



City of Hamilton

AUDIT, FINANCE AND ADMINISTRATION COMMITTEE REVISED

Meeting #: 23-015
Date: October 5, 2023
Time: 9:30 a.m.
Location: Council Chambers
Hamilton City Hall
71 Main Street West

Tamara Bates, Legislative Coordinator (905) 546-2424 ext. 4102

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 September 21, 2023

5. COMMUNICATIONS

6. DELEGATION REQUESTS

*6.1 Jason Herd, Fairway Electrical Services, respecting the City's letter to Fairway, dated September 18th, 2023 (Item 10.4) (for today's meeting)

7. DELEGATIONS

8. STAFF PRESENTATIONS

9. CONSENT ITEMS

9.1 2023 Second Quarter Emergency and Non-competitive Procurements Report (FCS23019(a)) (City Wide)

- 9.2 2023 Second Quarter Non-compliance with the Procurement Policy Report (FCS23020(a)) (City Wide)
- 9.3 2023 Second Quarter Request for Tenders and Proposals Report (FCS23021(a)) (City Wide)
- 9.4 Grightmire Arena Lessons Learned Audit (AUD22004) – Management Responses Status Report (PW23007(a)/FCS23011(a)) (City Wide) (Outstanding Business List Item)
- 9.5 Mundialization Committee Minutes - May 17, 2023

10. DISCUSSION ITEMS

- 10.1 Development Charges Stakeholders Sub-Committee Report 23-002 (September 18, 2023)
- 10.2 Integrity Commissioner and Lobbyist Registrar Appointment (FCS23106) (City Wide)
- 10.3 Tax and Rate Operating Budgets Variance Report as at July 31, 2023 – Budget Control Policy Transfers (FCS23063(a)) (City Wide)
- *10.4 Commercial Relationship between City of Hamilton and Fairway Electrical Services Inc. (LS23032/FCS23101) (City Wide)

Moved from Item 14.3

Discussion of Private & Confidential Appendix “A” to Report LS23032/FCS23101 would be pursuant to Section 9.3, Sub-sections (e) and (f) of the City's Procedural By-law 21-021, as amended, and Section 239(2), Sub-sections (e) and (f) of the *Ontario Municipal Act, 2001*, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the City or a local board; and advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

11. MOTIONS

- 11.1 Hamilton Police Services and Hamilton Public Library Surpluses and Deficits

12. NOTICES OF MOTION

13. GENERAL INFORMATION / OTHER BUSINESS

14. PRIVATE AND CONFIDENTIAL

14.1 Closed Minutes - September 21, 2023

Pursuant to Section 9.3, Sub-sections (j) and (k) of the City's Procedural By-law 21-021, as amended, and Section 239(2), Sub-section (j) and (k) of the Ontario Municipal Act, 2001, as amended, as the subject matter pertains to a trade secret or scientific, technical, commercial or financial information that belongs to the City or a local board and has monetary value or potential monetary value 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.

14.2 Replacement of Legend Software and Review of Xplor Recreation Software (FCS23088/HSC23061) (City Wide)

Pursuant to Section 9.3, Sub-section (k) of the City's Procedural By-law 21-021, as amended, and Section 239(2), Sub-section (k) of the Ontario Municipal Act, 2001, as amended, as the subject matter pertains a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on by or on behalf of the municipality:

*14.3 Appendix A to Commercial Relationship between City of Hamilton and Fairway Electrical Services Inc. (LS23032/FCS23101) (City Wide)

Pursuant to Section 9.3, Sub-sections (e) and (f) of the City's Procedural By-law 21-021, as amended, and Section 239(2), Sub-sections (e) and (f) of the Ontario Municipal Act, 2001, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the City or a local board; and advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

Please note that Report LS3032/FCS23101 - Commercial Relationship between City of Hamilton and Fairway Electrical Services Inc. (LS23032/FCS23101) (City Wide) has been moved to Item 10.4

15. ADJOURNMENT



AUDIT, FINANCE AND ADMINISTRATION COMMITTEE MINUTES 23-014

9:30 a.m.

September 21, 2023

Council Chambers

Hamilton City Hall

Present: Councillors C. Kroetsch (Chair), J. Beattie, B. Clark, T. Hwang, M. Spadafora, M. Tadeson, and A. Wilson

Absent with

Regrets: Councillor M. Wilson – City Business

THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:

1. Consent Items (Items 9.1 to 9.2)

(Hwang/Spadafora)

That the following Reports, be received:

- (a) 2022 Annual Report on Energy Price Hedging (FCS23092) (City Wide) - REVISED (Item 9.1)
- (b) Transportation Operations Inventory Audit and Follow up to Audit: Management Update (PW23061) (City Wide) (Outstanding Business List Item) (Item 9.2)

Result: Motion CARRIED by a vote of 7 to 0, as follows:

ABSENT - Ward 1 Councillor Maureen Wilson
YES - CHAIR - Ward 2 Councillor Cameron Kroetsch
YES - Ward 4 Councillor Tammy Hwang
YES - Ward 9 Councillor Brad Clark
YES - Ward 10 Councillor Jeff Beattie
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
YES - Ward 14 Councillor Mike Spadafora

2. Capital Project Closing Report as of June 30, 2023 (FCS23095) (City Wide) (Item 10.1)

(Hwang/A. Wilson)

- (a) That the General Manager, Finance and Corporate Services, be authorized to transfer a net amount of \$1,110,659.14 to the Unallocated Capital Levy

Reserve (108020) and a net amount of \$1,783,633.93 to other reserves as outlined in Appendix "A" to Report FCS23095;

- (b) That the General Manager, Finance and Corporate Services, be directed to close the completed and / or cancelled capital projects listed in Appendix "B" to Report FCS23095 in accordance with the Capital Projects Closing and Monitoring Policy;
- (c) That Appendix "C" to Report FCS23095, Capital Projects Budget Appropriations for the period covering January 1, 2023 through June 30, 2023, be received as information; and
- (d) That Appendix "D" to Report FCS23095, Capital Projects Budget Appropriations of \$250,000 or greater and Capital Project Reserve Funding Requiring Council Approval, be approved.

Result: Motion CARRIED by a vote of 7 to 0, as follows:

ABSENT - Ward 1 Councillor Maureen Wilson
YES - CHAIR - Ward 2 Councillor Cameron Kroetsch
YES - Ward 4 Councillor Tammy Hwang
YES - Ward 9 Councillor Brad Clark
YES - Ward 10 Councillor Jeff Beattie
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
YES - Ward 14 Councillor Mike Spadafora

3. Request to Extend Data Entry Services for Certificates of Offence Contract (FCS23096) (City Wide) (Item 10.2)

(A. Wilson/Hwang)

That pursuant to Procurement Policy #11 – Non-competitive Procurements, that Council approve the extension to Contract C17-06-17 (City of Mississauga contract number FA.49.437.16) for the provision of Data Entry Services for Certificates of Offence until March 31, 2024 with the option to extend up to six months further and that the General Manager, Corporate Services, be authorized to negotiate, enter into and execute the extension and any ancillary documents required to give effect thereto with Nimble Information Strategies Inc. in a form satisfactory to the City Solicitor.

Result: Motion CARRIED by a vote of 7 to 0, as follows:

ABSENT - Ward 1 Councillor Maureen Wilson
YES - CHAIR - Ward 2 Councillor Cameron Kroetsch
YES - Ward 4 Councillor Tammy Hwang
YES - Ward 9 Councillor Brad Clark
YES - Ward 10 Councillor Jeff Beattie
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
YES - Ward 14 Councillor Mike Spadafora

4. Grants Sub-Committee Report 23-004, September 14, 2023 (Added Item 10.3)

(A. Wilson/Hwang)

(a) Annual Update, City Enrichment Fund - Digital Pilot Program (CM22015(a) / GRA22003(a)) (City Wide) (Outstanding Business List Item) (Item 6.1)

That Report GRA22003(a), respecting Annual Update, City Enrichment Fund - Digital Pilot Program, be received.

(b) City Enrichment Fund, Scope of Work: Community Consultation (GRA23003(b)) (City Wide) (Outstanding Business List Item) (Item 6.2)

That Report GRA23003(b), respecting City Enrichment Fund, Scope of Work: Community Consultation, be received.

(c) City Enrichment Fund – Program Updates (GRA23004) (City Wide) (Outstanding Business List Item) (Item 7.1)

- (i) That the 30% funding policy for all City Enrichment Fund requests be revised to only apply to applications with requests above \$15,001;
- (ii) That the financial review process for all City Enrichment Fund applications be revised and only apply to applications with requests of \$30,000 or greater; and
- (iii) That staff be directed to report back on the following motion “That staff be directed to review the (CEF) fund’s current overall funding guidelines, program stream guidelines, related funding caps and report back to the Grants Sub-Committee with recommendations to ensure the fund is evolving with the needs of community” in advance of the 2025 intake;
- (iv) That item A, on the Grants Sub-Committee Outstanding Business List respecting “That up to \$500,000 of the City Enrichment Fund reserve funds, be ear marked to investigate potential matching opportunities, throughout the City, to bring to a total fund of \$1M in support for communities and organizations that have been heavily impacted by COVID-19 and the pandemic more broadly, with any funds not allocated to be evenly distributed and returned back to their respective reserves, and report back to the Grants Sub-Committee” be identified as completed and be removed; and,
- (v) That item 2023-A, on the Grants Sub-Committee Outstanding Business List respecting “That staff be directed to report back on appeals process with an overview of all submitted applicant appeals, in the form of an information report, upon concluding the appeals process to the Grants Sub-Committee by mid-June 2023;” be identified as completed and be removed.

Result: Motion CARRIED by a vote of 7 to 0, as follows:

ABSENT - Ward 1 Councillor Maureen Wilson
YES - CHAIR - Ward 2 Councillor Cameron Kroetsch
YES - Ward 4 Councillor Tammy Hwang
YES - Ward 9 Councillor Brad Clark
YES - Ward 10 Councillor Jeff Beattie
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
YES - Ward 14 Councillor Mike Spadafora

5. Information Technology Asset Management Update (FCS23083) (City Wide) - REVISED (Item 14.2)

(Spadafora/Beattie)

- (a) That Report FCS23083, respecting Information Technology Asset Management Update, be received; and
- (b) That the contents of Report FCS23083, respecting Information Technology Asset Management Update, remain confidential

Result: Motion CARRIED by a vote of 7 to 0, as follows:

ABSENT - Ward 1 Councillor Maureen Wilson
YES - CHAIR - Ward 2 Councillor Cameron Kroetsch
YES - Ward 4 Councillor Tammy Hwang
YES - Ward 9 Councillor Brad Clark
YES - Ward 10 Councillor Jeff Beattie
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
YES - Ward 14 Councillor Mike Spadafora

5. Request for Continuation of Utility Billing Services with Alectra (FCS21082(f)) (City Wide) (Added Item 14.3)

(A. Wilson/Hwang)

- (a) That the direction to staff in Closed Session respecting Request for Continuation of Utility Billing Services with Alectra, be approved; and
- (b) That the contents of Report FCS21082(f), respecting Request for Continuation of Utility Billing Services, remain confidential.

Result: Motion CARRIED by a vote of 7 to 0, as follows:

ABSENT - Ward 1 Councillor Maureen Wilson
YES - CHAIR - Ward 2 Councillor Cameron Kroetsch
YES - Ward 4 Councillor Tammy Hwang
YES - Ward 9 Councillor Brad Clark
YES - Ward 10 Councillor Jeff Beattie
YES - Ward 11 Councillor Mark Tadeson

YES - Ward 13 Councillor Alex Wilson
YES - Ward 14 Councillor Mike Spadafora

FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 2)

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

10. DISCUSSION ITEMS

10.3 Grants Sub-Committee Report 23-004, September 14, 2023

12. NOTICES OF MOTION

12.1 Hamilton Police Services and Hamilton Public Library
Surpluses and Deficits

14. PRIVATE & CONFIDENTIAL

14.3 Request for Continuation of Utility Billing Services with Alectra
(FCS21082(f)) (City Wide)

(Spadafora/A. Wilson)

That the agenda for the September 21, 2023 Audit, Finance and Administration
Committee meeting, be approved, as amended.

Result: Motion CARRIED by a vote of 7 to 0, as follows:

ABSENT - Ward 1 Councillor Maureen Wilson
YES - CHAIR - Ward 2 Councillor Cameron Kroetsch
YES - Ward 4 Councillor Tammy Hwang
YES - Ward 9 Councillor Brad Clark
YES - Ward 10 Councillor Jeff Beattie
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
YES - Ward 14 Councillor Mike Spadafora

(b) DECLARATIONS OF INTEREST (Item 3)

There were no declarations of interest.

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

(i) September 7, 2023 (Item 4.1)

(Spadafora/Tadeson)

That the Minutes of the September 7, 2023 meeting of the Audit, Finance
and Administration Committee, be approved, as presented.

Result: Motion CARRIED by a vote of 7 to 0, as follows:

ABSENT - Ward 1 Councillor Maureen Wilson
YES - CHAIR - Ward 2 Councillor Cameron Kroetsch
YES - Ward 4 Councillor Tammy Hwang
YES - Ward 9 Councillor Brad Clark
YES - Ward 10 Councillor Jeff Beattie
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
YES - Ward 14 Councillor Mike Spadafora

(d) NOTICES OF MOTION (Item 12)

Councillor Kroetsch relinquished the Chair to Councillor Hwang to introduce the following Notice of Motion:

(i) Hamilton Police Services and Hamilton Public Library Surpluses and Deficits (Item 12.1)

WHEREAS, the City of Hamilton is the primary funder for Hamilton Police Services and Hamilton Public Library;

WHEREAS, the City of Hamilton is legislatively required to approve the Hamilton Police Services Board and Hamilton Public Library Board of Directors approved budgets for Hamilton Police Services and Hamilton Public Library;

WHEREAS, the City of Hamilton approves the disposition of any year end surpluses and deficits for Hamilton Police Services and Hamilton Public Library;

WHEREAS, the Hamilton Police Services Board and Hamilton Public Library Board of Directors approve any year-end surplus or deficit related transfers exclusive of Hamilton City Council consideration and approval; and

WHEREAS, the Hamilton Police Services Board and Hamilton Public Library Board of Directors have approved reserve policies in keeping with City of Hamilton Reserve policies;

THEREFORE, BE IT RESOLVED:

- (a) That City staff coordinate with Hamilton Police Services to prepare an amendment to the year-end closing process whereby Council would receive and approve any Hamilton Police Services Board recommendations related to transfer funds to and from reserves relating to year-end surpluses and deficits; and
- (b) That City staff coordinate with Hamilton Public Library to prepare an amendment to the year-end closing process whereby Council would

receive and approve any Hamilton Public Library Board of Directors recommendations related to transfer funds to and from reserves relating to year-end surpluses and deficits.

Councillor Kroetsch assumed the Chair.

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

(i) Amendments to the Outstanding Business List (Item 13.1)

(Spadafora/Hwang)

That the following amendment to the Outstanding Business List, be approved:

1. Items Considered Completed and to be Removed

- (a) Follow Up Audit: Transportation Operations Inventory Audit, Fraud & Waste Investigation, and Follow Up to Audit Report 2013-17 – Public Works – Traffic Inventory (AUD22005) (City Wide)

OBL Item: 22-G

Addressed as Item 9.2 on today's agenda

Result: Motion CARRIED by a vote of 7 to 0, as follows:

ABSENT - Ward 1 Councillor Maureen Wilson
YES - CHAIR - Ward 2 Councillor Cameron Kroetsch
YES - Ward 4 Councillor Tammy Hwang
YES - Ward 9 Councillor Brad Clark
YES - Ward 10 Councillor Jeff Beattie
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
YES - Ward 14 Councillor Mike Spadafora

(f) PRIVATE AND CONFIDENTIAL (Item 14)

(i) Closed Minutes - September 7, 2023

(Spadafora/A. Wilson)

That the Closed Session Minutes of the September 7, 2023 meeting of the Audit, Finance and Administration Committee, be approved, as presented.

