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**REQUEST FOR INFORMATION (RFI)
FOR THE PROVISION OF
LEGAL ADVISORY SERVICES TO THE NATIONAL
HOUSING COUNCIL**

Request for Information (RFI) No.:	RFI-001713
Issued:	December 13, 2022
Submission Deadline:	January 18, 2023 – 11:00 am Ottawa local time
Address Inquiries to RFI Contact:	Daniela Michaud, Senior Procurement Officer
Email:	dcmichau@cmhc-schl.gc.ca



1. INTRODUCTION

Canada Mortgage and Housing Corporation (“CMHC”) is a Crown Corporation, with a Board of Directors, reporting to Parliament through the Minister of Housing and Diversity and Inclusion.

CMHC exists for a single reason: to make housing affordable for everyone in Canada. We know that housing helps people stay employed, do better in school and participate more fully in society. Housing affordability and a stable housing finance system support a stronger, safer Canada where everyone can live with dignity.

Affordable housing for all is an ambitious goal, and we cannot do it alone. We’re mobilizing the expertise and energy of governments, non-profits, lenders, developers, social entrepreneurs, and co-ops to create the future of housing. Canada’s first-ever National Housing Strategy (“NHS”) is just one example. Together, we are removing barriers to ensure that no one is left behind.

The National Housing Council (“NHC”) is an advisory body that provides advice to the Minister of Housing and Diversity and Inclusion, who is also responsible for the National Housing Strategy Act (the NHS Act). The Council is composed of members appointed by the Minister, as well as two co-chairs which includes the President of CMHC. As per the NHS Act, CMHC provides secretariat support through its Secretariat to the National Housing Council and as such, is responsible for managing the procurement process and any subsequent contract related to the Council’s work. Please refer to Section 5 regarding more details on the roles and responsibilities and desired engagement process.

A comprehensive Company profile of CMHC can be found at www.cmhc-schl.gc.ca

2. DEFINITIONS SUMMARY

CMHC	Canada Mortgage and Housing Corporation
Industry	Potential vendors and/or companies with expertise in providing legal advisory services
NHC	National Housing Council or the “Council”
NHS	National Housing Strategy
NHSA	National Housing Strategy Act or the “Act”
RFI	Request for Information
RFP	Request for Proposal
Respondents	Potential vendors submitting a response to the RFI
Proponents	Potential vendors submitting a proposal to the RFP

3. PURPOSE

The purpose of this Request for Information (RFI) is to seek information from the Industry on its ability to provide **legal advisory services** for the NHC and CMHC, for more details regarding the roles and responsibilities and the desired engagement process, please refer to Section 5 below.

The required areas of expertise are divided into two service streams as follows:

- Service 1: Domestic and international human rights law pertaining to social, economic and social rights, such as the right to adequate housing; and
- Service 2: General advisory services in the areas of administrative law, legislative interpretation, litigation risk management, and dispute resolution.

4. BACKGROUND/CURRENT STATE

The National Housing Strategy Act (NHSA) is grounded in a human rights-based approach to housing, and declares that the policy of the Government of Canada is to support improved housing for the people of Canada. The Act aims to further Canada's progressive realization of the international right to adequate housing under the International Covenant on Economic, Social and Cultural Rights. The NHSA establishes the National Housing Council (the Council), which is supported by CMHC, and the Federal Housing Advocate, which is supported by the Canadian Human Rights Commission.

The Council has the purpose to further the housing policy and the National Housing Strategy by providing advice to the Minister on the effectiveness of the Strategy and delivering on any other activity specified by the Minister. As well, the Council plays a critical role in overseeing the administration of review panel hearings into systemic housing issues that are referred by the Federal Housing Advocate. As part of a human-rights based approach to housing, review panels offer the public, particularly members of communities that are affected by the systemic housing issue and groups that have expertise in human rights and housing, an opportunity to participate by making representations or views available to the panel.

