



City of Hamilton

AUDIT, FINANCE AND ADMINISTRATION COMMITTEE REVISED

Meeting #: 21-019

Date: November 4, 2021

Time: 9:30 a.m.

Location: Due to the COVID-19 and the Closure of City Hall (CC)

All electronic meetings can be viewed at:

City's Website:

<https://www.hamilton.ca/council-committee/council-committee-meetings/meetings-and-agendas>

City's YouTube Channel:

<https://www.youtube.com/user/InsideCityofHamilton> or Cable 14

Angela McRae, Legislative Coordinator (905) 546-2424 ext. 5987

1. CEREMONIAL ACTIVITIES

2. APPROVAL OF AGENDA

(Added Items, if applicable, will be noted with *)

3. DECLARATIONS OF INTEREST

4. APPROVAL OF MINUTES OF PREVIOUS MEETING

4.1. October 21, 2021 - Revised

5. COMMUNICATIONS

5.1. Correspondence from the Hamilton Waterfront Trust respecting their December 31, 2020 Audited Financial Statements

Recommendation: Be Received.

- *5.2. Correspondence from Howard Krupat, DLA Piper (Canada) LLP, respecting Associated Paving and Materials Ltd.

Recommendation: Be received and referred to consideration of Item 6.1.

- *5.3. Correspondence from Stan Capobianco, President, Associated Paving & Materials Ltd, respecting the commercial relationship between the City and Associated Paving & Materials Ltd.

Recommendation: Be received and referred to consideration of Item 6.1.

6. DELEGATION REQUESTS

- *6.1. Stan Capobianco, Marco Capobianco, Roger B. Campbell (Counsel), Howard D. Krupat (Counsel), Emma Cosgrave (Counsel), Associated Paving & Materials Ltd., respecting the commercial relationship between the City and Associated Paving (For today's meeting)
- *6.2. Max Warmuth, Garda Canada Security Corporation "GardaWorld", respecting the Commercial relationship between the City of Hamilton and Garda (For today's meeting)

7. CONSENT ITEMS

- 7.1. Immigrant and Refugee Advisory Committee - No Quorum Notes - October 14, 2021
- 7.2. Workplace Mental Health and Wellbeing Strategy (2019-2021) (HUR21013) (City Wide)

8. STAFF PRESENTATIONS

9. PUBLIC HEARINGS / DELEGATIONS

10. DISCUSSION ITEMS

- 10.1. Citizen Committee Report - Status of Women Advisory Committee - Renaming the Committee and Changes to the Terms of Reference and Mandate
- *10.2. Procurement Sub-Committee Report 21-001 - October 29, 2021

11. MOTIONS

- 11.1. Timely Access to View Confidential Documents

12. NOTICES OF MOTION

13. GENERAL INFORMATION / OTHER BUSINESS

14. PRIVATE AND CONFIDENTIAL

- 14.1. Commercial Relationship Between City of Hamilton and Garda Canada Security Corporation also known as GardaWorld Canada Security Corporation also known as GardaWorld Corporation (LS20025(a) / FCS20083(a)) (City Wide)

Pursuant to Section 9.1, Sub-sections (e) and (f) of the City's Procedural By-law 21-021 and Section 239(2), Sub-sections (e) and (f) of the *Ontario Municipal Act*, 2001, as amended, as the subject matters pertain to litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

15. ADJOURNMENT



AUDIT, FINANCE AND ADMINISTRATION COMMITTEE MINUTES 21-018

9:30 a.m.

October 21, 2021

Council Chambers

Hamilton City Hall

Present: Councillors L. Ferguson (Chair), B. Clark, M. Pearson, A. VanderBeek and M. Wilson

Absent: Councillor B. Johnson – Personal

THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:

1. 2023 Development Charges Background Study – Procurement Policy 11 Request (FCS21085) (City Wide) (Item 10.1)

(Clark/Pearson)

- (a) That a new Development Charges Background Study for all City services be initiated, at an appropriate time, subject to the Growth Related Integrated Development Strategy (GRIDS) 2 process, to support a new Development Charges By-law in accordance with the *Development Charges Act, 1997*;
- (b) That the single source procurement of Watson & Associates Economists Ltd. as external consultants for the City's 2023 Development Charges Background Study, pursuant to Procurement Policy #11 – Non-competitive Procurements within the planned budget of \$900 K in Capital Project 3382155301 "Development Charges By-law Studies" be approved; and,
- (c) That the General Manager, Finance and Corporate Services, be authorized to negotiate, enter into and execute a contract and any ancillary documents required to procure Watson & Associates Economists Ltd. as the consultant to complete the 2023 Development Charges Background Study in a form satisfactory to the City Solicitor.

Result: Motion CARRIED by a vote of 5 to 0, as follows:

YES - Ward 13 Councillor Arlene VanderBeek
 YES - Ward 12 Councillor Lloyd Ferguson
 NOT PRESENT - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson
 YES - Ward 9 Councillor Brad Clark
 YES - Ward 1 Councillor Maureen Wilson

2. Options for Relief from Municipal Charges for the Taxi Industry (LS21020(a)) (City Wide) (Added Item 10.2)

(VanderBeek/Wilson)

- (a) That Report LS21020(a), respecting Options for Relief from Municipal Charges for the Taxi Industry, be received;
- (b) That Government Relations staff be directed to begin discussions with the relevant Ministries, Association of Municipalities of Ontario and other municipalities to collaborate on challenges that the Taxi and Snow Plow industries are facing with insurance and report back to the Audit, Finance & Administration Committee; and
- (c) That staff be directed to obtain input from local Taxi brokers and appropriate Snow Plow representatives prior to sending the letters attached as Appendix "A" and "B" to Report LS21020(a), respecting Options for Relief from Municipal Charges for the Taxi Industry.

Result: Motion CARRIED by a vote of 4 to 0, as follows:

YES - Ward 13 Councillor Arlene VanderBeek
CONFLICT - Ward 12 Councillor Lloyd Ferguson
NOT PRESENT - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark
YES - Ward 1 Councillor Maureen Wilson

FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 2)

The Committee Clerk advised of the following changes to the agenda:

6. DELEGATION REQUESTS

- 6.1 Ron Vankleef and Anthony Rizzutto, Hamilton Cab and Blue Line Tax, respecting Item 10.2, Report on Taxi Industry Options (For today's meeting)

10. DISCUSSION ITEMS

- 10.2 Options for Relief from Municipal Charges for the Taxi Industry (LS21020(a)) (City Wide) (Outstanding Business List Item)

12. NOTICES OF MOTION

- 12.1 Timely Access to View Confidential Documents

13. GENERAL INFORMATION / OTHER BUSINESS

13.1 Amendments to the Outstanding Business List:

- 13.1.a. Item to be Removed:
Options for Relief from Municipal Charges for the Taxi and Snow Plow Industries (LS21020) (City Wide)
Added: June 3, 2021 at AF&A - Item 7.4
Competed: October 21, 2021 at AF&A - Item 10.2
OBL Item: 21-H

14. PRIVATE AND CONFIDENTIAL

- 14.1 Commercial Relationship Between City of Hamilton and Garda Canada Security Corporation also known as GardaWorld Canada Security Corporation also known as GardaWorld Corporation (LS20025(a) / FCS20083(a)) (City Wide) - WITHDRAWN

(Pearson/VanderBeek)

That the agenda for the October 21, 2021 Audit, Finance and Administration Committee meeting be approved, as amended.

Result: Motion CARRIED by a vote of 5 to 0, as follows:

- YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
NOT PRESENT - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark
YES - Ward 1 Councillor Maureen Wilson

(b) DECLARATIONS OF INTEREST (Item 3)

Councillor Ferguson declared an interest to Item 6.1, Delegation Request from Ron Vankleef and Anthony Rizzutto, Hamilton Cab and Blue Line Tax, respecting Item 10.2, Report on Taxi Industry Options as his family has an interest in the taxi industry.

Councillor Ferguson declared an interest to Item 9.1, Delegation from Ron Vankleef and Anthony Rizzutto, Hamilton Cab and Blue Line Tax, respecting Item 10.2, Report on Taxi Industry Options as his family has an interest in the taxi industry.

Councillor Ferguson declared an interest to Item 10.2, Report LS21020(a), respecting Options for Relief from Municipal Charges for the Taxi Industry as his family has an interest in the taxi industry.

Councillor Ferguson declared an interest to Item 13.1, Amendments to the Outstanding Business List, Items Considered Complete and Needing Removed: Options for Relief from Municipal Charges for the Taxi and Snow Plow Industries (LS21020) (City Wide), as his family has an interest in the taxi industry.

(c) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 4)

(i) October 7, 2021 (Item 4.1)

(Pearson/Wilson)

That the Minutes of the October 7, 2021 meeting of the Audit, Finance and Administration Committee be approved, as presented.

Result: Motion CARRIED by a vote of 5 to 0, as follows:

YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
NOT PRESENT - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark
YES - Ward 1 Councillor Maureen Wilson

(d) DELEGATION REQUESTS (Item 6)

Councillor Ferguson relinquished the Chair to Councillor Pearson.

(i) Ron Vankleef and Anthony Rizzutto, Hamilton Cab and Blue Line Tax, respecting Item 10.2, Report on Taxi Industry Options (For today's meeting) (Added Item 6.1)

(Clark/VanderBeek)

That the delegation request from Ron Vankleef and Anthony Rizzutto, Hamilton Cab and Blue Line Tax, respecting Item 10.2, Report on Taxi Industry Options, be approved for today's meeting.

Result: Motion CARRIED by a vote of 4 to 0, as follows:

YES - Ward 13 Councillor Arlene VanderBeek
CONFLICT - Ward 12 Councillor Lloyd Ferguson
NOT PRESENT - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark
YES - Ward 1 Councillor Maureen Wilson

(e) PUBLIC HEARINGS / DELEGATIONS (Item 9)

(i) Ron Vankleef and Anthony Rizzutto, Hamilton Cab and Blue Line Tax, respecting Item 10.2, Report on Taxi Industry Options (Added Item 9.1)

Ron Vankleef and Anthony Rizzutto, Hamilton Cab and Blue Line Tax, addressed the Committee respecting Item 10.2, the Report on Taxi Industry Options.

(Clark/VanderBeek)

That the delegates be granted an additional five minutes for their delegation.

Result: Motion CARRIED by a vote of 4 to 0, as follows:

YES - Ward 13 Councillor Arlene VanderBeek
CONFLICT - Ward 12 Councillor Lloyd Ferguson
NOT PRESENT - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark
YES - Ward 1 Councillor Maureen Wilson

(Clark/Wilson)

That the delegation from Ron Vankleef and Anthony Rizzutto, Hamilton Cab and Blue Line Tax, respecting Item 10.2, Report on Taxi Industry Options, be received.

Result: Motion CARRIED by a vote of 4 to 0, as follows:

YES - Ward 13 Councillor Arlene VanderBeek
CONFLICT - Ward 12 Councillor Lloyd Ferguson
NOT PRESENT - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark
YES - Ward 1 Councillor Maureen Wilson

For disposition of this matter, please refer to Item 2 and (f)(i).

Councillor Ferguson assumed the Chair.

(f) DISCUSSION ITEMS (Item 10)

Councillor Ferguson relinquished the Chair to Councillor Pearson.

(i) Options for Relief from Municipal Charges for the Taxi Industry (LS21020(a)) (City Wide) (Outstanding Business List Item) (Added Item 10.2)

Report LS21020(a), respecting the Options for Relief from Municipal Charges for the Taxi Industry, **was amended** by adding new sub-sections (b) and (c), to read as follows:

(Clark/Pearson)

(b) That Government Relations staff be directed to begin discussions with the relevant Ministries, Association of Municipalities of Ontario and other municipalities to collaborate on challenges that the Taxi and Snow Plow industries are facing with insurance and report back to the Audit, Finance & Administration Committee; and

- (c) ***That staff be directed to obtain input from local Taxi brokers and appropriate Snow Plow representatives prior to sending the letters attached as Appendix "A" and "B" to Report LS21020(a), respecting Options for Relief from Municipal Charges for the Taxi Industry.***

Result: Motion CARRIED by a vote of 4 to 0, as follows:

YES - Ward 13 Councillor Arlene VanderBeeck
CONFLICT - Ward 12 Councillor Lloyd Ferguson
NOT PRESENT - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark
YES - Ward 1 Councillor Maureen Wilson

Councillor Ferguson assumed the Chair.

(g) NOTICES OF MOTION (Item 12)

Councillor Clark introduced the following Notice of Motion:

(i) Timely Access to View Confidential Documents (Added Item 12.1)

WHEREAS, Council access to confidential documents takes inordinately long; and,

WHEREAS, there is no policy informing or directing staff to enable Councillors to view confidential documents;

THEREFORE, BE IT RESOLVED:

That staff be directed to create a Procedure to enable Council timely access to confidential documents such as Memorandums of Understanding, Contracts and Agreements.

(h) GENERAL INFORMATION / OTHER BUSINESS (Item 13)

Councillor Ferguson relinquished the Chair to Councillor Pearson.

(i) Amendment to the Outstanding Business List (Added Item 13.1)

(Clark/Wilson)

That the following amendment to the Audit, Finance & Administration Committee's Outstanding Business List, be approved:

(a) Items Considered Complete and Needing to be Removed:

Options for Relief from Municipal Charges for the Taxi and Snow Plow Industries (LS21020) (City Wide)
Added: June 3, 2021 at AF&A - Item 7.4

Competed: October 21, 2021 at AF&A - Item 10.2
OBL Item: 21-H

Result: Motion CARRIED by a vote of 4 to 0, as follows:

YES - Ward 13 Councillor Arlene VanderBeek
CONFLICT - Ward 12 Councillor Lloyd Ferguson
NOT PRESENT - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark
YES - Ward 1 Councillor Maureen Wilson

Councillor Ferguson assumed the Chair.

(i) ADJOURNMENT (Item 15)

(Pearson/Clark)

That, there being no further business, the Audit, Finance and Administration Committee, be adjourned at 10:30 a.m.

Result: Motion CARRIED by a vote of 5 to 0, as follows:

YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
NOT PRESENT - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark
YES - Ward 1 Councillor Maureen Wilson

Respectfully submitted,

Councillor Ferguson, Chair
Audit, Finance and Administration
Committee

Angela McRae
Legislative Coordinator
Office of the City Clerk



SENT BY EMAIL

September 30, 2021

Stephanie Paparella
Legislative Co-ordinator
Office of the City Clerk
71 Main Street West, 1st Floor
Hamilton, ON
L8P 4Y5

Subject: December 31, 2020 Audited Financial Statements

Please find attached, audited financial statements for the Hamilton Waterfront Trust for the year ended December 31, 2020.

Annual financial statement is required to be forwarded to your attention by the Hamilton Waterfront Trust. This statement is meant to fulfill the requirement for information under the deed agreement item (12) signed by the Corporation of the City of Hamilton and The Hamilton Harbour Commissioners dated November 24, 2000.

Yours truly,



Werner Plessl
Executive Director
Hamilton Waterfront Trust

cc: Janette Smith, City Manager
Mike Zegarac, GM Finance & Corporate Services
Brian McMullen, Director, Financial Planning, Administration and Policy

Hamilton Waterfront Trust
Consolidated Financial Statements
For the year ended December 31, 2020

Hamilton Waterfront Trust
Consolidated Financial Statements
For the year ended December 31, 2020

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Tel: 289 881 1111
Fax: 905 845 8615
www.bdo.ca

BDO Canada LLP
360 Oakville Place Drive, Suite 500
Oakville ON L6H 6K8 Canada

Independent Auditor's Report

To the Board of Directors of
Hamilton Waterfront Trust

Opinion

We have audited the consolidated financial statements of Hamilton Waterfront Trust and its subsidiaries (the "Group"), which comprise of the consolidated statement of financial position as at December 31, 2020, and the consolidated statements of operations and changes in net assets and cash flows for the year then ended, and a summary of significant accounting policies and other explanatory information.