Result: Motion CARRIED by a vote of 7 to 0, as follows:

ABSENT - Ward 1 Councillor Maureen Wilson
YES - CHAIR - Ward 2 Councillor Cameron Kroetsch
YES - Ward 4 Councillor Tammy Hwang
YES - Ward 9 Councillor Brad Clark
YES - Ward 10 Councillor Jeff Beattie
YES - Ward 11 Councillor Mark Tadeson

YES - Ward 13 Councillor Alex Wilson
YES - Ward 14 Councillor Mike Spadafora

(Hwang/Tadeson)

That the Audit, Finance and Administration Committee move into Closed Session respecting Item 14.1, pursuant to Section 9.3, Sub-sections (j) and (k) of the City's Procedural By-law 21-021, as amended, and Section 239(2), Sub-section (j) and (k) of the Ontario Municipal Act, 2001, as amended, as the subject matter pertains to a trade secret or scientific, technical, commercial or financial information that belongs to the City or a local board and has monetary value or potential monetary value 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.

Result: Motion CARRIED by a vote of 7 to 0, as follows:

ABSENT - Ward 1 Councillor Maureen Wilson
YES - CHAIR - Ward 2 Councillor Cameron Kroetsch
YES - Ward 4 Councillor Tammy Hwang
YES - Ward 9 Councillor Brad Clark
YES - Ward 10 Councillor Jeff Beattie
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
YES - Ward 14 Councillor Mike Spadafora

(ii) Information Technology Asset Management Update (FCS23083) (City Wide) - REVISED (Item 14.2)

For further disposition of this matter, refer to Item 5.

(iii) Request for Continuation of Utility Billing Services with Alectra (FCS21082(f)) (City Wide) (Added Item 14.3)

For further disposition of this matter, refer to Item 6.

(g) ADJOURNMENT (Item 15)

(Spadafora/Tadeson)

That, there being no further business, the Audit, Finance and Administration Committee, be adjourned at 10:50 a.m.

Result: Motion CARRIED by a vote of 7 to 0, as follows:

ABSENT - Ward 1 Councillor Maureen Wilson
YES - CHAIR - Ward 2 Councillor Cameron Kroetsch
YES - Ward 4 Councillor Tammy Hwang
YES - Ward 9 Councillor Brad Clark
YES - Ward 10 Councillor Jeff Beattie
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
YES - Ward 14 Councillor Mike Spadafora

Respectfully submitted,

Councillor Cameron Kroetsch, Chair
Audit, Finance and Administration
Committee

Tamara Bates
Legislative Coordinator
Office of the City Clerk

Submitted on Wed, 10/04/2023 - 07:55

Submitted by: Anonymous

Submitted values are:

Committee Requested

Committee
Audit, Finance & Administration Committee

Will you be delegating in-person or virtually?
Virtually

Will you be delegating via a pre-recorded video?
No

Requestor Information

Requestor Information
Jason Herd
Fairway Electrical Services Inc.
1104 Fiddlers Green Road
Hamilton, ON. L9G 3L1
Jason@fairwayelectrical.com

Preferred Pronoun
he/him


Reason(s) for delegation request
To address the city's letter to Fairway, issued on September 18th, 2023.

Will you be requesting funds from the City?
No

Will you be submitting a formal presentation?
No



INFORMATION REPORT

TO:	Chair and Members Audit, Finance and Administration Committee
COMMITTEE DATE:	October 5, 2023
SUBJECT/REPORT NO:	2023 Second Quarter Emergency and Non-competitive Procurements Report (FCS23019(a)) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Sherri Ward (905) 546-2424 Ext. 3988
SUBMITTED BY:	Shelley Hesmer Acting Director, Financial Services and Taxation Corporate Services Department
SIGNATURE:	

COUNCIL DIRECTION

Council has directed Procurement to report on the use of Sections 4.10 and 4.11 of the Procurement Policy on a quarterly basis.

INFORMATION

This Report is issued quarterly in accordance with the Procurement Policy. The report details the procurement of goods and/or services during emergency situations and those detailed in Section 4.11 – Non-competitive Procurements for the second quarter of 2023.

The Policy for Non-competitive Procurements is used in defined circumstances where it is justified that the policies for the general acquisition process could not be followed. The “Emergency Procurement/Non-competitive Procurement Form” is completed by the Client Department and approved by the General Manager.

During the second quarter of 2023, there were 94 purchases totalling \$7,796,889.22, which were processed through the use of an approved Policy 10 or 11. These are summarized in Appendix “A” to Report FCS23019(a).

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**SUBJECT: 2023 Second Quarter Emergency and Non-competitive Procurements
Report (FCS23019(a)) (City Wide) - Page 2 of 5**

The breakdown are as follows:

- 13 purchases totalling \$791,058.38 were issued under Policy 10, as “Emergency” purchases, whereby goods and services were acquired by the most expedient and economical means. The following purchases represent the largest dollar amounts in this category:
 - Purchase Order 102627 for \$180,000.00 was issued to 2449983 Ontario Ltd. o/a Kavin Group for temporary staffing services to maintain weigh scale house operations across the City of Hamilton allowing sites to remain open for municipal waste collection services, waste haulage and public waste drop-off. Kavin Group was secured to replace Neptune Security Services Inc. Neptune Security Services Inc. declared bankruptcy resulting in a default of contract forcing a work stoppage under contract C11-50-18. This Policy 10 Emergency procurement allowed for continuation of these services.
 - Purchase Order 101651 for \$159,951.00 was issued to Manurep Sales Inc. to supply and install a replacement oil/water separator at the Mountain Transit Centre due to a corroded baffle inside the chamber which separates the oil from the water allowing clean water to drain into the City water main trunk and avoid the risk of a potential environmental spill.
 - Purchase Order 102516 for \$146,257.22 was issued to Compass Mechanical Group Ltd. to supply and install a replacement boiler at the Stonechurch and Turnbridge HD06B pumping station. The existing boiler, commissioned in 1969 and past its service life, was malfunctioning requiring engagement of an HVAC maintenance contractor (Compass Mechanical Group Ltd.) to reset the boiler every 6 hours to maintain temperature. During this maintenance, high carbon monoxide levels were detected, and it was determined that the boiler was the source. Given the health and safety concerns, lack of availability of parts, and age of the existing boiler, it was recommended to complete a Policy 10 Emergency procurement for a replacement boiler.
 - Purchase Order 102515 for \$102,268.00 was issued to Cima Canada Inc. to provide consulting services for the emergency repairs to the roof of Primary Digester 3 at the Woodward Wastewater Treatment Plant resulting from digester failure causing an environmental spill of digested sludge. These services include a structural investigation for assessment of damages, presentation of findings, recommendations for repairs, design, and consulting and engineering services during construction. This was communicated to Council in a Public Works Committee Report (22-008), dated May 16, 2022.

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**SUBJECT: 2023 Second Quarter Emergency and Non-competitive Procurements
Report (FCS23019(a)) (City Wide) - Page 3 of 5**

- 22 purchases totalling \$4,484,207.23 represent short-term “Extensions” of current contracts which have expired, and unforeseeable circumstances have caused a delay in awarding a new contract. The following purchases represent the largest dollar amounts in this category:
 - Purchase Order 99011 for \$3,000,000.00 was issued to PVS Contractors Inc. to extend contract number C11-30-18 for the supply of utility locating services for buried water and sewer underground infrastructure. A Policy 11 was previously approved and completed for \$249,999.00 to extend the contract due to legislative changes that came into effect on April 1, 2023 to the Ontario Underground Infrastructure Notification Systems Act which required a Request for Tenders be issued to include the new legislation. A new Request for Tenders (C11-11-23) was issued and closed on February 23, 2023 however all three bids received were either significantly low or excessively high in comparison to the City’s estimated cost for the work. The Request for Tenders was ultimately cancelled. This extension was required to continue the services under contract C11-30-18 allowing the client department time to conduct an industry review of contract specifications for locates services and complete a contract cost comparison, in order to complete a competitive procurement process and award a new contract with scope that satisfies the legislative changes and is cost effective to the City.
 - Purchase Order 102112 for \$400,000.00 was issued to Schindler Elevator Corp. to extend contract number C12-05-18 for the supply of maintenance services for elevating devices. Due to a staff vacancy within the division which is responsible for the development of contract specifications and contract management, this extension was required to continue the services under the contract until the position could be filled and provide enough time to complete the procurement process and award a new contract.

Purchase Order 99585 for \$200,000.00 was issued to 464265 Ontario Ltd. o/a Stradwick's to extend contract number C11-33-18 for floor covering installation services at various City of Hamilton facilities. Due to a staff vacancy within the division which is responsible for the development of contract specifications and contract management, this extension was required to continue the services under the contract until the position could be filled and provide enough time to complete the procurement process and award a new contract.

- 59 purchases totalling \$2,521,623.61 were identified as “Single Source” purchases whereby a particular vendor was recommended because it was more cost-effective or beneficial to the City. The following purchases represent the largest dollar amounts in this category:

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SUBJECT: 2023 Second Quarter Emergency and Non-competitive Procurements Report (FCS23019(a)) (City Wide) - Page 4 of 5

- Purchase Order 102370 for \$235,450.00 was issued to Stanmore Equipment Ltd. (Stanmore) for the monthly supply and delivery of golf cart rentals at Chedoke and Kings Forest Civic Golf Courses under contract C5-02-21. The original supplier, Skyway Lawn Equipment Limited (Skyway), sold their company to Stanmore during the final term of the contract. The terms and conditions of City purchase orders state that a vendor cannot assign or transfer their contract to another vendor without written consent of the City, duly approved and executed. Legal Services determined the completion of a corporate assignment agreement was required to transfer contract C5-02-21 from Skyway to Stanmore. This single source was required to allow for enough time to complete the corporate assignment process between the vendors and City of Hamilton without a disruption to services.
- Purchase Order 91898 for \$220,000.00 was issued to Auto Truck Group Canada Inc. (Auto Truck) for the supply and delivery of upfitting services for light duty vehicles as and when required. Term 4 of contract C11-14-19 expired on April 30, 2023. Auto Truck requested a labour rate increase outside of the contract terms and conditions for Term 5. The City decided to undertake a competitive process and not renew the contract for the final term. RFP C11-17-23 was issued May 31, 2023 and is expected to be awarded in quarter 4 of 2023. This single source was required to bridge services and allow the client department sufficient time to complete the procurement process and award the new contract.
- Purchase Order 102214 for \$163,233.32 was issued to Hawkeye Bird Control Inc. for waterfowl management control services for 2023 to control population growth and grazing activities of Canada Geese populations. A Request for Proposals has been issued to retain services for 2024. This single source was required to allow the client department sufficient time to complete the procurement process and award the contract.
- Purchase Order 101158 for \$150,000.00 was issued to Meehan's Industrial Maintenance Ltd. for additional millwright services required for water and wastewater facilities and outstations. Staffing shortages have reduced the ability to perform ongoing maintenance and repairs at the Water and Wastewater Treatment Plant and out-stations. Additional millwright services were required to ensure that plant and out-station operations and maintenance continued until the hiring process returns staffing to sufficient levels. This single source was required to bridge services and allow the client department sufficient time to develop and issue a Request for Tenders to have these services in place for 2024.

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**SUBJECT: 2023 Second Quarter Emergency and Non-competitive Procurements
Report (FCS23019(a)) (City Wide) - Page 5 of 5**

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report FCS23019(a) – Second Quarter Emergency and Non-Competitive Procurements Report.

SW/dw

2023 Second Quarter Emergency and Non-competitive Procurement Report

PO No.	Type	Amount	Supplier	Division	Ward No.
City Manager's Office					
102621	SGLE	\$33,000.00	Anil Gupta & Partners, Inc.	Digital, Innovation & Strategic Partnerships	All Wards
102637	SGLE	\$88,711.36	Granicus Canada Holdings ULC	Digital, Innovation & Strategic Partnerships	All Wards
Corporate Wide					
NO PO	EXTN	\$5,000.00	Thompson, Ahern & Co. Ltd.	City Wide Corporate Contract (managed by Procurement Services)	All Wards
NO PO	EXTN	\$20,000.00	Grand & Toy Ltd.	City Wide Corporate Contract (managed by Procurement Services)	All Wards
NO PO	SGLE	\$0.00	Thompson, Ahern & Co. Ltd.	City Wide Corporate Contract (managed by Procurement Services)	All Wards
NO PO	SGLE	\$0.00	Thompson, Ahern & Co. Ltd.	City Wide Corporate Contract (managed by Procurement Services)	All Wards
Corporate Services					
85715	EXTN	\$75,000.00	Ark-Tech Contracting Ltd.	Information Technology	All Wards
Healthy and Safe Communities					
102507	EMER	\$34,414.75	Binbrook Plumbing & Heating (1997) Ltd.	Recreation	Ward 2
102072	EXTN	\$12,500.00	Compass Mechanical Group Ltd.	Lodges	Ward 7
102062	EXTN	\$105,000.00	McMaster University	Medical Officer of Health	All Wards
101148	SGLE	\$236.00	Mohawk Ford Sales (1996) Ltd.	Hamilton Paramedic Services	All Wards
102368	SGLE	\$752.00	Bio Nuclear Diagnostics Inc.	Lodges	Wards 7 & 13
102367	SGLE	\$1,504.00	Bio Nuclear Diagnostics Inc.	Lodges	Wards 7 & 13
102455	SGLE	\$3,315.00	Bio Nuclear Diagnostics Inc.	Lodges	Ward 7 & 13
102568	SGLE	\$4,750.00	Bio Nuclear Diagnostics Inc.	Lodges	Ward 7 & 13
102591	SGLE	\$4,750.00	Bio Nuclear Diagnostics Inc.	Lodges	Ward 7 & 13
102641	SGLE	\$4,750.00	Bio Nuclear Diagnostics Inc.	Lodges	Ward 7 & 13
102385	SGLE	\$5,640.00	Bio Nuclear Diagnostics Inc.	Lodges	Ward 7 & 13
102023	SGLE	\$6,000.00	Orkin Canada Corp.	Recreation	Ward 1
102402	SGLE	\$6,000.00	ECS Cares Inc.	Medical Officer of Health	All Wards
102567	SGLE	\$9,005.00	Bio Nuclear Diagnostics Inc.	Lodges	Ward 7 & 13
100419	SGLE	\$16,000.00	Mohawk Ford Sales (1996) Ltd.	Hamilton Fire Department	All Wards
102120	SGLE	\$30,000.00	Mass LBP Inc.	Medical Officer of Health	All Wards
102403	SGLE	\$30,000.00	School Specialty Canada, Ltd.	Recreation	All Wards
102412	SGLE	\$50,000.00	Queenston Chevrolet Buick GMC div of Setay Motors Inc.	Hamilton Paramedic Services	All Wards
102437	SGLE	\$50,000.00	Mass LBP Inc.	Medical Officer of Health	All Wards
102503	SGLE	\$80,000.00	McMaster University	Housing Services	All Wards
102326	SGLE	\$99,788.00	Optimus SBR Inc.	Housing Services	All Wards
102370	SGLE	\$235,450.00	Stanmore Equipment Ltd.	Recreation	Ward 2 & 4
Library					
101997	EMER	\$9,999.00	Itegy International Inc.	Hamilton Public Library Board	All Wards
102116	SGLE	\$20,000.00	Technologies Stay Connected Inc.	Hamilton Public Library Board	Ward 2, 9, 11 & 13