5. OBJECTIVE/FUTURE STATE

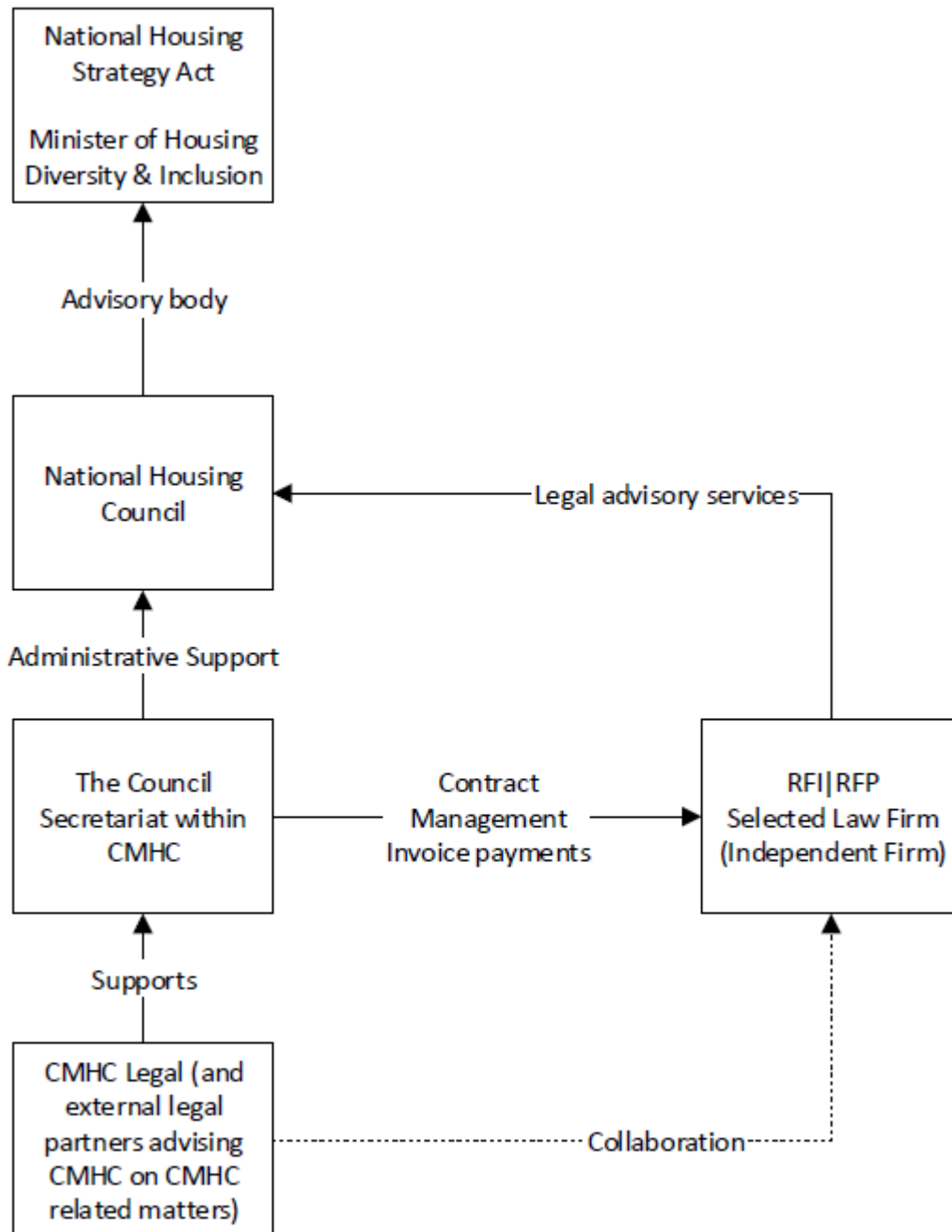
It is important to underscore that the NHSA does not create a justiciable domestic right to housing nor is a review panel hearing analogous to a tribunal or court process. As such, legal advice should be contextualized with the aim to further the policy objectives of the NHSA and within a human-rights based approach that prioritizes collaboration and problem-solving with stakeholders, including the Federal Housing Advocate.

From time to time, legal advisory support services, as outlined under Service 1 and Service 2 above and further detailed in Section 6 below, may be required in fulfilling the duties of the Council under the NHSA, particularly as it relates to review panel hearings.

Once a provider has been selected, and a resulting retainer agreement has been awarded, the agreement will be managed and requests for services will be made by CMHC's Secretariat, in collaboration with the National Housing Council, to said selected service provider. While the ultimate beneficiary of the support services will be the National Housing Council, engagement and collaboration with the CMHC Secretariat will be required. Please refer to the flow chart below outlining the anticipated engagement process.

