

Request for Builder Group Proposals

RE: the formation of a Builder Group for the remaining lots and phases of the RiverStone Community

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Prepared by:

Opportunity Lethbridge



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Executive Summary

Development of the RiverStone community began in the early 2000s. Although the first several phases were built-out relatively quickly, community growth began to slow in the mid 2010's. A builder group was in place for the first several phases but over time, for a variety of reasons, the group disbanded and the community has been developing on a bring-your-own-builder basis for the past several years.

Although RiverStone has seen a noted uptick in new lot sales and home starts in the first half of 2022, market conditions remain variable and unpredictable. The City wishes to bolster the development of the neighbourhood by forming a builder group for the remaining lots and phases of RiverStone.

The community's vision has been set, as has the general design motif for the neighbourhood. While there is opportunity to adjust aspects of the design guidelines, the work of shaping the character and feel of the neighbourhood is already done. The opportunity for builders wishing to participate in the builder group, is to be a part of the final lots and phases of a community that is already recognized as one of west Lethbridge's most desirable areas.

Community Background

The RiverStone community is one of west Lethbridge's most desirable neighbourhoods. RiverStone is a master-planned community that has benefitted from the comprehensive design and layout of the area. The community started as an identified residential growth node in the Mountain Heights, RiverStone, River Bend Area Structure Plan (ASP), which was originally approved by bylaw in 1986, with several amendments occurring since then. Subsequently, the RiverStone Outline Plan was approved in September 1999, and the first phases of development occurred over the next 2-3 years.

As of today, twenty phases of development have been constructed, consisting of 1203 lots and more than 1100 homes. With only two phases left to construct, the community is approximately 90% developed, with 87% of lots being occupied by homes. As of the writing of this RFBCP, the neighbourhood has 60 lots in inventory, with another 111 expected to come online in the next 3-5 years. The remaining 111 lots are within phases 18 and 19, as shown on the map on the following page. These lots are considered premier lots as they benefit from the visual and functional amenity of the coulees and direct active modes access to the Oldman River valley.

RiverStone



Developed Phases		
Phase	# of Lots	Completion Date
1	59	2000
2	115	2001
3	44	2002
4	61	2003
5	54	2003
6	67	2004
7	28	2004
8	87	2005
9	70	2006
10	57	2007
12	40	2008
15	48	2009
13	65	2010
14	43	2011
16	61	2012
11	58	2013
20	48	2013
17	47	2015
22	62	2016
21	89	2019
Total	1203	

Future Phases		
Phase	# of Lots (estimated)	Completion Date (estimated)
18	77	TBD
19	34	TBD
Total	111	

RiverStone benefits from a number of features that enhance the livability and desirability of the area. The community is home to:

- St. Patrick Fine Arts Elementary School (Holy Spirit Catholic School Division)
- RiverStone Dog Park
- William Pearce Park (including stocked fish pond and walking trails)
- Grand River Park complete with a constructed creek
- Community pathways network, which connects directly to the Citywide network
- Views and easy access to the coulees and Oldman River valley
- Several playgrounds and play structures

It is expected that with the benefit of a committed and passionate builder group, the community will be fully built-out within the next five years.

RiverStone Plans and Resources

- Mountain Heights, RiverStone, River Bend Area Structure Plan (ASP)
 - <https://www.lethbridge.ca/Doing-Business/Planning-Development/Planning/Documents/Area%20Structure%20Plans/Mountain%20Heights%20-%20RiverStone%20-%20River%20Bend%20ASP.pdf>
- RiverStone Outline Plan
 - <https://www.lethbridge.ca/Doing-Business/Planning-Development/Planning/Documents/Outline%20Plans/Riverstone%20OP.pdf>
 - <https://www.lethbridge.ca/Doing-Business/Planning-Development/Planning/Documents/Outline%20Plans/Riverstone%20OP%20Amendment.pdf> (2014 amendment)
- RiverStone community website
 - <https://www.riverstonecommunity.ca/>

Builder Group Overview

This section provides an overview of the general structure of a builder group for RiverStone, and specifically the makeup, benefits and expectations of a builder group member.

