent represents and warrants its ability to provide the deliverables in accordance with their submission.

APPENDIX A – SUBMISSION FORM

Respondent Information

Please fill out the following form and name one person, to be the contact for this Request for Expressions of Interest (RFEOI) response and for any clarifications or amendments that might be necessary.	
Full name of respondent or organization	
Any other relevant name under which the respondent carries on business is:	
Street address:	
City, Province:	
Postal code:	
Contact person:	
Phone number:	
Email:	
Organization website (if any):	
Alternate contact person and title:	
Alternate contact phone:	
Alternate email:	

“**Conflict of Interest**” includes, but is not limited to, any situation or circumstance where:

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

If the box below is left blank, the respondent will be deemed to declare that:

- (i) there was no Conflict of Interest in preparing its quotation; and
- (ii) there is no foreseeable Conflict of Interest in performing the contractual obligations contemplated in the RFEOI.

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

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

If the respondent declares an actual or potential Conflict of Interest by marking the box above, the respondent must state, on a separate sheet, details of the actual or potential Conflict of Interest.

Acknowledgement of Terms of Reference and Governing Law

The respondent acknowledges that this RFEOI process will be governed by the specific Terms of Reference and Governing Law set out in this RFEOI (Appendix B) and that, among other things, the Terms of Reference and Governing Law confirm that this procurement process does not constitute a formal legally binding bidding process and that there will be no legal relationship or obligations created until the City accepts the respondent's offer in writing and creates a written contract.

Signature of Respondent

Signature of Witness

Respondent full name and title (print)

Witness full name (print)

Date of Signature: _____

APPENDIX B - TERMS OF REFERENCE AND GOVERNING LAW

In responding to this Request for Expressions of Interest (RFEOI), each respondent must submit a completed and signed Submission Form (Appendix A) that, among other things, acknowledges its acceptance of the following RFEOI Terms of Reference and Governing Law:

- (a) This RFEOI process is not intended to create a formal, legally binding bidding process and shall not give rise to the legal rights or duties applied to a formal contract, a binding bidding process, or any other legal obligations arising out of any tendering process contract or collateral contract, and instead shall be governed by the common law applicable to direct commercial negotiations.
- (b) No legal obligation regarding the procurement of any good or service shall be created until the City of Duncan and the selected respondent have entered a written contract for the deliverables.
- (c) Neither party shall have the right to make any claims (in contract, tort, or otherwise) against the other with respect to the award of a contract, failure to award a contract, or a decision of the respondent to withdraw its quotation.
- (d) The City of Duncan may cancel this RFEOI process at any time.
- (e) Procurements falling within the scope of Chapter 5 of the Agreement on Internal Trade and/or the New West Partnership Trade Agreement are subject to those trade agreements but that the rights and obligations of the parties will be governed by the specific terms of this RFEOI.
- (f) The respondent consents to the collection of information, as contemplated under this RFEOI, by the City of Duncan.
- (g) The respondent will bear its own costs associated with, or incurred in, the preparation and presentation of its RFEOI, including, if applicable, costs incurred for interviews or demonstrations.
- (h) Respondents may direct questions or seek additional information in writing by e-mail to the RFEOI contact on or before the deadline for submission. The City of Duncan is under no obligation to provide additional information but may do so at its sole discretion. It is the responsibility of the respondent to seek clarification from the RFEOI contact on any matter it considers to be unclear. The City of Duncan is not responsible for any misunderstanding on the part of the respondent concerning this RFEOI or its process.
- (i) This RFEOI may be amended only by addendum issued in accordance with this section. If the City of Duncan, for any reason, determines that it is necessary to provide additional information relating to this RFEOI, such information will be communicated to all respondents by addendum. Each addendum forms an integral part of this RFEOI and may contain important information, including significant changes to this RFEOI. Respondents are responsible for obtaining all addenda issued by the City of Duncan. In the Submission Form (Appendix A), respondents should confirm their receipt of all addenda by setting out the number of each addendum in the space provided.
- (j) When evaluating submissions, the City of Duncan may request further information from the respondents or third parties to verify, clarify, or supplement the information provided in the respondent's quotation, and the City of Duncan may revisit and re-evaluate the respondent's quotation or ranking based on any such information.
- (k) The City of Duncan may consider the respondent's past performance on previous contracts or any other information considered relevant by the City of Duncan when determining the acceptability of a respondent.
- (l) The City of Duncan may disqualify a respondent for any conduct, situation, or circumstance that constitutes a Conflict of Interest, as solely determined by the City of Duncan. "Conflict of Interest" shall have the meaning ascribed to it in the Submission Form (Appendix A).

- (m) Respondents shall not engage in any illegal business practices, including such activities as bid-rigging, price-fixing, bribery, fraud, or collusion. Respondents shall not engage in any unethical conduct, including lobbying or other inappropriate communications; offering gifts to elected officials, employees, officers, or other representatives of the City of Duncan; deceitfulness; submitting quotations containing misrepresentations or other misleading or inaccurate information; or any other conduct that compromises or may be seen to compromise the competitive process.
- (n) The City of Duncan may elect not to consider a respondent who engages in conduct prohibited by this RFEOI or whose quotation contains misrepresentations or any other inaccurate, misleading, or incomplete information.
- (o) The City of Duncan may prohibit a respondent from participating in a procurement process based on poor past performance or inappropriate conduct in a prior procurement process, including but not limited to (i) illegal and unethical conduct; (ii) the submission of quotations containing misrepresentations or any other inaccurate, misleading, or incomplete information; (iii) the refusal of the respondent to honour submitted pricing or other commitments, or (iv) any conduct, situation, or circumstance determined by the CITY OF DUNCAN, in its sole and absolute discretion, to have constituted an undisclosed Conflict of Interest.
- (p) Respondents may request a debriefing after receipt of a notification of the outcome of the RFEOI process. All requests must be made in writing to the RFEOI contact and must be made within sixty (60) days of such notification. The intent of the debriefing information session is to aid the respondent in presenting a better submission in response to subsequent opportunities. Any debriefing provided is not for the purpose of providing an opportunity to challenge the RFEOI process or its outcome.
- (q) These terms (i) are intended to be interpreted broadly and independently (with no particular provision intended to limit the scope of any other provision); (ii) are non-exhaustive and shall not be construed as intending to limit the pre-existing rights of the parties to engage in pre-contractual discussions in accordance with the common law governing direct commercial negotiations; and (iii) are to be governed by and construed in accordance with the laws of the Province of British Columbia and the federal laws of Canada applicable therein.