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**Date Issued: January 26, 2018**

**City of Hamilton**

**REQUEST FOR PROPOSALS**

**Contract Number: C11-66-17**

**Request for Proposals  
Pier 8 Development Opportunity**

**ADDENDUM 5**

The following queries and responses, issued by the Procurement Section shall form part of the **Request for Proposals** documents for the above, and the revisions and additions noted herein and any attachments shall read in conjunction with all other documents. This Addendum shall, however, take precedence over all previously issued **Request for Proposals** documents where differences occur.

Included in this Addendum are: 19 Pages for Addendum 5

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**1.0 CHANGES TO CLOSING DATES**

Proponents are advised that the following changes have been made:

**Closing Time for Technical Proposals remains at Monday, March 5, 2018 at 3:00 pm**

**Public Presentation Materials Closing Time has been changed to Wednesday, April 4, 2018 at 3:00 pm**

**Financial Closing Time has been changed to Wednesday, April 4, 2018 at 3:00 pm.**

Further details regarding changes to dates and submissions are included in this Addendum in Item 2.0.

## 2.0 AMENDMENTS TO RFP re: SUBMISSION REQUIREMENTS AND CLOSING DATES

The City has received various requests for a possible extension to the RFP Closing Time and/or a reduction to the submission requirements (Evaluation Process subsection 2.1).

Upon further consideration, the following amendments shall take effect immediately:

1. Establish a new submission deadline and definition for all **Public Presentation Materials**, which shall be **3:00 pm Hamilton time, on Wednesday, April 4, 2018 (“Public Presentation Materials Closing Time”)**.
2. Establish a new submission deadline and definition for the **Financial Proposal** package, which shall be **3:00 pm Hamilton time, on Wednesday, April 4, 2018 (“Financial Closing Time”)**;
3. To clarify the submission requirements at each of the Closing Time, Public Presentation Material Closing Time, and Financial Closing Time:
  - a) by the **Closing Time**, all of the items listed in the Instructions to Proponents subsection 4(3)(a) must comprise the submitted Technical Proposal and be submitted, save and except for:
    - i) presentation panels (item (iv)), including any digital or reduced printed versions of the presentation panels;
    - ii) the user stories;
    - iii) the digital video presentation; and
    - iv) the Financial Proposal;
  - b) by the **Public Presentation Materials Closing Time**, the following must be submitted:
    - i) Original presentation panel display boards (up to 6) should be included in a separate package, mounted on ¼ inch foam core, and include the name or logo of the Proponent and/or the Architectural Design Lead;
    - ii) ten (10) hardcopy printouts of the presentation panels reduced to 11” x17” format; and
    - iii) one (1) USB flash drive containing digital versions of the presentation panels (minimum 300 dpi resolution and reduced to print to 11” x 17” format) and the digital video presentation; and
  - c) by the **Financial Closing Time**, all of the materials listed in Instructions to Proponents subsection 4(3)(b) must be submitted as well as any optional submission related to the draft Development Agreement in accordance with Subsection 5(2) of the Evaluation Process (please also see City Response #45 for further instruction related to draft Development Agreement comments).
4. The total maximum run-time length of the video / animation / self-running digital presentation (subsection **2.1.1.6(3)(a)**) shall be **reduced to 180 seconds** (3 minutes), and **no minimum length** shall be required;
5. **Delete** requirements in subsection **2.1.1.3(1)(a) in its entirety**; and

6. **Delete and replace** the text of **2.1.1.3(1)(c)** as follows: “~~Target Market Segmenting by Specific strategies to achieve diversity of target market segments, including by:~~”

All other submission requirements shall remain unchanged. A Proposal shall not be considered complete until the Technical Proposal, Public Presentation Materials, and Financial Proposal have all been submitted by the corresponding deadlines. However, the City reserves the right to review and evaluate Proposals in stages and may commence its review of Proposals prior to having received all components.

Proponents will not be permitted to make changes to any portions of their submitted Technical Proposal after the Closing Time, other than to cure irregularities as identified and directed by the City. Where consistency between the Technical Proposal, Financial Proposal, and Public Presentation Materials is of evaluative importance, it is each Proponent’s responsibility to ensure that the Financial Proposal and Public Presentation Materials submitted at their respective deadline is consistent with the received Technical Proposal, prior to submission.

The City would also like to clarify that where the Technical Proposal Submission Requirements seek an “overview” of certain aspects of the Development Plan, it is understood by the City that precise details may not be fully formed and available at this conceptual stage. These overview requests are meant to signal to Proponents certain considerations that should be made when strategizing their Development Plans. For greater clarity, where an overview has been requested, please interpret it to mean that the City is seeking an explanation of the Proponent’s planned strategy to fulfill the identified considerations. These overviews may, however, be enhanced by providing indicative examples, percentage allocations, or target numerical ranges.