In our opinion, the consolidated financial statements present fairly, in all material respects, the financial position of the Group as at December 31, 2020, and its results of operations and cash flows for the year then ended in accordance with Canadian accounting standards for not-for-profit organizations.

Basis for Opinion

We conducted our audit in accordance with Canadian generally accepted auditing standards. Our responsibilities under those standards are further described in the *Auditor's Responsibilities for the Audit of the Consolidated Financial Statements* section of our report. We are independent of the Group in accordance with the ethical requirements that are relevant to our audit of the consolidated financial statements in Canada, and we have fulfilled our other ethical responsibilities in accordance with these requirements. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

Responsibilities of Management and Those Charged with Governance for the Consolidated Financial Statements

Management is responsible for the preparation and fair presentation of these consolidated financial statements in accordance with Canadian accounting standards for not-for-profit organizations, and for such internal control as management determines is necessary to enable the preparation of consolidated financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the consolidated financial statements, management is responsible for assessing the Group's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless management either intends to liquidate the Group or to cease operations, or has no realistic alternative but to do so.

Those charged with governance are responsible for overseeing the Group's consolidated financial reporting process.

Auditor's Responsibilities for the Audit of the Consolidated Financial Statements

Our objectives are to obtain reasonable assurance about whether the consolidated financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with Canadian generally accepted auditing standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these consolidated financial statements.



As part of an audit in accordance with Canadian generally accepted auditing standards, we exercise professional judgment and maintain professional skepticism throughout the audit. We also:

- Identify and assess the risks of material misstatement of the consolidated financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Group's internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by management.
- Conclude on the appropriateness of management's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Group's ability to continue as a going concern. If we conclude that a material uncertainty exists, we are required to draw attention in our auditor's report to the related disclosures in the consolidated financial statements or, if such disclosures are inadequate, to modify our opinion. Our conclusions are based on the audit evidence obtained up to the date of our auditor's report. However, future events or conditions may cause the Group to cease to continue as a going concern.
- Evaluate the overall presentation, structure and content of the consolidated financial statements, including the disclosures, and whether the consolidated financial statements represent the underlying transactions and events in a manner that achieves fair presentation.
- Obtain sufficient appropriate audit evidence regarding the financial information of the entities or business activities within the Group to express an opinion on the consolidated financial statements. We are responsible for the direction, supervision and performance of the group audit. We remain solely responsible for our audit opinion.

We communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that we identify during our audit.

BDO Canada LLP

Chartered Professional Accountants, Licensed Public Accountants
Oakville, Ontario
September 28, 2021

Hamilton Waterfront Trust Consolidated Statement of Financial Position

December 31 **2020** **2019**

Assets

Current

Cash	\$ 278,786	\$ 472,697
Accounts receivable (Note 2)	185,270	59,775
Inventories and prepaid expenses	28,221	28,221
Current portion of note receivable (Note 5)	166,000	233,000

658,277 **793,693**

Capital assets (Note 3)	1,312,804	1,384,156
Note receivable (Note 5)	988,669	1,109,249

\$ 2,959,750 **\$ 3,287,098**

Liabilities and Net Assets

Current

Accounts payable and accrued liabilities	\$ 486,529	\$ 687,047
Current portion of deferred capital contributions (Note 4)	40,273	40,273

526,802 **727,320**

Deferred revenue - City of Hamilton	380,049	436,049
Deferred capital contributions (Note 4)	1,131,242	1,171,515

2,038,093 **2,334,884**

Net assets	921,657	952,214
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\$ 2,959,750 **\$ 3,287,098**

On behalf of the Board:

Trent Jarvis
_____ Director

Bernie Mueller
_____ Director

Hamilton Waterfront Trust Consolidated Statement of Operations and Changes in Net Assets

For the year ended December 31	2020	2019
Revenue		
Investment income	\$ 2,674	\$ 3,397
City of Hamilton contract and management income	46,602	59,445
Other income	4,669	13,300
Hamiltonian Tour Boat	15,826	36,929
Williams Fresh Cafe	637,677	1,428,213
Hamilton Scoops	74,191	163,488
Kids Fest	-	19,192
Hamilton Trolley	24,407	27,783
Waterfront Grill	24,513	47,167
HWT Centre	5,512	94,007
Outdoor Ice Rink	330,862	319,059
Skate Rental	59,092	136,856
Waterfront Development, City of Hamilton management contract	683,151	374,992
Waterfront Wheels	5,765	12,541
	1,914,941	2,736,369
Expenses		
Advertising and promotion	1,023	664
Bad debts	45,167	67,461
Bank charges	2,427	4,088
Building expenses	765	10,458
Dues and memberships	585	2,570
Equipment expenses	1,631	1,853
Insurance	6,054	5,400
Office expenses	17,533	35,785
Professional fees	50,696	25,812
Salaries and benefits	326,788	274,510
Telephone	8,159	9,348
Travel	990	147
Other expenses	7,891	11,789
Hamiltonian Tour Boat	14,791	34,484
Williams Fresh Cafe	744,636	1,372,964
Hamilton Scoops	58,894	121,669
Kids Fest	-	12,219
Hamilton Trolley	28,959	31,023
Fishing Derby	-	13,026
Waterfront Grill	34,732	51,651
HWT Centre	24,156	50,464
Outdoor Ice Rink	330,766	315,147
Skate Rental	19,337	72,544
Waterfront Development, City of Hamilton management contract	516,942	388,239
Waterfront Wheels	12,151	12,828
	2,255,073	2,926,143
Deficiency of revenue over expenses before amortization and other revenue (expenses)	(340,132)	(189,774)
Other revenue (expenses)		
Amortization of capital assets	(71,352)	(72,761)
Amortization of deferred capital contributions	40,273	40,273
Government assistance (Note 7)	340,654	-
Expenses associated with tenant dispute	-	(759,008)
	309,575	(791,496)
Deficiency of revenue over expenses for the year	(30,557)	(981,270)
Net assets, beginning of year	952,214	1,933,484
Net assets, end of year	\$ 921,657	\$ 952,214

The accompanying notes are an integral part of these consolidated financial statements.

Hamilton Waterfront Trust Consolidated Statement of Cash Flows

For the year ended December 31	2020	2019
Cash flows from operating activities		
Deficiency of revenue over expenses for the year	\$ (30,557)	\$ (981,270)
Adjustments to reconcile deficiency of revenue over expenses to net cash used in operating activities		
Amortization of capital assets	71,352	72,761
Amortization of deferred capital contributions	(40,273)	(40,273)
Changes in non-cash working capital balances		
Accounts receivable	(125,496)	125,290
Accounts payable and accrued liabilities	(200,519)	(94,826)
Deferred revenue	(56,000)	(22,781)
	(381,493)	(941,099)
Cash flows from financing activity		
Repayment of note receivable	187,582	859,900
Decrease in cash during the year	(193,911)	(81,199)
Cash, beginning of year	472,697	553,896
Cash, end of year	\$ 278,786	\$ 472,697

The accompanying notes are an integral part of these consolidated financial statements.

Hamilton Waterfront Trust Notes to Consolidated Financial Statements

December 31, 2020

1. Significant Accounting Policies

Nature of Business

The purpose of the Hamilton Waterfront Trust (the "Organization") is to improve and develop lands around the Hamilton Harbour and to encourage the local community to enjoy the Bay area. Hamilton is a culturally and ethnically diversified mosaic. Therefore, the Organization helps to promote the image of Hamilton to businesses and individuals over a wide radius.

Following a strategic review undertaken by the Board of Directors, it was decided to restructure the Organization to become a not-for-profit organization effective November 21, 2016. As part of the reorganization on that same date, HWT Inc., a wholly-owned subsidiary, was incorporated.

The Organization is incorporated under the Ontario Corporations Act, and now have a continuance under the Canada Not-for-Profit Corporations Act.

The Organization is registered under the Income Tax Act (Canada) (the "Tax Act") and, as such, is exempt from income taxes.

Basis of Accounting and Presentation

The consolidated financial statements of the Organization have been prepared using Canadian accounting standards for not-for-profit organizations.

These consolidated financial statements include the accounts of the Organization and HWT Inc. All significant intercompany transactions and balances have been eliminated.

Revenue Recognition

The Organization follows the deferral method of accounting for contributions.

Unrestricted revenue is recognized when received or receivable if the amount to be received can be reasonably estimated and collection is reasonably assured.

Deferred capital contributions related to capital assets represent the unamortized and unallocated amount of grants received for the purchase of capital assets. The amortization of capital contributions is recorded as revenue in the statement of operations.

The Organization recognizes all other revenue when services are performed or goods are sold, there is no uncertainty as to the customer acceptance, the price to the buyer is fixed or determinable and collection is reasonably assured.

Hamilton Waterfront Trust Notes to Consolidated Financial Statements

December 31, 2020

1. Significant Accounting Policies (Continued)

Capital assets

Capital assets are recorded at cost. Amortization is based on their estimated useful life using the following methods and rates or terms:

Boat	-	15 years straight-line
Building	-	5% declining balance
Computer equipment	-	30% declining balance
Dock	-	5% declining balance
Furniture and equipment	-	20% declining balance
Trolleys	-	15 years straight-line
Leasehold improvements	-	straight-line over the term of the lease

Government Assistance

During the year, the Organization made periodic application for financial assistance under the Canada Emergency Wage Subsidy ("CEWS") program in order to recover certain payroll expenditures. Government assistance received during the year for current expenses is shown as other income. When government assistance is received which relates to expenses of future periods, the amount is deferred and amortized to income as the related expenses are incurred.

Use of Estimates

The preparation of consolidated financial statements in accordance with Canadian accounting standards for not-for-profit organizations requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities at the date of the consolidated financial statements, and the reported amount of revenue and expenses during the reporting period. Actual results could differ from management's best estimates as additional information becomes available in the future.

Financial Instruments

Financial instruments are recorded at fair value when acquired or issued. Subsequently, financial instruments are reported at cost or amortized cost less impairment, if applicable. Financial assets are tested for impairment when changes in circumstances indicate the asset could be impaired. Transaction costs on the acquisition, sale or issue of financial instruments are charged to the financial instrument for those measured at amortized cost.

2. Accounts Receivable

	2020	2019
Trade accounts receivable	\$ 252,751	\$ 127,236
Impairment allowance	(67,481)	(67,461)
	\$ 185,270	\$ 59,775

Hamilton Waterfront Trust Notes to Consolidated Financial Statements

December 31, 2020

3. Capital Assets

	2020		2019	
	Cost	Accumulated Amortization	Cost	Accumulated Amortization
Boat	\$ 52,156	\$ 45,518	\$ 52,156	\$ 42,042
Building	17,016	8,443	17,016	7,992
Computer equipment	42,844	42,107	42,844	41,755
Dock	15,522	10,155	15,522	8,385
Furniture and equipment	209,092	188,828	209,092	178,989
Trolleys	335,782	214,277	335,782	193,025
Leasehold improvements	2,542,155	1,392,435	2,542,155	1,358,223
	\$ 3,214,567	\$ 1,901,763	\$ 3,214,567	\$ 1,830,411
Net book value		\$ 1,312,804		\$ 1,384,156

4. Deferred Capital Contributions

Restricted capital contributions are amortized on the same basis as the underlying capital assets.

	2020	2019
Balance, beginning of year	\$ 1,211,788	\$ 1,252,061
Less: contributions recognized as revenue	(40,273)	(40,273)
	1,171,515	1,211,788
Less: current portion	(40,273)	(40,273)
Balance, end of year	\$ 1,131,242	\$ 1,171,515

Hamilton Waterfront Trust Notes to Consolidated Financial Statements

December 31, 2020

5. Note Receivable

Effective January 1, 2018, the Organization's lease on the Parks Discovery Centre with the City of Hamilton was terminated. In consideration of the Organization entering into this arrangement, The City of Hamilton agreed to pay an early surrender fee in the form of a note. The note receivable bears interest at 4% per annum and is payable in equal annual instalments of \$166,000 (2019 - \$230,000) inclusive of interest, with final payment made on January 1, 2032.

6. Financial Instrument Risks

Credit Risk

Credit risk is the risk that one party to a financial instrument will cause a financial loss for the other party by failing to discharge an obligation. The Organization is exposed to credit risk resulting from the possibility that a customer or counterparty to a financial instrument defaults on their financial obligations. The Organization's financial instruments that are exposed to concentrations of credit risk relate primarily to its accounts receivable and note receivable balances. This risk has not changed from the prior year.

Liquidity Risk

Liquidity risk is the risk that the Organization encounters difficulty in meeting its obligations associated with financial liabilities. Liquidity risk includes the risk that, as a result of operational liquidity requirements, the Organization will not have sufficient funds to settle a transaction on a due date; will be forced to sell financial assets at a value which is less than what they are worth; or may be unable to settle or recover a financial asset. Liquidity risk arises from the Organization's accounts payable and accrued liabilities. This risk has not changed from the prior year.

7. COVID-19

On March 11, 2020, the World Health Organization declared the outbreak of a novel coronavirus ("COVID-19") as a global pandemic, which continues to spread throughout Canada and around the world. As a direct result of the COVID-19 pandemic, the Organization experienced a reduction in revenue that qualified it for financial assistance from the CEWS government incentive program in the amount of \$320,654. Furthermore, the Organization recognized \$20,000 in financial assistance received as part of the forgivable portion of the Canada Emergency Business Account ("CEBA") loan.

Management is actively monitoring and planning for contingencies in the event that there is continued effect on the financial condition, liquidity, operations, suppliers, sector and workforce of the Organization. During this time, the Organization continues to operate. The Organization is not able to estimate the potential future effects of the COVID-19 outbreak on its operations, financial condition or liquidity at this time.



DLA Piper (Canada) LLP
 Suite 6000, 1 First Canadian Place
 PO Box 367, 100 King St W
 Toronto ON M5X 1E2
 www.dlapiper.com

Howard D. Krupat
 howard.krupat@dlapiper.com
T +1 416.365.3510
F +1 416.777.7421

November 3, 2021

FILE NUMBER: 108318-00001

DELIVERED BY EMAIL

Office of the City Clerk
 City Hall, City of Hamilton
 71 Main St. W., 1st Floor
 Hamilton, ON L8P 4Y5
 clerk@hamilton.ca

Dear Sirs/Mesdames:

**Re: Associated Paving & Materials Ltd. (“Associated Paving”)
 Contract C15-71-17 - Prequalified Contractors for Permanent Restoration of Pavement
 Cuts in Asphalt and Concrete Pavements
 Recommendation Letter of City of Hamilton Manager of Procurement Dated October 19,
 2021 Pertaining to Commercial Relationship with Associated Paving (“Recommendation
 Letter”)
 City’s Procurement Sub-Committee Meeting on October 29, 2021 (“Procurement
 Sub-Committee Meeting”)
 Audit, Finance & Administration Committee (“AFAC”) Meeting on November 4, 2021
 (“AFAC Committee Meeting”)
 Submission for Delegation**

As you know, we are counsel for APM in the above matter. In that capacity, we appeared on behalf of our client at the Procurement Sub-Committee Meeting on October 29, 2021.

It is our understanding from the comments of Councillor Ferguson at the Procurement Sub-Committee Meeting and my email exchange of October 29, 2021 with Ms. Angela McRae, the Legislative Coordinator of the Office of the City Clerk, that the issues raised in the Recommendation Letter have now been referred to the AFAC for its consideration at the AFAC Committee Meeting on November 4, 2021.

I confirm that we have submitted a delegation request for the AFAC Committee Meeting. We request that this letter be included with our delegation materials. Kindly also include our prior letters dated October 27, 2021 and October 28, 2021, as previously submitted to the Procurement Sub-Committee. An additional letter directly from APM will follow.

It is our further understanding that decisions were taken with respect to APM’s interests on an *in camera* basis at the Procurement Sub-Committee meeting and that those decisions were made upon the basis of a confidential report, together with feedback from City staff and Councillors that has not been disclosed to APM.