2023 Second Quarter Emergency and Non-competitive Procurement Report


PO No.	Type	Amount	Supplier	Division	Ward No.
Planning and Economic Development					
100021	EMER	\$2,753.00	Direct Traffic Management Inc.	Transportation, Planning & Parking	All Wards
96663	SGLE	\$4,660.00	Workshop Architecture Inc.	Tourism & Culture	Ward 3
102447	SGLE	\$13,483.00	Fontasy Sign & Display Inc.	Tourism & Culture	Ward 2 & 5
102254	SGLE	\$13,500.00	Elizabeth Bates	Tourism & Culture	All Wards
102357	SGLE	\$21,000.00	University of Toronto	Transportation, Planning & Parking	All Wards
102008	SGLE	\$25,000.00	Environment Hamilton Inc.	Transportation, Planning & Parking	Ward 1, 2, 3 & 4
102201	SGLE	\$51,850.00	Ark-Tech Contracting Ltd.	Tourism & Culture	Ward 11
102225	SGLE	\$71,250.00	10628417 Canada Inc. o/a Hamilton Rising	Tourism & Culture	All Wards
102195	SGLE	\$80,000.00	1215553 Ontario Ltd. o/a Allegra Hamilton	Tourism & Culture	All Wards
102427	SGLE	\$80,000.00	McMaster Institute for Transportation & Logistics	Economic Development	All Wards
102229	SGLE	\$100,000.00	2685629 Ontario Inc. o/a Concrete Canvas Festival	Tourism & Culture	All Wards
Police					
101192	EXTN	\$197.00	Teknion Ltd.	Police Services Board	All Wards
102384	EXTN	\$16,880.00	Schindler Elevator Corp.	Police Services Board	All Wards
99611	EXTN	\$50,000.00	2046369 Ontario Inc. o/a Zellens Auto Mall	Police Services Board	All Wards
102352	SGLE	\$23,300.00	Kilmer Environmental Inc.	Police Services Board	Ward 7
102263	SGLE	\$40,000.00	Teknion Ltd.	Police Services Board	All Wards
102631	SGLE	\$50,000.00	Maxill Inc.	Police Services Board	All Wards
102554	SGLE	\$73,960.00	Testforce Systems Inc.	Police Services Board	All Wards
102230	SGLE	\$82,538.00	Draeger Safety Canada Ltd.	Police Services Board	All Wards
Public Works					
102511	EMER	\$10,950.00	PPL Aquatic, Fitness & Spa Group Inc.	Corporate Facilities & Energy Management	Ward 4
102244	EMER	\$11,900.00	McIntyre Group Office Services Inc.	Corporate Facilities & Energy Management	Ward 10
102439	EMER	\$16,500.00	Seal It Up Inc.	Waste Management	Ward 6
102213	EMER	\$24,435.75	Fairway Electrical Services Inc.	Environmental Services	Ward 15
102325	EMER	\$25,847.75	Stantec Consulting Ltd.	Hamilton Water	Ward 4
102252	EMER	\$65,781.91	Fairway Electrical Services Inc.	Corporate Facilities & Energy Management	Ward 2
102515	EMER	\$102,268.00	Cima Canada Inc.	Hamilton Water	Ward 4
102516	EMER	\$146,257.22	Compass Mechanical Group Ltd.	Hamilton Water	Ward 6
101651	EMER	\$159,951.00	Manurep Sales Inc.	Corporate Facilities & Energy Management	Ward 11
102627	EMER	\$180,000.00	2449983 Ontario Ltd. o/a Kavin Group KTMR	Waste Management	Ward 4, 5, 6 & 13
NO PO	EXTN	\$0.00	Binbrook Plumbing & Heating (1997) Ltd. Glenn Richardson Plumbing & Heating Ltd. Plumbway Inc.	Corporate Facilities & Energy Management	All Wards
99317	EXTN	\$15,000.00	Citron Hygiene LP	Corporate Facilities & Energy Management	All Wards
97739	EXTN	\$15,656.48	Pasword Protection Services Inc.	Corporate Facilities & Energy Management	All Wards
102540	EXTN	\$22,000.00	Schindler Elevator Corp.	Hamilton Water	All Wards
100404	EXTN	\$25,000.00	Pasword Protection Services Inc.	Corporate Facilities & Energy Management	All Wards
93006	EXTN	\$30,000.00	Plumbway Inc.	Environmental Services	All Wards

2023 Second Quarter Emergency and Non-competitive Procurement Report

PO No.	Type	Amount	Supplier	Division	Ward No.
100310	EXTN	\$48,083.75	SNF Canada Ltd.	Hamilton Water	Ward 4
93003	EXTN	\$50,000.00	Glenn Richardson Plumbing & Heating Ltd.	Environmental Services	All Wards
100627	EXTN	\$113,890.00	GM Blueplan Engineering Ltd.	Hamilton Water	Ward 13
99189	EXTN	\$130,000.00	Potencia Technologies Inc.	Corporate Facilities & Energy Management	Ward 2, 3, 5, 7, 8 & 11
100375	EXTN	\$150,000.00	Hamilton Fire Control Ltd.	Corporate Facilities & Energy Management	All Wards
99585	EXTN	\$200,000.00	464265 Ontario Ltd. o/a Stradwick's	Corporate Facilities & Energy Management	All Wards
102112	EXTN	\$400,000.00	Schindler Elevator Corp.	Corporate Facilities & Energy Management	All Wards
99011	EXTN	\$3,000,000.00	PVS Contractors Inc.	Hamilton Water	All Wards
102391	SGLE	\$4,760.00	Bio Nuclear Diagnostics Inc.	Corporate Facilities & Energy Management	All Wards
101332	SGLE	\$5,995.00	Acapulco Pools Ltd.	Corporate Facilities & Energy Management	Ward 3
102215	SGLE	\$10,000.00	Scotiabell Inc.	Corporate Facilities & Energy Management	All Wards
102300	SGLE	\$12,200.00	F. M. Page & Sons Inc.	Environmental Services	Ward 5
102268	SGLE	\$15,000.00	Mohawk College	Hamilton Water	Ward 6 & 13
102517	SGLE	\$15,000.00	9280-0366 Quebec Inc.	Transit	All Wards
97017	SGLE	\$16,407.00	MTE Consultants Inc.	Corporate Facilities & Energy Management	Ward 11
101144	SGLE	\$18,160.00	MTE Consultants Inc.	Engineering Services	Ward 3
102261	SGLE	\$20,000.00	Top-Line Roofing & Sheet Metal Inc.	Corporate Facilities & Energy Management	All Wards
102067	SGLE	\$22,409.16	Cleanair Environmental Monitoring Inc.	Hamilton Water	Ward 4
99535	SGLE	\$26,930.00	SNC Lavalin Inc.	Engineering Services	Ward 12
100214	SGLE	\$29,340.00	R.J. Burnside & Associates Ltd.	Hamilton Water	Ward 5
102570	SGLE	\$32,996.77	S.T.F. Construction Ltd.	Corporate Facilities & Energy Management	Ward 11
102237	SGLE	\$50,000.00	Nexgen Municipal Inc.	Corporate Asset Management	All Wards
102349	SGLE	\$50,000.00	Les Entreprises Douglas Powertech Inc./Douglas Powertech Enterprises Inc.	Corporate Asset Management	All Wards
102468	SGLE	\$50,000.00	Mark It Locates Inc.	Environmental Services	All Wards
102401	SGLE	\$99,000.00	WSP Canada Inc.	Waste Management	Ward 9
101158	SGLE	\$150,000.00	Meehan's Industrial Maintenance Ltd.	Hamilton Water	All Wards
102214	SGLE	\$163,233.32	Hawkeye Bird Control Inc.	Environmental Services	All Wards
91898	SGLE	\$220,000.00	Auto Truck Group Canada Inc.	Corporate Asset Management	All Wards



INFORMATION REPORT

TO:	Chair and Members Audit, Finance and Administration Committee
COMMITTEE DATE:	October 5, 2023
SUBJECT/REPORT NO:	2023 Second Quarter Non-compliance with the Procurement Policy Report (FCS23020(a)) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Sherri Ward (905) 546-2424 Ext. 3988
SUBMITTED BY:	Shelley Hesmer Acting Director, Financial Services and Taxation & Corporate Controller, Corporate Services Department
SIGNATURE:	

COUNCIL DIRECTION

Procurement Policy, Section 4.19, Item (3) requires a quarterly report be prepared and presented to Council to report the use of all Procurement Policy Non-Compliance Forms.

INFORMATION

This Report is issued quarterly in accordance with the Procurement Policy. This report details the use of all Procurement Policy Non-Compliance Forms for the second quarter of 2023.

Procurements that are non-compliant with the Procurement Policy can be identified at any time during the procurement process. Procurements are deemed to be non-compliant with the Procurement Policy when the applicable Policy (Policies) and published procedure(s) are not followed. Under Policy 19, the General Manager is responsible for reviewing each incident and determines the appropriate level of disciplinary action to be taken.

During the second quarter of 2023, there were seven (7) instances relating to the use of Policy 19, totalling \$197,843.35. The instances are summarized in Appendix "A" to Report FCS23020(a).

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SUBJECT: 2023 Second Quarter Non-compliance with the Procurement Policy Report (FCS23020(a)) (City Wide) - Page 2 of 2

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report FCS23020(a) 2023 Second Quarter Non-compliance with the Procurement Policy Report

SW/dw

2023 Second Quarter Non-compliance with the Procurement Policy Report

PO No.	Amount	Name	Division	Ward	Comments
City Council					
No PO	\$418.10	Centre 3	City Council Office	Ward 15	<p><u>Description of Goods/Services:</u> Business Cards (printed in braille)</p> <p><u>Rational for non-compliance:</u> Per the Procurement Policy, client departments shall utilize all applicable City Contracts. Corporate Contract C12-11-22 - RFP for Supply and Delivery of Business Cards, Letterhead and Envelopes was not used to procure these goods.</p>
Healthy & Safe Communities					
P-Card	\$147.55	Amazon Canada	Paramedics	Ward 6	<p><u>Description of Goods/Services:</u> Purchase of personal items. Description of items not provided.</p> <p><u>Rational for non-compliance:</u> Purchase by the City of any Goods and/or Services for personal use by or on behalf of any member of Council, employees of the City and their immediate families is prohibited.</p>
No PO	\$13,991.25	Global Spectrum Canada	Medical Office of Health	All Wards	<p><u>Description of Goods/Services:</u> Purchase of tables, chairs, pipe and drape equipment to operate the COVID-19 vaccine clinic. Included tear down at the completion of vaccine clinic.</p> <p><u>Rational for non-compliance:</u> Purchase of goods exceeded the dollar value approved via the original Policy 11- Non-competitive procurement. GM approval was required to increase the dollar value on the Policy 11 - Non-competitive procurement prior to ordering more goods. This was not obtained.</p>
102233	\$68,738.25	Turf Care Products Canada Ltd.	Recreation	All Wards	<p><u>Description of Goods/Services:</u> Supply and delivery of a Toro Groundsmaster 35000 sidewinder mower</p> <p><u>Rational for non-compliance:</u> Procurement of these goods required GM approval of a Policy 11 - Non-competitive procurement prior to City staff entering into any discussions with any vendor regarding the purchase of a good/service which was not obtained.</p>

PO No.	Amount	Name	Division	Ward	Comments
Planning & Economic Development					
100885	\$3,390.00	Cedar Springs Landscape Group Inc.	Transportation Planning & Parking	All Wards	<p><u>Description of Goods/Services:</u> Removal of snow and ice from sidewalks and Municipal parking lots completed in February and March 2023</p> <p><u>Rational for non-compliance:</u> The additional work undertaken was outside the scope of the contract the City had in place for these services. To undertake the additional work, GM approval was required to proceed with the Policy 11 - Non-competitive procurement. This was not obtained prior to completing the work. Per the Procurement Policy, the client department shall obtain the approval of their GM prior to City staff entering into any discussions with any vendor regarding the purchase of a good/service.</p>
Public Works					
No PO	\$158.20	Cell Tech for Less	Corporate Facilities & Energy Management	Ward 3	<p><u>Description of Goods/Services:</u> Cell phone screen repair</p> <p><u>Rational for non-compliance:</u> Employees are required to process requests for IT related equipment/repairs through IT for review and approval. This purchase was not submitted to IT for review/approval.</p>
No PO	\$111,000.00	Power Steel Buildings Inc.	Corporate Facilities & Energy Management	Ward 3	<p><u>Description of Goods/Services:</u> EMS station/storage building for ambulances</p> <p><u>Rational for non-compliance:</u> These services required GM approval of a Policy 11 - Non-competitive procurement prior to City staff requesting a quote from the vendor for the purchase of the good/service. This was not obtained.</p>



INFORMATION REPORT

TO:	Chair and Members Audit, Finance and Administration Committee
COMMITTEE DATE:	October 5, 2023
SUBJECT/REPORT NO:	2023 Second Quarter Request for Tenders and Proposals Report (FCS23021(a)) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Sherri Ward (905) 546-2424 Ext. 3988
SUBMITTED BY:	Shelley Hesmer Acting Director, Financial Services and Taxation & Corporate Controller, Corporate Services Department
SIGNATURE:	

COUNCIL DIRECTION

Procurement Policy, Section 4.2 – Approval Authority, Item (6) requires a quarterly status report for Request for Tenders and Request for Proposals be prepared and presented to Council.

INFORMATION

This Report provides an update on the status of active Request for Tenders and Request for Proposals and Cooperative Procurements for the second quarter of 2023.

Request for Tenders and Request for Proposals have been issued and awarded in accordance with the City of Hamilton Procurement Policy. Those items with a status of “Under Review” will remain on the Report until such time an award is made. Request for Tenders and Request for Proposals listed under the “Cooperative Procurements” section were entered into by the City of Hamilton (City) via a cooperative procurement in accordance with the City’s Procurement Policy, Section 4.12 – Cooperative Procurements.

Appendix “A” to Report FCS23021(a) details all Request for Tenders and Request for Proposals documents issued by the City or entered by the City through a cooperative procurement. Award information is current as of July 1, 2023.