Notwithstanding, where Proponents are asked to indicate an intent to exceed an established measurable benchmark, guideline, or standard, identification of a numerical, or otherwise measurable target is required.

### **3.0 COMMITMENT DATE**

The City has yet to establish and confirm a Commitment Date. It is the City’s intent to answer as many of the questions arising from the Round 1 Commercially Confidential Meetings as possible prior to asking Proponents to provide a commitment notice given that the City’s responses may have a material impact on a Proponent’s level of commitment. With the publication of this Addendum 5, approximately 50% of the questions arising from the Round 1 CCMs have been answered. The Commitment Date shall not be later than the date of the first Round 2 Commercially Confidential Meeting.

The City will specify an acceptable form of commitment notice when the Commitment Date is formally communicated.

#### **4.0 INSTRUCTIONS REGARDING ROUND 2 COMMERCIALLY CONFIDENTIAL MEETINGS (“CCM”)**

Proponents are reminded that in accordance with the instructions provided in Appendix D and the timeline milestones indicated in section 8 of the Special Provisions of the RFP, **each Proponent that wishes to schedule a Round 2 CCM must submit a completed CCM Registration Form to the City’s Contact Person no later than February 5, 2018.**

In completing the CCM Registration Form, Proponents must indicate a first, second, and third choice of meeting date and time from the following list of availabilities:

- Tuesday, February 13, 2018 (9:30 am to 12:30 pm)
- Tuesday, February 13, 2018 (1:30 pm to 4:30 pm)
- Wednesday, February 14, 2018 (9:30 am to 12:30 pm)
- Wednesday, February 14, 2018 (1:30 pm to 4:30 pm)
- Friday, February 16, 2018 (9:30 am to 12:30 pm)
- Friday, February 16, 2018 (1:30 pm to 4:30 pm)

All CCMs shall take place at the Hamilton Waterfront Trust Centre (57 Discovery Drive) at Pier 8.

Please be advised that time slots for CCMs will be allocated on a first-come-first-served basis according to the preferred choices indicated the CCM Registration Form. Any Proponent that wishes to participate in a Round 2 CCM, but is unable to attend on any of the given or remaining available dates and times, must contact the City’s Contact Person immediately. The City will make reasonable commercial efforts to accommodate the Proponent, but cannot guarantee that an alternate arrangement will be made.

#### **5.0 CLARIFICATION TO ADDENDUM 4, CITY RESPONSE TO QUESTION #4**

In response to Addendum 4, Question #4 which read:

“Confirm that the binding Zoning and Set-back Requirements for Pier 8 are the ones listed in Appendix “B” to Report PED17074”,

the City would like to make the following amendment:

DELETE City Response #4

INSERT the following new City Response #4:

“Yes, Appendix B to Report PED17404 accurately reflects the recommended amendments to the City’s Comprehensive Zoning By-law No. 05-200 that City Council approved in May 2017 and enacted via By-law 17-095 (see Electronic Data Room). While Council’s approval of this amendment is currently under appeal to the OMB, resulting in By-law 17-095’s “Not Final and Binding”

status, for the purposes of this RFP, Proponents are instructed to form their Proposals in accordance with the regulations contained therein.

Proponents are reminded that By-law 17-095 reflects amendments to Zoning By-law 05-200 on an exception basis only. For greater clarity By-law 17-095 and Zoning By-law 05-200 together form the full extent of zoning regulations applicable to the Subject Lands. Additionally, the City recommends that each Proponent review the West Harbour Secondary Plan (‘Setting Sail’) and the Pier 7+8 Urban Design Study, which has been adopted by Council as the prevailing urban design guidelines for Piers 7 and 8, in order to complete their comprehensive understanding of all planning and design regulations applicable to the Subject Lands.

Furthermore, Proponents should note that the Secondary Plan contains provisions with respect to the permitted land uses, as well as the maximum allowable building heights and unit densities. As such, any desired change to permitted land uses, heights or density limits would require an Official Plan Amendment, rather than a minor variance. To further clarify the rules of this RFP, Proponents are prohibited from including in their Proposals any contemplation of a policy change that would require an Official Plan Amendment to effect.”

