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**City of Hamilton**  
**REQUEST FOR PROPOSALS**  
**Contract Number: C11-66-17**  
**Request for Proposals**  
**Pier 8 Development Opportunity**

**ADDENDUM 6**

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: 8 Pages for Addendum 6

**1.0 AMENDMENT TO LENDER LETTER SUBMISSION REQUIREMENT (EVALUATION PROCESS SUBSECTION 2.1.3.1(2))**

With the previously-noted extension to the Financial Proposal deadline to April 4, 2018 (see Addendum 5), the City shall amend the RFP to move the submission requirement specified in Evaluation Process Subsection 2.1.3.1(2) from the Technical Proposal Submission Requirements to the Financial Proposal Submission Requirements (re-number as Subsection 2.2(6)), and shall characterize it as a compliance requirement of the Financial Proposal. Notwithstanding the submission timing changes, the evaluation of the lender letter shall remain within the Technical Proposal criteria as described in the RFP.

**2.0 QUESTIONS AND RESPONSES**

Question #53	Will the City consider additional provisions in the Development Agreement that would allow for the acceleration of the draw-down schedule?
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City Response #53	Yes, provided that none of the Builder's obligations (Article IV of draft Development Agreement) change, including the achievement of Milestone Events and Milestone Dates.
Question #54	Would the City consider a change to the calculation of the Value Add Share portion of payments with respect to condominium units such that the share is calculated as a percentage of Net Income rather than Gross Revenues?
City Response #54	<p>Upon further consideration, the City reaffirms its position that the Value Add Share for condominium units shall be calculated as the proposed percentage rate multiplied by the Gross Sales Revenues for each respective building.</p> <p>The City acknowledges the difference in VAS calculation bases between condominium and income producing properties and the potential impact that the decision to reaffirm the methodology for condominium units may have on the financial value of the City's share derived from income producing properties.</p>
Question #55	Would the City consider allowing the Successful Proponent to join the City in defending the appeals before the OMB?
City Response #55	Yes. However, precise arrangements would be finalized in conjunction with finalizing the Development Agreement between the City and the Successful Proponent.
Question #56	Can we get a copy of the Brewer's Marine lease?
City Response #56	The City assumed the Brewer's Marine Lease from the Hamilton Port Authority. That lease contains a confidentiality clause prohibiting the release of lease conditions without Brewer's Marine's consent. Brewer's Marine has provided some limited access to some lease conditions (including expiry date) to date. That said, this inquiry has prompted another request to Brewer's Marine seeking its consent to share a copy of its lease. We will advise further as soon as we hear back from Brewer's Marine.
Question #57	Can we get a survey which shows what portion of Block 7 is covered by the Brewers Marine lease, and what may be available for use before the expiry of that lease?
City Response #57	While not a formal survey, the City does have a sketch which should assist in ascertaining what portion of Block 7 is available for use before the expiry of the lease. Brewer's Marine has given consent for the City to share this sketch only with registered Proponents. If you

	wish to receive a copy of this file, please have your Proponent team's Primary Contact make a request to the City's Contact Person. Proponents are asked to limit the distribution of this file to only those individuals who are directly involved in the preparation of a Proposal, and are reminded that this sketch is for information purposes only and is not an accurate spatial representation of the actual encumbrance.
Question #58	Street A is shown as curving at the intersection with Guise St. in many supporting documents. However in the Zoning By-Law Amendment and in both the "Draft M-Plan" as well as the "Draft Plan Survey" no curve in Street A is shown. Please clarify and provide the setting out if required.
City Response #58	The Draft M-plan as provided in the Electronic Data Room is considered the most accurate surveyed plan available to-date. The City's surveying consultant will conduct additional field work towards mid-2018 in order to finalize the M-plan in advance of completing an Absolute Title Plus application with the Land Titles Office. The City will share this updated plan with the Successful Proponent, or to all Proponents if available prior to the RFP Closing Time.
Question #59	Does the City, as part of delivering municipal services, intend to coordinate the installation and supply of natural gas and hydro services?
City Response #59	Yes
Question #60	Can we receive a copy of the Phase 1 ESA report?
City Response #60	The City has posted in the Electronic Data Room, a copy of the Phase 1 ESA report for Piers 5-8.
Question #61	Can the City advise as to the precise locations of anticipated servicing connections for each block?
City Response #61	<p>At the time of release of this Addendum 6, precise locations for anticipated servicing connections to each Block had not yet been established. It is the City's expectation that the finalization of these connection locations can coincide with the Negotiations between the Preferred Proponent and the City. At this given time, the City is planning for only one connection per Block per service line.</p> <p>To the extent that the envisioned siting of buildings may require an atypical connection or multiple connections per Block, Proponents should identify such requirement as a conditional element in accordance with Subsection 2.1.3.2(4) of the Technical Proposal</p>