Page 2 of 2

The released language for the decisions made by the Procurement Sub-Committee pertaining to our client's interests is as follows:

Commercial Relationship Between the City of Hamilton and Associated Paving & Materials Ltd. (FCS21102 / LS21044 / PW21064) (City Wide) (Item 14.2)

- (a) That the direction provided to staff in Closed Session, be approved;
- (b) That Closed Session recommendations be released publicly following approval by Council; and,
- (c) That the contents of Report FCS21102 / LS21044 / PW21064, Commercial Relationship Between the City of Hamilton and Associated Paving & Materials Ltd. and the attached Appendix remain confidential.

Based upon this wording and the confidential nature of the information and materials relied upon, APM is unable to determine the substance of what was decided with respect to its own commercial interests and, therefore, the nature of the matter that will come before the AFAC. APM is also not in a position to know or respond to whatever information or documents were provided by City staff to the Procurement Sub-Committee.

In the circumstances, and in the interest of due process and fairness, we request that you please provide us, in advance of the AFAC Committee Meeting, with a copy of: (i) all materials submitted to the Procurement Sub-Committee and the AFAC Committee relating to APM, including all materials that are considered to be "confidential"; (ii) the full particulars of all City staff and Councillor recommendations and communications pertaining to APM; and (iii) the full particulars of all decisions and recommendations issued by the Procurement Sub-Committee relating to APM.

Thank you in advance for your consideration of this matter.

Sincerely,
DLA Piper (Canada) LLP
Per:

A handwritten signature in blue ink, appearing to read 'HDK', with a long horizontal line extending to the right.

Howard D. Krupat

HDK:

c: Roger Campbell
Marco Capobianco
Stan Capobianco



November 3, 2021

DELIVERED BY EMAIL

Office of the City Clerk
City Hall, City of Hamilton
71 Main St. W., 1st Floor
Hamilton, ON L8P 4Y5
clerk@hamilton.ca

Dear Sirs/Mesdames:

Re: Associated Paving & Materials Ltd. (“Associated Paving”)
Contract C15-71-17 - Prequalified Contractors for Permanent Restoration of Pavement
Cuts in Asphalt and Concrete Pavements
Recommendation Letter of City of Hamilton Manager of Procurement Dated October 19,
2021 Pertaining to Commercial Relationship with Associated Paving (“Recommendation
Letter”) --- City’s Procurement Sub-Committee Meeting on October 29, 2021
 (“Procurement Sub-Committee Meeting”) -- Audit, Finance & Administration
Committee (“AFAC”) Meeting on November 4, 2021 (“AFAC Committee Meeting”)
Submission for Delegation

We are respectfully asking that the Audit & Finance Administration Committee and City
Council not impose a ban upon Associated Paving & Materials Ltd. (APM) from bidding
on or entering into the contract for *Contract Number C15-32-21 (H) Permanent
Restoration of Pavement Cuts in Asphalt and Contract Pavements* (the “2021 Road Cuts
Contract”) which was recently put out by the City for tender.

We appeared with legal counsel before the Procurement Sub-Committee about this on
October 29th. We do not know what the Sub-Committee decided. We were told by the
Clerk’s Department that the Sub-Committee made some recommendation, but that they
are not permitted to tell us what the Procurement Sub-Committee has recommended.

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Who is Associated Paving & Materials Ltd. (APM)?

The APM group of companies are family-owned and have operated for more than 50 years. APM has its head office in Burlington, where its asphalt plant is located.

APM has a long relationship with the City, over many years and many contracts.

Our organization also has invested in the City of Hamilton, having acquired and done substantial clean-up remediation of a property with a substantial building on Lottridge Road. We acquired the property in 2017 and made extensive modifications to the building and added facilities so that we could more effectively perform contracts with the City, especially the road cuts restoration contracts which APM has performed for almost 8 years.

We very much value our relationship with the City.

What is Involved in Road Cuts Restoration?

Restoration of utility cuts typically involves hard surface (asphalt, concrete) restoration and soft surface (sod, interlock) restoration, which has to be done in a sequence of concrete, followed by paving, followed by soft surface. Some restorations can involve substantial work.

The City has posted on *YouTube* (at <https://youtu.be/sANzanuweMo>) an “*Inside City of Hamilton*” video which describes the road cut restoration process. In that video, it is stated that one of the major complaints of citizens about road cuts is about restoration of the sod, but that unfortunately sod can generally only be laid in spring and the fall.

The 2014 & 2017 Road Cuts Contracts and City Commendations of APM

In 2014, APM was the successful bidder for the City’s Annual Restoration of Utility Cuts contract. The contract was to be for one year, extendable for one-year periods up to 4 years at the option of the City. The City was sufficiently satisfied with APM’s performance that the City exercised its option to extend the contract each year successively, for a total of four years, through 2017.

In an April 9, 2015 letter from the City which we proudly display in our offices reception area, APM was advised by the City that our performance on the 2014 Road Cuts Contract and the dedication of our people were exceptional, that “*[our] group is now setting the bar to which others were not able to achieve*” and we had “*shown that [we] are more than capable to managing this project*”.

In 2017, APM was again the successful bidder for the City's *Permanent Restoration of Pavement Cuts* contract, after having been prequalified by the City. Again, the term was for one year, extendable successively at the City's option by one year for up to four years. Again, the City was sufficiently satisfied with APM's performance that it successively exercised its option to extend the term of the contract three times, extending to November 30, 2021.

Again, we received written commendations of our performance:

- First, in a June 28, 2018 in an email from the City's Project Manager, commending the performance an APM project manager and describing the program was in the "*best state the program has been in*" since the author of the email had been managing the contract.
- Second, in a July 15, 2020 email from the City's Project Manager – Restorations. during 2020, which described 2020 as being a "challenging year" due to the City's switch to the new Cityworks project management software and the ongoing Covid-19 pandemic. The email commended the same APM project who had been commended in 2020 (and is still APM's Project Manager for the road cuts contract) on his commitment, constant communications and assistance in the rolling out of Cityworks. The email stated:

As you are aware this contract is a challenging one with aspects, and scheduling requirements, not often seen under other programs of a similar scope. Working on thousands of locations per year requires considerable attention to detail, and organization, which is fundamental to ensuring the program is delivered efficiently. Over the past year [APM's project manager's name] consistent focus on these skills has allowed him to effectively manage and improve the road cuts program.

The City Has Already Prequalified APM for the 2021 Road Cuts Contract

This Committee may not know that what City staff are now recommending is that APM be banned from bidding on a contract for which APM was very recently prequalified by the City.

APM is one of only 5 companies which have been prequalified by the City to bid on the *2021 Road Cuts Contract*. If APM is banned from bidding on that contract, there will be a maximum of only 4 bidders for the contract.

We submitted our bid for prequalification for the *2021 Road Cuts Contract* in early August of this year. It is important to note that the prequalification process was rigorous and comprehensive.

Over a period of two months, an "*Evaluation Team*" comprised of City staff and City consultants evaluated the following criteria:

- the construction equipment we would dedicate or use for the project;
- our material supplies, including our asphalt/concrete plant and our topsoil/sod suppliers;
- our senior office and field staff experience;
- our experience with the last 5 years in successfully completing municipal road restoration projects of similar scope and complexity, *including the road cuts restoration contracts we have performed for the City of Hamilton*;
- *Project Management*, specifically our “*proposed methodology to complete the permanent restoration of approx. 360 cut locations, including road/sidewalk/sod, in a six week period*”;

On October 8th, we were advised of the “unofficial” results of the City’s prequalification process --- APM had been prequalified for the *2021 Road Cuts Contract*.

The Series of Events Following Notification of APM Having Been Prequalified

Following notification on October 8th that APM had been prequalified to bid on the *2021 Road Cuts Contract*, a series of perplexing events has occurred.

One week later, on October 15th, we were surprised to be advised in a letter that the City was “*contemplating a vendor ban against [APM] for Permanent Restoration of Pavement Cuts in Asphalt and Concrete Pavement Work*” --- the same contract for which APM had just been prequalified by the City.

Two business days later, on October 19th, we received a letter from the City’s Manager of Procurement advising that since APM had been awarded the 2017 Road Cuts Contract “*and more specifically since November 19, 2020, City staff has experienced some vendor performance issues with Associated Paving on the [2017 Road Cuts Restoration Contract]*” and that “*it is the view of City staff that the commercial relationship between the City and Associated Paving has been impaired*”. The October 19th letter further advised that a “*staff report*” would be considered by the City’s Procurement Sub-Committee on October 29th and:

“... staff will report to Procurement Sub-Committee with a recommendation that it not accept any bids nor enter into any contracts with Associated Paving, or any of its related corporate or individual entities, for road cut restoration work for a period of time to be determined by Procurement Sub-Committee”.

The October 19th letter further advised that the staff report was a “*confidential report*” and would be considered by Procurement Sub-Committee in closed session, which we would not be able to attend. The letter went on to state:

“In the meantime, should you choose to submit bids on City projects, please note that such bids may ultimately be rejected.”

On October 25th, the prequalification of APM for the *2021 Road Cuts Contract* was made official.

On October 27th, the Request for Tenders package for the *2021 Road Cuts Contract* was made provided to APM. The Request for Tenders states: “*Bidders eligible to submit Bids for this Request for Tender have been previously prequalified under Project Number C14-12-21*” and stated that APM was one of the bidders which had been prequalified to bid. The Tender package stated that it closed on November 10th.

APM’s Attempts to Obtain Fairness in the Process

Being barred from bidding will have serious implications for APM. We are entitled to fair consideration and a fair process.

That City staff have now initiated this process seems particularly unfair to us. We have just been through a rigorous process of preparing a submission as to our capability to perform the *2021 Road Cuts Contract* and as to our performance on previous road cuts contracts. After extensive review, the City’s Evaluation Team decided to prequalify us to bid on the contract. Now we have to again make submissions as to why we should be permitted to bid on the contract, this time in a public process, in which anything we choose to submit to convince Committees and the Council will be made public for review by our competitors.

The October 19th letter from the Manager of Procurement states that the City’s staff report as to why the staff is recommending that we be banned from bidding is to be kept confidential from us. We do not know what is stated in that staff report and whether it is fair and accurate as to what has occurred.

The October 19th letter states that the City issued to us “*a number of Policy #8 Vendor Performance reports and one Vendor Performance – Incident Reporting Forms*”. In fact, the only report we received an August 17, 2021 Vendor Performance – Incident Report form, which is the only such report we have ever received from City on any contract. On October 22nd, we asked that the Manager of Procurement provide to us all of the reports which the October 19th letter said had been issued to us.

At the end of day on Tuesday, October 26th, we received extensive documents from the City which are supposed to provide the basis for banning APM from bidding due to impairment of its commercial relationship with the City. Many of the documents had not previously been provided to us. We do not know which, if any, of those documents were provided to the Procurement Sub-Committee or have been provided to this Committee.

Legal counsel we have engaged wrote to the City emphasizing that we are entitled to fairness and full disclosure by the City and advising that we were requesting that the Procurement Sub-Committee defer consideration of this matter until we had received disclosure and an opportunity to prepare our submissions.

On October 29th, we appeared with our legal counsel before the Procurement Sub-Committee. We requested deferment by the Sub-Committee and advised that if the Sub-Committee would not grant deferment, we wished to make submissions as to why the ban ought not to be imposed. The Sub-Committee went into closed session and apparently conferred with City staff in closed session. We were then advised of what the Sub-Committee determined, which did not disclose what the Sub-Committee had actually

determined. Our legal counsel asked the Clerk's office, but was told that they were not permitted to tell us what the Sub-Committee had determined and that the City staff report would remain confidential from us.

Our legal counsel has today again requested full disclosure and that we be told what the Procurement Sub-Committee decided on October 29th.

What Happened in 2020 – 2021?

The October 19th letter from the City's Manager of Procurement makes general statements about issues relating to APM's performance on the 2017 Road Cuts Contract, but is specific that the issues have been experienced since November 19, 2020.

As stated above, we had been commended by the City for our performance on the 2017 Road Cuts Contract (and on the 2014 Road Cuts Contract), most recently only a little more than a year ago and less than 4 months prior to November 19, 2020.

So, what happened in 2020 – 2021?

As was noted by the City's Project Manager – Restorations in his July 15, 2020 email, 2020 was a particularly challenging year. This was not only due to the Covid-19 pandemic ongoing (and it still is), the City required that APM change its procedures and utilize the Cityworks program, which had not been a requirement under APM's contract with the City (but we note that this has been added as a requirement of contractors for the *2021 Road Cuts Contract* which is currently out for tender).

On top of those challenges, the quantities of restoration work which the City asked APM to perform escalated to being almost double the quantities the City had estimated and had been stated in APM's contract with the City. We have been told by the that they have no control as to the volume of restoration needed and that the City had not anticipated that the estimated quantities would be exceeded to the extent that they have. We also had not anticipated that.

The City's 2017 Tender package states and the Contract also states, in section 6:

Construction Schedule

The Contractor will be required under this Contract to **supply sufficient crews and equipment to undertake the estimated square meters of pavement cut restoration** in this Contract.

Our bid had been based on those estimated quantities. We also had relied on that (as was intended by the tender package) in determining the amount of work we took on otherwise for the City and for other municipalities and customers.

APM has complied with this contractual requirement. We have supplied sufficient crews and equipment to undertake the estimated quantities set out in the Request for Tender and Contract. However, the City insisted that we are required to complete all restoration work within six weeks regardless of the quantities we are asked to perform.

The City has pointed to the following provision in the contract:

All Works required under each weekly listing shall be completed within 6 calendar weeks of the issue date.

This wording contemplated the City issuing weekly listings of cuts to be restored. Since the City implemented the Cityworks system, it no longer issues weekly lists, but instead notifies APM of cuts needing restoration through the issuance of work orders of which APM is notified through an “In Box” in Cityworks. The City contends that APM “is contractually given 6 weeks to complete a restoration once notified”. Despite the clear wording of the contract that we are only required to provide sufficient crews and equipment to undertake the estimated quantities, the City told us that we are required to supply additional crews and equipment sufficient for the increased actual quantities (that is, about double the estimated quantities stated in the contract).

It seems to us that the City considers the problems caused by the actual quantities so significantly exceeding the estimated quantities in the contract to be ours alone to solve. The logical extension of the City’s interpretation of what we are required to do under the contract is that, even if the actual quantities we are asked to undertake exceed the estimates by ten-fold, we would still be required to complete the restoration of the cuts in six weeks --- even if it consumed our company’s entire workforce and equipment and beyond that.

As well, it could not reasonably have been intended that the six-week provision strictly apply to sodding, given that due to our climate and weather conditions, practically speaking there is a short window when sodding can occur. In recognition of this, there has been an understanding between APM and the City that there must be some reasonable latitude as to the six-week time period for sodding and that backlogs will occur, which will carry over into the next year. On top of that, none of the sodding restoration for road cuts done over the winter can be commenced until the weather improves in May (meaning that the winter road cuts are added to whatever backlog there was as of the end of the previous year’s sodding season).

In addition, significant time was lost due to COVID and due to weather conditions (typically, snow or rain). The City also requires that APM apply their crews to urgent situations, typically water main breaks.

Even though the restoration work the City has requested that we do has exceeded what had been stated to be our contractual obligation, in good faith we have worked diligently and cooperatively with the City to complete restoration of the unanticipated volumes and also to accommodate the increased requirements of the City’s new Cityworks process, the introduction of which partway through this Contract coincided with the challenges of the greatest increase in quantities and the COVID pandemic which began early in 2020 and continues.

We have been sensitive to the fact that residents complain to the City and to Councillors when restoration does not occur promptly. We have accommodated directions from the City to perform what the City advises is priority work (which has included often being directed to perform work orders well within the six-week timeframe instead of performing older work orders, regardless of locations where our crews have been working), although this has led to inefficiencies in the sequencing of our work and caused ripple effects which have increased the overall time required to perform work orders. The City providing to

APM weekly priority lists and requiring that APM apply their crews according to those lists was not provided for in the Contract.