## 6.0 QUESTIONS AND RESPONSES

Question #7	Are you able to provide an update on the OMB appeals?
City Response #7	<p>There are no material updates to report regarding the OMB appeals since the December 1, 2017 All-Proponents’ Briefing. The next Pre-Hearing Conference is scheduled for February 27, 2018.</p> <p>The City has posted a number of documents to the Electronic Data Room that relate to the appeals:</p> <ul style="list-style-type: none"> <li>• City Council Minutes Report 17-010 (May 24, 2017) containing confirmation of carried motion to effect By-law 17-095 which amends Zoning By-law 05-200, per Application ZAC-16-034;</li> <li>• City’s public Notice of Draft Approval of the Draft Plan of Subdivision (File No. 25T201605), dated May 31, 2017;</li> <li>• Parrish &amp; Heimbecker Limited’s June 16, 2017 Appeal of By-law No. 17-095;</li> <li>• Harbour West Neighbours Inc. and Herman Turkstra’s June 18, 2017 Appeal of By-law No. 17-095</li> <li>• Bunge Canada’s June 19, 2017 Appeal of By-law No. 17-095; and</li> <li>• Ontario Municipal Board Order, in respect of Case No. PL170742, dated November 10, 2017.</li> </ul>

	As previously pledged, the City will notify the Proponents of any material changes to the status and/or ongoing progress of the appeals, to the extent that it can publicly comment.
Question #8	When can we expect the results of the soil sampling?
City Response #8	<p>In the RFP Terms of Reference Base Assumptions, the City made a commitment to perform additional drilling samples that would supplement existing soil condition data that can be found in the Electronic Data Room. The City's drilling contractor commenced drilling on January 16, 2018 and has planned for a pace of two business days per hole. The City intends to release the drilling results on or before February 15, 2018. The distributed information will include the locations of drilling samples along with soil descriptions and depths of varying strata, including water table depths. Each Proponent is expected to perform their own analysis of the results to satisfy their precise inquiries.</p> <p>In addition to the forthcoming drilling results, the City reminds Proponents that a significant amount of soil characteristics data can be found in various engineering reports that have already been provided in the Electronic Data Room. In particular, Proponents may wish to review the Phase 2 Environmental Site Assessment and the Geotechnical Investigation related to the Pier 8 Pumping Station and Forcemain.</p>
Question #9	Can we get copies of the electronic 3D drawings prepared by Brook McIlroy for the site in its April 2016 report and those prepared by Scott Torrance (landscape architect)?
City Response #9	<p>The development plan scheme illustrated in the Pier 7+8 Urban Design Study prepared by Brook McIlroy represents only one possible indicative concept for the Subject Lands. The City would like to deter Proponents from copying and varying the development plan configuration found in this report, and instead encourages each Proponent to develop their own unique vision from the ground-up.</p> <p>Notwithstanding, the City has posted the requested file on the Electronic Data Room in SketchUp format. Proponents are advised that these renderings are for illustration purposes only and may not precisely reflect the applicable site regulations. Each Proponent is required to perform their own due diligence to ascertain the accuracy and precision of their own designs submitted within their Proposal.</p> <p>With respect to the winning design for the Pier 8 Promenade Park produced by Scott Torrance Landscape Architects (FORREC Ltd.), the City has added to the Electronic Data Room, a SketchUp file that</p>

	<p>illustrates the location of the Park elements relative to the Development Blocks. As with the Urban Design Study files, Proponents are advised that these renderings are for illustration purposes only and may not precisely reflect the final design or overall site conditions. Final working drawings are still in progress and will be shared with the Successful Proponent, or with all Proponents if available prior to the RFP Closing Time.</p>
Question #10	<p>Has the City allocated any financial funding sources in support of the construction of buildings and/or tenancing of the Institutional Block (Block 16)?</p>
City Response #10	<p>For the purpose of this RFP, Proponents are directed to assume that no financial funding is available for the construction of buildings or tenancing of Block 16.</p>
Question #11	<p>Is the City willing to entertain proposals under the Urban Innovation submission requirement that contemplate being located within the public realm (e.g., public open space, rights-of-way, municipal service corridors, etc.) and/or that may physically impact or alter the public realm?</p>
City Response #11	<p>For the purpose of this RFP, Proponents are directed to assume that the City will install at Pier 8:</p> <ul style="list-style-type: none"> <li>• all municipal services in accordance with the City’s standard specifications;</li> <li>• all public rights-of-way in accordance with the Draft Plan of Subdivision; and</li> <li>• all public open spaces in accordance with the designs for the Promenade and Gateway Parks,</li> </ul> <p>and that delivery of these elements will be complete by the end of Q1 2019, save and except for certain finishing details (see City Response #15).</p> <p>Notwithstanding, Proponents are encouraged not to limit its urban innovation ideas as a result of these assumptions. While there may not be opportunities for full-scale innovation projects that tie into the public realm prior to installation, the City would be willing to cooperate with the Successful Proponent to implement demonstration projects that may require access to elements of the public realm. In accordance with the Urban Innovation submission requirements (Evaluation Process subsection 2.1.2), the size and scale of the proposed project and any support or accommodation required from the City must be articulated in the Proposal.</p>
Question #12	<p>Can the City please clarify the timing of the Value Add Share payment</p>