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**SUBJECT: 2023 Second Quarter Request for Tenders and Proposals Report
(FCS23021(a)) (City Wide) - Page 2 of 2**

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report FCS23021(a) – 2023 Second Quarter Request for Tenders and Proposals Report

SW/dw

CITY OF HAMILTON
 Summary of Tenders and Proposals Issued – April, 1, 2023 to June, 30, 2023

Contracts Awarded

Contract Reference	Contract Title	Closing Date (mm/dd/yyyy)	Vendor	Term	Award Amount	Ward
C11-13-22	Proposal for Supply & Delivery of Digested Sludge Dewatering Polymer for Woodward Avenue Wastewater Treatment Plant	03/15/2022	SNF Canada Ltd.	1 year term & 4 – 1 year renewal terms	\$4,986,982.00	All Wards
C11-60-22	Proposal for Prime Consultant Services for the Lynden (FDL01) Well Upgrade & Other Minor Upgrades to the Lynden (HD05B) Station	10/25/2022	R.J. Burnside & Associates Ltd.	Project Specific	\$595,616.02	Ward 12
C11-66-22	Proposal for Prime Consultant Services Required for a New Fire & Police Station Located in Waterdown	11/23/2022	Salter Pilon Architecture Inc.	Project Specific	\$1,153,400.00	Ward 15
C11-65-22	Tender for Supply & Delivery of Two-Wheel Drive (2WD) & All-Wheel Drive (AWD) Sport Utility Vehicles (SUV's) Section 1: Sub-Compact Crossover SUV 2WD (Gasoline)	02/02/2023	Section 1: Parkway Nissan Ltd. Section 2: Not Awarded Section 2: Parkway Nissan Ltd.	1 year term	Section 1: \$26,532.84 Section 2: Not Awarded Section 3: \$1,166,173.23	All Wards

Contracts Awarded

Contract Reference	Contract Title	Closing Date (mm/dd/yyyy)	Vendor	Term	Award Amount	Ward
	Section 2: Compact Crossover SUV 2WD Section 3: Compact Crossover SUV AWD (Gasoline)					
C11-12-23	Tender for the Supply & Delivery of Mowers with Various Configurations Section 1: Item Three - Five (5) Plex Rotary Mower with Four Post ROPS Section 2: Item Three - Four (4) Wheel Drive Out Front Mower with 72 Inch Rear Discharge Deck	02/07/2023	Section 1: G.C. Duke Equipment Ltd. Section 2: Galer Farm Equipment Ltd.	1 year term & 1 – 1 year renewal term	Section 1: \$1,553,439.50 Section 2: \$1,172,783.66	All Wards
C11-10-23	Proposal for Incident Management System for Corporate Security	02/24/2023	Resolver Inc.	2 year term & 4 – 1 year renewal terms	\$321,000.00	All Wards
C11-14-23	Tender for the Supply & Delivery of Utility Vehicles of	02/28/2023	Section 1: Galer Farm Equipment Ltd.	Project Specific	Section 1: \$72,952.80	All Wards

Contracts Awarded

Contract Reference	Contract Title	Closing Date (mm/dd/yyyy)	Vendor	Term	Award Amount	Ward
	<p>Various Configurations as & when Required</p> <p>Section 1: Gasoline Powered 4x4 Turf / Utility Vehicle</p> <p>Section 2: Electric Powered Turf/Utility Vehicle</p> <p>Section 3: Diesel Powered 4x4 Utility Vehicle with Cab</p> <p>Section 4: Diesel Powered 4x4 Utility Vehicle</p> <p>Section 5: Gas Powered 6x4 Utility Vehicle with Cab</p> <p>Section 6: Gas Powered 6x4 Utility Vehicle</p> <p>Section 7: Diesel Powered 6x4 Utility Vehicle</p> <p>Section 8: Diesel Powered 4x4 Heavy Duty Utility Vehicle with Cab</p>		<p>Section 2: Turf Care Products Canada Ltd.</p> <p>Section 3: Galer Farm Equipment Ltd.</p> <p>Section 4: Galer Farm Equipment Ltd.</p> <p>Section 5: Not Awarded</p> <p>Section 6: Podolinsky Equipment Ltd.</p> <p>Section 7: Podolinsky Equipment Ltd.</p> <p>Section 8: Podolinsky Equipment Ltd.</p> <p>Section 9: Podolinsky Equipment Ltd.</p>		<p>Section 2: \$42,530.00</p> <p>Section 3: \$31,081.79</p> <p>Section 4: \$23,906.53</p> <p>Section 5: Not Awarded</p> <p>Section 6: \$150,000.00</p> <p>Section 7: \$30,212.00</p> <p>Section 8: \$66,052.00</p> <p>Section 9: \$ 126,672.00</p>	

Contracts Awarded

Contract Reference	Contract Title	Closing Date (mm/dd/yyyy)	Vendor	Term	Award Amount	Ward
	Section 9: Gas Powered 4x4 Heavy Duty Utility Vehicle with Cab					
C11-23-23	Tender for Rural Roadside Mowing Services – District West	02/28/2023	Bilan & Sons Inc.	1 year term & 3 – 1 year renewal terms	\$627,149.86	Wards 12, 13, 15
C15-20-23 (BRHW)	Tender for Bridge 296 Governors Road Rehabilitation	03/02/2023	Seawaves Development Services Inc.	Project Specific	\$4,043,943.50	Ward 5
C11-06-23	Tender for Watering Services Required for Newly Installed Trees Section 1: Watering Section 2: Watering Section 3: Watering	03/06/2023	Section 1: The Gordon Company Section 2: 1877980 Ontario Inc. o/a Kodiak Tree Services Section 3: 1498548 Ontario Inc.	1 year term & 4 – 1 year renewal terms	Section 1: \$466,242.00 Section 2: \$527,735.25 Section 3: \$591,610.00	All Wards
C12-02-23	Tender for Translation, Interpretation & ASL Interpretation Services	03/06/2023	Primary vendor:	1 year term & 4 – 1 year	Primary vendor: \$108,500.00	All Wards

Contracts Awarded

Contract Reference	Contract Title	Closing Date (mm/dd/yyyy)	Vendor	Term	Award Amount	Ward
			Interpretation & Translation Services - Hamilton Secondary vendor: Multilingual Community Interpreter Services (Ontario)	renewal terms	Secondary vendor: \$136,119.00	
C15-22-23 (M)	Tender for Annual Concrete Repairs for Districts North & South Section A: District South Section B: District North	03/13/2023	Section A: Ontario Concrete Paving Ltd. Section B: A. Cosmos Concrete & Paving Ltd.	Project Specific	Section A: \$637,490.00 Section B: \$579,000.00	Wards 1,3,4,6,7,8,14
C5-02-23	Tender for School Bus Rentals with Drivers for Recreation Programs	03/14/2023	Attridge Transportation Inc.	1 year term & 4 – 1 year renewal terms	\$376,415.40	All Wards
C11-22-23	Tender for Urban Mowing Services Section A: District North – Wards 1, 2, 3, 4	03/14/2023	Section A: Green Collar Inc. Section B: Ibrahim Nassri Trading Inc. o/a Snow Wrangler	1 year term & 3 – 1 year renewal terms	Section A: \$352,113.32 Section B:	All Wards

Contracts Awarded

Contract Reference	Contract Title	Closing Date (mm/dd/yyyy)	Vendor	Term	Award Amount	Ward
	<p>Section B: District South – Wards 6, 7, 8, 11S, and 14</p> <p>Section C: District East – Wards 5, 9, 10, and 11E</p> <p>Section D: District West – Wards 12, 13 and 15</p>		<p>Section C: 4054237 Canada Inc. o/a Sol-Mar Landscaping Contracting</p> <p>Section D: Forest Ridge Landscaping Inc.</p>		<p>\$331,829.34</p> <p>Section C: \$632,549.01</p> <p>Section D: \$604,403.52</p>	
C15-17-23 (M)	Tender for Lincoln Alexander Parkway Sign Replacements	03/14/2023	Regional Signs Inc.	Project Specific	\$384,635.00	All Wards
C11-01-23	Tender for Rural Roadside Mowing Services - Wards 5, 6, 9, 10, 11, 12 & 14	03/15/2023	MDK Contracting Inc.	1 year term & 3 – 1 year renewal terms	\$484,771.78	Wards 5, 6, 9, 10, 11, 12, 14
C13-56-22	Tender for Prequalified Contractor Required for the Garner Road (HD018) Water Pumping Station Upgrades	03/15/2023	Defaveri Group Contracting Inc.	Project Specific	\$8,811,810.00	Ward 12
C18-08-23	Tender for Contractor Required for Balcony Repairs at 185 Jackson Street East, Hamilton for CityHousing Hamilton	03/16/2023	Uniqueco Building Restoration Inc.	Project Specific	\$282,000.00	Ward 2

Contracts Awarded

Contract Reference	Contract Title	Closing Date (mm/dd/yyyy)	Vendor	Term	Award Amount	Ward
C15-82-22 (P)	Tender for Victoria Park Improvements - Spray Pad & Sun Shelter	03/17/2023	Oakridge Group Inc.	Project Specific	\$860,528.40	Ward 1
C11-24-23	Tender for Service Provider Required to Perform Traffic Count Studies	03/20/2023	Pyramid Traffic Inc.	1 year term & 4 – 1 year renewal terms	\$2,576,500.00	All Wards
C13-12-23	Tender for General Contractor Required for the Removal & Replacement of Existing Play Structure at Glanbrook Hills Park	03/20/2023	Three Seasons Landscape Group Inc.	Project Specific	\$186,100.00	Ward 11
C15-02-23 (HS)	Tender for Dewitt Road, Highway 8 to Barton Street Reconstruction	03/21/2023	DESO Construction Ltd.	Project Specific	\$6,389,900.00	Ward 10
C15-35-23 (M)	Tender for Annual Concrete Repairs for Districts East & West	03/21/2023	Decew Construction Inc.	Project Specific	\$810,925.00	Wards 5,9,10,11,12,13, 15
C15-39-23 (M)	Tender for Transit Pad Installations & Replacements	03/22/2023	Ontario Concrete Paving Ltd.	Project Specific	\$170,165.00	All Wards
C15-38-23 (M)	Tender for Mountable Curb Installations	03/23/2023	A. Cosmos Concrete & Paving Ltd.	Project Specific	\$244,140.00	Wards 5,6,7,8,14

Contracts Awarded

Contract Reference	Contract Title	Closing Date (mm/dd/yyyy)	Vendor	Term	Award Amount	Ward
C12-03-23	Proposal for Supply, Delivery & Installation of Casegoods Furniture	03/24/2023	Lordly Jones Ltd.	1 year term & 3 – 2 year renewal terms	\$5,172,290.13	All Wards
C11-32-23	Tender for Supply & Distribution of Rain Barrels – Online Sale to City of Hamilton Residents	03/30/2023	Greenlane Environmental & Recycling Services Inc.	1 - 4 month term	\$191,250.00 (No cost to the City of Hamilton. Direct purchase by Hamilton residents to vendor.)	All Wards
C12-04-23	Tender for Supply & Delivery of Soil & Seed Section A: Soil Section B: Seed	03/31/2023	Section A: 1000357113 Ontario Inc. o/a Click Disposal Section B: Quality Seeds Ltd.	1 year term & 3 – 1 year renewal terms	Section A: \$743,356.73 Section B: \$1,343,322.72	All Wards
C13-07-23	Tender for Contractor Required for Demolition of R.L. Hyslop School, 20 Lake Ave S, Stoney Creek, Ontario	03/31/2023	Salandria Ltd.	Project Specific	\$168,777.00	Ward 5
C15-33-23 (M)	Tender for Lincoln M. Alexander Parkway Asphalt	04/03/2023	Associated Paving & Materials Ltd.	Project Specific	\$2,004,755.45	All Wards

Contracts Awarded

Contract Reference	Contract Title	Closing Date (mm/dd/yyyy)	Vendor	Term	Award Amount	Ward
	Repairs & Various Locations of Road Resurfacing					
C13-08-23	Tender for Stormwater Management Facility (Pond) Dredging & Associated Works at Various Locations within the City of Hamilton	04/04/2023	CRL Campbell Construction & Drainage Ltd.	1 year term & 3 – 1 year renewal terms	\$4,272,048.58	All Wards
C15-24-23 (HSW)	Tender for Jones Street - Road Reconstruction, Watermain Replacement, & Storm Sewer Installation	04/04/2023	Wesroc Construction Ltd.	Project Specific	\$1,382,104.60	Ward 1
C13-13-23	Tender for General Contractor Required for Removal & Replacement of Perimeter Fencing at Glanbrook Cemetery & Fairgrounds Community Park	04/05/2023	Jay Fencing Ltd.	Project Specific	\$128,237.40	Ward 11
C11-36-23	Tender for Supply & Delivery of Catch Basin Frames, Grates & Covers	04/11/2023	Wolseley Canada Inc.	1 year term & 2 – 1 year renewal terms	\$103,470.90	All Wards
C13-14-23	Tender for Removal & Installation of Traffic Signal Electrical Infrastructure	04/11/2023	Ark - Tech Contracting Ltd.	1 year term & 2 – 1 year	\$838,350.00	All Wards

Contracts Awarded

Contract Reference	Contract Title	Closing Date (mm/dd/yyyy)	Vendor	Term	Award Amount	Ward
				renewal terms		
C13-42-23	Tender for Prequalified Contractor Required for the Calvin (HC011) Wastewater Pumping Station Upgrades	04/11/2023	E. S. Fox Ltd.	Project Specific	\$2,837,777.00	Ward 12
C13-09-23	Tender for Contractor Required for Traffic Operations Centre Roof Replacement at 1375 Upper Ottawa Street, Hamilton	04/13/2023	George Roque Roofing Corp.	Project Specific	\$986,000.00	Ward 6
C5-01-23	Tender for Biomedical Waste Collection & Disposal Part A: Public Health Services Part B: Hamilton Fire Department	04/18/2023	Part A: Stericycle, ULC Part B: ECS Cares Inc.	1 year term & 4 – 1 year renewal terms	Part A: \$328,567.45 Part B: \$76,750.00	All Wards
C11-15-23	Tender for Supply & Delivery of Aggregates	04/21/2023	Lafarge Canada Inc.	1 year term & 4 – 1 year renewal terms	\$3,157,150.00	All Wards
C15-12-23 (HSW)	Tender for Fairfield Avenue - Britannia Avenue to Barton	04/26/2023	KADA Group Inc.	Project Specific	\$1,425,479.30	Ward 4

Contracts Awarded

Contract Reference	Contract Title	Closing Date (mm/dd/yyyy)	Vendor	Term	Award Amount	Ward
	Street East, Road & Watermain Reconstruction					
C15-18-23 (M)	Tender for Installation of Asphalt Speed Cushions Throughout the City of Hamilton	04/26/2023	Associated Paving & Materials Ltd.	Project Specific	\$576,977.00	All Wards
C15-53-23 (M)	Tender for Cross Road Culvert Replacement	04/27/2023	2437299 Ontario Inc. o/a SAFA Builders & Contractors	Project Specific	\$1,238,339.00	Wards 9, 10, 11, 12, 13, 15
C13-15-23	Tender for General Contractor Required for Interior Alterations Including the Retrofit of Three Existing Offices & Construction of Three New Offices	04/28/2023	Icon Restoration Services Inc.	Project Specific	\$169,845.38	Ward 2
C11-26-23	Tender for Supply & Delivery of Dual Stream Side Load Packers	05/02/2023	Metro Freightliner Hamilton Inc.	Project Specific	\$3,742,416.00	All Wards
C15-36-23 (M)	Tender for Concrete Repairs for Wards 2 & 12	05/02/2023	Decew Construction Inc.	Project Specific	\$516,505.00	Wards 2, 12
C15-54-23 (M)	Tender for Roadside Ditching Improvements	05/03/2023	CRL Campbell Construction & Drainage Ltd.	Project Specific	\$659,300.00	Ward 9,11,12,13

Contracts Awarded

Contract Reference	Contract Title	Closing Date (mm/dd/yyyy)	Vendor	Term	Award Amount	Ward
C5-06-23	Tender for Supply & Delivery of Industrial Scientific MX4 & MX6 Air Monitoring Equipment & Tubing	05/04/2023	2420777 Ontario Inc. o/a Amicus	Project Specific	\$209,004.65	All Wards
C15-15-23 (H)	Tender for Garrow Drive - Cranbrook Drive to Garth Street, Road Resurfacing	05/04/2023	GIP Paving Inc.	Project Specific	\$321,194.00	Ward 14
C11-34-23	Tender for Grounds Maintenance Services as Required at Various City of Hamilton Facilities Section A: Corporate Section B: Community	05/05/2023	Section A: Schutten Bros Holdings Ltd. o/a Heritage Green Landscape Section B: Ibrahim Nassri Trading Inc. o/a Snow Wrangler	1 year term & 4 – 1 year renewal terms	Section A: \$688,208.29 Section B: \$772,997.72	All Wards
C15-37-23 (BR)	Tender for Bridge 119 Woodburn Road - Rehabilitation	05/09/2023	Lancoa Contracting Inc.	Project Specific	\$161,595.00	Ward 9
C15-34-23 (M)	Tender for 2023 Surface Treatment Program	05/12/2023	Cornell Construction Ltd.	Project Specific	\$1,921,982.66	All Wards
C11-25-23	Tender for Water Hauler for Lynden Water Distribution System Unidirectional Flushing	05/16/2023	Bright Water Services Inc.	1 year term & 2 – 1 year renewal terms	\$270,237.00	Ward 12