We have also equipped our crews with tablets for photographing restorations. We have also kept the City informed on a daily basis of where our crews are to be working.

We did add crews and equipment for restoration work, as is clear from the fact that by year's end had approved work amounting to about double what had been agreed to. We have sometimes had six crews working on restorations.

it is important to understand that adding crews is not a simple matter. During the Covid pandemic, labour has sometimes been in short supply (industry-wide). As well, adding crew members alone is not sufficient; we have to have equipment available for additional crew(s) to utilize. As well, even if we could have crews and equipment work on Saturdays, we would also have to open up our asphalt plant, which involves significant cost.

We note that in the City's Request For Prequalifications for next year's Pavement Cuts Restoration Contract it is stated:

The Contractor will be required to maintain records on regular basis in the City of Hamilton's current project management software using Contractor provided devices to update the statuses of individual work orders, upload photos and comment as required.

There was no such requirement to maintain records, update statuses of individual work orders or upload photos in the City's project management software stated in the Request for Tender or in the Contract for 2018 (renewed by the City for 2019, 2020 and 2021). This is a significant change in the City's administrative process and from what had been required of us in the first two years of the current Contract, which the City imposed during the course of the current Contract and we have had to adjust to and accommodate.

In addition to increasing time and effort required of APM, the administrative process the City has introduced and required that APM follow has created lags and increased the steps and time before work APM have performed is considered by the City to be "complete", even though the actual restoration work may have been finished by APM weeks before the City considers APM's work to be "complete". This and the City's new system of issuing multiple work orders for each cut has led to an increase in the number of items of work which the City considers to be "incomplete".

Even though the City considered many work orders to not be closed, the City still considered APM's performance to be sufficiently satisfactory that the City chose to exercise its option to extend the term of the Contract for a further (fourth) year, through to November 30, 2021.

By the spring of 2021, through additional crews and keeping our asphalt plant open in the winter months, we had essentially caught up as to hard surface restoration. There was still a sodding carryover from 2020, plus restoration required over the winter.

We note that the June 10, 2021 Vendor Performance Evaluation Form we received from the City for the first time on October 26th rates APM's performance as "satisfactory" in all

categories and states that “*hard surface restorations have been brought to the 6 week timeline*” and that “*sod restorations are lagging*”.

We optimistically forecast that our sodding subcontractors would be able to achieve more progress than the wet and extremely hot weather after June 10th permitted.

The August 17th Vendor Incident Report

On August 17th, 2021 we received the one and only Vendor Performance Incident Reporting Form we have received from the City as to the 2017 Road Cuts Contract.

We provided detailed responses to the City on August 20th and 27th. We do not know whether those responses were provided to the Procurement Sub-Committee.

The Incident Reporting Form stated that APM “*is contractually given 6 weeks to complete a restoration once notified*”. We do not agree, as stated above. The Reporting Form also stated that the City required that 474 work orders be restored and invoiced by the end of the day on August 20th, only 3 days after City issued the Incident Report to us.

As the City knew when it issued the Reporting Form, the actual restoration work for the majority of the 474 work orders that the City indicated on the Reporting Form were “incomplete” had already been done. As the City also knew, all but a very few of the 474 work orders were for soft surface work which had been understood to not be subject to a six-week time period requirement due to the short window for performing that work and this summer’s conditions (rain and extreme heat).

Not only was that unreasonable and unfair for the City to require that the 474 work orders be “restored and invoiced” by August 20th, that was practically speaking impossible.

As described in APM’s August 27th letter, under the City’s administrative process, APM does not “*invoice*” and the administrative measure of “complete” for a work order which the City imposed during the term of the Contract depends on the City performing the step of entering line items (the actual quantities supplied) in Cityworks for each work order. In their August 20th letter, APM stated that 303 of the 474 work orders were as of that date ready for the City to enter line items in Cityworks. From APM’s review of Cityworks, there had been significant delay in the City completing the entering of line items in Cityworks for those 303 work orders.

The City’s insistence that all work orders issued up to July 31st be “*restored and invoiced*” by September 11th was also unreasonable and unfair, particularly considering:

- the quantities required to fulfill the work orders;
- the extremely hot weather, which continued until August 27th;
- the City’s continued issuance of weekly priority lists;
- the administrative process implemented by the City during this Contract;
- ongoing COVID precautions and restrictions.

APM has since provided schedules for restoration which are realistic, in the face of weather constraints and priority lists, not to mention emergency work the City requires that APM perform.

Has the Commercial Relationship Between APM and the City Been Impaired?

We do not believe that the commercial relationship between APM and the City has been impaired such that APM should be banned from bidding for the 2021 Road Cuts Contract.

We believe that a more correct characterization of what has occurred that a disagreement arose between the City and APM in challenging and unanticipated circumstances that arose in 2020 and continued into 2021.

We have applied ourselves with commitment and in good faith, such that the only significant issue is the sodding backlog, which unfortunately was inevitable.

There is no reason to doubt that APM can satisfactorily perform what is required under the 2021 Road Cuts Contract. This has already been the determination of the prequalification Evaluation Team.

We have the same project management team in place that the City has commended for our competence and dedication.

It is important to note that the stated quantities for the 2021 Road Cuts Contract are significantly higher than the quantities which had been estimated for the 2017 Road Cuts Contract. As well, the requirement for sodding restoration has essentially been replaced by restoration through placement of topsoil and seed. We are particularly well-qualified for that, as we are able to keep topsoil in our climate-controlled Lottridge Rd. facility.

Is It Fair and in the Public Interest that APM Be Banned from Bidding?

We feel that banning us would not be fair. We also feel that it would not in the interests of City to reduce competition for the upcoming contract. We plan on submitting a competitive bid and if we are banned the result might be that the City will have to pay a higher contract price than would be the case if we are permitted to bid.

The qualifications of APM and its performance have been rigorously reviewed by the City's Evaluation Team, in deciding to prequalify APM for the 2021 Road Cuts Contract. That review was far more comprehensive than any review that this Committee or the Council will be engaging in. There is no reason to override the determination by the Evaluation Team.



Associated Paving & Materials Ltd
5365 Munro Court
Burlington, Ontario - L7L 5M7
Tel: 905-637-1966 Fax: 905-637-1404
Web: www.associatedpaving.com

We respectfully ask that we not be banned from bidding for the 2021 Road Cust Contract.

Sincerely,

A handwritten signature in black ink, appearing to read 'Stan Capobianco', is positioned above the typed name.

Stan Capobianco, President

Associated Paving & Materials Ltd

Tel: 905 637-1966

Fax: 905 637-1404

Submitted on Wednesday, November 3, 2021 - 9:51am Submitted by anonymous user:
172.70.42.112 Submitted values are:

==Committee Requested==

Committee: Audit, Finance & Administration Committee

==Requestor Information==

Name of Individual: Stan Capobianco, Marco Capobianco, Roger B. Campbell
(Counsel), Howard D. Krupat (Counsel), Emma Cosgrave (Counsel)

Name of Organization: Associated Paving & Materials Ltd.

Contact Number: 416-365-3510 (Howard Krupat of DLA Piper (Canada) LLP)

Email Address: howard.krupat@dlapiper.com

Mailing Address:

1. Stan Capobianco
Marco Capobianco
Associated Paving & Materials Ltd.
5365 Munro Court
Burlington, ON L7L 5M7
2. Roger B. Campbell
Legal Counsel
4145 North Service Road
Suite 200
Burlington, ON L7L 6A3
3. Howard D. Krupat
DLA Piper (Canada) LLP
Suite 6000,1 First Canadian Place
Toronto ON M5X 1E2

Reason(s) for delegation request:

To make submissions to the Committee regarding the commercial relationship between the City and Associated Paving, specifically with respect to the Committee's consideration of the recommendations made by the Manager of Procurement and City Staff in the letter sent by the Manager of Procurement to Associated Paving dated October 19, 2021 (the "Recommendation Letter"), as considered by the Procurement Sub-Committee on October 29, 2021.

To make submissions to the Committee requesting a fair process in accordance with the duty of fairness owed by the City to Associated Paving regarding the matters raised in the Recommendation Letter.

To make submissions to the Committee requesting full disclosure of:

(i) the reports, documents and communications that are being provided to the Committee confidentially and without disclosure to Associated Paving, despite Associated Paving's vested interest;

(ii) the reports, documents, and communications that were relied upon the the Procurement Sub-Committee in camera when considering this matter on October 29, 2021; and

(iii) the particulars of the decisions made by the Procurement Sub-Committee in camera after considering this matter on October 29, 2021, which have yet to be provided to Associated Paving, despite their vest interest in those decisions.

To make submissions opposing any ban that is being considered or recommended regarding the road cut restoration contracts that are the subject of the Recommendation Letter.

To request that more than 5 minutes be allocated to Associated Paving to speak to these matters given the complexity and nature of the matters and contracts at issue.

Will you be requesting funds from the City? No

Will you be submitting a formal presentation? Yes



Background

- ▶ Full-Service Company
- ▶ Established in 1966
- ▶ Family Owned and Operated
- ▶ Members of the Hand Association
- ▶ Members of LIUNA Local 837 Union
- ▶ Members of Local 793 International Union of Operating Engineers
- ▶ Servicing Hamilton for over 20 Years



C15-71-17 Utilities Restorations Contract

- ▶ The scope of Work consists of the permanent restoration of utility cuts in asphalt and concrete pavement, sidewalks, curbs, driveway approaches and alleyways required on streets within the limits of the City of Hamilton. Utility cuts are produced by:
 - a) Union Gas Limited
 - b) Bell Canada
 - c) Cable
 - d) Alectra Utilities
 - e) City of Hamilton - water service replacements, sewer and watermain repairs.
 - f) Private Contractors

Challenges In Completion Of Restorations.

1. Contract Estimated Quantities Greatly Exceeded
2. Variations in City's Contract Administration Procedures Over the 4 Year Term
3. Seasonal Material Constraint and Delays Outside of Contractor control
4. City's Required Priority Lists Affecting Productivity

1. Contract Estimated Quantities Greatly Exceeded

SPECIAL PROVISIONS GENERAL

1. CONSTRUCTION AND MATERIAL SPECIFICATION MANUAL

Notice of Revision No. 6

All Work in this Contract shall be in accordance with Revision No. 6. All bidders are responsible to obtain and include for all revisions.

<https://www.hamilton.ca/develop-property/policies-guidelines/construction-and-material-specifications>

2. SCOPE

The scope of Work consists of the permanent restoration of utility cuts in asphalt and concrete pavement, sidewalks, curbs, driveway approaches and alleyways required on streets within the limits of the City of Hamilton. Utility cuts are produced by:

- a) Union Gas Limited
- b) Bell Canada
- c) Cable
- d) Alectra Utilities
- e) City of Hamilton - water service replacements, sewer and watermain repairs.
- f) Private Contractors

Road restoration Work shall be conducted on arterial and local roads throughout the City as required and shall consist of the following annual estimated quantities:

- o Asphalt on granular road restoration – 23,000 square metres
- o Asphalt on concrete road restoration – 25 square metres
- o Exposed concrete and asphalt on concrete road restoration – 25 square metres
- o Concrete sidewalk, driveway, approach and walkway restoration – 5,500 square metres
- o Concrete curb restoration on local and arterial roads - 800 linear metres
- o Asphalt driveway restoration - 2800 square metres
- o Supply and placement of topsoil, sod and seed – 3,000 square metres
- o Cold weather placement and protection of concrete

In all cases, removal and disposal of the temporary restoration and excavated materials shall be included in the permanent restoration costs as noted in the above items.

By definition, the existing surface treatment as left by the permit holder (hot mix asphalt,

FORM OF TENDER SCHEDULE OF QUANTITIES AND PRICES CONTRACT No. C15-71-17 (H)

LOCATION: Various locations in the City of Hamilton

DESCRIPTION: Permanent Restoration of Pavement Cuts in Asphalt and Concrete Pavements

Item No.	Spec No.	Description	Unit of Measure	Estimated Quantity	Unit Price	Extended Price
1	SP106	Supply Insurance and Performance, Labour and Materials Payment Bonds.				
				lump sum (Insert Extended Price Only)	\$	
2	SP37 SP41	Mill existing asphalt 50mm deep, including the application of tack coat to the milled surface prior to paving.	square metre	1,000	\$	\$
3	SP35 SP12	Full depth asphalt restoration to asphalt on granular roads:				
	a)	50mm Superpave 9.5, PG 58-28, (Traffic Category C), surface course and 110mm Superpave 19, PG 58-28, (Traffic Category C), binder course.	square metre	7,000	\$	\$
	b)	Additional costs to Item 3(a) for repairs during winter months.	square metre	2,000	\$	\$
	c)	50mm Superpave 12.5, PG 58-28, (Traffic Category C), surface course and 170mm Superpave 19, PG 58-28, (Traffic Category C), binder course.	square metre	12,000	\$	\$
	d)	Additional costs to Item 3(c) for repairs during winter months.	square metre	3,000	\$	\$
	e)	50mm Superpave 12.5, PG 58-28, (Traffic Category C), surface course. 260mm Superpave 19, PG 58-28, (Traffic Category C), binder course.	square metre	4,000	\$	\$
	f)	Additional costs to Item 3(e) for repairs during winter months.	square metre	1,000	\$	\$

1. Contract Estimated Quantities Greatly Exceeded

6. WORK SCHEDULE

Construction Schedule

The Contractor will be required under this Contract to supply sufficient crews and equipment to undertake the estimated square meters of pavement cut restoration in this Contract.

Weekly List

The City will provide a list of restoration locations to the Contractor each week. Each list may contain up to 400 restoration locations. The Contractor shall be required to complete each list of within a six week time period from the date of issue. Restoration operations shall be conducted over the entire year including the winter months.

The Contractor will receive first weekly list before **December 8, 2017**, and will continue to receive weekly lists by the end of each week for the duration of the Contract. A restoration location shall be restored and complete within two weeks from the date it was started.

The Contractor shall provide the Project Manager with a schedule of restoration locations in progress at the start of each week.

The Contract includes all areas of the City of Hamilton.

The City will consider a list complete when all required asphalt, concrete, sod, private restoration and cleanup is completed for each cut on each list, to the satisfaction of the Project Manager.

Liquidated damages will be applied to each outstanding list separately and the application of penalties will be cumulative.

See also Liquidated Damages and Time for Completion in these Special Provisions.

6. WORK SCHEDULE

Construction Schedule

The Contractor will be required under this Contract to supply sufficient crews and equipment to undertake the estimated square meters of pavement cut restoration in this Contract.

Weekly List

The City will provide a list of restoration locations to the Contractor each week. Each list may contain up to 400 restoration locations. The Contractor shall be required to complete each list of within a six week time period from the date of issue. Restoration operations shall be conducted over the entire year including the winter months.

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The Contractor shall provide the Project Manager with a schedule of restoration locations in progress at the start of each week.

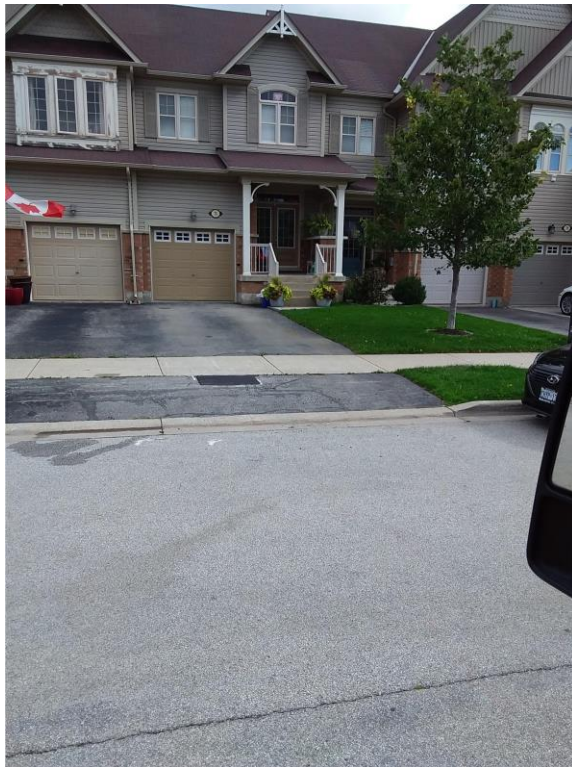
The Contract includes all areas of the City of Hamilton.