	<p>calculation for condominium unit sales – will be calculated not later than twelve (12) months following the <u>sale</u> or the <u>financial close and ownership transfer</u> of the final unit?</p>
City Response #12	<p>The City confirms that the Value Add Share payment calculation is intended to be calculated not later than twelve (12) months following the <u>financial close and ownership transfer</u> of the final unit. RFP Evaluation Process Subsection 2.2.5.1(1)(a) shall be amended to reflect this clarification.</p>
Question #13	<p>Does the City have a preference for the LEED level delivered?</p>
City Response #13	<p>The City recognizes that to-date, LEED has had limited adoption by both the private and institutional segments of Hamilton’s development and building industry. Given limited precedents that confirm feasibility, this RFP only requires that the LEED standard be the applicable, verifiable framework to measure environmental sustainability, with “LEED Certified” being the minimum achievable level. However, Proponents are reminded that the Minimum Green Building and Design Guidelines (RFP Appendix F) will be applicable to all buildings in the development, and should note that the evaluation criteria for Environmental Sustainability does provide for higher scores to be given to Proposals that target a higher LEED standard.</p> <p>While each Proponent is free to propose the targeted LEED standard that best suits their proposal, the Successful Proponent will be bound to obligations and default remedies as outlined in Subsections 4.05 and 8.02 of the draft Development Agreement.</p>
Question #14	<p>Figure 11 in Appendix B to Staff Report PED17074 is titled “Maximum Setbacks” – is this correct? Does this mean that the setbacks can be smaller if so desired?</p>
City Response #14	<p>Yes, “Maximum Setbacks” is correct. The design concept was to ensure buildings close to the street to promote a development that has a high degree of streetfront presence. Setbacks may be smaller if so desired.</p>
Question #15	<p>Does the City intend to service the entire site prior to delivery of any blocks?</p>
City Response #15	<p>The City intends to partially service the site anticipating that some of the above-ground infrastructure would be best constructed by the developer as part of their Site Plan developments. Irrespective of the constructor, the costs of constructing, ownership, and ongoing</p>



	<p>maintenance responsibility shall lie with the City.</p> <p>Subject to finalizing the construction phasing plan, the City intends to fully construct: Street A south of Street C; Street C west of Street A; all of Street D; and Catharine Street.</p> <p>The remaining streets: Street A north of Street C; all of Street B; and Street C east of Street A will be constructed to base course asphalt with concrete curb and lighting with temporary asphalt sidewalk as required. If possible, the City intends to service each block with water/sewer stubs at pre-set locations to be negotiated with the Successful Proponent.</p> <p>For the purposes of this RFP, Proponents are directed to assume that the above-specified services will be delivered by the end of Q1 2019.</p>
Question #16	Does the City have a preference as to where development begins?
City Response #16	The City does not have a specified preference with respect to phasing or timing of the draw-down of Blocks. However, Proponents are advised to review the evaluation criteria related to Project Delivery that outlines how overall phasing will be considered in the City's evaluation of Proposals.
Question #17	The City is looking for additional parking on the site to reduce pressure to the waterfront in general. How should we address that in our plan as additional parking will impact our design?
City Response #17	Please refer to RFP Terms of Reference, Base Assumption #4. For further clarity, each Proposal only needs to provide for enough parking per the zoning by-law requirements to satisfy the Development Plan being proposed therein. There is no specific evaluation criterion or score allocation for providing parking in excess of the minimum requirement.
Question #18	Can the City indicate which portions of the Public Realm are final?
City Response #18	Designs for Promenade Park, Pier 8 Park, and municipal streets will be completed by the City (See City Responses #11 and #15). The Successful Proponent will be responsible for completing the design and construction of the Greenway.
Question #19	What applicable guidelines govern the requisite noise and dust mitigation measures under a Class 4 designation?
City Response #19	The MOECC's <u><i>NPC 300, Environmental Noise Guideline: Stationary</i></u>