Contracts Awarded

Contract Reference	Contract Title	Closing Date (mm/dd/yyyy)	Vendor	Term	Award Amount	Ward
C15-41-23 (H)	Tender for Maple Drive & Spartan Avenue - Road Resurfacing & Sidewalk Reconstruction	05/16/2023	GIP Paving Inc.	Project Specific	\$1,288,000.00	Ward 10
C13-11-23	Tender for Contractor Required for Demolition of Residential Homes at 49, 53, 55, 61 & 63 Lloyd Street & 69-71 Cherry Beach Road Hamilton, Ontario	05/17/2023	Silverline Group Inc.	Project Specific	\$154,800.00	Wards 3, 10
C15-29-23 (PCE)	Tender for Installation of Various Cycling Infrastructure	05/17/2023	Decew Construction Inc.	Project Specific	\$457,705.00	Wards 1,2,3,12,15
C15-26-23 (BR)	Tender for Rehabilitation of Bridge 111 - Mineral Springs Road	05/26/2023	GIP Paving Inc.	Project Specific	\$660,000.00	Ward 12
C18-06-23	Tender for Contractor for Window & Roof Replacement at 7,11,15,19 & 23 Gurnett Drive	06/01/2023	M. Pigott Contracting Inc.	Project Specific	\$152,431.43	Ward 14
C11-38-23	Tender for Tree Inventory for Urban Forests & Road Allowances	06/05/2023	Davey Tree Expert Co. of Canada, Ltd.	Project Specific	\$118,540.00	All Wards
C18-17-23	Tender for Contractor Required for Window Wall	06/15/2023	ONIT Construction Inc.	Project Specific	\$220,688.00	Ward 2

Contracts Awarded

Contract Reference	Contract Title	Closing Date (mm/dd/yyyy)	Vendor	Term	Award Amount	Ward
	Replacements at 206 Jackson Street East, Hamilton					

Contracts Cancelled

Contract Reference	Contract Title	Closing Date (mm/dd/yyyy)	Reason for Cancellation	Ward
C11-16-23	Proposal for Prime Consultant Services for the Diesel Fuel Tank Upgrades at 30 Outstations	03/01/2023	Four proposals received. Only one proposal passed technical evaluations, however, the costing for this proposal was significantly over budget. Client department is working with Procurement to determine what type of competitive process to move forward with taking into consideration cost and TSSA compliance regulations.	Ward 4
C15-62-23 (SL)	Tender for Installation of Ancaster Street Lighting Upgrades	06/20/2023	The Request for Tenders was cancelled to conduct further research via a public survey on the potential impact to residents. Pending the survey and further review of this project will determine if the City moves forward with the project and the reissuance of a Request for Tenders.	Ward 12
C18-07-23	Tender for Contractor for Replacement of Interior Sanitary Piping at 191 Main Street West in Hamilton for CityHousing Hamilton	03/30/2023	All bids received were over budget. RFT will be retendered in September 2023 with revised Specifications.	Ward 2

Contracts Pending Award

Contract Reference	Contract Title	Closing Date (mm/dd/yyyy)	Contract Status	Ward
C11-37-21	Proposal for Supply and Delivery of Waste Activated Sludge Thickening Polymer	01/31/2022	Closed & Under Review	All Wards
C11-46-22	Proposal for Supply & Installation of a Computer-Aided Dispatch / Automatic Vehicle Location (CAD/AVL) System	01/24/2023	Closed & Under Review	All Wards
C13-02-23	Proposal for General Contractor Required for Construction of Hamilton Transit Maintenance & Storage Facility	02/23/2023	Closed & Under Review	Ward 3
C11-19-23	Proposal for Prime Consultant Services Required for the Rockcliffe (DC015) Wastewater Pumping Station Upgrades	04/13/2023	Closed & Under Review	Ward 15
C18-10-23	Proposal for the Supply, Installation & Maintenance of Pay-For-Use Laundry Equipment, Related Card Dispensing & Card Loading Devices	04/20/2023	Closed & Under Review	All Wards
C9-01-23	Tender for Vehicle Maintenance & Repair Services Required for the Hamilton Police Services (HPS) Fleet	04/25/2023	Closed & Under Review	All Wards
C11-41-23	Proposal for Prime Consultant Services for CF Limeridge Mall Transit Hub	04/27/2023	Closed & Under Review	Ward 7
C1-01-23	Proposal for Employee & Family Assistance Program for City Employees	04/28/2023	Closed & Under Review	All Wards

Contracts Pending Award

Contract Reference	Contract Title	Closing Date (mm/dd/yyyy)	Contract Status	Ward
C15-44-23 (SL)	Tender for Stoney Creek Metal Street Lighting Pole Replacements	04/28/2023	Closed & Under Review	Wards 5, 10
C12-05-23	Tender for the Supply & Delivery of Various Fleet Parts	05/03/2023	Closed & Under Review	All Wards
C15-45-23 (TR)	Tender for Construction of New Traffic Control Infrastructure at 17 Locations	05/05/2023	Closed & Under Review	Wards 1,2,3,6,8,9, 12,13,15
C11-03-23	Proposal for Prime Consultant Services for Mountain Drive Park: Detailed Design of Phase 1 & Phase 2, Contract Administration & Warranty Inspection of Phase 1	05/11/2023	Closed & Under Review	Wards 3, 6, 7
C3-01-23	Proposal for Develop Power Pages Applications for Microsoft Power Platform	05/12/2023	Closed & Under Review	All Wards
C2-03-23	Proposal for Acquisition of Utility Billing Software Solution including Integration, Maintenance & Support Services	05/19/2023	Closed & Under Review	All Wards
C5-04-23	Tender for Supply, Delivery, Installation & Repairs Homecare Beds & Mattresses	05/19/2023	Closed & Under Review	All Wards
C5-03-23	Proposal for Physiotherapy Services at Macassa Lodge & Wentworth Lodge	05/23/2023	Closed & Under Review	Wards 7, 13
C15-57-23 (P)	Tender for Eastwood Park - Spray Pad Replacement	05/25/2023	Closed & Under Review	Ward 2

Contracts Pending Award

Contract Reference	Contract Title	Closing Date (mm/dd/yyyy)	Contract Status	Ward
C11-29-23	Proposal for Prime Consultant Services Required for the Woodward Avenue Wastewater Treatment Plant (WWTP) Phase 2 Expansion & North Secondary Treatment Plant Rehabilitation	05/26/2023	Closed & Under Review	Ward 4
C11-43-23	Proposal for Prime Consultant Services Required for the Environmental Laboratory HVAC System & Associated Upgrades at the Woodward Avenue Wastewater Treatment Plant	05/29/2023	Closed & Under Review	Ward 4
C13-18-23	Proposal for Supply & Installation of Commercial In Duct Air Treatment Systems in Various City of Hamilton Buildings	06/01/2023	Closed & Under Review	All Wards
C13-19-23	Tender for the Supply & Delivery of Pool Drain Heat Recovery System & Controls at Bennetto Recreation Centre, Ryerson Recreation Centre & Jimmy Thompson Pool	06/01/2023	Closed & Under Review	Wards 1, 2, 3
C5-08-23	Tender for Safe Sex Supplies	06/07/2023	Closed & Under Review	All Wards
C13-10-23	Tender for Prequalified General Contractors for the Gymnasium Addition to Sir Wilfrid Laurier Recreation Centre at 60 Albright Road in Hamilton	06/07/2023	Closed & Under Review	Ward 5

Contracts Pending Award

Contract Reference	Contract Title	Closing Date (mm/dd/yyyy)	Contract Status	Ward
C5-10-23	Tender for Mosquito Trapping, Identification & Testing for West Nile Virus	06/08/2023	Closed & Under Review	All Wards
C11-40-23	Proposal for Provision of Consulting Services Required to Develop a Fleet Management Strategy	06/08/2023	Closed & Under Review	All Wards
C18-14-23	Tender for Contractor for Emergency Generator Replacement at 185 Jackson Street East	06/08/2023	Closed & Under Review	Ward 2
C11-30-23	Tender for Phase 3 - Supply, Installation & Maintenance of Large Caliper Trees at the Lincoln Alexander Parkway	06/13/2023	Closed & Under Review	Wards 6,7,8,14
C11-07-23	Proposal for Provision of Waterfowl Management Services	06/15/2023	Closed & Under Review	Wards 1, 2, 3, 4, 5, 10
C13-02-23	Proposal for General Contractor Required for Construction of Hamilton Transit Maintenance & Storage Facility – Phase Two	06/15/2023	Closed & Under Review	Ward 3
C11-37-23	Proposal for Combined Sewer Overflow (CSO) Outfall Flow Monitoring Program	06/19/2023	Closed & Under Review	All Wards
C9-03-23	Tender for the Supply & Delivery of Emergency Equipment for the Build of New	06/20/2023	Closed & Under Review	All Wards

Contracts Pending Award

Contract Reference	Contract Title	Closing Date (mm/dd/yyyy)	Contract Status	Ward
	Vehicles for the Hamilton Police Service (HPS)			
C15-03-23 (HSW)	Tender for Morden Street - Road & Sidewalk Reconstruction Including Watermain Replacement	06/21/2023	Closed & Under Review	Ward 1
C15-67-23 (H)	Tender for Brampton Street - Centre Island & Boulevard Restoration	06/22/2023	Closed & Under Review	Ward 4
C11-48-23	Tender for the Supply & Delivery of Hydraulic Hoses & Fittings as & when Required	06/26/2023	Closed & Under Review	All Wards
C13-17-23	Tender for Contractor Required for the Removal & Replacement of Playgrounds at Dundurn Park & Macassa Park in Hamilton Ontario	06/26/2023	Closed & Under Review	Wards 1, 6
C11-18-23	Proposal for Prime Consultant Services Required for the Woodley Lane (HDR11) Reservoir Upgrades	06/27/2023	Closed & Under Review	Ward 13
C15-05-23 (BR)	Tender for Bridge 342 on Westover Road - Rehabilitation	06/27/2023	Closed & Under Review	Ward 13
C15-68-23 (M)	Tender for Contractor Required to Seal Cracks in Surface Course Asphalt	06/28/2023	Closed & Under Review	All Wards
C13-20-23	Tender for Enhancements to Customer Service Counters – Construction of	06/29/2023	Closed & Under Review	Wards 2, 11

Contracts Pending Award

Contract Reference	Contract Title	Closing Date (mm/dd/yyyy)	Contract Status	Ward
	Protective Barriers at City Hall, Lister Block & Glanbrook Municipal Service Centre			
C2-01-23	Proposal for Outsourced Chief Investment Officer Services	07/04/2023	Not closed as of July 1, 2023	All Wards
C13-22-23	Tender for General Contractor Required to Renovate Four Serveries at the City of Hamilton's Long Term Care Facility, Wentworth Lodge	07/05/2023	Not closed as of July 1, 2023	Ward 5
C15-43-23 (P)	Tender for Alexander Park - Construction of a Skatepark Facility (Prequalified Bidders Only)	07/05/2023	Not closed as of July 1, 2023	Ward 1
C11-17-23	Proposal for Provision of Upfitting Services for Light Duty Vehicles as & when Required	07/06/2023	Not closed as of July 1, 2023	All Wards
C11-50-23	Tender for Supply & Delivery of Traffic Cable & Wire	07/06/2023	Not closed as of July 1, 2023	All Wards
C1-05-23	Proposal for Review of the City of Hamilton's Departmental Organization Structure	07/10/2023	Not closed as of July 1, 2023	All Wards
C18-04-23	Tender for Contractor for Make-Up Air Replacement with Energy Recovery Ventilators at 200 Jackson Street West	07/11/2023	Not closed as of July 1, 2023	Ward 2

Contracts Pending Award



Contract Reference	Contract Title	Closing Date (mm/dd/yyyy)	Contract Status	Ward
C5-05-23	Proposal for Consulting Services to Develop Housing with Related Supports Modernization Project	07/13/2023	Not closed as of July 1, 2023	All Wards
C5-07-23	Proposal for Air Quality Improvement Projects & Programs in the City of Hamilton	07/13/2023	Not closed as of July 1, 2023	All Wards
C18-16-23	Tender for Contractor Required for Balcony Repairs at 5 Maple Avenue, Stoney Creek for CityHousing Hamilton	07/13/2023	Not closed as of July 1, 2023	Ward 5
C15-65-23 (P)	Tender for Construction of a Spray Pad at Woodlands Park	07/14/2023	Not closed as of July 1, 2023	Ward 3
C1-02-23	Proposal for Media Training Services for the City of Hamilton	07/17/2023	Not closed as of July 1, 2023	All Wards
C11-13-23	Tender for Supply, Installation & Maintenance of Large Caliper Trees in New Subdivisions	07/20/2023	Not closed as of July 1, 2023	All Wards
C2-09-23	Proposal for Provision of Services of an Integrity Commissioner & Lobbyist Registrar for the City of Hamilton	07/24/2023	Not closed as of July 1, 2023	All Wards
C1-03-23	Proposal for Facilitation Services at the City of Hamilton	07/31/2023	Not closed as of July 1, 2023	All Wards
C5-09-23	Tender for Supply & Delivery of Rural Pumper Fire Apparatus	08/03/2023	Not closed as of July 1, 2023	All Wards

Cooperative Procurements

City Contract Reference	Contract Title	Cooperative Group	Effective Date (mm/dd/yyyy)	Vendor	Term	Estimated City Spend	Ward
C17-02-23	Oracle Licenses (VOR CA-OMA-2923876)	Minister of Government & Consumer Services	04/04/2023	Oracle Canada ULC	2 year term & 1 – 2 year renewal term	\$1,256,000.00	All Wards
C17-03-23	Custom Brokerage & Related Services (OECM-2022-407-01)	Ontario Education Collaborative Marketplace	04/12/2023	Thompson, Ahern & Co. Ltd.	3 year term & 1 -2 year renewal term	\$8,000.00	All Wards
C17-05-23	Cloud Computing Technology & Related Professional Services (OECM-2021-376-05)	Ontario Education Collaborative Marketplace	04/10/2023	Compugen Inc.	2 year term & 2 – 2 year renewal terms	\$1,440,000.00	All Wards
C17-06-23	Fine Copy Paper (OECM-2021-394-02)	Ontario Education Collaborative Marketplace	05/17/2023	Staples Professional Inc.	3 year term & 2 – 2 year renewal terms	\$6,252,666.00	All Wards



INFORMATION REPORT

TO:	Chair and Members Audit, Finance and Administration Committee
COMMITTEE DATE:	October 5, 2023
SUBJECT/REPORT NO:	Grightmire Arena Lessons Learned Audit (AUD22004) – Management Responses Status Report (PW23007(a)/FCS23011(a)) (City Wide) (Outstanding Business List Item)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Shaba Shringi (905) 546-2424 Ext. 3142 Robyn Ellis (905) 546-2424 Ext. 2616 Tina Iacoe (905) 546-2424 Ext. 2796 Susan Nicholson (905) 546-2424 Ext. 4707 Brian McMullen (905) 546-2424 Ext. 4549
SUBMITTED BY:	Indra Maharjan Director of Corporate Facilities & Energy Management Public Works
SIGNATURE:	
SUBMITTED BY:	Mike Zegarac General Manager, Finance and Corporate Services Corporate Services
SIGNATURE:	

COUNCIL DIRECTION

The Recommendations (Open Session) issued as part of the J.L. Grightmire Arena Lessons Learned Audit (AUD22004) presented at the Audit, Finance and Administration Committee on April 7, 2022, included the following:

- (c) *That the General Manager of Public Works and the General Manager of Finance and Corporate Services be directed to implement the Management Responses (attached as Confidential Appendices “A” and “C” to Report AUD22004) and report*

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

SUBJECT: Grightmire Arena Lessons Learned Audit (AUD22004) – Management Responses Status Report (PW23007(a)/FCS23011(a)) (City Wide)
- Page 2 of 2

back to the Audit, Finance and Administration Committee on a quarterly basis on the nature and status of actions taken in response to the audit report;

INFORMATION

This Information Report is to provide an update on the progress made by the Corporate Facilities & Energy Management Division and Finance & Corporate Services Department (Procurement, Legal Services and Risk Management Services Divisions) in response to the audit recommendations, as directed.