The City will consider a list complete when all required asphalt, concrete, sod, private restoration and cleanup is completed for each cut on each list, to the satisfaction of the Project Manager.

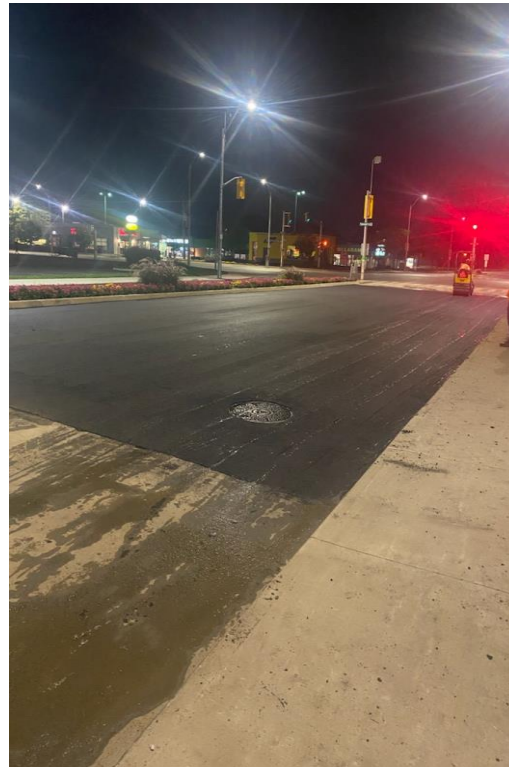
Liquidated damages will be applied to each outstanding list separately and the application of penalties will be cumulative.

See also Liquidated Damages and Time for Completion in these Special Provisions.

1. Contract Estimated Quantities Greatly Exceeded



Delcar Crt
Driveway Restoration
Area = 0.36m²
Completion Time: 10mins



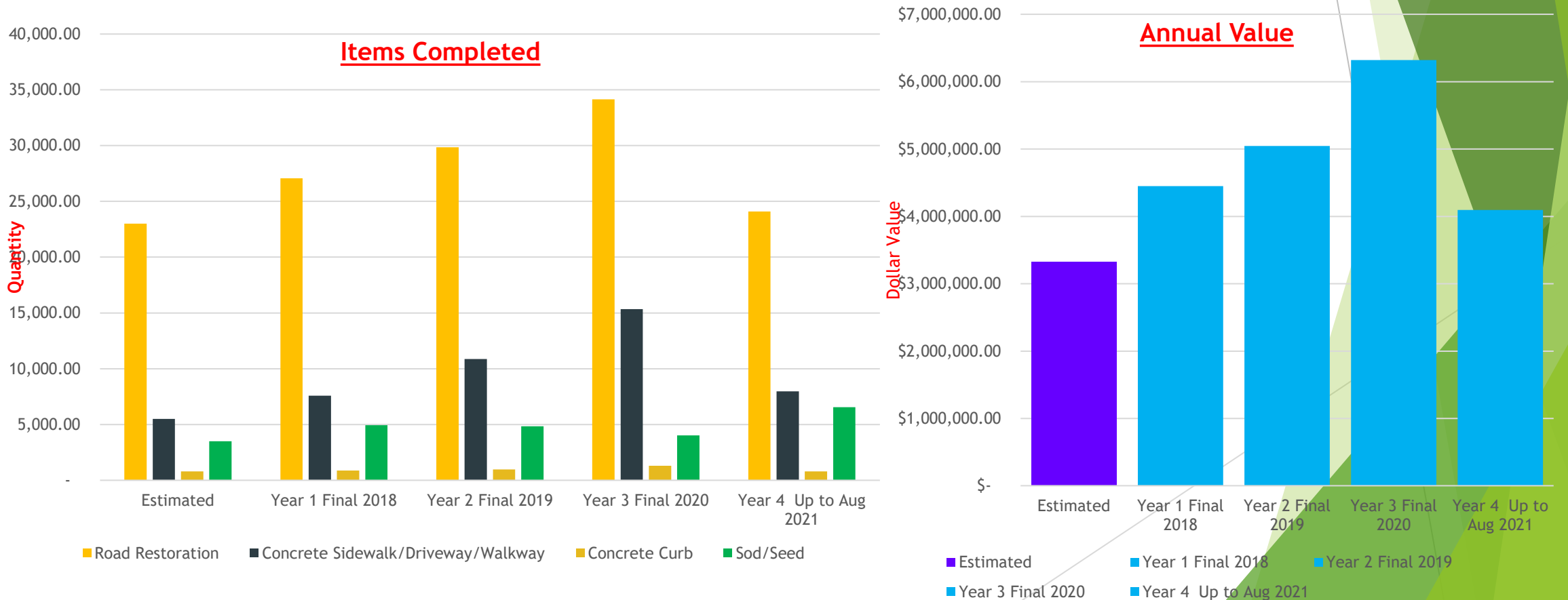
Upper Gage St @ Fennel Ave
Area = 316m²
Completion Time: 18 Hours



1951 Rymal Rd
Area = 386m²
Completion Time: 23 Hours Over 2 Days

1. Contract Estimated Quantities Greatly Exceeded

► *How has this Affected APM?*



1. Contract Estimated Quantities Greatly Exceeded

- ▶ *How has APM Responded to Exceeded Quantities?*



2. Variations in City's Contract Administration Procedures Over the 4 Years

Week 34 2017 - Aug 22 2017 due October 6 2017												
	Complete		ID	Name	Distric	Mark	Picture	Geometr	Sod	Joint Hea	CI Clas	Comments
21-Aug-17		82 HOUGHTON N, HAMILTON	Pw6143273	w/w/w	3E	Y	Y	Y	Y 4.3*1.2	N	2	ASP ROAD, CW-C, SOD
Mar 15 2017	Mar 15 2017	1036 FENNELL AVE E HAMILTON	Pw6110320	w/w/w	4E	Y	Y	Y	N	N	3	Road, Walk, Approach, Driveway
Aug 1 2017	Aug 2 2017	165 BARNESDALE AVE N HAMILTON	Pw6190055	w/w/w	3E	Y	Y	Y	Y - 3.1m x 1.0m	N	4	ROAD, WALK, SOD, PRIV WALK
Aug 1 2017	Aug 2 2017	34 BEAVERTON DR HAMILTON	Pw6190144	w/w/w	4E	Y	Y	Y	N	N	2	ROAD
Aug 1 2017	Aug 2 2017	1338 UPPER GAGE AVE HAMILTON	Pw6190171	w/w/w	4E	Y	Y	Y	N	N	2	WALK, CURB
February 2 2017	Aug 1 2017	87 and 91 Huxley Ave S...cut at # 87 only	EP12522A	Alcetra	3E	Y	Y	Y	N	N	3	Driveway
Aug 3 2017	Aug 4 2017	40 GLADESTONE AVE, HAMILTON	Pw6191692	w/w/w	3E	Y	Y	Y	Y - 5.30m x 1.0m	N	3	ROAD, WALK, SOD
July 31 2017	Aug 3 2017	186 GRENFELL ST HAMILTON	Pw6190368	w/w/w	3E	Y	Y	Y	N	N	3	ROAD
Aug 2 2017	Aug 3 2017	36 BURRIS ST HAMILTON	Pw6190408	w/w/w	3E	Y	Y	Y	Y - 3.30m x 0.80m	N	2	ROAD, SOD
Aug 2 2017	Aug 3 2017	87 TRAGINA AVE S HAMILTON	Pw6190451	w/w/w	3E	Y	Y	Y	Y - 2.80m x 1.0m	N	2	ROAD, SOD
Aug 2 2017	Aug 3 2017	62 ST. CLAIR AVE HAMILTON	Pw6190593	w/w/w	3E	Y	Y	Y	Y - 4.30m x 1.00m	N	2	ROAD, SOD
Aug 2 2017	Aug 3 2017	103 TRAGINA AVE S HAMILTON	Pw6190667	w/w/w	3E	Y	Y	Y	NO SOD DONE BY OWNER	N	2	ROAD
Aug 2 2017	Aug 3 2017	60 CAMBRIDGE AVE HAMILTON	Pw6190676	w/w/w	3E	Y	Y	Y	N	N	3	ROAD
Aug 3 2017	Aug 4 2017	70 BIRCH AVE HAMILTON	Pw6191803	w/w/w	3E	Y	Y	Y	Y - 3.0m x 1.0m	N	3	ROAD, SOD
Aug 3 2017	Aug 4 2017	204 KENSINGTON AVE N HAMILTON	Pw6191823	w/w/w	3E	Y	Y	Y	N	N	2	ROAD, WALK, PRIV WALK
Aug 4 2017	Aug 4 2017	665 KING ST E HAMILTON	Pw6191842	w/w/w	3W	Y	Y	Y	N	N	3	ROAD
Aug 3 2017	Aug 4 2017	81 CRANE CRT HAMILTON	Pw6191843	w/w/w	3W	Y	Y	Y	Y - 3.3m x 1.2m	N	3	ROAD, WALK, DRIVEWAY, APPROACH, SOD
Aug 3 2017	Aug 4 2017	33 CENTURY ST HAMILTON	Pw6191864	w/w/w	3W	Y	Y	Y	Y - 0.5m x 0.5m	N	4	SOD, TOP SOIL
Aug 4 2017	Aug 8 2017	174 WEST 32ND ST HAMILTON	Pw6192354	w/w/w	4W	Y	Y	Y	N	N	3	ROAD, WALK, RIVER ROCK FOR GARDEN
Aug 4 2017	Aug 8 2017	75 CUMBERLAND AVE HAMILTON	Pw6192374	w/w/w	3E	Y	Y	Y	N	N	2	ROAD
Aug 4 2017	Aug 8 2017	28 EVERTON PL HAMILTON	Pw6192404	w/w/w	3E	Y	Y	Y	3.8m x 1.70m + 2.10m x 1.4	N	3	ROAD, WALK, SOD
Aug 4 2017	Aug 8 2017	PRINCESS ST @ WEST OF BIRCH ST, HAMILTON	Pw6192527	w/w/w	3E	Y	Y	Y	1.9m x 2.0m	N	3	ROAD, CURB, SOD
Aug 4 2017	Aug 8 2017	175 WEST 27TH ST HAMILTON	Pw6192551	w/w/w	4W	Y	Y	Y	Y - 5m x 1m	N	2	ROAD, WALK, SOD, TOP SOIL
Aug 4 2017	Aug 8 2017	25 EAST 34TH ST HAMILTON	Pw6192553	w/w/w	4E	Y	Y	Y	N	N	2	ROAD, WALK, DRIVEWAY, PRIV CURB PRECAST ON SITE
Aug 4 2017	Aug 8 2017	170 MOHAWK RD W HAMILTON	Pw6192560	w/w/w	4W	Y	Y	Y	Y - 3m x 6m	N	1	ROAD, CURB, SOD, TOP SOIL
July 26 2017	Aug 8 2017	43 Garden Avenue, Hamilton	EP14044A	Bell	4W	Y	Y	Y	N	N	3	Walk
Aug 6 2017	Aug 9 2017	47 FORESTGATE DR HAMILTON	Pw6192587	w/w/w	4W	Y	Y	Y	N	N	1	ROAD, WALK, DRIVEWAY
Aug 8 2017	Aug 9 2017	22 ROSSEDENE AVE, HAMILTON	Pw6193023	w/w/w	4W	Y	Y	Y	Y - 4.70m x 1.50m	N	2	ROAD, WALK, SOD, TOP SOIL, PRIVATE WALK
Aug 8 2017	Aug 9 2017	80 WEST AVE N HAMILTON	Pw6193063	w/w/w	3W	Y	Y	Y	N	N	2	ROAD, WALK, SOD
Aug 8 2017	Aug 9 2017	192 BUCKINGHAM DR, HAMILTON	Pw6193067	w/w/w	4W	Y	Y	Y	N	N	3	ROAD, WALK, DRIVEWAY, CURB
Aug 8 2017	Aug 9 2017	252 ROSSLYN AVE N, HAMILTON	Pw6193280	w/w/w	3E	Y	Y	Y	Y - 2m x 2m	N	2	WALK, SOD
Aug 8 2017	Aug 10 2017	KENILWORTH AVE N, SOUTH OF ALBANY AVE, SE CORNER	Pw6193296	w/w/w	3E	Y	Y	Y	N	N	3	ROAD, WALK, PVD BLVD, CURB, CB ADJ
Aug 8 2017	Aug 10 2017	149 PROSPECT ST N HAMILTON	Pw6193314	w/w/w	3E	Y	Y	Y	N	N	3	ROAD
Aug 9 2017	Aug 10 2017	84 TISDALE ST N HAMILTON	Pw6193497	w/w/w	3W	Y	Y	Y	Y - 3.6m x 1.0m	N	3	ROAD, WALK, SOD
Aug 9 2017	Aug 10 2017	23 ROSSLYN AVE N HAMILTON	Pw6193700	w/w/w	3E	Y	Y	Y	N	N	2	TOPSOIL FOR GARDEN SEE OWNER
Aug 9 2017	Aug 10 2017	325 JAMES ST S HAMILTON	Pw6193716	w/w/w	3W	Y	Y	Y	N	N	2	ROAD
Aug 9 2017	Aug 10 2017	336 EAST 37TH ST HAMILTON	Pw6193776	w/w/w	4E	Y	Y	Y	NO SOD REQUIRED	N	4	ROAD, WALK
Aug 9 2017	Aug 10 2017	297 PARKWOOD CRES HAMILTON	Pw6193777	w/w/w	4E	Y	Y	Y	N	N	3	ROAD
Aug 9 2017	Aug 10 2017	726 STRATHEARNE AVE	Pw6193798	w/w/w	3E	Y	Y	Y	Y - 2m x 2m	N	3	ROAD, SOD, CURB
Aug 9 2017	Aug 10 2017	93/103 WISE CRES HAMILTON	Pw6193804	w/w/w	4E	Y	Y	Y	N	N	3	ASP DRIVEWAY
July 17 2017	Aug 4 2017	257 Wellington Street North, Hamilton	EP13092A	UNION GAS Maint.	3W	Y	Y	Y	N	N	2	WALK
July 17 2017	Aug 4 2017	255 Wellington Street North, Hamilton	EP13091A	UNION GAS Maint.	3W	Y	Y	Y	N	N	2	WALK
July 17 2017	Aug 1 2017	33 Fennell Avenue East Hamilton	EP13083A	UNION GAS Maint.	4W	Y	Y	Y	N	N	4	ROAD, DRIVEWAY x2
July 17 2017	July 19 2017	310 Barton Street East, Hamilton	EP13095A	UNION GAS Maint.	3W	Y	Y	Y	N	N	3	WALK
Aug 9 2017	Aug 11 2017	185 Parkview Dr Hamilton	Pw6193818	w/w/w	3W	Y	Y	Y	N	N	3	ROAD
Aug 9 2017	Aug 11 2017	32 Rosslyn Ave N, Hamilton	Pw6193820	w/w/w	3E	Y	Y	Y	N	N	2	ROAD, WALK, CONC DRIVE
Aug 9 2017	Aug 11 2017	40 East Ave N	Pw6193831	w/w/w	3W	Y	Y	Y	Y - 4.3m x 1.0m	N	2	ROAD, SOD
Aug 10 2017	Aug 11 2017	209 MacNab St. N @ Colbourne St. SW corner	Pw6194096	w/w/w	3W	Y	Y	Y	N	N	3	ROAD, WALK
Aug 10 2017	Aug 11 2017	17 Melbourne St. Hamilton	pw6194195	w/w/w	3W	Y	Y	Y	N	N	2	ROAD