	<u>and Transportation Sources</u> outlines the statutory requirements applicable to building in Class 4 designated areas. Please refer to RFP Terms of Reference, Base Assumption #6 for additional guidance with respect to this RFP.
Question #20	Please confirm that the definition of Gross Floor Area in this RFP is the same as defined in Zoning By-law 05-200
City Response #20	Yes, the definition of Gross Floor Area in Zoning By-law 05-200 has the same applicability to By-law 17-095 and this RFP. Notwithstanding the treatment of above-grade parking in this definition and the Maximum Residential Unit Floor Area provisions in the applicable zoning by-laws, for further clarity, referencing Item 5.0 of this Addendum 5, the maximum buildable envelope is defined and limited by the zoning by-law's set-backs and step-backs together with the height limits reflected in the Secondary Plan. Any decision by a Proponent to provide structured above-ground parking that lies within the buildable envelope created by the regulations, must not anticipate an off-set or re-allocation of displaced floor area through an amendment to the height limits on the affected Block or any other Block, as height limitations are entrenched in the Secondary Plan and this RFP prohibits contemplation of a policy change that requires an Official Plan Amendment.
Question #21	Is a centralized parking still being contemplated, or can the parking structure be incorporated into each block/building. If the parking structure is being incorporated in to each block, would the City allow for minor variance in height limitation?
City Response #21	The centralized parking structure contemplated in the <u>Pier 7+8 Urban Design Study</u> represents only one possible solution to providing parking for the development at Pier 8. Proponents are not required to incorporate a centralized parking structure in their Proposals. With respect to parking, Proponents must only meet the requirements of their proposed Development Plan in accordance with the applicable zoning.  Please see City Response #20 with respect to at-grade and above-ground parking levels incorporated into a Block's buildable envelope.
Question #22	Please confirm who is responsible for delivering the various park / open space elements of the master plan
City Response #22	For further clarity, the City shall be solely responsible for designing, constructing, owning, operating, and maintaining the Pier 8 Promenade Park (Appendix A: Block 10) and Gateway Park (Block

	<p>11).</p> <p>The Successful Proponent is responsible for designing and constructing the Greenway (Blocks 12, 13, 14) subject to the City's approval. These Blocks shall remain within the City's ownership during project delivery, and upon completion of construction, the City shall reimburse the Successful Proponent for the associated capital improvement costs and will assume responsibility for operating and maintaining the Greenway.</p>
Question #23	Are there any requirements for Section 37 or public art?
City Response #23	<p>Section 37 of the Ontario Planning Act does not apply to the Subject Lands.</p> <p>There are no specific requirements for the Successful Proponent to provide public art within its Development Plan. Notwithstanding, to the extent that publicly accessible art provides a benefit for the City and its constituents, Proponents are encouraged to consider the provision of public art as potential contributors to its Place-making and/or Urban Innovation strategies.</p>
Question #24	Are there any harbour wall improvements that need to be made by the Proponent?
City Response #24	Harbour wall improvements are, in their entirety, the responsibility of the City to complete.
Question #25	Does the City anticipate expanding the transit route through the subdivision?
City Response #25	<p>The City's public transit agency, Hamilton Streetcar &amp; Rail (HSR), currently operates the A-Line express bus route starting from Hamilton International Airport in the south and terminating at Pier 8 in the north. This route traverses the entire City along a major north-south corridor and passes through the Downtown Core, connecting to the West Harbour GO station, Hunter Street GO station, and MacNab Bus Terminal along the way. The A-Line route will also intersect with the proposed Hamilton east-west cross-town LRT (currently the B-Line bus route). The A-Line is a critical branch of the City's long-term transit plan, known as the BLAST network, which aims to move Hamiltonians through the City via a multi-modal public transportation system. The identified branches of the BLAST network will receive priority consideration in all future transit development and enhancement ventures. For more information on the City's long-term public transit plans, please visit:</p>

	<a href="https://www.hamilton.ca/city-initiatives/priority-projects/rapid-ready">https://www.hamilton.ca/city-initiatives/priority-projects/rapid-ready</a>
Question #26	Is the Proponent responsible for offsite landscaping between the property line and curb?
City Response #26	No. However, the City may leave these items only partially finished prior to conveying the Subject Lands, with construction completion responsibility left to the Successful Proponent but at the City's sole expense. See City Response #15.
Question #27	Is there any rebate or set-off for parkland dedication requirements and/or development charges being offered by the City?
City Response #27	No. Typical development charges and parkland dedication cash-in-lieu payments shall apply to the Subject Lands in accordance with the City's policies for development approvals as well as any special conditions outlined in the Draft Plan of Subdivision. Additionally, the Subject Lands are not eligible for any development incentive programs. Each Proponent is expected to devise their Financial Proposal pricing on this basis.  See Terms of Reference, Base Assumptions #7 and #8.
Question #28	Do the existing servicing mains have capacity for the full build-out envisioned?
City Response #28	Yes, the City has undertaken studies to ensure that the planned municipal services, built to the City's typical engineering design standards, will be sufficient to service the development scheme permitted at Pier 8.
Question #29	Are there any off-site servicing improvements that will be required with the connection to the site?
City Response #29	The City is solely responsible for providing all municipal services to the Subject Lands, including a wastewater pumping station that will be built on a City-owned site at the north end of Pier 8. Furthermore, the City does not anticipate any contingent events that will necessitate additional servicing improvements in the near future.
Question #30	Are there any proposed developments forecasted in the same area that could take capacity away from this development?
City Response #30	At this time, the City is not aware of any proposed developments that