	submission requirements.
Question #62	Will servicing connections at each block be installed above the water table?
City Response #62	Given that portions of certain servicing mains are expected to be installed below the water table, it is reasonable to expect that not all servicing connections may be installed above the water table.
Question #63	In any previous studies, have any pumping tests occurred to understand the interaction of groundwater with excavations?
City Response #63	<p>The City has added to the Electronic Data Room, a Hydrogeologic Investigation report by Terraprobe that was prepared specifically for the City's needs in relation to the planned pumping station. This report may include some useful information with respect to excavation and dewatering in certain portions of Pier 8.</p> <p>Furthermore, Proponents are advised to refer to Section 5.4 of the Phase 2 ESA report which summarizes the hydraulic conductivity results for the geological units at the site.</p>
Question #64	How is parkland Cash in lieu calculated?
City Response #64	Please refer to Item 4, subsection (e)(iii) of Planning Committee Report 17-009 (found in the Electronic Data room) for a detailed description of how parkland dedication or cash-in-lieu payments shall apply and be calculated at Pier 8.
Question #65	<p>The scoring for the proposal requirements in section 3.2, do not align with the proposal submission requirements outlined in 2.1.1.5 Environmental Sustainability, specifically the following are listed in scoring section only:</p> <ul style="list-style-type: none"> <li>• micro-climate study</li> <li>• proposed integrated design process</li> <li>• extent to which proponent intends to exceed MNECB benchmark</li> <li>• extent to which renewable energy sources are employed</li> <li>• simplicity and affordability of operations and maintenance of proposed features</li> <li>• extent to which sustainability measures promote health</li> </ul> <p>Please confirm what deliverables are expected with the proposal submission to address the above?</p>
City Response #65	In response to this question, the City would like to make the following additional clarifications:

	<ul style="list-style-type: none"> <li>• A formal micro-climate study may be a future requirement as a condition of site plan approval; however, for the purposes of the RFP, a formal report is not required.</li> <li>• In reviewing submissions respecting Evaluation Process subsection 2.1.1.5(5), evaluators will be looking for a proposed design and progress reporting process that is inclusive of the City as a stakeholder, but does not need to strictly follow an integrated design process framework. Evaluations will benefit from providing articulated details with respect to the level of City participation, decision-making approaches, and progress reporting.</li> <li>• Please see City Response #41 (Addendum 5) respecting targets relative to the MNECB benchmark</li> <li>• Subsections 2.1.1.5(2) to 2.1.1.5(4) require Proponents to further explain specific techniques and approaches to achieve the proposed LEED and low-energy targets. 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 viability of the proposed tactics as well as their related operations and maintenance issues.</li> <li>• When describing the benefits of sustainable development tactics, Proposals should note not just the benefits to the environment as a desirable outcome, but also to the well-being and comfort of the building occupants, where applicable.</li> </ul> <p>To be consistent with the above clarifications, the following text shall be deleted from the RFP Evaluation Process subsection 3.2 (Environmental Sustainability subcategory):</p> <ul style="list-style-type: none"> <li>• <del>“Proposed integrated design process for building design and construction”</del></li> <li>• “Demonstrates a firm understanding of the site characteristics and micro-climate conditions (e.g., sun/shade, wind, etc.) to be considered in the overall design for environmental sustainability”</li> </ul>
Question #66	Item #10 of the Minimum Green Building and Design Guidelines (Appendix F) appears to be in conflict with the applicable zoning regulations in certain cases. Please clarify.
City Response #66	For further clarity, this guideline only applies to Blocks 3 and 8, as they are the only blocks with water- and park-facing frontages that are not separated by a public roadway. Both of these Blocks are designated in the zoning by-law under the Waterfront – Mixed Use (WF2) Zone. Subsection 14.2.1 of By-law 17-095 lists the permitted uses in the WF2 Zone. Application of Item #10 of the Minimum Green Building and Design Guidelines would stipulate that the uses in subsection 14.2.1 shall be permitted on the ground floor frontages of buildings that face the water and park, except for “Multiple Dwelling” or “Live/Work Unit”.