2. Variations in City's Contract Administration Procedures Over the 4 Year

ROAD CUT RESTORATIONS CONTRACT C15-20-14													TOTAL	
PAYMENT # 7														
DATE SUBMITTED: September 21, 2017														
SUBMITTED BY: Marco Capobianco														
Crew	Date complete	Location	Work Sheet #	Week	ID	Column 1 Item#	Column 2 Unit Price	Length	Width	Area	Item Total	Total	Comments	
Rick	14-Aug					9				1.8	\$0.00			
Rick	14-Aug	436 StoneChurch Rd E			EP14062A	7				2.4	\$0.00			
Rick	14-Aug	835 STONE CHURCH RD E HAMILTON			Pw6166849	7				4.5	\$0.00			
Rick	14-Aug	895 UPPER GAGE AVE, HAMILTON			EP13051A	7				2.3	\$0.00			
Rick	10-Aug	921 UPPER GAGE AVE, HAMILTON			EP13052A	7				2.3	\$0.00			
Rick	10-Aug	943 UPPER GAGE AVE, HAMILTON			EP13053A	7				2.5	\$0.00			
Rick	10-Aug	963 UPPER GAGE AVE, HAMILTON			EP13054A	7				2.4	\$0.00			
Rick	10-Aug	416 EAST 37TH ST HAMILTON			Pw6168221	8				11.1	\$0.00			
basso	23-Aug					5c		4.4	3	13.2	\$0.00			
Rick	10-Aug	225 FERNWOOD CRES HAMILTON			Pw6172038	8				10	\$0.00			
basso	23-Aug					5c		4.7	5.7	26.79	\$0.00			
basso	23-Aug					20		5	3.4	17	\$0.00			
basso	23-Aug	386 UPPER KENILWORTH, HAMILTON AVE			EP13048A	5c		1.8	1.4	2.52	\$0.00			
Rick	10-Aug	1256 FENNEL AVE E HAMILTON			Pw6169766	15				2.5	\$0.00			
basso	23-Aug					5c		5.8	4.7	27.26	\$0.00			
Rick	10-Aug	440 UPPER OTTAWA ST HAMILTON			Pw6167868	7				6.9	\$0.00			
basso	23-Aug					5c		6.7	4	26.8	\$0.00			
Rick	10-Aug	554 UPPER SHERMAN AVE HAMILTON			Pw6170623	7				4.7	\$0.00			
Rick	24-Aug	60 Gray Rd, Stoney Creek			EP1575A	8				7	\$0.00			
Rick	24-Aug	173 GAINSBOROUGH RD HAMILTON			Pw6165343	8				7.8	\$0.00			
basso	1-Sep					5c		5.5	5	27.5	\$0.00			
Rick	24-Aug	257, 259 GRAY RD STONEY CREEK			Pw6172035	7				6.6	\$0.00			
Rick	24-Aug					15				4.7	\$0.00			
basso	1-Sep					5c				59	\$0.00			
Rick	24-Aug	417 Highway 8 Stoney Creek			EP12451A	7				2.3	\$0.00			
basso	1-Sep					20		3.6	1.2	4.32	\$0.00			
Rick	24-Aug	419 Highway 8 Stoney Creek			EP12452A	7				5.1	\$0.00			
basso	1-Sep					20		2.8	1.4	3.92	\$0.00			
Rick	24-Aug	176 Millen Road Stoney Creek			EP12450A	7				3	\$0.00			
Rick	24-Aug	7 HERBERT CRT STONEY CREEK			Pw6172638	7				16.3	\$0.00			
basso	1-Sep					5c		3.4	2.8	9.52	\$0.00			
Above submitted Sept 13th						Above submitted Sept 13th								
Rick/basso	24-Aug	350 parkdale dr			EP12602A	6				9	\$0.00			
Rick/basso						4a				9	\$0.00			
Rick/basso						5c				17.73	\$0.00			
Rick/basso						25				1	\$0.00			
Basso	20-Aug	West ave @ wilson			EP12757A	5c				52.85	\$0.00		Addition to west ave cut as per email by rob	
						25				1	\$0.00			
Rick/basso	23-Aug	64 MELROSE AVEN, HAMILTON			EP12800A	7				9.9	\$0.00			

2. Variations in City's Contract Administration Procedures Over the 4 Year

The screenshot displays the Cityworks web application interface. At the top, there is a navigation bar with the Cityworks logo, a search bar, and a user profile dropdown labeled 'Associate, Leadhand'. Below this is a menu with tabs for 'READY FOR RESTORATION', 'RESTORATIONS - HARD SURFACE', 'RESTORATIONS - SOFT SURFACE', 'BILLING/INVOICING', and 'Reports'. The 'READY FOR RESTORATION' tab is active, showing a list of projects under the sub-tab 'Issued to Contractor'. The list includes columns for 'Wo', 'Description', 'Priority', 'Status', 'Actual Start', and 'Address'. The table contains 16 rows of data, all with a status of 'IN PROGRESS'. At the bottom of the table, there is a pagination control showing 'Rows 100' and '1 - 100 of 1216'.

Wo	Description	Priority	Status	Actual Start	Address
20110	Concrete Sidewalk Restoration	2	IN PROGRESS	09/30/2021 3:49 PM	3033 Binbroc
26524	Asphalt Road Surface Restoration	2	IN PROGRESS	01/4/2021 12:27 PM	196 WILSON
26525	Asphalt Road Surface Restoration	2	IN PROGRESS	01/4/2021 12:27 PM	196 WILSON
26526	Asphalt Road Surface Restoration	2	IN PROGRESS	01/4/2021 12:27 PM	198 WILSON
28406	Sod Restoration	2	IN PROGRESS	08/18/2021 11:59 AM	Genoa Drive
29184	Concrete Driveway Restoration	2	IN PROGRESS	03/23/2021 2:06 PM	124 FAIRLEI
30181	Concrete Sidewalk Restoration	2	IN PROGRESS	04/29/2021 12:14 PM	562 CANNON
30962	Other Driveway Restoration	2	IN PROGRESS	06/30/2021 5:35 PM	19 RICARD
31062	Concrete Sidewalk Restoration	2	IN PROGRESS	06/18/2021 1:32 PM	685 Britannic
31065	Landscaping Restoration	2	IN PROGRESS	06/18/2021 1:32 PM	142 Duke Str
31383	Landscaping Restoration	2	IN PROGRESS	06/17/2021 3:47 PM	104 Munn St
31391	Concrete Sidewalk Restoration	2	IN PROGRESS	10/28/2021 9:28 AM	Hughson St I
31426	Landscaping Restoration	2	IN PROGRESS	06/18/2021 1:32 PM	79 Poulette S
31581	Other Driveway Restoration	2	IN PROGRESS	06/30/2021 5:20 PM	146 Aberdeen
31619	Concrete Sidewalk Restoration	2	IN PROGRESS	06/30/2021 5:20 PM	29 Granville

2. Variations in City's Contract Administration Procedures Over the 4 Year

Restoration # 1



Work Order #1

Work Order #2

Work Order #3

2. Variations in City's Contract Administration Procedures Over the 4 Year

The screenshot displays the Cityworks web application interface for a Work Order. The browser address bar shows the URL: <https://ham-cityworks.hamilton.ca/CityworksProd/WorkManagement/WOGeneralEdit.aspx?WorkOrderId=32539>. The Cityworks logo is visible in the top left corner.

Work Order Details:

- Type of Work: Road Cut - Hard Surface Restoration
- Work Desc: Asphalt Driveway Restoration
- Entity Type: ROW_CORRIDOR
- Work Order ID: 32539
- Status: IN PROGRESS
- Priority: Medium
- SubStatus: COMPLETED: SUBMIT
- MarkOut By: White, Steve
- MarkOut Date: 07/30/2021 9:51 AM
- Mark Out: 23a - 1.4*5.0 - Asp. Dwy.
- Comments: (empty)
- Assemble WO: Myageri, Saif
- Hold WO Until: (empty)
- Target Restored: 09/10/2021 12:00 PM
- Closed By: (empty)
- Date: (empty)
- Contractor: Associate, Leadhand
- Supervisor: (empty)
- Begin Work: 07/30/2021 11:47 PM
- Restoration Work Comments: no comments
- Restored Date: (empty)
- Verified by: (empty)

Permit Address:

- Permit Address: 500 Dunsmore Road, Hamilton
- Permit Location Details: (empty)
- Street Compeky: 1535888
- Street OCI: 48.59129528
- Ward: 4

Line Items:

Contract Number	Line Item Materials
RC_2021	RC Asphalt - Reconstruct asphalt driveways and parking areas -

Attachments:

- + Add attachment... Remove all attachments
- 32539.jpg (3.21 MB, 11/3/2021 3:39 PM, Attached by Associate, Leadhand)
- image.jpg (3.34 MB, 07/30/2021 9:57 AM, Attached by White, Steve)

1. APM Staff notifying City Staff Work permit is completed
2. City Staff enter Quantities for Work Permit
3. APM Staff supplying Photo and verifying quantity
4. City Staff Reviewing Work Permit and approving for payment
5. City Staff issuing Payment to Contractor

2. Variations in City's Contract Administration Procedures Over the 4 Year

► How has this Affected APM?

For Example, *Work Order #32046*
Road Restoration 5.7m x 4m = 22.8m²

- City Mark Out Date: July 12th
 - City Issue to APM: July 16th
 - Completed by APM: August 23rd
 - Submitted by APM: September 8th
 - COH 6-Week Deadline: August 27th
 - COH recognized Completion: September 29th
 - Closed by COH: October 20th
- Two Months After the restoration was completed

Cityworks

Inbox

Work Order | Email | Print | Save | Close | Delete | Location

Work Order

Type of Work: Road Cut - Hard Surface Restoration
 Work Desc: Asphalt Road Surface Restoration
 Entity Type: AM STREETS BY SURFAC | Work Order ID: 32046
 Status: CLOSED | Priority: Medium
 SubStatus: RESTORED
 MarkOut By: Mesicek, Stephen | MarkOut Date: 07/12/2021 10:07 AM
 Mark Out: 3a - 5.7*3.9 - Asp. Road
 Comments: no comments

Assemble WO: | Hold WO Until: |
 Target Restored: 08/27/2021 12:00 PM
 Closed By: Waddell, Bradley | Date: 10/20/2021 2:49:18 PM
 Contractor: Associate, Leadhand | Begin Work: 07/16/2021 12:19 PM
 Supervisor: |
 Restoration Work
 Comments: no comments
 Restoration Work Verified by: Clarke, Sarah | Restored Date: 09/29/2021 12:00 PM

Permit Address

Permit Address: 11 Buchanan Street, Hamilton
 Permit Location Details:
 Street Complex: 1538586 | Street OCI: 62.3759758
 Ward: 8

Line Items

Contract Number	Line Item Materials
RC_2021	RC_Asphalt - Full depth asphalt restoration to asphalt on granu
RC_2021	RC_Pavement Deg Fee - OCI Class 2 (OCI = 61 - 80) Good Road

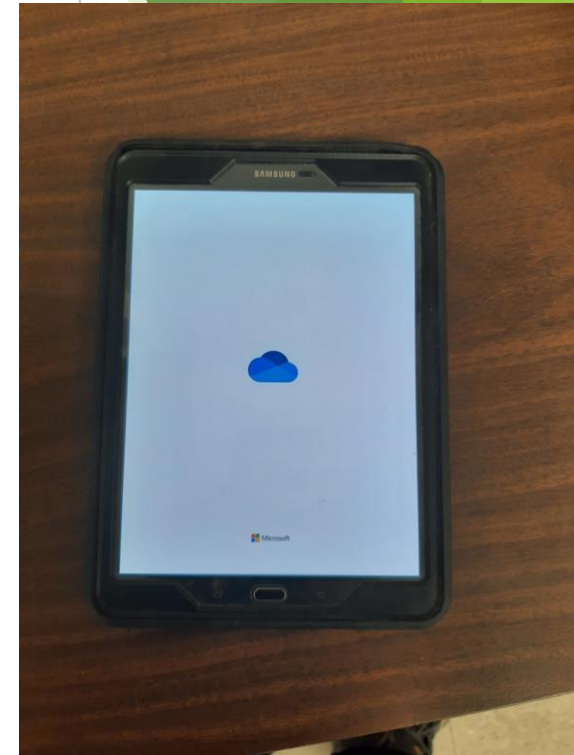
Attachments

+ Add attachment... | Remove all attachments

- 32046.jpeg | Attached by Associate, Leadhand | 2.58 MB | 09/29/2021 12:35 PM
- ADA81B67-B3A7-4E4A-BC89-922C80D0E7FD.jpeg | Attached by Mesicek, Stephen | 3.83 MB | 07/12/2021 10:08 AM
- B96C8271-8E20-4669-8E6E-DABA38FE9EE6.jpeg | Attached by Mesicek, Stephen | 3.82 MB | 07/12/2021 10:08 AM

2. Variations in City's Contract Administration Procedures Over the 4 Year

- ▶ How has APM Responded?
 1. Purchase and implementation of six Samsung Tablet equipment with built-in wireless capability
 2. Countless hours of APM Manages working directly with City Project Managers as well as communicating with City of Hamilton IT Staff to debug software issues and provide input on how to tailer the software to the program from a contractor POV
 3. Hiring an additional staff member to aid in the Administrative back log during part of Term 3 and Term 4



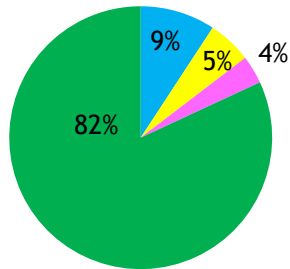
3. Seasonal Material Constraint and Delays Outside of Contractor control

- ▶ Temperature and Weather Sensitive Material
 - ▶ Type 1 Sod
 - ▶ 32Mpa Concrete
 - ▶ SP 9.5mm, Sp12.5mm and SP19mm

3. Seasonal Material Constraint and Delays Outside of Contractor control

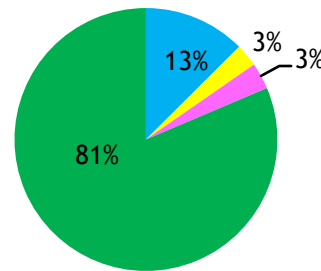
- ▶ How has this Affected APM?
- ▶ APM has not been able to operate on C15-71-17 as below:
 1. Weather (Rain, Snow, Excessive Heat): 24 Days in 2020, 27 Days in 2021
 2. COVID-19 Exposure: 14 Days in 2020, 6 Days in 2021
 3. Statutory Holidays: 9 Days in 2020, 7 Days in 2021