	would negatively affect the Subject Lands from a servicing capacity perspective. The development of Pier 8 is by far the largest contemplated development in the vicinity.
Question #31	What is the timing of the completion of servicing to be ready for the Successful Proponent?
City Response #31	Please see City Responses #11 and #15
Question #32	When will the surrounding park be completed?
City Response #32	Please see City Response #11
Question #33	Heritage Buildings – The site current does not contain any buildings designated ‘heritage’ under the Ontario Heritage Act. However, are there other existing buildings on the site that the City deems as having cultural heritage and therefore need to be partially retained / repurposed / re-used?
City Response #33	There are no existing buildings on the Subject Lands that must be preserved in whole or in part as a condition of development approval or evaluation of Proposals.
Question #34	One of the RMMs [in the Risk Assessment / Risk Management Plan] recommends the construction of a vehicle storage area beneath the buildings on some of the blocks to deal with vapour intrusion. Will the City be amenable to looking at height restrictions to allow for that RMM provision?
City Response #34	Please refer to Addendum 5, Item 5.0 which confirms that Proponents are prohibited from including in their Proposals any contemplation of a policy change that would require an Official Plan Amendment to effect.
Question #35	One of the RMM requirements is for semi-annual monitoring and assessment of engineered barriers, vapour control systems and other RMMs is a cost and reporting requirement that will be required by the Proponent?
City Response #35	Yes, these monitoring and reporting requirements for the Subject Lands are ongoing obligations in perpetuity. Proponents will, at their discretion, determine the long-term responsibility for both condominium tenure and rental tenure properties, and must contemplate the associated costs in their Financial Proposal.

Question #36	Please clarify the designation of a “conditional” Pass as it relates to disclosing minor variance requirements in accordance with the submission requirements outlined in Subsection 2.2.1.1(2)
City Response #36	<p>Subsection 2.2.1.1(2) requires Proponents to identify any anticipated minor variances that would be required for a proposed Development Plan to be consistent with the Zoning By-law. Upon receipt and review of such a list, the evaluators reserve the right to request further clarification from the Proponent. Provided that a proposed minor variance does not also require a corresponding amendment to the Secondary Plan, it will be deemed compliant with the RFP criteria. For further clarity, the review of identified prospective minor variances is only a compliance requirement and will not be evaluated against any other criteria in the Technical Proposal evaluations.</p> <p>To be consistent with the above clarification, the City amends the following text of the RFP:</p> <ol style="list-style-type: none"> <li>1. The latter portion of the second bullet point of Subsection 3.2 Technical Proposal Evaluation Criteria to read “...minor variance requirements may be deemed a <del>conditional</del> Pass, <u>subject to the Proponent fulfilling to the City’s satisfaction, requests for further clarification.</u>”</li> <li>2. The last sentence of Evaluation Process Subsection 2.2.1.1(2) to read: “Note that any Proposal that would require <del>either a zoning or a</del> Secondary Plan amendment would not be acceptable...”</li> </ol> <p>Please note that the evaluators of the Proposals do not have the authority to rule on the merits of a minor variance application – such authority lies solely with the City’s Committee of Adjustments. The review of these identified proposed minor variances within the Proposal is solely for the purposes of this RFP. Characterization of a Proposal as a “Pass” with respect to this criterion does not have any bearing on the requirements or outcomes for the Successful Proponent’s eventual application(s) for a minor variance(s) with respect to the Subject Lands.</p>
Question #37	What is the timing of the RSC for the site and CPU for each block?
City Response #37	At the time publishing this Addendum 5, the City’s target timing is to file the Record of Site Condition for the entirety of Pier 8 in September 2018. Subsequent receipt of Certificates of Property Use for each Block is anticipated by January 2019.
Question #38	May we reach out directly to Forrec to ask questions about their Promenade Park design?