Question #67	Can units slated for purpose built rental qualify as part of the required quantity of affordable housing units?
City Response #67	While the RFP only explicitly contemplates the provision of affordable housing units within ownership tenure buildings, should a Proponent believe that providing affordable housing in a rental property is feasible, both financially and operationally, such units shall qualify towards the minimum percentage allocation (5%) requirement of the RFP. All proposed affordable units, both ownership and rental, must meet the definitions of “affordable housing” as specified in the City’s <u><i>Municipal Housing Facilities By-law</i></u> (By-law No. 16-233).
Question #68	Does the City have a preference as to whether Affordable Housing is rental or owned?
City Response #68	There is no specific evaluation criterion or score allocation that indicates a preference of tenure with respect to the required affordable housing units. However, the evaluation criteria under “Residential Program” does indicate the City’s desire for Pier 8 to house a diverse mix of residents across a broad range of incomes, lifestyles, and household configurations, towards which tenure of affordable units may be a contributing factor.
Question #69	Does the City have a preference for the unit mix of the affordable housing?
City Response #69	There is no specific evaluation criterion or score allocation that indicates a preference of unit type or mix with respect to the required affordable housing units. However, the evaluation criteria under “Residential Program” does indicate the City’s desire for Pier 8 to house a diverse mix of residents across a broad range of incomes, lifestyles, and household configurations, towards which unit type mix of affordable units may be a contributing factor.
Question #70	Which of the courtyards are expected to be public domains?
City Response #70	Once acquired, the Successful Proponent may consider each Block to be privately held property, subject only to permitted encroachments or easements. Notwithstanding the legal ownership of land, proposed Development Plans should consider in their place-making strategy, public access to outdoor areas, both as semi-public open space and as pedestrian circulation routes.
Question #71	Please provide a CAD plan of Forrec’s winning landscape proposal in context with the Blocks. The Sketchup file provided by Forrec does not match with CAD file provided by the city.

City Response #71	As at the release date of this Addendum 6, final working drawings have not been completed and are, therefore, not available for review.
Question #72	If there are known policy/regulatory changes on the horizon that would adversely affect the financial feasibility, or other perceived threat to the project's viability, would the successful Proponent be able to accelerate the timing of land closings (keeping all other terms with respect to timing equal)?
City Response #72	To reiterate City Response #53, irrespective of the rationale, a permitted acceleration of the draw-down schedule can be provided for within the Development Agreement, on the condition that none of the Builder's obligations (Article IV) change, including the achievement of Milestone Events and Milestone Dates.
Question #73	The Secondary Plan limits height based on a geodetic benchmark, how is that bench mark established, is it from finished grade at each building location? (After Risk Management measures have been instituted and excavation spoils from site works have been re-graded).
City Response #73	Yes, building height for each building location will be measured as a vertical distance starting at Grade.  For further clarification, Zoning By-law 05-200 defines Grade as "the average level of the proposed or finished ground adjoining a building calculated along the perimeter of all exterior walls."
Question #74	Do the internal courtyards of buildings have to be oriented in the same manner as illustrated in the layout design found in the Urban Design Study?
City Response #74	To reiterate, the design found in the <i>Pier 7+8 Urban Design Study</i> is indicative only and represents only one possible site layout. The siting and configuration of buildings are guided by the zoning by-law regulations outlined in By-law 17-095 and Zoning By-law 05-200. A particular special provision related to interfacing with the promenade is Figure 13 (Table WF.3) within By-law 17-095, which stipulates a minimum proportion of Block frontages be comprised of ground-floor building façades.

**END OF ADDENDUM 6**

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**

**and at**

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

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