



Planning, Property and Development Department • Service de l'urbanisme, des biens et de l'aménagement

Office of the Director • Bureau du directeur

Fax / Téléc. : (204) 947-2284

October 5, 2012

Colin Craig
1881 Portage Avenue
P.O. Box 42123
Winnipeg, Manitoba
R8J 8X7

FREEDOM OF INFORMATION & PROTECTION OF PRIVACY ACT - Request No. 12 09 540

This letter is in response to your Application for Access under the Freedom of Information and Protection of Privacy Act submitted on September 6, 2012, in which you requested the following:

"Please provide documentation on who evaluated the city's "Request for Qualifications for the Provision of Commercial Real Estate Services" Bid 472-2008 and who ultimately approved the ranking of qualified firms."

Access to the information identified in your application is provided in part.

Although no records exist that specifically list the members of the evaluation committee; they were Phil Sheegl, Director of Planning, Property and Development; Ray Klassen, Manager of Real Estate, and John Zabudney, Supervisor of Sales and Acquisition.

The following section of the FIPPA applies:

Freedom of Information and Protection of Privacy Act

12(1) In a response under section 11, the head of the public body shall inform the applicant

(c) if access to the record or part of the record is refused,

(i) in the case of a record that does not exist or cannot be located, that the record does not exist or cannot be located,

Therefore, access to the records responsive to this portion of your application is refused.

With regard to the portion of your request that asks who ultimately approved the ranking of qualified firms, please find records enclosed. Certain sections of these records have been severed in accordance with FIPPA and are identified on the records.

Section 18 (1) (b) of the Freedom of Information and Protection of Privacy Act mandates that access to information be refused if disclosing the information would reveal information that was provided,

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implicitly or explicitly, in confidence to the public body. Section B13.1 of Qualification Opportunity #472-2008 explicitly states that qualification submissions will not be opened publicly. Section 18 (1) (c) mandates that access to information be refused if disclosing the information would reveal information that could negatively impact a third party's competitive position, or affect their negotiations. Release of the withheld information responsive to your application would reveal information of this nature, thus access to this information has not been provided. For example, the withheld information could imply the City's opinion of a company's submission, and therefore, release of this information could have a negative or positive impact on the company's competitive position in the marketplace if this information became public. The following section of FIPPA applies:

Freedom of Information and Protection of Privacy Act

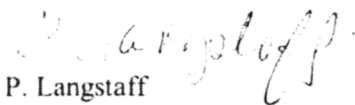
S 18(1) The head of a public body shall refuse to disclose to an applicant information that would reveal

- (b) commercial, financial, labour relations, scientific or technical information supplied to the public body by a third party, explicitly or implicitly, on a confidential basis and treated consistently as confidential information by the third-party; or*
- (c) commercial, financial, labour relations, scientific or technical information the disclosure of which could reasonably be expected to
 - i) harm the competitive position of a third party,*
 - ii) interfere with contractual or other negotiations of a third party,**

Should you require further information or clarification with respect to the response to your application, please feel free to contact me directly at 204 986 4366.

Under Part 5 of the Freedom of Information and Protection of Privacy Act, you have the right to file a complaint with the Provincial Ombudsman within sixty days of the date of this letter. A complaint form is enclosed.

Sincerely,



P. Langstaff
FIPPA Coordinator
Office of the Director
Planning, Property and Development Department

Cc: Mr. R. Kachur, City Clerk
Ms. J. Baltessen, City Records Manager
Mr. H. Dick, Legal Services

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September 15, 2008

Shindico Realty Inc.
200 – 1355 Taylor Avenue
Winnipeg, MB R3M 3Y9

Dear Mr. Shindleman

RE: Request for Qualifications 472-2008

This will advise that your application submitted for the above work has been accepted and your firm will be included on our Pre-qualified Proponents list for the provision of Commercial Real Estate Services for the City of Winnipeg.

The Contract Administrator for work arising from this Request for Qualifications is John S. Zabudney and all inquiries should be directed to the Contract Administrator at 986-8290.

I would like to thank you for your participation in this Request for Qualifications.

Yours truly,

Phil Sheegl,
Director of Planning, Property and Development

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