City Response #38	<p>No. All questions must continue to be directed through the City’s Contact Person. The City will issue written responses and clarifications to all questions through the public RFI / Addendum process unless the request is characterized as commercially confidential.</p> <p>To further clarify this response, RFP Special Provisions subsection 1(1) shall be amended to include “FORREC Ltd.” as an Ineligible Party and Proponents are reminded that pursuant to RFP Special Provisions subsection 10(2)(a), any attempt to contact a “consultant assisting the City” with respect to this RFP may lead to disqualification.</p>
Question #39	<p>Given the tight time to the RFP due date, would the City consider removing the requirement for the video? It effectively shortens time available for design to allow for its production.</p>
City Response #39	<p>Please see Item 2.0 in this Addendum 5.</p>
Question #40	<p>Who is on the design review panel?</p>
City Response #40	<p>A Design Review Panel review shall not comprise part of the Proposal evaluations. Furthermore, the City does not intend to publicly release the individual names of Evaluation Team members or Supporting Subject Matter Experts.</p> <p>However, Proponents are reminded that the City requires all development applications within designated areas, including those that will be located at Pier 8, to be considered by the Design Review Panel as a standard stage of the site plan application review and approval process. Additional information regarding the Design Review Panel, including its composition can be found at:  <a href="https://www.hamilton.ca/develop-property/policies-guidelines/design-review-panel">https://www.hamilton.ca/develop-property/policies-guidelines/design-review-panel</a></p>
Question #41	<p>How will proponents be scored for exceeding minimum LEED certification and/or energy targets listed in the RFP?</p>
City Response #41	<p>Please see City Response #13 with respect to LEED targets.</p> <p>Similarly, the MNECB benchmark would be considered the minimum requirement for low-energy performance and Proponents are free to propose lower consumption targets. For further clarity, Subsection 2.1.1.5(1)(b) shall be amended to add the following underlined text:</p> <p>“Low-energy performance targets relative to the Model</p>

	<p>National Energy Code Building (“MNECB”) benchmark, <u>expressing total energy cost as a percentage relative to the energy cost for the MNECB baseline (e.g., “targeting performance that results in total energy cost that is XX% of MNECB baseline energy cost”).</u>”</p> <p>Evaluation scoring will be based on the magnitude of targeted energy cost savings relative to the MNECB baseline.</p> <p>Furthermore, note that 2.1.1.5(2) to 2.1.1.5(5) require further explanation on specific techniques and approaches to achieve the proposed LEED and low-energy targets as well as a progress reporting protocol. For low-energy targets, it is expected that the reporting protocol include a proposed modeling and simulation approach.</p> <p>In its evaluation of Proposals, the City may rely on a Subject Matter Expert in the field of sustainable building design to comment on the feasibility of a Proponent’s proposed targets vis-à-vis the specific building techniques and LEED credits being pursued.</p>
Question #42	<p>Section 3.2 Evaluation Criteria states for Environmental Sustainability ‘This section is meant to assess the extent of committed targets and strategy rather than degree of creativity...’</p> <p>Please confirm if this section is providing a pass/fail score based on compliance with mandated performance goals in section 2.1.1.5 and Appendix F: Minimum Performance Requirements or is being scored to reflect effort above and beyond mandated performance goals.</p>
City Response #42	<p>For further clarity, targeting a minimum of “LEED Certified” and “not greater than 100% of MNECB baseline energy cost” are considered minimum compliance requirements. If a Proposal is silent on either or both, the Proponent will be asked to clarify and if these target minimums are not confirmed, then the Proposal will be considered non-compliant.</p> <p>With respect to the Minimum Green Building and Design Guidelines specified in Appendix F, the City recognizes that the level of design detail at this conceptual Development Plan stage may not allow confirmation of full compliance with these guidelines. These guidelines are provided as an indication of how the expected building specifications may affect construction costs.</p>
Question #43	<p>Has the City considered offering an honorarium to partially offset the Proponents’ costs incurred to prepare a Proposal?</p>



City Response #43	The City previously gave consideration to an honorarium, but has opted to not offer one.			
Question #44	Would the RFP consider a Proposal that contemplates an equity-based joint venture partnership arrangement between the Proponent and the City?			
City Response #44	<p>Prior to requesting City Council’s approval to commence the solicitation process and prior issuing the RFP, City staff gave considerable thought to possible deal structures. While joint-ventures were considered as an option, it was determined that such a model infers certain risks and capital valuation challenges that did not align with some of the City’s desired sale outcomes.</p> <p>Notwithstanding, since this question was posed during the CCMs, project staff conferred with the project Steering Committee, comprised of executive-level Administration staff, and collectively have reconfirmed the City’s position that for the purposes of this RFP, a joint-venture arrangement will not be considered.</p>			
Question #45	<p>Subsection 5(2) of the Evaluation Process states that “each Proponent shall, as part of its Technical Proposal, identify any provision in the draft Development Agreement that it wish to amend, providing where appropriate, the Proponent’s proposed wording”.</p> <p>Please clarify the required format for this submission and where it should be included in the Proposal.</p>			
City Response #45	<p>Proponents are directed to submit commentary in accordance with Subsection 5(2) of the Evaluation Process in tabular format using the following headings:</p> <table border="1" data-bbox="482 1346 1472 1421"> <thead> <tr> <th data-bbox="482 1346 683 1421">Subsection Reference</th> <th data-bbox="690 1346 1073 1421">Original Language</th> <th data-bbox="1079 1346 1472 1421">Suggested Language / Comments</th> </tr> </thead> </table> <p>Subsection 5(2) of the Evaluation Process language shall be amended to reflect the following change:  “each Proponent shall, <del>as part of its Technical Proposal,</del> identify any provision in the draft Development Agreement that it wish to amend, providing where appropriate, the Proponent’s proposed wording”,</p> <p>and this submission may be delivered in the same envelope together with the Financial Proposal and shall also be due by the Financial Closing Time.</p>	Subsection Reference	Original Language	Suggested Language / Comments
Subsection Reference	Original Language	Suggested Language / Comments		