Working Days 2020



■ Inclement weather ■ COVID-19 ■ Statutory Holiday ■ Other

Working Days to Nov.3, 2021



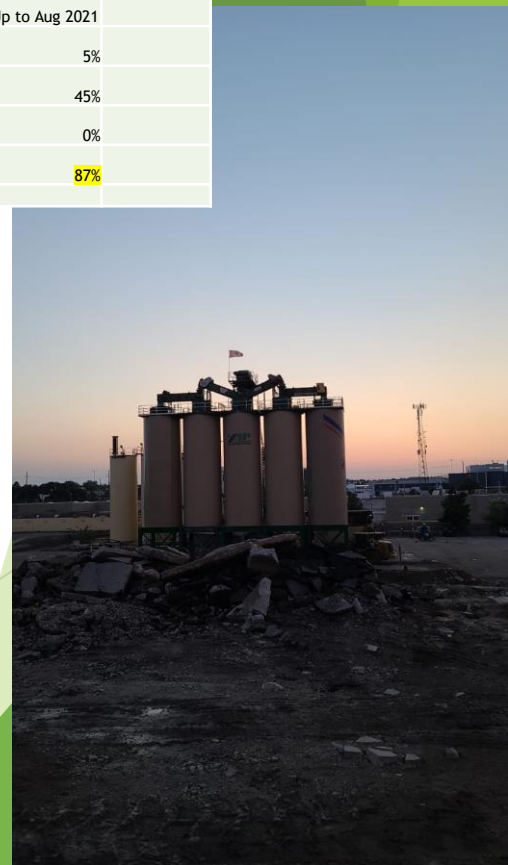
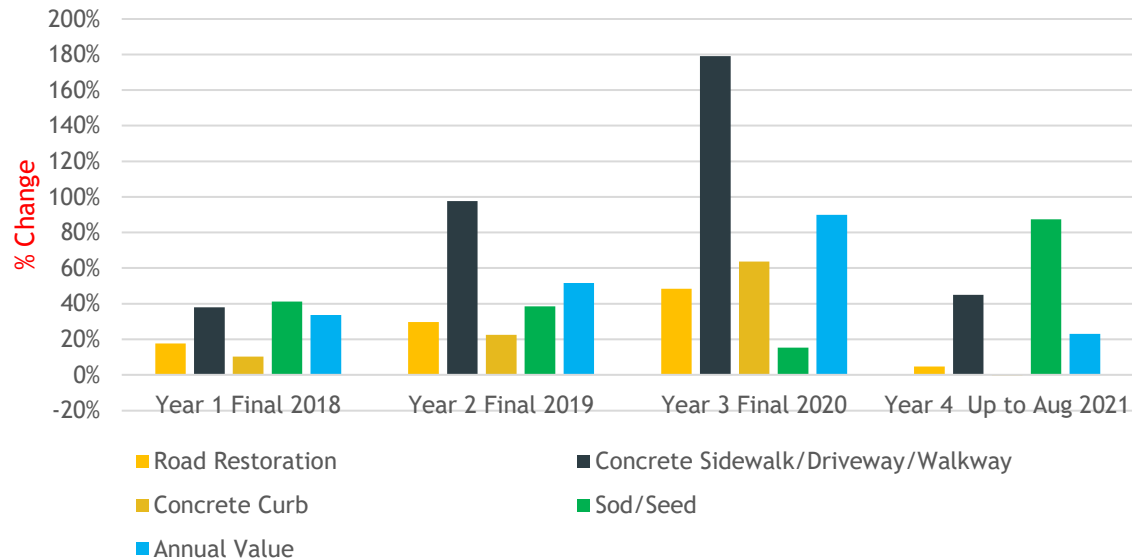
■ Inclement weather ■ COVID-19 ■ Statutory Holiday ■ Other

3. Seasonal Material Constraint and Delays Outside of Contractor control

► How Has APM Responded?

	Estimated	Year 1 Final 2018	Year 2 Final 2019	Year 3 Final 2020	Year 4 Up to Aug 2021		Year 1 Final 2018	Year 2 Final 2019	Year 3 Final 2020	Year 4 Up to Aug 2021
Road Restoration	23,000.00	27,070.55	29,852.30	34,138.13	24,085.84	Road Restoration	18%	30%	48%	5%
Concrete Sidewalk/Driveway/Walkway	5,500.00	7,586.40	10,868.59	15,345.39	7,977.66	Concrete Sidewalk/Driveway/Walkway	38%	98%	179%	45%
Concrete Curb	800.00	882.58	980.17	1,309.00	797.81	Concrete Curb	10%	23%	64%	0%
Sod/Seed	3,500.00	4,945.13	4,849.49	4,033.52	6,560.56	Sod/Seed	41%	39%	15%	87%

% Change over Estimated Quantities



4. City's Required Priority Lists Affecting Productivity

1. Emergency Restoration - To be completed within 24Hr
2. Priority Lists - Given Weekly based on complaints
 - Priority Lists Decrease APM productivity.

Utility Restoration Contract C15-32-21

1. Restoration quantities have increased by to reflect completed quantities of 2020
2. Inclusion of City Works Process, and City Works Expectations
3. Increase Quantity for Topsoil and Seed, Topsoil and Sod - A lesser quantity for sod than we have installed this year.

1.0 SCOPE OF WORK

The scope of work consists of the permanent restoration of utility cuts in asphalt and concrete pavement, sidewalks, curbs, driveway approaches and alleyways required on streets within the limits of the City of Hamilton. Utility cuts are produced by:

- a) Enbridge Gas Ltd.
- b) Bell Canada
- c) Telecommunications
- d) Alectra Utilities
- e) City of Hamilton - water service replacements, sewer and watermain repairs.
- f) Private Contractors

Road restoration Work shall be conducted on arterial and local roads throughout the City as required and shall consist of the following annual estimated quantities:

- Asphalt on granular road restoration – 35,000 square metres
- Exposed concrete and asphalt on concrete road restoration – 180 square metres
- Concrete sidewalk, driveway and walkway restoration – 10,300 square metres
- Concrete curb restoration on local and arterial roads – 1,100 linear metres
- Asphalt driveway restoration – 3,100 square metres
- Supply and placement of topsoil and sod – 4,000 square metres
- Supply and placement of topsoil and seed – 3,000 square metres
- Cold weather placement and protection of concrete – 4,800 square metres

	Year 3 Final 2020
Road Restoration	34,138.13
Concrete Sidewalk/Driveway/Walkway	15,345.39
Concrete Curb	1,309.00
Sod/Seed	4,033.52

Commendations On APM's Performance

“APM's Performance on this project has grown to a point that your group is now setting the bar which other were not able to achieve”

City Of Hamilton Restorations Project Manager 2015

“This is exactly the Performance the city needs in order to deliver this contract, and I can honestly say this is the best state the program has been in since I have been managing this contract”

City Of Hamilton Restorations Project Manager 2018

“Over the past year [APM's project manager's name] consistent focus on these skills has allowed him to effectively manage and improve the road cuts program

City Of Hamilton Restorations Project Manager 2020



Submitted on Wednesday, November 3, 2021 - 11:33am Submitted by anonymous user: 172.70.126.90 Submitted values are:

==Committee Requested==

Committee: Audit, Finance & Administration Committee

==Requestor Information==

Name of Individual: Max Warmuth

Name of Organization: Garda Canada Security Corporation "GardaWorld"

Contact Number: 416-272-9365

Email Address: max.warmuth@garda.com

Mailing Address:

GardaWorld

54 Centennial Parkway North

Suite 200

Hamilton, ON

L8E 1H6

Reason(s) for delegation request: GardaWorld is presently banned from doing business with the City of Hamilton due to an active litigation between the City and Primary Response Inc, a security company that was acquired by GardaWorld in January of 2018. The issue that precipitated the claim by the City occurred prior to this acquisition, and as such is being handled by the insurance company for the previous owners of Primary Response. As the largest security provider in Hamilton, we seek consideration to have this ban lifted so GardaWorld can once again bid on City contracts. We believe we can offer the City a superior value proposition through our size, scale, and local capability.

Will you be requesting funds from the City? No

Will you be submitting a formal presentation? No



Hamilton

NOTES

ADVISORY COMMITTEE FOR IMMIGRANTS AND REFUGEES

Thursday, October 14, 2021

6:30 p.m. – 8:30 p.m.

Due to the COVID-19 and the Closure of City Hall

All electronic meetings can be viewed at:

City's YouTube Channel

<https://www.youtube.com/user/InsideCityofHamilton>

Present: Rami Safi, Aref Alshaikhahmed, Khursheed Amed,
Ammira Ali, Councillor Maureen Wilson.

Absent with

Regrets: Dina Honig, Jennie Hamilton, Dorar Abuzaid,
Grace Maciak

Absent: Leslyn Gombakomba, Eisham Abdulkarim

Also, Present: Cole Gately, Diversity & Inclusion Facilitator
Taline Morris, Admin. Diversity and Inclusion

Pursuant to Section 5.4(4) of the City of Hamilton's Procedural By-law 21-021 at 7:00 p.m. the Staff Liaison to the Committee advised those in attendance that quorum had not been achieved within 30 minutes after the time set for the Advisory Committee for Immigrants and Refugees, therefore, the Staff Liaison to the Committee noted the names of those in attendance and the meeting stood adjourned.

Respectfully submitted,

Cole Gately, Diversity & Inclusion Facilitator



INFORMATION REPORT

TO:	Chair and Members Audit, Finance and Administration Committee
COMMITTEE DATE:	November 4, 2021
SUBJECT/REPORT NO:	Workplace Mental Health and Wellbeing Strategy (2019-2021) (HUR21013) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Matthew Sutcliffe (905) 546-2424 Ext. 2655 David Lindeman (905) 546-2424 Ext. 5657
SUBMITTED BY:	Lora Fontana Executive Director Human Resources
SIGNATURE:	

COUNCIL DIRECTION:

At its meeting of May 16, 2019, the Audit, Finance and Administration Committee approved Report HUR19010 which included the following directions:

- (a) That staff be directed to execute the Workplace Mental Health and Wellbeing Strategy (2019-2021), that continues to foster, promote and support overall health and wellbeing, encourage dialogue and remove stigma associated with mental illness; and
- (b) That staff report back to the Audit, Finance and Administration Committee on the progress made on implementing the strategy on a periodic basis.

INFORMATION:

The City recognizes that mental health and wellbeing is fundamental to overall health, and that the workplace has an important role to play in maintaining and promoting mental health and wellness. Human Resources has established a comprehensive strategy aligned with best practices and national standards.

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**SUBJECT: Workplace Mental Health and Wellbeing Strategy (2019-2021)
(HUR21013) (City Wide)****Page 2 of 8**

Human Resources last reported to Committee on November 5, 2020. The following report highlights the activities undertaken to execute our workplace mental health and wellbeing strategy.

In 2016, Council and Senior Leadership Team (SLT) approved a Workplace Mental Health and Wellbeing Strategy 2016-2018. The strategy set out specific objectives for the organization and included the establishment of a Workplace Mental Health Action Committee (WMHAC) to advise on implementation of the strategy and make recommendations to improve our policies and programs.

The goals of the Workplace Mental Health and Wellbeing Strategy remain to:

1. Raise awareness of mental health and wellbeing and reduce stigma associated with mental illness
2. Align the strategy with our People and Performance Plan
3. Provide People Leaders with the skills, knowledge, tools and supports they need to create a workplace that supports positive mental health and wellbeing
4. Provide employees with the skills, knowledge, tools and supports they need to improve personal resilience and achieve optimal mental health and wellbeing
5. Create a sustainability plan

The strategy is based on the framework from the *Psychological Health and Safety: An Action Guide for Employers (2012)*. This Mental Health Commission of Canada guide, created by the Commission, identifies actions an employer can take to enhance and protect employee psychological health and safety. The actions are evidence-based, practical and flexible.

Due to the demands on all staff caused by the City's collective response to the pandemic, the WMHA Committee was only able to meet once this year. As well, the City's Workplace Wellness Specialist, who would normally oversee the Workplace Mental Health and Wellbeing Strategy and the work of the WMHAC, was reassigned to COVID-19-related occupational health duties.

In 2019, the WMHAC provided SLT with recommendations. In response to the recommendations from WMHAC, SLT supported taking specific actions that form the Workplace Mental Health and Wellbeing Strategy 2019-2021 approved by Council. Work has continued to address those recommendations over the last two years.

**SUBJECT: Workplace Mental Health and Wellbeing Strategy (2019-2021)
(HUR21013) (City Wide)****Page 3 of 8**

1. SLT to complete either one of the Leadership Mental Health Training Modules - The Working Mind people leader training or Mental Health@Work certificate program.
 - All members of SLT have completed one or both of the Leadership Mental Health Training Modules. New members of SLT will be registered in the program as required.
2. Mental health and wellbeing considerations will be incorporated into change management training and processes and sufficient resources allocated to mitigate mental health hazards associated with workplace change.
 - Employee mental health and well being is a key consideration in the Hamilton@Work COVID-19 RECOVERY: Future Work Models & Return to the Workplace Strategy. The strategy recognizes that all employees need support as the City transitions to a return to the workplace and new work models. Leaders must consider the health, safety and psychological well-being of staff both working on or off-site.
3. Mental health promotion and stigma reduction campaigns to be held annually in May and October with SLT visible participation.
 - The City Manager provided messages in support of employee mental health not only during Canadian Mental Health Week but also throughout the year. Key messaging was on the importance of all employees monitoring their mental health and wellbeing and accessing the resources and services when needed.
 - Senior Leadership team also ensured that messages to their department emphasized employee mental health and well-being. It was often a topic at departmental meetings and events.
 - The theme of Mental Health Week was understanding our emotions. Staff was provided an overview of the topic and access to a number of related resources to help improve their mental health and better understand their emotions. Those resources included:
 - LifeSpeak featured modules on resilience and mindfulness
 - Our internal Shifting Minds video-based campaign focusing on how employees think about themselves and others and how employees seek the required support they need.
 - Respect
 - Rethink
 - Reconnect
 - Renew
 - Resources

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**SUBJECT: Workplace Mental Health and Wellbeing Strategy (2019-2021)
(HUR21013) (City Wide)**

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-
- ResilientME online program from the Public Sector Health & Safety Association
 - Webinars and talks from the Canadian Mental Health Association – Hamilton
4. Undertake review of questions and ensure that key indicators are incorporated into the questions within Our People survey (OPS) in 2020
- The OPS was rescheduled to 2021. The content and design of the survey addressed indicators of employee mental health and well-being and ensure resources are in place for leaders to respond to survey results for their teams. The results of the 2021 OPS will be available in Q1 of 2022.
5. Human Resources to review the non-union benefit package and consider adding more flexibility in choosing benefits that will improve access to psychological services.
- The non-union, CUPE 5167 and Hamilton Fire benefit packages were redesigned in 2019 to offer improved access to psychological support by increasing the annual benefit amount from \$100 to \$1,000, removing the cap on per-session billing amounts and changing eligible services to include Clinical Psychologist, Psychiatrist, Psychotherapist, or Social Worker. Use of this benefit by staff and eligible dependants has increased yearly.
 - The redesign of the non-union benefits plan is currently being reviewed by the Senior Leadership Team, and is expected to be launched in January, 2023.
6. SLT to set targets to train more employees in The Working Mind or Road to Mental Readiness training programs.
- The Working Mind program switched to online delivery due restrictions on gathering in response to the pandemic. Due to limited availability of instructors and resources to organize sessions, only on frontline worker program has been delivered so far in 2021.
 - Hamilton Paramedic Services and the Hamilton Fire Department provide the Road to Mental Readiness training for first responders to all of their staff.
 - Additionally, 48 people leaders completed the Mental Health@Work Certificate Training for Leaders is provided through Queen's University and Mournau Shepell in 2021.

**SUBJECT: Workplace Mental Health and Wellbeing Strategy (2019-2021)
(HUR21013) (City Wide)****Page 5 of 8**

-
7. Human Resources to examine current recruitment, job design and return-to-work processes and update where applicable to include cognitive demands.
 - Interview questions have been reviewed to ensure questions are used to probe managing cognitive demands where applicable. Return to Work Services is undertaking cognitive demands analysis, when required, during the return-to-work and accommodation processes.
 8. Promote the Manager Mental Health Toolkit through Howi and other platforms.
 - The tool kit has prominence under People Leader Resources in Howi. Any upcoming redesign of the web site will ensure that the tool kit remains a highlighted resource for People Leaders.
 9. Human Resources to begin tracking nature of illness and injury, when available for short-term sick absences using current disability management software.
 - In 2020, Short-Term Disability claims analysis was been piloted and information provided to work groups where the volume of mental health related absences is high. The data indicated that mental health was the leading cause of absences in 2020.
 - In 2021, it is anticipated that mental health will continue to be the top diagnostic category of all long-term disability claims received by Manulife on behalf the City. The City's rate of incidence is approximately 36% versus the industry comparison groups' incidence rate of 38%.
 10. Replace the existing Zero Tolerance Program with a new program targeting, preventing and responding to bad behaviour, harassment and violence against staff and users of city services.
 - A working group is developing policies that will cover expectations for the public and staff behaviour in our workplaces and procedures to respond to acts of unwanted behaviour, harassment and violence. A new workplace harassment policy has been drafted and will be finalized in late 2021 or early 2022.
 11. Develop and distribute checklists that staff can use to assess their individual and group respectfulness and civility in order to build better working relationships on their teams.
 - The resource will be integrated into the new Zero Tolerance Program (Item 10).