As the legal advisory services will be provided to the NHC and not directly to CMHC, CMHC is seeking independent firms not presently under retainer with CMHC. Therefore, CMHC is looking for one (1) capable provider able to deliver for both services 1 and 2 above, for a three (3) year term with the option to renew for two (2) subsequent one (1)-year renewal options, for a maximum of five (5) years.

Anticipated Engagement Process Flow Chart:



6. REQUIREMENTS

CMHC has developed the following initial direction of the requirements which Respondents must be able to provide as follows:

6.1.1 Mandatory requirements applicable to Service 1 and Service 2:

The Respondent's proposed resource(s) must have the following qualifications:

- i. Licensed and hold membership of a Bar in any province or territory (common law or civil law) or the Chambre des notaires du Québec;
- ii. Specialized in domestic and international human rights law;
- iii. Experience in housing needs (Canada and internationally);
- iv. A minimum of five (5) years' experience practicing domestic and international human rights law; and
- v. Hold a valid Government of Canada security clearance (*Reliability*)

The Respondent must be able to comply with the following:

- vi. Data Residency. Respondents must ensure that all NHC Data, while at rest or in transit, must be encrypted, is accessed from/within Canada and resides in Canada at all times. Data residency in Canada is not mandatory for regular business communication that does not include sensitive and/or protected or secret information (including personal information). Proof will be required during the subsequent RFP process.
- vii. Data Security. In the event NHC must share documents containing sensitive and/or protected information (including personal information) with the selected Proponent, the selected Proponent must be able to comply with, and facilitate NHC's compliance with the applicable Canadian privacy and access to information legislation and warrants that it has all necessary safeguards in place to protect NHC Data (including personal information) in its computer network. Proof will be required during the subsequent RFP process.

6.1.2 Service 1: Domestic and international human rights law requirements:

Respondents will be required to provide the following services, but not limited to

- a. Advice and assistance to review panel hearings, recommendations and reports of the Council under the NHSA;
- b. Advice and assistance to the Council on governance, planning and training for review panels;
- c. Review and provide assistance in establishing work products and backgrounders on the international right to adequate housing;
- d. Provide support in discussions with the Federal Housing Advocate and other key stakeholders.

6.1.3 Service 2: General Advisory requirements:

Respondents will be required to provide the following services, but not limited to

- a. Advice and assistance in respect of legislative roles and responsibilities under the NHSA;
- b. Review and provide assistance in respect of public reports and announcements to mitigate litigation risk;
- c. Provide support in discussions with the Federal Housing Advocate and other key stakeholders.

7. ACQUISITION STRATEGY

CMHC intends to conduct a three (3)-stage procurement process as follows

Stage 1:	Seek capable companies	→	Request for Information (RFI)
Stage 2:	Select company	→	Request for Proposals (RFP)
Stage 3:	Contracting	→	Agreement negotiation and ratification

Stage 1: RFI

Responses submitted under this RFI are non-binding. The issuance of the RFI is not to be considered in any way a commitment by CMHC or as authority to undertake any work described under Section 6 above. The main purpose of this RFI is to find capable companies offering a turnkey solution to provide both, Service 1 and Service 2, for the NHC. Written submissions, which meet all mandatory requirements identified in sub-section 6.1.1, will be considered qualified and will proceed to Stage 2: RFP.

Stage 2: RFP

Respondents with qualified responses from the RFI may be requested to submit full proposals. Full proposals will be evaluated in accordance with the evaluation criteria identified in the RFP. CMHC wishes to enter into an agreement with one (1) Proponent to provide such turnkey solution.

Stage 3: Contracting

The top-ranked Proponent from the RFP may enter into negotiations with CMHC and sign a retainer agreement.

8. REVIEW OF THE RFI

CMHC reserves the right to request additional information for clarification during the review of the responses to this RFI, and/or to consider subsequent modifications of the response put forward by a Respondent.

CMHC will perform a review of Industry feedback submitted and incorporate it as it deems appropriate in the development of the RFP.

No payment will be made by CMHC for any costs incurred and associated with the preparation and submission by the Respondent of responses to this RFI. All costs are the sole responsibility of the Respondent.

9. NO OBLIGATION

The issuance of this RFI does not create an obligation for CMHC to issue a subsequent competitive procurement process and does not bind CMHC legally or otherwise, to enter into any agreement or to accept any suggestions from Respondents.