Question #46	Please describe the methodology by which geodetic heights will be measured
City Response #46	<p>As defined in Zoning By-law 05-200:</p> <p><b>“Building Height</b> shall mean the vertical distance from grade to the uppermost point of the building but not including any mechanical penthouse or any portion of a building designed, adapted or used for such features as a chimney, smokestack, fire wall, stair tower, fire tower, water tower, tank, elevator bulkhead, ventilator, skylight, cooling tower, derrick, conveyor, antenna, or any such requisite appurtenance, or a flagpole, display sign, ornamental figure, parapet, bell tower or other similar structure. Provided, however, where this By-law requires building height to be calculated to determine a minimum rear yard or a minimum side yard requirement, building height shall mean the vertical distance between the lowest finished grade elevation along the lot line related to such required yard at that point closest to the building and the horizontal extension of the uppermost point of the building.”</p>
Question #47	<p>In the Zoning By-Law Amendment, Block 6 is classified as WF3, with a footprint of 20mx20m and as having max. 600 Sq.m. of commercial area. The allowable commercial area exceeds what the block footprint can accommodate on ground floor. In addition, clause 14.3.2.e(i) on Pg.11 of <i>Appendix B to Report PED17074</i> states that commercial uses “shall only be permitted on ground floor”. This is not achievable. Please clarify.</p>
City Response #47	<p>The referenced Block 6 has a <u>maximum</u> allowance of <u>500 sq.m.</u> (Figure 14: Table WF.4). There is also an exemption to 14.3.2.e(i) which allows certain commercial uses (Office and Personal Services) above the ground floor that could comprise part of the 500 sq.m. maximum.</p>
Question #48	<p>Please clarify clause 14.3.2.f(ii) on Pg.11 of <i>Appendix B to Report PED17074</i>. How can 30% of the GF south façade of Block 6 be occupied by residential uses when it cannot even satisfy the commercial area requirements (see previous question)?</p>
City Response #48	<p>The provision is for a <u>maximum</u> of 30%, not a minimum requirement. For greater clarity, residential use is not required along the southerly ground-floor façade of the referenced Block 6, but is optional up to a maximum of 30% of the southerly ground-floor façade.</p>
Question #49	<p>Please confirm that the Façade Percentages by Elevation listed in Fig.13 of <i>Appendix B to Report PED17074</i> are applicable to <u>all</u></p>

	storeys, not just the ground floor. If not, please clarify.
City Response #49	Minimum façade requirements indicated in Figure 13 (Table WF.3) are intended to secure a consistent built line at ground level to enclose the streets. Therefore, these regulations <u>apply only to the ground floor</u> and not any other storeys above the ground floor.
Question #50	Confirm that the façade % listed in Fig.13 of <i>Appendix B to Report PED17074</i> are to be calculated in relation to the set-back footprint, not the actual site boundary.
City Response #50	The minimum façade provision requirements indicated in Figure 13 (Table WF.3) shall be interpreted as the proportionate percentage of the respective <u>site boundary</u> .
Question #51	Are elevator overruns and mechanical rooms exempt from the maximum building heights listed?
City Response #51	Yes. Please see City Response #46.
Question #52	Provide the width and setting out of the Mid-Block connection shown in the Brook McIlroy report which connects the Greenway to the waterfront.
City Response #52	Specifications regarding the mid-block connection (between Blocks 16 and 1, and 17 and 4) are not prescribed in the zoning by-law and are intended to be established through site plan control. For additional design considerations, the mid-block connection should be sufficiently wide to ensure privacy between facing units (if residential) and to provide glazing facing the walkway from both properties.

### END OF ADDENDUM 5

Proponents providing a signed Form of Proposal have made any necessary inquiries with respect to addenda issued by the City and have provided for all addenda in their Proposal submission.

**All addenda will be posted on the City's bid portal at:  
[hamilton.bidsandtenders.ca](http://hamilton.bidsandtenders.ca)**

**and at**

**[www.hamilton.ca/westharbour](http://www.hamilton.ca/westharbour)**

**Procurement Section, City of Hamilton, Ontario**