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Date Issued: February 22, 2018

City of Hamilton

REQUEST FOR PROPOSALS

Contract Number: C11-66-17

**Request for Proposals
Pier 8 Development Opportunity**

ADDENDUM 13

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 13

1.0 CHANGE TO TECHNICAL PROPOSAL CLOSING TIME

Please be advised that the Closing Time for Technical Proposals only has been changed to **Tuesday, March 13, 2018 at 3:00 p.m.**

The final date for Proponents to submit Requests for Information pertaining to the Technical Proposal remains unchanged at February 23, 2018 and the final date for the City to issue addenda pertaining to the Technical Proposal remains unchanged at February 27, 2018. Notwithstanding, the City reserves the right to issue addenda at any time prior to the Closing Time in the event that a material clarification is required, and possibly extend the Closing Time if warranted.

2.0 CHANGES TO 'BID FORM 1'

Please be advised that a revised version of Bid Form 1 has been posted to the Bids and Tenders website. Please submit your Technical Proposal using this new template. For clarification, the following changes have been made:

- All floor area measurements must now be submitted in square metres;

- ‘Live / work’ has been added as a unit type under both the Market Units and Affordable Units sections;
- A new section has been added for Total Residential Unit Floor Area, including breakdowns by unit type. These totals should include both market and affordable units and be stated in accordance with the Gross Floor Area calculation methodology;
- Cells that contain calculations have been locked and un-highlighted (i.e., these cells do not require an input); and
- Modification to signature blocks.

3.0 QUESTIONS AND RESPONSES

Question #157	Is it fair to assume that Dillon has resubmitted the risk assessment based on emails contained in the data room? One on Oct 31st was a response matrix on each MOECC comment and the second was on Nov 30th that related to possible changes to the RMMs. In the cover email to the Nov 30th document, Dillon were going to have a meeting the next day (it seems) to discuss revisions to the RA. We haven't come across anything since that would indicate they formally revised the RA, or resubmitted it. Has there been any indication, or is there any possibility, that the MOECC will require Dillon, or the Proponent, to undertake additional investigative work prior to issuance of the RSC? Does Dillon have any plans to undertake additional investigative work?
City Response #157	Dillon is actively pursuing all avenues to ensure that the RSC is compliant. Additional field work is scheduled for late-February to address some of the MOECC's concerns. The City is still awaiting comments from the MOECC regarding the matrix. The Proponent will not likely have to complete any EA work to satisfy the RSC and the RA will identify the appropriate risk management measures for each Block.
Question #158	Are there any requirements under the affordable housing criteria for how the affordable units are allocated or distributed amongst buildings/blocks (i.e. do the need to be equally spread across buildings/blocks or is it up to the developer's discretion where these affordable units should be located on the development site)?
City Response #158	There is no specific evaluation criterion or score allocation that indicates a preference for how the affordable units are allocated or distributed. 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 #159	Does the City have a preference as to when the Affordable Housing is phased in?
City Response #159	<p>See City Response #158 above.</p> <p>Additionally, the “Project Delivery” evaluation criteria indicates the City’s desire for Proponents to show the “Extent to which the proposed phase-in schedule prioritizes the public’s interests”.</p> <p>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.</p>
Question #160	Please clarify the methodology that will be used to measure whether affordable units provided by the Successful Proponent adequately meets the City’s definition of affordable housing. Specifically, how will the benchmark data be collected and applied?
City Response #160	<p>The RFP Terms of Reference, Section E (1) defines the City’s specification regarding Affordable Housing, including the source of definitions. Furthermore, City Response #67 (Addendum 6) clarifies the City’s position on proposed rental affordable housing.</p> <p>For the purposes of evaluating RFP Proposals, the price-level of affordable units will not be calculated or measured. The only compliance criteria with respect to affordable units shall be whether the Development Plan has allocated a sufficient proportion of all residential units in order to meet the minimum policy guideline of 5%.</p> <p>It is the City’s expectation that the implementation of the Affordable Housing program, including the precise calculation methodology and enforcement of pricing for affordable units, will be included in the Development Agreement.</p>
Question #161	At what stage is the current community engagement program, according to the IAP2 spectrum?
City Response #161	<p>Throughout the course of this project to-date, the City has engaged in public participation in various ways along the IAP2 spectrum. These engagements have helped shape the Secondary Plan, Draft Plan of Subdivision, site-specific zoning by-law, and the solicitation process for the Subject Lands (i.e., RFQ and RFP).</p> <p>Given that the Subject Lands are now at the stage where site plan applications can be made, notwithstanding any necessary minor variances or zoning amendments, the Successful Proponent may advance their plans subject only to statutory public notice</p>