An implementation plan for the 15 audit recommendations has been developed and work is underway in completing the action items. To date, staff have completed 7 of the 15 recommendations, and the remaining action items are in progress. Updates from the respective Divisions are detailed in Appendix “A” to Report PW23007(a)/FCS23011(a).






A subsequent report will be provided to the Audit, Finance and Administration Committee by March 2024 and semi-annually going forward, to present ongoing status updates on the recommendations from the Grightmire Arena Lessons Learned Audit (AUD22004).





APPENDICES AND SCHEDULES ATTACHED


Appendix “A” to Report PW23007(a)/FCS23011(a) – Grightmire Arena Lessons Learned – Management Responses Update



Grightmire Arena Lessons Learned Audit (AUD22004)
 Management Responses Status Report, August 2023

Completion Status Legend:

-  Ongoing/ On Target
-  Progressing but delayed
-  Complete
-  To be initiated
-  Incomplete

Recom. No.	Responsible Division	Audit AUD22004 Recommendation	Management Response (AUD22004)	Recommendation Action Plan	Expected Completion Date	Completion Status	Status Update	
							Q3 2023 PW23007(a)-FCS23011(a)	Q4 2022 (PW23007-FCS23011)
Corporate Facilities & Energy Management (CFEM) Division								
4	Corporate Facilities and Energy Management Division	We recommend that management consider separating the roles of project management and contract management for capital projects in general, or alternatively with those that reach a pre-determined level of risk.	<p>Current practices will be reviewed with Legal and Procurement to determine the changes necessary related to the roles of project and contract management in general, or when a pre-determined level of risk is reached. As defined by the Office of the City Auditor (OCA), contract management for capital projects (in comparison to contract administration), is strictly concerned with contract delivery/ adherence to the contract terms (i.e., role of a contract compliance specialist). As such, EFFM will review the existing Service Level Agreement (SLA) with Legal Services with regards to the requirement to engage an experienced Legal representative knowledgeable in construction contract law to enforce contract management practices for applicable high-risk projects.</p> <p>EFFM will undertake a municipal scan to explore models for construction contract management successfully implemented by other municipalities in Ontario for multidisciplinary construction projects. Understanding that the City is bound by existing Legal and Procurement policies, and have limited ability/ flexibility to change processes, EFFM relies on the subject matter experts in these support divisions/department to provide guidance on contract management practices.</p>	Municipal Scan - Roles of Project and Contract Management	Original AUD22004 Completion: Q4 2023		<p>Q3 2023 – CFEM Update: A municipal scan was completed through the CFEM Director's Office in Q3 2023. Construction Management (CM/CCDC 5B) is one of the alternate contract delivery models utilized by various municipalities which mitigates risk and adversity in relationships between the consultant and contractor. Other municipalities have also expressed success with this model. CFEM & Procurement have collaborated on a CCDC 5B contract template for Facilities projects, and this has been implemented on a number of CFEM projects in 2023.</p> <p>All the findings will be reviewed with Procurement and Legal Services to determine if there are any opportunities to separate the project management and contract management roles. This is on track to be completed by the Q4 2023 deadline.</p>	<p>Q4 2022 – EFFM Update: EFFM is on target to complete a municipal scan and working with Legal Services will initiate this in Q2 2023 once the EFFM Quality Management Office is in place, to be completed by the end of Q4 2023.</p>
8	Corporate Facilities and Energy Management Division	We recommend that special contingency procedures and guidelines be developed for enhancing the oversight and contract management practices for projects in difficulty.	<p>A standard operating procedure will be developed for the management of contingency in order to enhance the oversight and contract management practices for projects in difficulty. This procedure will define roles and responsibilities, as well as ensure updates for all projects on a routine basis through a project tracker or similar mechanism while incorporating an existing escalation protocol.</p> <p>Since 2020, EFFM has implemented an escalation protocol through bi-monthly project status updates on significant/major capital projects, which allows senior management to be notified of any project issues.</p>	Critical Project Communications SOP	Revised Completion: Q4 2023 Original AUD22004 Completion: Q4 2022		<p>Q3 2023 – CFEM Update: The PWQMS team has developed a Level II Communications SOP in collaboration with the CFEM QMO for the Public Works department. The SOP is currently in its review phase and will be released before the end of Q4 2023. This will be adopted and implemented by CFEM project management staff.</p> <p>Additionally, for enhanced oversight of key projects - CFEM has implemented a Key Projects tracker which is updated weekly and shared with CFEM's management team, as well as the GM of PW and his Administrative Coordinator. Divisional tracking includes key project, litigation files, HR requests, as well as Councillor and media requests. Updates are shared by CFEM's Director with the GM, who escalates critical items to Council through variance reporting, etc.</p>	<p>Q4 2022 – EFFM Update: EFFM has kept senior management and Council apprised of project status updates and will continue to do so. The standard operating procedure will be developed in 2023 once the EFFM Quality Management Office is in place.</p>
12	Corporate Facilities and Energy Management Division	We recommend that communication with Council regarding projects in difficulty be timely and forthright, and that the risk assessment process (see Recommendation 1) be utilized to bring potentially unfavorable conditions and negative community impact to Council's attention in a proactive manner.	<p>A standard operating procedure will be developed to document the procedure for timely and forthright communication of projects in difficulty to Council. This procedure will incorporate the output of the risk assessment process to ensure that potentially unfavorable conditions and negative community impact are proactively brought to Council's attention.</p>	Critical Project Communications SOP	Revised Completion: Q4 2023 Original AUD22004 Completion: Q4 2022		<p>Q3 2023 – CFEM Update: Please refer to the response for recommendation #8.</p>	<p>Q4 2022 – EFFM Update: EFFM has continued to keep Council and senior management apprised of project updates since the completion of this audit. The standard operating procedure will be developed in 2023.</p>
14	Corporate Facilities and Energy Management Division	We recommend that management implement and/or strengthen processes to ensure that when faced with contractor claims for cost increases or time extensions due to alleged design issues, that these alleged design flaws are rigorously and independently evaluated, commensurate with their seriousness. In particular, design flaws that potentially impact safety should be promptly addressed and accountability/ liability for actual design flaws is assured.	<p>The EFFM Capital team through its new Quality Management Office, in collaboration with Legal Services and Procurement will explore means of strengthening current process that is currently governed by both (i) CCDC-2 design-bid-build contract, which defines the role of the Consultant as the contract administrator (i.e., The Consultant will provide administration of the Contract as described in the Contract Documents), and (ii) the Ontario Building Code (OBC), whereby, the capital construction projects delivered by EFFM require building permits in compliance with the OBC, which include a Commitment to General Review signed by the Prime Design Consultant and/or design Engineers to complete construction documentation, field inspections, review of shop drawings and testing reports, and contract administration services to ensure compliance with the design.</p> <p>Additionally, CCDC-2 also includes mechanisms for conflict resolution. EFFM will review the existing Service Level Agreement (SLA) with Legal Services with regards to the requirement to engage an experienced Legal representative knowledgeable in construction contract law to enforce contract management practices for applicable high-risk projects. This will allow the City to act promptly to enforce our contractual rights going forward in situations where alleged design flaws are raised during the construction phase.</p>	Strengthen Contract Claim Review Process & Revise SLA between Legal & CFEM	Revised Completion: Q2 2024 Original AUD22004 Completion: Q2 2023		<p>Q3 2023 – CFEM Update: CFEM is in discussion with our colleagues in Legal Services to review revisions to the SLA, including engagement of an experienced Legal representative knowledgeable in construction contract law to enforce contract management practices for applicable high-risk projects. Legal is also reviewing the settlement process for litigation as part of Recommendation #15 assigned to them.</p>	<p>Q4 2022 – EFFM Update: EFFM will formalise a process in consultation with Legal Services, Risk Management and the Procurement Section, once the EFFM QMO office is operational in Q1 2023 (as noted in the update to Recommendation #7). Limited staffing resources have resulted in requiring an extension.</p> <p>EFFM will collaborate with Legal Services to review the Service Level Agreement in 2023.</p>

Recom. No.	Responsible Division	Audit AUD22004 Recommendation	Management Response (AUD22004)	Recommendation Action Plan	Expected Completion Date	Completion Status	Status Update	
							Q3 2023 PW23007(a)-FCS23011(a)	Q4 2022 (PW23007-FCS23011)
1	Corporate Facilities and Energy Management Division	We recommend that management develop a risk assessment framework and process, and that formal evaluation of risk be conducted as part of the project planning for each capital project. This would inform and identify the project management approach to be taken, resources that should be allocated, as well as the issues and mitigations that need to be tracked and reviewed on an ongoing basis.	A risk assessment framework and process are planned for development as part of the continued implementation of the Quality Management System (QMS) in Public Works in 2022. The PW QMS team has developed and implemented project management documents (including a PM manual, project charter template, project transition checklist and closing report template) working with a cross-divisional team across the City. Energy, Fleet and Facilities Management Division (EFFM) has further developed project initiation and close-out checklists, a project budget template and communications plan for capital projects to continually improve project management processes and mitigate risk. EFFM's 2022-2023 initiatives include further development of planning/ design and implementation/ construction phase checklists.	Risk Assessment Process	COMPLETE	<input checked="" type="checkbox"/>	<u>Q3 2023 – CFFM Update:</u> The PW QMS team developed and released a Risk Management Procedure in March 2023, which has been reviewed and is being implemented by CFEM. Risks are identified with mitigation mechanisms in the Project Charter as part of every capital project.	<u>Q4 2022 – EFFM Update:</u> EFFM has developed internal working committees for various continuous improvement initiatives. EFFM has also recently completed the recruitment for the Sr. Project Manager of the EFFM Quality Management Office, which will be in place by the end Q1 2023, following which new template documents will be prepared.
3	Corporate Facilities and Energy Management Division	We recommend that contract management training be provided to project managers to ensure the City's rights under contract are protected and timely remedies can be implemented during the capital project process.	Contract management training will be provided to Project Managers involved in the planning and delivery of construction projects to ensure the City's rights are protected and timely remedies are implemented. Training will be provided once Legal and Procurement have confirmed delegated authority and available support.	Contract Management Training	COMPLETE	<input checked="" type="checkbox"/>	<u>Q3 2023 – CFFM Update:</u> CFEM staff participated in contract management training in April 2023.	<u>Q4 2022 – EFFM Update:</u> Contract Management Training is being organized by the Corporate Asset Management office on the new CCDC 2-2020 contract for all departments across Public Works. Training sessions will be scheduled in Q1-2023.
7	Corporate Facilities and Energy Management Division	We recommend that project management processes be improved to ensure adequate project documentation is maintained by the City, including delays and deficiencies, ensuring that contract management administrative requirements are strictly adhered to, and formal communications with the contractor are timely, effective and sufficient.	Project management processes will be improved with the planned introduction of a central filing system through the Enterprise Asset Management (EAM) project for all required project documentation, including delays and deficiencies. The EAM project is the medium-term solution to ensure adequate project documentation is always maintained. Implementation is expected by 2025. The existing EFFM Contract Analyst position along with a new Quality Management Office within EFFM will be redefined to add duties related to quality management and project record retention. A standard operating procedure detailing project management processes will also be introduced related to ensuring contract management and contract administrative requirements are strictly followed for timely and effective contractor communications.	Project Documentation - Management and Control (EAM)	COMPLETE	<input checked="" type="checkbox"/>	<u>Q3 2023 – CFEM Update:</u> CFEM has reviewed the PW Project Management SOP and will follow the record retention requirements per the SOP as well as the new EAM system (once implemented). Project files for capital projects are currently maintained following the Divisional capital project folder template in alignment with Project Management principles. Future improvements will be made to incorporate document control through EAM once it is implemented for the Division.	<u>Q4 2022 – EFFM Update:</u> EFFM continues to collaborate with the departmental Public Works Quality Management System (PWQMS) and EAM project teams in the development of project management processes. EFFM has also recently completed the recruitment for the Sr. Project Manager of the EFFM Quality Management Office, which will be in place by the end of Q1 2023. Estimated Completion: Q4 2022 for Quality Management Office (QMO) and EAM implementation by 2025
9	Corporate Facilities and Energy Management Division	We recommend that Public Works implement a process to share critical capital project information such as cost estimates with Procurement to ensure the procurement team has all relevant information for a capital project.	A standard operating procedure will be developed to document the process to share critical capital project information with Procurement to ensure the Procurement team has all relevant information for a capital project e.g. cost estimates tracked in advance of tender issuance. This information could be attached as supporting documentation to the existing project budget template, RFCTA form and Project Charter submitted at the time of tender.	Share Critical Capital Project Estimates with Procurement	COMPLETE	<input checked="" type="checkbox"/>	<u>Q3 2023 – CFEM Update:</u> Including the project budget as part of the Request for Contract/Tender Approval (RFCTA) form has met this recommendation and complies with the Procurement Policy. An additional SOP is not required in addition to following the Procurement forms.	<u>Q4 2022 – EFFM Update:</u> EFFM has started including the completed project budget as part of the Request for Contract/Tender Approval (RFCTA) package. The standard operating procedure will be developed in 2023 to document the process.
13	Corporate Facilities and Energy Management Division	We recommend that the budget for the capital projects portfolio include sufficient funding for necessary corporate services, such as legal, financial, and contract management expertise, in order to ensure that they City's interests are protected during the completion of capital projects.	Corporate Services Financial Planning, Administration and Policy staff will work with the Corporate Asset Management team and the asset owners to assess the type of costs charged to Capital Projects and assess resources needed to support Capital Projects. Under the Asset Management framework, staff will develop a definition of the cost of a Capital Asset including a review of operating costs recovered from Capital Projects. Staff will be looking to change our approach for costs that are recovered from Capital Projects, such that, capital projects may only include costs that are directly attributable to a capital project. Therefore, we will be reviewing costs for City project management, City contract management, other City overhead, City financial services, City and external legal services, etc. It is expected that the impact of any change will be assessed, and the pros and cons of alternatives will be provided. (Operating budget, capital financing costs, i.e. transfers to capital, may be needed to offset operating budget capital cost recoveries).	Capital Projects Portfolio Funding	COMPLETE	<input checked="" type="checkbox"/>	<u>Q3 2023 – FPAP Update:</u> A revised process to allocate operating costs in the budget and actuals to CFEM capital projects was implemented in 2019 and reviewed in Q3 2023. Costs directly attributable to capital projects are charged to CFEM capital projects. When unexpected project costs arise, financing sources are sought and the Capital Projects' Budget Appropriation and Work-in-Progress Transfer Policy is followed. In addition, Corporate Services Financial Planning, Administration and Policy (FPAP) staff are working with all assets owners to develop consistent processes to allocate all costs directly attributable to capital projects in the budget development and in the actuals as Asset Management Plans are developed. <u>CFEM Supplemental Comment:</u> CFEM's project budget template is required to be completed for all large capital projects and includes an estimate for operating fee recoveries as a percentage of the project budget. Budget overage requests associated with unplanned project issues during the closing phase (such as litigation) would follow FPAP processes for additional funding requests.	<u>Q4 2022 – EFFM Update:</u> EFFM is continuing to work on this item. EFFM's project budget template includes an estimate for internal fee recoveries as a percentage of the project costs. This will be reviewed along with the costs of other stakeholders mentioned in the recommendation column. As noted in the update to Recommendation #7, EFFM's QMO office will be operational by the end of Q1 2023, and meeting the expected completion target will be part of its mandate.
Finance and Corporate Services Department (Procurement, Legal Services and Risk Management Services Divisions)								
5	Procurement Section	We recommend that contractor performance for each contract be tracked and formally evaluated using a consistent and robust process, and that the use of contractor ratings from previous performance be considered for implementation as a procurement criterion in order to mitigate the risk of poor results.	It is within Procurement's workplan to research and develop a more robust Vendor Performance Program. The context of this program has yet to be determined however, Procurement will investigate the potential to use contractor ratings from previous contract performance as a procurement criterion in order to mitigate the risk of poor results. Procurement also recognizes that significant consultation is required with both internal and external stakeholders in order for this program to be successful. EFFM Supplemental Comment: In discussions with Procurement, EFFM will participate in this initiative to develop a more robust Vendor Performance Program.	Robust Vendor Performance Program	Revised Completion: Q2 2024 Original AUD22004 Completion: Q4 2022		<u>Q3 2023 – Procurement Update:</u> A Project Manager has been recruited to review and improve the City's Vendor Performance Program and work has been initiated. Development of the new the Vendor Performance (VP) Program is ongoing, and is on track to be completed by the Q2 2024 deadline. <u>CFEM Supplemental Comment:</u> CFEM are keeping Procurement apprised of vendor issues and completing the current VP form as required. We will also continue to participate in this initiative with Procurement to develop a more robust Vendor Performance Program.	<u>Q4 2022 – Procurement Update:</u> Procurement is still experiencing a shortage of staffing resources to complete this work. A recruitment is under way for a project manager to develop and implement. This is a priority for Procurement Staff to complete.