Makeup

The builder group for RiverStone will be made up of no more than three (3) homebuilders. By limiting the number of builders that make up the group, this ensures critical aspects of the group's work are able to be coordinated and completed consistently, such as the construction and opening of show homes, marketing efforts, and so on.

The builder group will include a maximum of three homebuilders, as based on the scores of each qualifying submission. In the event that a homebuilder that scores in the top three

submissions does not agree to the terms of the homebuilder agreements required be entered into in order for the group to be formed, the next highest scoring submission will be selected.

Benefits

The benefit to builder group members will include:

- Access to an equal share of 50% of the lots remaining in inventory in phases 21 and 22 as of the date of the builder group being formed
- Access to an equal share of 50% of the lots in phases 18 and 19, which will be selected in a builder group lot draw that will be held prior to a public lot draw
- Opportunity to review and provide comment on the formation of architectural and landscape design guidelines for phases 18 and 19

Expectations

Expectations of builder group members will be:

- Absorbing the number of lots that makes up the equal share of 50% of lots available as outlined in the “benefits” section
- The construction of one showhome in:
 - Phase 21 or 22; and
 - Phase 18 and 19
- The operation of each showhome that is constructed for a minimum period of time, as determined through negotiation with the successful proponents that will make up the builder group
- Setting and meeting showhome construction schedules and opening targets, to ensure all showhomes are open and available for viewing at the same time
- Participation in special events that are developed and planned by builder group members and Lethbridge Land

The table below provides a brief overview of the number of lots per phase that homebuilders that will make up the group are expected to acquire and build on:

Phase	No. of Lots (approximate)	Builder Group Split (approximate)	No. of builders	No. of Lots per builder	Show home required
18	77	37	TBD	Equal split	Yes
19	34	17	TBD	Equal split	Yes
21	44*	22	TBD	Equal split	TBD
22	19*	9	TBD	Equal split	TBD
Total	174	85	TBD	TBD	Yes
Notes	<i>*Lot numbers shown are as of the date this RFBGP was prepared. On the date a lot draw is held, 50% of the lots available in phases 21 and 22 will be available to and required to be absorbed by the builder group, in equal proportion to each builder</i>				

Submission Requirements

Proponents wishing to submit a Builder Group Proposal to the City are required to provide both required, and recommended information to meet the submission requirements outlined below.

Required Background Information

To ensure all builders that submit a proposal are able to meet and exceed the minimum commitments associated with being a member of the builder group, a brief list of required information has been prepared. **Appendix 1** provides a detailed checklist of all information that is required to be submitted as a part of a proponent’s RFBGP.

Required Proposal Information

The information required in this section is meant to encourage creativity and the sharing of ideas that will ensure the last lots and phases of the RiverStone community are built-out in a timely manner, and with the quality and care that the neighbourhood has benefitted from since its inception.

Appendix 2 provides a detailed list of items that are required to be included within a proposal, including the weighting of each item as it relates to the City’s evaluation of proposals.

Submission and Evaluation of Proposals

Proposals must be submitted as per the following instructions and timetable:

1. TIMETABLE

RFBGP Issue Date	August 22, 2022
Deadline for Submitting Questions	August 31, 2022
Deadline for Posting Answers	September 6, 2022
RFBGP Submission Date	September 12, 2022 by 4:00 pm

**The timetable may be changed at any time by way of addenda.*

2. HARDCOPY AND/OR DIGITAL SUBMISSIONS

- a. Hardcopy submissions must be delivered or sent by mail to:

City of Lethbridge
 Opportunity Lethbridge c/o Spencer Croil
 5th Floor City Hall

910 4th Avenue South
Lethbridge, AB T1J 0P6

- b. Digital submissions must be a PDF and must be sent to spencer.croil@lethbridge.ca

3. GENERAL REQUIREMENTS (ALL SUBMISSION FORMATS)

Formatting

Submissions are to be prominently marked with the RFBGP title (see RFBGP cover), with the full legal name and return address of the homebuilder, with the name, address, email address, phone number and fax number of the homebuilder's Contact Person, and with the Submission Date.