	<p>requirements, if any (IAP2 “Inform”).</p> <p>However, the City considers ongoing positive community relations to be a measure of this project’s success. As such, the RFP subsection 2.1.3.3(2) does request that Proponents articulate a community engagement and communication plan. These plans will not necessarily be measured against the IAP2 spectrum, but the extent to which the plan demonstrates meaningful engagement with the public will be taken into consideration when evaluating and scoring under the Project Implementation Plan criteria.</p>
Question #162	Section 2.1.2 Urban Innovation of the RFP speaks to innovative plan elements relating to “Participatory Programs” and “demonstration projects”. Can you clarify what each of these elements are?
City Response #162	<p>Participatory programs are programs that provide certain benefits to individuals or organizations that sign up and/or qualify. Such programs are typically targeted to a specific segment of the population (e.g., seniors, labourers, artists, students, etc.), umbrella organizations (e.g., not-for-profits, business associations, institutions), or providers of a service (e.g., food, healthcare).</p> <p>Demonstration projects are projects that may not necessarily be implemented on a wide scale throughout the entire development and may also be temporary. A demonstration project may be a proof-of-concept prototype and may or may not be permanent.</p>
Question #163	Would clustered stacked- or back-to-back townhouses not necessarily attached to a larger multi-unit building be considered a multi-unit building rather than a “street townhouse”?
City Response #163	A defining characteristic of street townhomes is a separate lot for each unit. As such, stacked or back-to-back townhouses would be considered a Multiple Dwelling.
Question #164	We understand that the City is unable to provide a specific breakdown of scoring for individual submission requirements related to the Technical Proposal because it intends to employ a holistic approach to evaluating Technical Proposals. Therefore, can the City provide any further clarity on how the evaluation will be executed and provide some comfort that the evaluation will be fair?
City Response #164	When developing the RFP, evaluation criteria, and scoring approach, the City thoughtfully considered the spectrum of options between an approach that is completely holistic and one that is based on complying with a comprehensively prescriptive scope. In the end, the City landed on a hybrid that includes a few key compliance requirements, an objective but relative scoring of

	<p>Financial Proposals, and an absolute but holistic scoring for each Technical Proposal.</p> <p>As a means to encourage creativity, rather than prescribing any specific preferences or tactics, the City chose instead to convey desired outcomes and the decision drivers that would inform the evaluation of Proposals. These principles are detailed in the RFP Terms of Reference Sections B and C, and define the lens through which the published evaluation criteria (Evaluation Process subsection 3.2) will be considered by the Evaluation Team.</p> <p>With respect to the actual mechanics of the Technical Proposal evaluations, the City has selected an Evaluation Team comprised of individuals from a variety of professional disciplines that will further be supported by Subject Matter Experts in certain relevant fields. All Evaluation Team members will receive an evaluation framework handbook and orientation training in advance of receiving Proposals for review, to ensure that they understand the expectations of them and the principles of fairness.</p> <p>While Evaluation Team members will be tasked with reviewing Proposals independently, it is important to note that the Evaluation Team will reach its singular final evaluation score for each Technical Proposal by way of consensus rather than any mathematical tallying or averaging of individual scores. This format allows all team members to share their thoughts and observations with each other as a means towards reaching consensus. Team members are given an opportunity to confirm or reconsider their initial assessments on the path to reaching consensus.</p> <p>All consensus meetings will be directed by a Non-evaluating Chair and will be observed by the Fairness Monitor to ensure balanced input from all Evaluation Team members and that decisions are made in accordance with the published criteria.</p> <p>Lastly, the Evaluation Team will be required to present its findings to a Steering Committee, comprised of executive-level members of the City’s Administration. The Steering Committee’s mandate is to ensure that a commitment to the City’s interests have been upheld, which includes being able to demonstrate a fair and consistent evaluation process.</p>
Question #165	Would the City consider additional provisions in the Development Agreement that would “grandfather” the Builder’s obligations therein irrespective of any future changes to applicable legislation?
City Response #165	Yes, the City would consider such provisions depending on the particular obligation and invites Proponents to provide proposed