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**SUBJECT: Workplace Mental Health and Wellbeing Strategy (2019-2021)
(HUR21013) (City Wide)**

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12. Human Resources to identify best practices by benchmarking with other municipalities through established networks like the Single-Tier Municipal Group and Association of Municipalities of Ontario.

- A survey was undertaken early in 2020 that identified that our programming and priorities is in line with other similar employers. There is consistency as we are all following the national standards for workplace mental health.

13. Corporate Communications to include workplace mental health in its development of improved communication channels, to ensure that mental health and wellbeing resources are known and easy to find.

- Corporate Communications and Human Resources have worked closely together to connect employees to mental health resources. Areas on eNet and Howi are dedicated to these internal and external resources.
- Connecting employees to mental health resources will also be an important part of the plans to return remote workers back to the workplace.

14. WMHAC to remain in place, meet quarterly and mental health and wellness champions to be recruited and supported

- Due to the demands on all staff caused by the collective response to pandemic, the WMHA Committee was only able to meet once this year. As well, the Workplace Wellness Specialist, who would normally oversee of Workplace Mental Health and Wellbeing Strategy and the work of the WMHAC, was reassigned to COVID-19-related occupational health duties. A meeting is planned to take place before the end of the year.

ADDITIONAL INFORMATION

Responding to the Impact of the Pandemic on Staff

It is important to recognize the impact the extended period of pandemic restrictions, changes to work and home routines, and isolation has had on the mental health and well-being of our employees. Staff at all levels of the organization have experienced anxiety and stress and continue to need support to respond positively to challenges at work and at home. Frontline staff have been given tools to stay resilient and manage stress. People leaders have been given tools manage change and recognize when team members are struggling. These supports are critical as we move into the next phase of our recovery plan.

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**SUBJECT: Workplace Mental Health and Wellbeing Strategy (2019-2021)
(HUR21013) (City Wide)**

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Our employee and family assistance provider, Homewood Health, has been a key partner in assisting employees in making connections to resources and services that can help them achieve improved mental health and wellbeing. Homewood Health also assists our people leaders in creating supportive, effective teams and workplaces. Homewood Health is developing new tools to help manage a transition back to work and create effective virtual teams.

As new resources are identified and developed, they will be brought online and made available to staff. Our Workplace Mental Health Advisory Committee will help ensure actions are aligned with our Workplace Mental Health Strategy and our goal to create psychologically healthy and safe workplaces.

LifeSpeak

Employees and their families continue to access LifeSpeak On Demand. This web-based program is an expert-led online streaming video resource dealing with a wide variety of health, family, eldercare, personal growth and development, and work-life balance topics. Employees and their families are able to access the support they need to overcome hurdles and accomplish goals.

It's interesting to compare the 2021 usage and topics to date (Q3) to usage in 2020 and 2019. It would appear that staff has an overall better state of mental health and wellbeing now than during the early stages of the pandemic. After sharp increases in access to modules related to mental health and stress management in 2020, staff are now more likely to access LifeSpeak for professional development and leadership assistance although many are still looking for assistance with stress management and resilience.

Topics	2019	2020	2021 to Q3
Professional Development	1,000	927	1,263
Leadership & Management Skills	441	777	681
Stress Management & Resilience	353	1,214	603
Mental Health	260	2,805	153
Physical Conditions & Diseases	98	1,357	55
Parenting and Caregiving	7	953	49
Other	629	1,474	346
Total usage	2,788	9,507	3,150

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**SUBJECT: Workplace Mental Health and Wellbeing Strategy (2019-2021)
(HUR21013) (City Wide)**

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Homewood Health

The utilization rate for the City's Employee and Family Assistance Program is projected to be 14.42% for 2021 which is in line with Homewood Health's other municipal government clients. Most individuals are accessing counselling services. Utilization rates for 2020 and 2019 were 13.63% and 14.65%, respectively.

Top 5 Counselling Services Utilized (number of cases to the end of September 2021):

Counselling Services	2019	2020	2021 to Q3
Psychological	448	415	338
Marital/Relationship	143	116	76
Family	76	57	55
Work	73	58	46
Crisis/Trauma	23	34	30
Other	51	711	24
Total usage	814	711	569

There is a marked increase in Psychological counselling services which reflects the continued state of the psychological health of our employees, and likely also reflects increased usage in response to the recently enhanced benefit available for employees.

Homewood Health also delivered online workshops to department teams. The requested workshops included:

- Assertiveness: Negotiating Respectful Interpersonal Boundaries
- Building Resilience: Understanding Challenges, Learning Strategies, and Accepting Change
- Improving Workplace Communication
- The Art of Relaxation
- The Journey to Wellness: One Step at a Time
- The Science of Happiness

Future Strategy Objectives

WMHAC will meet to discuss recommendations and objectives for a strategy going forward. These will be presented and approved by the Senior Leadership Team in the first quarter of 2022. The Workplace Mental Health and Wellbeing Strategy (2022 – 2024) will be presented to Council in 2022.

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CITIZEN COMMITTEE REPORT

To:	Chair and Members Audit, Finance & Administration Committee
From:	Stephanie Bertolo Status of Women Committee <hr style="width: 20%; margin-left: auto; margin-right: 0;"/> (to be signed by the Chair)
Date:	October 14, 2021
Re:	Renaming the Status of Women Committee and Changes to the Terms of Reference and Mandate

Recommendation:

That the Terms of Reference and Mandate of the Status of Women Committee be amended as follows:

- That the Status of Women Committee be renamed the Women and Gender Equity Committee;
- That the Mandate include the following:
 - The Women and Gender Equity Committee for the City of Hamilton acts as an Advisory Committee on matters pertaining to gender inequities faced by women, trans, and non-binary individuals. It achieves this mandate by providing Council input on matters of municipal concern and evaluating the City on its related efforts
- That the strategic objectives of the Women and Gender Equity Committee include language around trans and non-binary individuals and gender equity, as follows:
 - Define, investigate, study and make recommendations on issues of gender equity of the City of Hamilton and other matters of social or municipal concern including matters referred to this Committee by City Council, staff and City of Hamilton Committees.
 - Inform citizens of the City of Hamilton on issues affecting women, trans, and non-binary individuals.

SUBJECT: Renaming the Status of Women Committee and Changes to the Terms of Reference and Mandate
Page 2 of 2

- Actively supporting the public participation of women, trans, and non-binary individuals in all aspects of civil life
- Advise citizens of the City of Hamilton of decisions made by City Council which may impact on women, trans, and non-binary individuals including matters of social concern and those referred to City Council by this Committee.

Background:

Since the beginning of the Status of Women Committee's term in 2019, its members have discussed ways in which it could be more inclusive. One area of focus is gender inclusivity for all individuals who are women, trans, and non-binary. The current language describing the Committee only represents women. As such, the Committee recommends Council change its name and mandate to be more inclusive of trans and non-binary individuals. The Committee recommends the name the "Women and Gender Equity Committee." Additionally, the Committee recommends the mandate be modified from "To act as an Advisory Committee on matters pertaining to women and to provide input with respect to matters of municipal concern." to "The Women and Gender Equity Committee for the City of Hamilton acts as an Advisory Committee on matters pertaining to gender inequities faced by women, trans, and non-binary individuals. It achieves this mandate by providing Council input on matters of municipal concern and evaluating the City on its related efforts."

During the March 25, 2021 meeting the Committee passed a motion to recommend Council change the terms of reference to rename the committee. Following this, the Committee passed a motion on **June 24, 2021** to change the Committee's mandate.

Analysis/Rationale:

Renaming the Status of Women Committee and modifying its mandate will demonstrate the gender inclusivity the Committee works to embody and that it is a space welcoming of trans and non-binary voices. The Committee already works to use gender-inclusive language and approach in all meetings and committee activities. However, the name of the committee should best reflect its actions. Approving this name change will also demonstrate Council's commitment to being a more inclusive environment and encourage participation from citizens who are currently underrepresented in the municipal environment.

The name "Women and Gender Equity Committee" more explicitly highlights a commitment to gender equity. It also aligns with the name change of the Status of Women Canada in 2018, which is now known as Women and Gender Equality Canada.

SUBJECT: Renaming the Status of Women Committee and Changes to the Terms of Reference and Mandate
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The modifications to the mandate are more in line with what the Committee aims to achieve, uses more inclusive language, and provides a more detailed explanation of its work.

HAMILTON WOMEN AND GENDER EQUITY COMMITTEE

TERMS OF REFERENCE (Updated)

MANDATE:

The Women and Gender Equity Committee for the City of Hamilton acts as an Advisory Committee on matters pertaining to gender inequities faced by women, trans, and non-binary individuals. It achieves this mandate by providing Council input on matters of municipal concern and evaluating the City on its related efforts.

STRATEGIC OBJECTIVES:

Define, investigate, study and make recommendations on issues of concern affecting women, trans and non-binary individuals of the City of Hamilton and other matters of social or municipal concern including matters referred to this Committee by City Council, staff and City of Hamilton Committees.

Inform citizens of the City of Hamilton on issues affecting women, trans and non-binary individuals.

Actively encourage women, trans and non-binary individuals to participate in all aspects of society and support them in their life choices.

Advise citizens of the City of Hamilton of decisions made by City Council which may impact on women, trans and non-binary individuals including matters of social concern and those referred to City Council by this Committee.



Hamilton

Procurement Sub-Committee

REPORT 21-001

9:30 am

Friday, October 29th, 2021

Council Chambers

Hamilton City Hall

71 Main Street West

Present: Councillors L. Ferguson (Chair), J.P. Danko (Vice-Chair), and N. Nann

Absent: Councillor T. Whitehead - Personal

THE PROCUREMENT SUB-COMMITTEE PRESENTS REPORT 21-001 AND RESPECTFULLY RECOMMENDS:

1. **Commercial Relationship Between the City of Hamilton and Associated Paving & Materials Ltd. (FCS21102 / LS21044 / PW21064) (City Wide) (Item 14.2)**
 - (a) That the directions provided to staff in Closed Session, be approved;
 - (b) That Closed Session recommendations be released publicly following approval by Council; and,
 - (c) That the contents of Report FCS21102 / LS21044 / PW21064, Commercial Relationship Between the City of Hamilton and Associated Paving & Materials Ltd. and the attached Appendix remain confidential.

2. **Amendment to Procurement Policy to Allow for Negotiation of Contracts in Extenuating Circumstances (FCS21103 / LS21045) (City Wide) (Item 14.3)**
 - (a) That the directions provided to staff in Closed Session, be approved;
 - (b) That Confidential Appendix A to Report FCS21103 / LS21045, Amendment to Procurement Policy to Allow for Negotiation of Contracts in Extenuating Circumstances, **as amended**, be released when the by-law is for consideration at Council; and,
 - (c) That the contents of Report FCS21103 / LS21045, Amendment to Procurement Policy to Allow for Negotiation of Contracts in Extenuating Circumstances remain confidential.

FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 2)

The Committee Clerk advised of the following changes to the agenda:

6. COMMUNICATIONS

- 5.1 Correspondence from Howard Krupat, DLA Piper (Canada) LLP, respecting Associated Paving and Materials Ltd.

Recommendation: Be received and referred to consideration of Item 6.1.

6. DELEGATION REQUESTS

- 6.1 Stan Capobianco, Marco Capobianco, Roger B. Campbell (Counsel), Howard D. Krupat (Counsel), Emma Cosgrave (Counsel), Associated Paving and Materials Ltd., respecting Item 14.2 (For today's meeting)

The agenda for the October 29, 2021 Procurement Sub-Committee meeting was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 3)

There were no declarations of interest.

(c) MINUTES (Item 4)

(i) October 1, 2020

The Procurement Sub-Committee Minutes of the October 1, 2020 Meeting were approved, as presented.

(d) COMMUNICATIONS (Item 5)

(i) Correspondence from Howard Krupat, DLA Piper (Canada) LLP, respecting Associated Paving and Materials Ltd. (Added Item 5.1)

The Correspondence from Howard Krupat, DLA Piper (Canada) LLP, respecting Associated Paving and Materials Ltd. was received and referred to the consideration of Item 6.1.

(e) DELEGATION REQUESTS (Item 6)

- (i) Stan Capobianco, Marco Capobianco, Roger B. Campbell (Counsel), Howard D. Krupat (Counsel), Emma Cosgrave (Counsel), Associated Paving and Materials Ltd., respecting Item 14.2 (For today's meeting) (Added Item 6.1)**

The delegation request from Stan Capobianco, Marco Capobianco, Roger B. Campbell (Counsel), Howard D. Krupat (Counsel), Emma Cosgrave (Counsel), Associated Paving and Materials Ltd., respecting Item 14.2, was approved for today's meeting.

(f) PUBLIC HEARINGS/DELEGATIONS (Item 9)

- (i) Stan Capobianco, Marco Capobianco, Roger B. Campbell (Counsel), Howard D. Krupat (Counsel), Emma Cosgrave (Counsel), Associated Paving and Materials Ltd., respecting Item 14.2 (Added Item 9.1)**

Stan Capobianco, Marco Capobianco, Roger B. Campbell (Counsel), Howard D. Krupat (Counsel), Emma Cosgrave (Counsel), Associated Paving and Materials Ltd., addressed the Committee respecting Item 14.2.

The delegates were granted an additional five minutes for their delegation.

The delegation from Stan Capobianco, Marco Capobianco, Roger B. Campbell (Counsel), Howard D. Krupat (Counsel), Emma Cosgrave (Counsel), Associated Paving and Materials Ltd., respecting Item 14.2, was received.

(g) PRIVATE AND CONFIDENTIAL (Item 14)

- (i) Closed Minutes – October 1, 2020 (Item 14.1)**

(a) The Closed Session Minutes of the October 1, 2020 Procurement Sub-Committee meeting, were approved as presented; and,

(b) The Closed Session Minutes of the October 1, 2020 Procurement Sub-Committee meeting remain confidential.

Committee moved into Closed Session, respecting Items 14.2 and 14.3 pursuant to Section 9.1, Sub-sections (f), (i) and (k) of the City's Procedural By-law 21-021, as amended, and Section 239(2), Sub-sections (f), (i) and (k) of the *Ontario Municipal Act, 2001*, as amended, as the subject matter pertains to advice that is subject to solicitor-client privilege, including communications necessary for that purpose; a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the

municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization; and a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

(ii) Commercial Relationship Between the City of Hamilton and Associated Paving & Materials Ltd. (FCS21102 / LS21044 / PW21064) (City Wide) (Item 14.2)

Staff was provided direction in Closed Session.

For disposition of this matter, refer to Item 1.

(iii) Amendment to Procurement Policy to Allow for Negotiation of Contracts in Extenuating Circumstances (FCS21103 / LS21045) (City Wide) (Item 14.3)

Staff was provided direction in Closed Session.

For disposition of this matter, refer to Item 2.

(h) ADJOURNMENT (Item 15)

There being no further business the Procurement Sub-Committee adjourned at 10:58 a.m.

Respectfully submitted,

Lloyd Ferguson, Chair
Procurement Sub-Committee

Angela McRae
Legislative Coordinator
Office of the City Clerk

CITY OF HAMILTON

MOTION

Audit, Finance and Administration Committee: November 4, 2021

MOVED BY COUNCILLOR B. CLARK.....

SECONDED BY COUNCILLOR.....

Timely Access to View Confidential Documents

WHEREAS, Council access to confidential documents takes inordinately long; and,

WHEREAS, there is no policy informing or directing staff to enable Councillors to view confidential documents;

THEREFORE, BE IT RESOLVED:

That staff be directed to create a Procedure to enable Council timely access to confidential documents such as Memorandums of Understanding, Contracts and Agreements.