Time and location

Submissions shall be provided at the location set out above on or before the Submission Date. Submissions provided after the Submission Date will not be accepted.

Withdrawing submissions

At any time throughout the process, a homebuilder may withdraw a submission. To effect a withdrawal, a notice of withdrawal must be sent to the City Contact and must be signed by an authorized representative. The City is under no obligation to return withdrawn submissions.

General expectations

Submissions should convey the homebuilder's qualifications and capabilities in a clear and concise manner as outlined in *Appendix 2 – Builder Group Proposal Evaluation Criteria*. The submission shall follow the same heading order as Appendix 2.

4. EVALUATION OF PROPOSALS

The evaluation of submissions will be completed in 3 phases.

Phase 1

In Phase 1, each submission will be evaluated based on the mandatory information required as outlined in *Appendix 1 – Mandatory Requirements*. Only if all mandatory information is provided, will a proposal continue to Phase 2 of the evaluation process.

Phase 2

Phase 2 of the process includes the administrative review and scoring of all submissions that have met the requirements of Phase 1. Specifically, Phase 2 will include administrative scoring of the proposals received as based on the list of items recommended to be included as per *Appendix 2 – Builder Group Proposal Evaluation*.

Phase 3

Phase 3 of the evaluation process includes the presentation of all submissions that have met the requirements of Phase 1 and 2 to City Council for a recommendation and final decision.

Submissions will be scored as follows:

Phase 1 – Required information

- Pass/fail – if any information is missing the submission will be disqualified

Phase 2 – Recommended information

- Total score as outlined in Appendix 2
- The three (3) highest-scoring submissions that meet scoring requirements will be presented to Council as the businesses recommended to form the builder group

Communication

Specific communication protocols are expected to be followed as per the details provided below. Likewise, this section also provides detail regarding the way in which the City will communicate with those who may wish to submit a proposal.

1. GENERAL EXPECTATIONS AND REQUIREMENTS

Homebuilder to Review RFBGP

Homebuilder shall promptly examine all of the documents comprising the RFBGP, and

- shall report any errors, omissions or ambiguities; and
- may direct questions or seek additional information in writing by email by Wednesday, August 31, 2022 to the City Contact. All questions submitted by homebuilders by email to the City Contact shall be deemed to be received once the email has entered into the City Contact's email inbox. No such communications are to be directed to anyone other than the City Contact. The City is under no obligation to provide additional information.

It is the responsibility of the homebuilder to seek clarification from the City Contact on any matter it considers to be unclear. The City shall not be responsible for any misunderstanding on the part of the homebuilder concerning the RFBGP or its process.

All New Information to Homebuilders by Way of Addenda

The RFBGP may be amended only by an addendum in accordance with this section. If the City, for any reason, determines that it is necessary to provide additional information

relating to the RFBGP, such information will be communicated to all homebuilders by addenda. Each addendum forms an integral part of the RFBGP.

Such addenda may contain important information, including significant changes to the RFBGP. Homebuilders are responsible for obtaining all addenda issued by the City.

IMPORTANT: In order for any homebuilder to receive notice of any addendum issued by the City, a homebuilder must register their request to receive addenda in relation to this RFBGP by sending an email to spencer.croil@lethbridge.ca and requesting confirmation the registration has been received.

Post-Deadline Addenda and Extension of Submission Date

If any addendum is issued close to or after the Submission Date, the City may at its discretion extend the Submission Date for a reasonable amount of time.