	alternative wording in accordance with the instructions in RFP Evaluation Process subsection 5(2).
Question #166	If future policy/legislation introduced by the Federal or Provincial governments at a later date contravenes terms within the existing Development Agreement, would there be an opportunity to evaluate impacts on the proposed development strategy and make commercially reasonable adjustments?
City Response #166	Yes, the City would consider proposals for commercially reasonable adjustments in circumstances where future legislation or applicable policy materially impacted the agreement between the City and the Successful Proponent.
Question #167	In relation to Development Agreement Subsection 8.02(b), would the City consider placing a maximum cap on the total dollar value of concurrent Letters of Credit issued to the City at any given time in the event that the Successful Proponent has drawn down on two or more Blocks at a time or has two or more Blocks in production at the same time?
City Response #167	Yes, the City would consider such a maximum cap and invites Proponents to provide proposed alternative wording in accordance with the instructions in RFP Evaluation Process subsection 5(2).
Question #168	One of the RMM requirements is to continuously monitor LNAPL and groundwater wells on-site and annually report on them. Would that be borne by the Proponent? Some of these locations may be in municipal road allowances or park space – would the City be open to sharing the cost and responsibility for this requirement?
City Response #168	The City will retain the responsibility to meet RMM requirements for those lands that continue to be owned by the City whereas the Successful Proponent will be responsible to meet RMM requirements on the remainder of the Site.
Question #169	When will the Plan of Subdivision be registered and how does that process fit with the RFP process (i.e., there are a number of conditions that need to be met before registration, can the City provide an update re the status of these conditions)?
City Response #169	For the purposes of this RFP, Proponents should assume that the Plan of Subdivision will be registered by the Commencement Date.
Question #170	Which are the applicable zoning policies, if any, that regulate room counts for hotels?
City Response #170	In accordance with Setting Sail subsection A.6.3.5.1.13, a hotel use is permitted in Medium Density Residential 2, Mixed Use, and Prime

Retail designated areas, but not in Institutional areas. However, By-law 17-095 did not specifically contemplate a hotel use in the Waterfront – Multiple Residential (WF1), Waterfront – Mixed Use (WF2), or Waterfront – Prime Retail Streets (WF3) Zones. As such, if a hotel is intended for a Block on Pier 8, the Successful Proponent will be required to submit a zoning amendment application that adds ‘Hotel’ as a permitted use and outlines proposed building regulations.

For the purposes of responding to the RFP, please make the following assumptions with respect to hotels:

1. The definition of ‘Hotel’ is found in Zoning By-law 05-200 Section 3;
2. A hotel is permitted on no more than one Block on Pier 8. Please identify the requirement for a zoning amendment in your Proposal in accordance with RFP Evaluation Process subsection 2.1.1.1(2);
3. The same built form regulations for the WF1, WF2, and WF3 Zones found in By-law 17-095, as well as Figures 11 to 13, are applicable to a hotel building;
4. By-law 17-095, Figure 14 shall apply except that Residential Units shall be interpreted to be equivalent to hotel units and Residential Unit Floor Area shall be interpreted to be equivalent to hotel floor area. Furthermore, Column (a) (minimum unit totals) shall not apply to a hotel use;
5. Hotel parking regulations as found in Zoning By-law 05-200 Section 5 shall apply. Furthermore, parking for a hotel at Pier 8 may be arranged as tandem or stacked parking, provided there is a continued use of a valet service.

Notwithstanding a hotel’s typical characterization as a commercial use, for the purposes of evaluating compliance with any density or floor area allocation regulations for the purposes of this RFP:

- Hotel floor area shall be considered residential, not commercial; and
- Hotel room counts shall be equivalent to residential unit counts.

END OF ADDENDUM 13

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

Procurement Section, City of Hamilton, Ontario