Recom. No.	Responsible Division	Audit AUD22004 Recommendation	Management Response (AUD22004)	Recommendation Action Plan	Expected Completion Date	Completion Status	Status Update	
							Q3 2023 PW23007(a)-FCS23011(a)	Q4 2022 (PW23007-FCS23011)
6	Legal and Risk Management Services Division with Procurement Section	We recommend that the values used for liquidated damages be reviewed to ensure they adequately compensate the City for the damages of late delivery and daily costs incurred, and to motivate contractors to take prompt action to cure project delays/deficiencies. Where liquidated damages would likely fall short of what is necessary to motivate Contractors to meet schedule requirements, we also would recommend the use of bonus/penalty clauses and earn-backs in the Contract.	Staff will investigate and pursue best practices including discussion with other municipalities, on the approach to liquidated damages, bonus and penalty provisions pertaining to contractual dealings. Legal Services will aid Procurement in updating the approach to appropriately amending contracts arising from this investigation in order to best protect the City's interests as permitted by these measures. Further, Procurement staff will engage and consult with client staff to assess consequences and controls in order to ensure appropriate application of the changes involved.	Contract Penalties & Bonuses Process Review	Original AUD22004 Completion: Q4 2023		<p>Q3 2023 – Legal Services Update: Legal Services is developing an updated process for liquidated damages, including standard clauses to be included in capital construction contracts. The process will also include references to the relevant sections of the <i>Construction Act</i> for staff reference. This is on track to be completed by the Q4 2023 deadline.</p> <p>CFEM Supplemental Comment: CFEM has provided assistance to Legal Services by sharing information received from other municipalities with respect to bonus/penalty clauses as part of the municipal scan completed per Recommendation #4.</p>	<p>Q4 2022 – Procurement Update: Procurement staff has had preliminary discussions with both internal staff (including Facilities, Hamilton Water, Legal Services) and external municipalities within Ontario. Limited staffing resources are such that an extension is required.</p>
15	Legal Division	We recommend that management review its process for approving settlements that exceed a predetermined threshold to ensure appropriate due diligence is being exercised over the proposed settlement amounts. Such process should be designed to provide Council with assurances that proposed settlements of significant cost were being subjected to the necessary scrutiny and validation and were properly supported.	Management supports reviewing its process to approve settlements to ensure appropriate checks and balances are in place before recommendations are made to Council. Staff will target completion of this review Q3, 2022, in advance of 2023 budget deliberations.	Settlement Review and Approval Process Review	Revised Completion: Q4 2023 Original AUD22004 Completion: Q3 2022		<p>Q3 2023 – Legal Services Update: Legal Services is reviewing and revising the settlement process for litigation in alignment with the Delegation of Authority By-Law, which is under development. The City Solicitor has directed that litigation files will be reported to Council on a quarterly or semi-annual basis, and proposed settlements that are beyond the authority of the City Manager and or where there is some significance will be provided to Council for instructions. This is in progress and to be implemented by Q4 2023, however the Delegation of Authority By-Law is a large initiative being led by the City Manager's office and therefore the timeline may be impacted during their consultation and implementation phases.</p>	<p>Q4 2022 – Legal Update: A new City Solicitor joined the City in mid-October 2022 and as such, the timing of implementation of this review is deferred until the new City Solicitor has been given the opportunity to review.</p>
2	Procurement Section and Legal and Risk Management Services Division	We recommend that when using a CCDC 2 Stipulated Price contract for construction projects, that the current version be used and that the contract conforms with the changes introduced by recent changes to the <i>Construction Act</i> .	All construction contracts utilized through a procurement process are current with respect to the <i>Construction Act</i> . A working group of staff has been tasked with updating supplemental conditions to be used with the new CCDC 2-2020 Stipulated Price contract for implementation in June 2022.	CCDC 2-2020 Stipulated Price Contract	COMPLETE	<input checked="" type="checkbox"/>	<p>Q4 2022 – Procurement Update: As of June 30, 2022, the updated CCDC 2-2020 is in effect and staff are using it as required. Staff has completed its review of the supplemental conditions to the contract and these are currently being used as well.</p>	
10	Procurement Section	We recommend that the practice of single sourcing of professional consulting firms be reviewed and be utilized only during exceptional circumstances. Professional consulting services generally should only be retained through a competitive process as outlined in the City of Hamilton's Procurement By-law.	The City's Procurement Policy sets out the requirements for awarding contracts to vendors. Staff agree that the most prudent mechanism to select a vendor is through a competitive process. However, where exceptional circumstances exist and a competitive process is not recommended, the appropriate approval to single source must be obtained either by the General Manager or Council.	Single-Source Contract Process Review	COMPLETE	<input checked="" type="checkbox"/>	<p>Q4 2022 – Procurement Update: Procurement Section has developed and implemented a revised Policy 11 approval form specifically for consultants. The new form requests additional information to support the Policy 11 request as well as includes an acknowledgement by the client department that, pending the dollar value of the services, a formal contract with the vendor will be required.</p>	
11	Procurement Section	We recommend that a standard form of contract be developed and used for the procurement of architectural consulting as well as for contract administration services including terms and conditions specific to each type of service. Furthermore, we recommend contract management techniques be utilized to manage the consultant's performance based on these agreements.	Procurement has developed and currently utilizes various templated competitive procurement documents for the engagement of contract administration and architectural consulting services. For those circumstances where architectural or contract administration services are not procured through a competitive process, staff will ensure that a formal contract is to be executed with the vendor prior to any work being carried out. The next revision of the Procurement Policy will be amended to include this requirement.	Prime Design Consultant Standard Form of Contract	COMPLETE	<input checked="" type="checkbox"/>	<p>Q4 2022 – Procurement Update: As noted in the update to Recommendation #10, the new Policy 11 form requires a formal contract with the vendor based on the value of services. Procurement has a standard form of contract for a Prime Consultant in place. Any standard terms of reference or scope of work required under the contract shall be created and maintained by Facilities and modified on a case by case basis to reflect project specific requirements.</p>	

Links to previous reports:

- (1) [CONFIDENTIAL AUD22004 - JL Grightmire Arena Lessons Learned Audit, April 7, 2022](#)
- (2) [Report PW23007-FCS23011 - Grightmire Arena Lessons Learned – Management Responses Status Report, Feb. 2, 2023](#)



MINUTES 23-005
Mundialization Committee
Wednesday, May 17, 2023
6:00 pm
WebEx

Present: R. Baptista, R. Ende, J. Lukas A. Macaluso

Also

Present: A. Majani, Staff Liaison

A. Macaluso called the meeting to order, welcomed all and took roll call.

1. CEREMONIAL ACTIVITIES (Item 1)

(i) Land Acknowledgement

A. Macaluso read the Land Acknowledgement.

2. APPROVAL OF AGENDA (Item 2)

(J. Lukas/R. Ende)

That the agenda of May 17, 2023, Mundialization Committee Meeting be approved, as amended.

CARRIED

3. DECLARATIONS OF INTEREST (Item 3)

There were no declarations of interest.

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

(i) April 19, 2023 (Item 4.1)

(R. Ende/R. Baptista)

That the Minutes of April 19, 2023, be approved, as presented.

CARRIED

5. DISCUSSION ITEMS

(i) Hiroshima Nagasaki Commemoration Event (Item 10.1)

Rein Ende provided an update on the preparations for the commemoration event on August 9th, at Dundas Town Hall.

(ii) Next Meeting (Item 10.2)

Members discussed pausing all meetings after the May meeting for the summer.

(R. Baptista /J. Lukas)

That the Mundialization committee pause all meetings after May and reconvene in September unless otherwise instructed by Council.

CARRIED

8. ADJOURNMENT (Item 15)

(J. Lukas/R. Ende)

That there being no further business, the meeting be adjourned at 6:17 p.m.

CARRIED

Anthony Macaluso, Chair
Mundialization Committee



**DEVELOPMENT CHARGES STAKEHOLDERS
SUB-COMMITTEE
REPORT
23-002**

September 18, 2023

9:30 a.m.

Room 264

Hamilton City Hall, 71 Main Street West

Present: Councillor C. Cassar (Chair), S. Frankovich, Hamilton and District Chamber of Commerce (Vice Chair),
Councillors B. Clark, J.P. Danko, T. Hwang, M. Wilson
A. Stringer, Realtors Association of Hamilton-Burlington

Absent: Mayor A. Horwath – City Business
J. Summers, Citizen Member
Sean Ferris, Citizen Member

**THE DEVELOPMENT CHARGES STAKEHOLDERS SUB-COMMITTEE PRESENTS
REPORT 23-002 AND RESPECTFULLY RECOMMENDS:**

1. Appointment of Vice Chair for 2023 (Added Item 1.1)

(Hwang/Danko)

That Steven Frankovich be appointed as Vice Chair of the Development Charges Stakeholders Sub-committee for 2023.

CARRIED

FOR INFORMATION:

(a) APPROVAL OF THE AGENDA (Item 2)

The Committee Clerk advised there were no changes to the agenda:

(Hwang/Danko)

That the agenda of the September 18, 2023 meeting be approved, as presented.

CARRIED

(b) DECLARATIONS OF INTEREST (Item 3)

None.

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

(i) April 13, 2023 (Item 4.1)

(Hwang/Frankovich)

That the Minutes of the April 13, 2022 meeting, be approved, as presented.

CARRIED

(d) STAFF PRESENTATIONS (Item 8)

(i) 2024 Development Charges Background Study and By-law (Item 8.1)

Gary Scandlan of Watson & Associates Economists Limited addressed the Committee respecting 2024 Development Charges Background Study and By-law, with the aid of a PowerPoint presentation.

(Hwang/Clark)

That the presentation respecting 2024 Development Charges Background Study and By-law, be received.

CARRIED

(e) ADJOURNMENT (Item 16)

(Hwang/Clark)

That, there being no further business, the Development Charges Stakeholders Sub-Committee, be adjourned at 11:57 a.m.

CARRIED

Respectfully submitted,

Councillor C. Cassar, Chair
Development Charges
Stakeholders Sub-Committee

Lisa Kelsey
Legislative Coordinator
Office of the City Clerk



CITY OF HAMILTON
CORPORATE SERVICES DEPARTMENT
City Clerk's Office

TO:	Chair and Members Audit, Finance and Administration Committee
COMMITTEE DATE:	October 5, 2023
SUBJECT/REPORT NO:	Integrity Commissioner and Lobbyist Registrar Appointment (FCS23106) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Aine Leadbetter (905) 546-2424 Ext. 2753
SUBMITTED BY:	Janet Pilon Acting City Clerk
SIGNATURE:	

RECOMMENDATION

That the draft By-law attached as Appendix "A" to this report to appoint Boghosian + Allen LLP as Integrity Commissioner and Lobbyist Registrar for the City of Hamilton, which has been prepared in a form satisfactory to the City Solicitor, be enacted.

EXECUTIVE SUMMARY

The purpose of this Report is to provide the results of the Request for Proposals ("RFP") procurement process to secure the services of an Integrity Commissioner and Lobbyist Registrar for the City of Hamilton, and to recommend the enactment of a by-law to appoint Boghosian + Allen LLP, the successful proponent of the RFP process.

Alternatives for Consideration –Not Applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: Currently, the annual costs for the Integrity Commissioner and Lobbyist Registrar are funded through IC-Lobbyist Registrar (Account Number 300400). The annual costs from the past five (5) years with the current year to date is listed below in chart 1.

Chart 1: Annual Expenditure on Integrity Commissioner Fees

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**SUBJECT: Integrity Commissioner and Lobbyist Registrar Appointment
(FCS23106) (City Wide) - Page 2 of 4**

Dept ID 300400					
	2019	2020	2021	2022	2023*
Integrity Commissioner Charges	30,715.62	66,476.36	64,846.69	39,768.28	36,510.00

*2023 expenses are as of 9/25/23

Staffing: None.

Legal: Legal Services has prepared the contract to give effect to the appointment of the Integrity Commissioner and Lobbyist Registrar for the City of Hamilton.

HISTORICAL BACKGROUND

On March 27, 2023, the City Clerk reported to Governance Review Sub Committee regarding the Integrity Commissioner Contract Extension, report FCS22074(a). This report recommended that Council approve an extension to the City's existing contract with Principles Integrity, being Contract C2-06-19, Provision of Services of an Integrity Commissioner and Lobbyist Registrar for the City of Hamilton, from June 1, 2023 until May 31, 2027.

At the April 12, 2023 meeting of Council, Council directed staff as follows:

***(viii) Integrity Commissioner Contract Extension (FCS22074 (a)) (City Wide)
(Outstanding Business List Item) (Item 10.6)***

1. *That Council approve the extension to Contract C2-06-19, Provision of Services of an Integrity Commissioner and Lobbyist Registrar for the City of Hamilton from June 1, 2023 until September 30, 2023 and that the City Clerk be authorized to negotiate, enter into and execute the extension and any ancillary documents required to give effect thereto with Principles Integrity, in a form satisfactory to the City Solicitor;*
2. *That staff be directed to take the alternative action set out in Report FCS22074 (a)), attached as Appendix I to Audit, Finance and Administration Committee Report 23-005, to conduct a competitive procurement process to secure the services of an Integrity Commissioner and Lobbyist Registrar in accordance with the City's Procurement Policy*

SUBJECT: Integrity Commissioner and Lobbyist Registrar Appointment (FCS23106) (City Wide) - Page 3 of 4

By-Law 20- 205, as amended, with the addition of the Auditor General as a member of the Selection Committee; and

3. *That Appendix J to Audit, Finance and Administration Committee Report 23-005, be approved*

Following the direction from the April 12, 2023 meeting of Council, the City Clerk with the assistance of Procurement staff issued an RFP on June 23, 2023 to select and retain an Integrity Commissioner and Lobbyist Registrar. The RFP closed on July 24, 2023.

Due to extenuating circumstances delaying the Committee's review and evaluation of the RFP submissions, a motion to further extend the City's contract with Principles Integrity was approved at the September 13, 2023 meeting of Council. In negotiations following the approval of the September 13, 2023 motion and extension to contract C2-06-19 to November 30, 2023, Principles Integrity requested that their contract expire on October 31, 2023.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The *Municipal Act, 2001*, as amended, Part V.1 Accountability and Transparency, section 223.2 to 223.12 (Appendix "A") outlines the requirements for City Council "to appoint an Integrity Commissioner who reports to council and who is responsible for performing in an independent manner the functions assigned by the municipality". Council has expressed its intent to retain its own Integrity Commissioner and Lobbyist Registrar and to not provide that service through another municipality.