10. CONFIDENTIALITY

Information provided by Respondents through their RFI response is subject to the Access to Information Act. Respondents should identify any submitted information that is to be considered as either company confidential or proprietary. CMHC will not reveal any designated confidential or proprietary information.

11. INFORMATION WILL NOT BE RETURNED

The RFI response and any accompanying information or documentation provided by a Respondent will not be returned.

12. INFORMATION IN RFI ONLY AN ESTIMATE

CMHC makes no representation, warranty or guarantee as to the accuracy of the information contained in the RFI or issued by way of addenda. Any quantities shown or data contained in this RFI, or provided by way of addenda, are estimates provided only as general background information.

13. LANGUAGE

RFI responses are to be provided in one of the two official languages of Canada (English or French).

14. GOVERNING LAW

This RFI process will be governed by and construed in accordance with the laws of the province of Ontario and the federal laws of Canada applicable therein.

15. RFI RESPONSE OBJECTIVES

This RFI is being posted on buyandsell.gc.ca to allow for the public and private sectors to review the RFI and provide feedback. The responses received will be used to assist CMHC in finalizing the requirements and in developing achievable objectives and deliverables.

16. RECOMMENDATIONS FROM INDUSTRY (RESPONDENTS)

Industry recommendations that do not restrict the level of competition will be given consideration. Recommendations that favour a particular solution will be entertained, however CMHC reserves the right to accept or reject any recommendation(s) at its discretion.

17. PROCUREMENT PROCESS

By this open RFI CMHC is seeking technically experienced, capable and financially stable companies to submit their interest in responding to a subsequent RFP for the provisions of the above mentioned requirements.

Respondents should express their interest to CMHC by the closing date shown on this notice. In the event CMHC chooses to issue an RFP following this RFI, the RFP will be issued to those Respondents who: (i) meet the mandatory requirements; and (ii) have expressed their interest to CMHC.

The timing of a subsequent RFP is planned as follows:

RFP issue date: Q1/2023

Proposal receipt: Q2/2023

Evaluations, negotiations and award: Q2/2023

18. TERMS OF REFERENCE

- A question and answer period is not available for the purpose of this RFI. A subsequent RFP process will allow for such a question and answer period. In order for interested Respondents qualifications to be considered, CMHC requests that the RFI responses be provided to the CMHC Procurement Officer, Daniela Michaud, at the following address:

EBID@cmhc-schl.gc.ca

by 11:00 am Ottawa local time on January 18, 2023.

- CMHC reserves the right to request supporting details and validate any information, qualifications and capabilities provided by the Respondent(s);
- CMHC reserves the right to cancel this RFI at any point and/or refrain from issuing a RFP;
- Neither this RFI nor any subsequent selection process will in any way impose an obligation or responsibility on CMHC (i) to execute any contract with any Respondent and (ii) for any costs incurred by a Respondent to respond to this RFI. By submitting a response to this RFI, Respondents waive any right to seek costs or damages or any other remedy against CMHC with respect to this RFI or any subsequent RFP or other selection process.

19. RFI RESPONSE

The Respondent's RFI response should include the following items:

- A signed copy of the Expression of Interest (form provided below);
- A brief explanation per each mandatory requirement outlined in sub-section 6.1.1 (i. – vii.) above, as to how the Respondent meets each mandatory requirement (maximum 2 pages total on the Respondent's letter head);
- A description of the Respondent's capabilities on delivering Service 1 and 2, outlined in sub-sections 6.1.2 and 6.2.3 above, as a **turnkey solution** (maximum 2 pages total on the Respondent's letter head); and
- Please provide any hyperlinks or references to any publications e.g., journal books regarding Service 1 outlined in sub-section 6.1.2.

EXPRESSION OF INTEREST

This form is used to confirm your company's intent to respond to a subsequent Request for Proposal.

RFI No.: 001713

Dear Sir or Madam:

We hereby confirm our interest in responding to a RFP. We acknowledge and warrant that we meet the mandatory requirements stated in this notice, and possess the requisite experience and expertise, as well as the financial stability to (i) fulfill the service; or (ii) supply the good.

Please indicate language of preference for RFP documents:

English; or

French.

Signed:	
Name & Title: (point of contact)	
Company:	
Address:	
Telephone:	
Mobile:	
Email:	
URL:	