Verify, Clarify and Supplement

When evaluating submissions, the City may request further information from the homebuilder or third parties in order to verify, clarify or supplement the information provided in the homebuilder’s submission. The City may revisit and re-evaluate the homebuilder’s submission or ranking on the basis of any such information.

No Incorporation by Reference

The entire content of the homebuilder’s submission should be submitted in a fixed form, and the content of websites or other external documents referred to in the homebuilder’s submission will not be considered to form part of its submission.

Submission to Be Retained by the City

The City will not return the submission or any accompanying documentation submitted by a homebuilder.

2. PROHIBITED COMMUNICATIONS AND CONFIDENTIAL INFORMATION

Homebuilder Not to Communicate with Media

A homebuilder will not at any time directly or indirectly communicate with the media in relation to the RFBGP without first obtaining the written permission of the City Contact.

Confidential Information of City

All information provided by or obtained from the City in any form in connection with the RFBGP either before or after the issuance of the RFBGP:

- i. is the sole property of the City and must be treated as confidential;
- ii. is not to be used for any purpose other than replying to the RFBGP;
- iii. must not be disclosed without prior written authorization from the City; and

- iv. shall be returned by the homebuilders to the City immediately upon the request of the City.

Confidential Information of Homebuilder

A homebuilder should identify any information in its submission or any accompanying documentation supplied in confidence for which confidentiality is to be maintained by the City. The confidentiality of such information will be maintained by the City, except as otherwise required by law or by order of a court or tribunal. Homebuilders are advised that their submission will, as necessary, be disclosed on a confidential basis, to the City's advisers retained for the purpose of evaluating or participating in the evaluation of their submission. Homebuilders are also advised that the City, as a public body, is subject to the provisions of the Alberta Freedom of Information and Protection of Privacy Act, and that portions of their submission and accompanying documentation may be subject to disclosure pursuant to that Act. If a homebuilder has any questions about the collection and use of personal information pursuant to the RFBGP, questions are to be submitted to the City Contact.

Inappropriate Conduct

The City may prohibit a homebuilder from participating in the selection process based on past performance or based on inappropriate conduct in a prior to selection process, and such inappropriate conduct shall include but not be limited to the following: (a) the submission of quotations containing misrepresentations or any other inaccurate, misleading or incomplete information; or (b) the refusal of the homebuilder to honour its commitments made in its submission.

Limitations

Limitations of the RFBGP process are as follows:

1. No Contract A and No Claims

The RFBGP process is not intended to create and shall not create a formal legally binding bidding process. For greater certainty and without limitation: (a) the RFBGP shall not give rise to any "Contract A"-based tendering law duties or any other legal obligations arising out of any process contract or collateral contract; and (b) neither the homebuilder nor the City shall have the right to make any breach of contract, tort or other claims against the other with respect to the RFBGP.

2. No Contract

The RFBGP process is intended to identify prospective homebuilders for the purposes of a future contract. No legal relationship or obligation regarding the procurement of any

good or service shall be created between homebuilders and the City by the RFBGP process.

3. *Disqualification for Misrepresentation*

The City may disqualify the homebuilder or rescind a contract subsequently entered if the homebuilder's response contains misrepresentations or any other inaccurate, misleading or incomplete information.

4. *Cancellation*

The City may modify, cancel or withdraw the RFBGP in its sole discretion at any time and for any reason whatsoever without any liability, obligation or reimbursement to any homebuilder or to any other party.

5. *Governing Law and Interpretation*

The terms and conditions of the RFBGP Process (a) are included for greater certainty and are intended to be interpreted broadly and separately (with no particular provision intended to limit the scope of any other provision); (b) 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 (c) are to be governed by and construed in accordance with the laws of the province or territory within which the City is located and the federal laws of Canada applicable therein.

Appendices

1. Builder Group Proposal Mandatory Requirements Checklist
2. Builder Group Proposal Evaluation Criteria