Sections 223.9 of the Act authorizes a municipality to establish and maintain a Lobbyist Registry which is a publicly accessible accountability and transparency tool that records and regulates the activities of those persons who lobby public office holders.

Section 223.11 authorizes a municipality to appoint a Lobbyist Registrar who is responsible for performing, in an independent manner, the functions assigned to it by the municipality with respect to its Lobbyist Registry.

RELEVANT CONSULTATION

N/A

ANALYSIS AND RATIONALE FOR RECOMMENDATION

An open, fair and competitive procurement process was conducted by City staff in accordance with the City's Procurement Policy By-Law 17-064 and the Council

SUBJECT: Integrity Commissioner and Lobbyist Registrar Appointment (FCS23106) (City Wide) - Page 4 of 4

approved Integrity Commissioner/Lobbyist Registrar Appointment and Contract Administration Procedures (the "Procedures") to secure the services of an Integrity Commissioner and Lobbyist Registrar.

Staff issued a Request for Proposal on June 23, 2023 which subsequently closed on July 24, 2023 with four compliant Proposals submitted in response. In alignment with the Procedures, a committee comprised of the City Manager, City Solicitor, Acting City Clerk, Auditor General, and Executive Director of Human Resources received and evaluated compliant proposals.

All proposals were evaluated by the committee against the criteria established in the RFP. As a result of the evaluation, three Proposals met the minimum benchmark set out in the RFP and were eligible to have their Costing Proposal opened and evaluated. The RFP stated that the Proponent who achieved the "lowest cost per point" (calculated by dividing the Proponent's total contract price by the technical points received) would be the Preferred Proponent. For this RFP, the Preferred Proponent is Boghosian + Allen LLP.

In accordance with the Procedures, following the selection of a preferred candidate for Integrity Commissioner/Lobbyist Registrar the City Clerk is required to place a by-law for appointment of the preferred candidate on the Council agenda for consideration and enactment. The by-law to appoint Boghosian + Allen LLP attached as Appendix "A" to this report specifies the terms and conditions of such appointment and delegates authority to finalize and execute the contract, with terms satisfactory to the City Solicitor, and authority for contract administration, to the City Clerk.

ALTERNATIVES FOR CONSIDERATION

N/A

APPENDICES AND SCHEDULES ATTACHED

Appendix "A": To Appoint an Integrity Commissioner and Lobbyist Registrar for the City of Hamilton

Appendix “A” to Report FCS23106

Page 1 of 2

Authority: Item __, Audit, Finance and
Administration Committee
Report 23-015 (FCS23106)
CM: October 11, 2023
Ward: City Wide

Bill No.

CITY OF HAMILTON

BY-LAW NO.

**To Appoint an Integrity Commissioner and Lobbyist Registrar for the City of
Hamilton**

WHEREAS subsection 223.3 of the *Municipal Act, 2001* authorizes a municipality to appoint an Integrity Commissioner, who reports to Council and who is responsible for performing, in an independent manner, the functions assigned by the municipality;

AND WHEREAS subsection 223.11 of the *Municipal Act, 2001* authorizes a municipality to appoint a registrar who is responsible for performing in an independent manner the functions assigned by the municipality with respect to persons who lobby public office holders and the system of registration thereof;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Boghosian + Allen LLP is hereby appointed as the Integrity Commissioner for the City of Hamilton pursuant to subsection 223.3 of the *Municipal Act, 2001* and shall have all the powers and duties of an Integrity Commissioner pursuant to paragraphs 1-7 of subsection 223.3(1) of the *Municipal Act, 2001*.
2. Boghosian + Allen LLP is hereby appointed as the Lobbyist Registrar for the City of Hamilton pursuant to subsection 223.11 of the *Municipal Act, 2001* and may exercise such powers and shall perform such duties as may be assigned by the City.
3. The Initial Term of this appointment shall commence on November 1, 2023 and shall end on November 30, 2027. If exercised by the City, this appointment shall be renewed for a Second Term, which shall commence on December 1, 2027 and shall end on November 30, 2031.
4. Authority to finalize and execute the contract with Boghosian + Allen LLP, on terms satisfactory to the City Solicitor, and authority for administration of the contract is delegated to the City Clerk.
5. This By-law is deemed to have come into force on November 1, 2023.

PASSED this day _____ of _____, 2023.

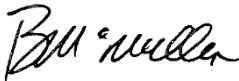
Appendix "A" to Report FCS23106
Page 2 of 2

A. Horwath
Mayor

Janet Pilon
Acting City Clerk



CITY OF HAMILTON
CORPORATE SERVICES DEPARTMENT
Financial Planning, Administration and Policy Division

TO:	Chair and Members Audit, Finance and Administration Committee
COMMITTEE DATE:	October 5, 2023
SUBJECT/REPORT NO:	Tax and Rate Operating Budgets Variance Report as at July 31, 2023 – Budget Control Policy Transfers (FCS23063(a)) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Kayla Petrovsky Fleming (905) 546-2424 Ext. 1335
SUBMITTED BY:	Brian McMullen Director, Financial Planning, Administration and Policy Corporate Services Department
SIGNATURE:	

RECOMMENDATION(S)

- (a) That the Tax and Rate Operating Budgets Variance Report, as at July 31, 2023, attached as Appendix “A” to Report FCS23063(a), be received;
- (b) That the Tax and Rate Operating Budgets Variance Report, as at July 31, 2023, attached as Appendix “B” to Report FCS23063(a), be received;
- (c) That, in accordance with the “Budgeted Complement Control Policy”, the 2023 complement transfer transferring complement from one department / division to another or a change in complement type, with no impact on the levy, as outlined in Appendix “C” to Report FCS23063(a), be approved; and
- (d) That, in accordance with the “Budget Control Policy”, the 2023 budget transfers from one department / division to another with no impact on the property tax levy, as outlined in Appendix “D” to Report FCS23063(a), be approved.

**SUBJECT: Tax and Rate Operating Budgets Variance Report as at July 31, 2023
– Budget Control Policy Transfers (FCS23063(a)) (City Wide) –
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EXECUTIVE SUMMARY

Staff has committed to provide Council with three variance reports for the Tax and Rate Supported Operating Budgets during the fiscal year. This is the second submission for 2023 based on the operating results as of July 31, 2023. Appendix “A” to Report FCS23063(a) summarizes the projected Tax Supported Operating Budget year-end variances by department and division while Appendix “B” to Report FCS23063(a) summarizes the projected year-end variances of the Rate Supported Operating Budget by program.

The forecasted Tax Supported Operating Budget surplus of \$10.5 M is broken down by a deficit of \$5.8 M for City Departments, a surplus of \$0.2 M for Boards and Agencies and a \$16.1 M surplus for Capital Financing. For the Rate Supported Operating Budget, the forecasted deficit of \$2.6 M is related to unfavourable revenues of \$0.1 M and unfavourable variance in operating expenditures including capital financing of \$2.5 M.

In addressing the financial pressures related to pandemic response and recovery, the City assumes fully leveraging the following confirmed funding sources:

- Ministry of Health – one-time funding approvals of \$11.0 M;
- Other Ministry Funding – Long-term Care allocations of \$3.3 M;
- COVID-19 Emergency Reserve – approved funding of \$3.1 M.

The City’s allocation from the COVID-19 Recovery Funding for Municipalities Program was fully utilized in 2022. There have been no new announcements from senior levels of government to confirm that any additional funding to assist with COVID-19 related expenditures will be provided to the City. The City has previously set aside \$35.6 M of discretionary funds in the COVID-19 Emergency Reserve in order to offset future impacts of the pandemic on operations. In accordance with the *Municipal Act, 2001*, Section 289, the City must provide for any deficit in operations through reserves or the tax levy in the following year. City staff will recommend financing options in the Tax and Rate Operating Budgets Variance Report as at December 31, 2023, that generally is presented to Committee and Council in April, should a deficit occur for 2023 operations.

Additional details, including impacts from supply chain delays and inflation, are presented in the Analysis and Rationale for Recommendation(s) section beginning on page 4 of Report FCS23063(a).

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**SUBJECT: Tax and Rate Operating Budgets Variance Report as at July 31, 2023
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2023 Budget Transfers, Extensions and Amendments

In accordance with the “Budget Control Policy” and “Budgeted Complement Control Policy”, staff is submitting 18 recommended items. The complement transfers, identified in Appendix “C” to Report FCS23063(a), move budgeted complement from one department / division to another to accurately reflect where the staff complement is allocated within the department / division for the purpose of delivering programs and services at desired levels, without impacting the tax levy or rate.

Eight of the complement changes staff is recommending are complement type changes from temporary unbudgeted positions to permanent positions, identified in Appendix “C” to Report FCS23063(a). The change to permanent positions has no impact to the 2023 operating levy as they will be funded from in-year operating program savings and incorporated into the 2024 Operating Budget.

The tax operating budget amendments, identified in Appendix “D” to Report FCS23063(a), move budget from one division or department to another. Completing this transfer simplifies the budget review process for the following year by ensuring comparable budget data.

Alternatives for Consideration – Not Applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: The financial information is provided in the Analysis and Rationale for Recommendation(s) section of Report FCS23063(a) beginning on page 4.

Staffing: Staffing implications of Report FCS23063(a) are detailed in Appendices “C” and “D”, which outline the 2023 staff complement transfers from one department / division to another or a change in complement type with no impact on the levy.

Legal: N/A

HISTORICAL BACKGROUND

Staff has committed to provide Council with three variance reports for the Tax Supported and Rate Supported Operating Budgets during the fiscal year. This is the second submission for 2023 based on the operating results as of July 31, 2023.

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POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Budget Control Policy (Appendix 1 to FCS12010, CBP – 2). The purpose of this Policy is to ensure that City staff has appropriate authority to manage budget resources to ensure programs and services are delivered in an effective and efficient manner. Council also requires assurance that budget resources are used for the purpose intended through the approval of the annual budget.

Budget Complement Control Policy (Appendix “A” to FCS16024, CBP – 1). The purpose of this Policy is to ensure that the City’s staff complement is managed in an effective and efficient manner. The policy provides guidance on transferring complement, increasing or decreasing complement and changing complement type.

RELEVANT CONSULTATION

Staff in all City of Hamilton departments and boards provided the information in Report FCS23063(a).

ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)

The following provides an overview of the more significant issues affecting the 2023 Tax and Rate Supported Operating Budget forecasted variances. Appendix “A” to Report FCS23063(a) summarizes the Tax Supported Operating Budget year-end variances by department and division and Appendix “B” to Report FCS23063(a) summarizes the Rate Supported Operating Budget variances by program.

Table 1 provides a summary of the projected operating results as at July 31, 2023. The projected Tax Supported Operating Budget surplus after applying all available COVID-19 recovery funding from senior levels of government is \$10.5 M or approximately 1.0% of the 2023 net levy. This percentage is in the range of historical percentages.

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Table 1

	2023 Approved Budget	2023 Year-End Forecast	2023 Variance (Forecast vs Budget)	
			\$	%
TAX SUPPORTED				
Planning & Economic Development	34,087	33,492	595	1.7%
Healthy and Safe Communities	301,355	305,881	(4,525)	(1.5)%
Public Works	294,461	301,644	(7,183)	(2.4)%
Legislative	5,596	5,639	(42)	(0.8)%
City Manager	15,423	15,865	(442)	(2.9)%
Corporate Services	45,548	42,772	2,775	6.1%
Corporate Financials / Non Program Revenues	(33,133)	(36,069)	2,936	8.9%
Hamilton Entertainment Facilities	150	0	150	100.0%
TOTAL CITY EXPENDITURES	663,488	669,224	(5,736)	(0.9)%
Hamilton Police Services	192,361	192,361	0	0.0%
Library	33,956	33,753	203	0.6%
Other Boards & Agencies	16,818	16,866	(49)	(0.3)%
City Enrichment Fund	6,575	6,575	(0)	(0.0)%
TOTAL BOARDS & AGENCIES	249,710	249,556	154	0.1%
CAPITAL FINANCING	156,410	140,287	16,123	10.3%
TOTAL OTHER NON-DEPARTMENTAL	406,120	389,843	16,278	4.0%
TOTAL TAX SUPPORTED	1,069,608	1,059,067	10,542	1.0%

COVID-19 Funding

During the COVID-19 pandemic, there were numerous announcements from the Federal and Provincial governments regarding funding opportunities to address financial pressures for individuals and organizations. Appendix “E” to Report FCS23063(a) provides a summary of all the net financial pressures from COVID-19 for 2023 and all funding from senior levels of government that were applied to offset the pressures. All of the City’s allocation of COVID-19 Recovery Funding for Municipalities Program (CRFMP) was utilized in 2022. For 2023, COVID-19 related pressures of \$23.7 M have been identified. Of this amount, \$14.4 M has dedicated funding sources and \$3.0 M has been approved by Council to be funded from the COVID-19 Emergency Reserve. The remaining pressure of \$6.3 M remains unfunded. City staff will recommend financing options in the Tax and Rate Operating Budgets Variance Report as at December 31, 2023, that generally is presented to Committee and Council in April, should a deficit related to COVID-19 pressures occur for 2023 operations.

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Tax Supported Operating Budget

Appendix “A” to Report FCS23063(a) summarizes the Tax Supported Operating Budget variances by department and division.

Through the 2023 Tax Supported Operating Budget process, Council approved a one-time gapping adjustment to be made in Corporate Financials to Fund 50% of the Hamilton Paramedic Service Business Cases in the amount of \$2,155,200 from gapping savings. This increased the 2023 gapping target from the previous \$5.1 M target for the year to \$7.3 M.

As shown in Table 2, at year-end, the corporate wide gapping actuals is projected to be \$11.9 M, compared to the corporate wide gapping target of \$7.3 M, resulting in a surplus of \$4.6 M.

Each department’s gapping variance (target versus projection) is detailed in the following sections, along with other departmental highlights.

Table 2

NET GAPPING BY DEPARTMENT	GAPPING TARGET (\$000's)	2023 PROJECTED GAPPING (\$000's)	VARIANCE (\$000's)
Planning & Economic Development	\$ 866	\$ 3,017	\$ 2,151
Healthy and Safe Communities	\$ 1,050	\$ 2,518	\$ 1,468
Public Works	\$ 2,247	\$ 2,663	\$ 416
Legislative	\$ 85	\$ (33)	\$ (118)
City Manager	\$ 229	\$ (10)	\$ (239)
Corporate Services	\$ 643	\$ 3,715	\$ 3,072
Corporate Financials (One-Time)	\$ 2,155	\$ -	\$ (2,155)
Consolidated Corporate Savings	\$ 7,275	\$ 11,870	\$ 4,595

Each department’s gapping variance (target versus projection) is detailed in the following sections, along with other departmental highlights.

Planning and Economic Development Department

The Planning and Economic Development Department is forecasting a surplus of \$595 K.

The General Manager division is projecting a surplus of \$122 K for the 2023 year end as a result of administrative expenditure savings and gapping.

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The Transportation Planning and Parking Division is projecting a surplus of \$51 K. This is mainly attributable to increased fees of \$699 K (on-street parking revenues, processing fees and other revenues) in addition to gapping savings of \$330 K. This was partially offset by reduced COVID-19 reserve funding due to higher parking revenue (\$418 K), higher than budgeted contractual parking staffing (\$184 K), financial processing costs and current year property taxes (\$255 K), and material and supply expenditures (\$81 K).

The Growth Management Division is projecting a \$87 K surplus. This is a result of savings in peer review consulting and administrative expenditures. \$2.6 M in revenues received in advance of applications being processed and a \$0.7 M projected gapping surplus will be transferred to the Development Fees Stabilization Reserve.

The Planning Division is projecting a \$333 K surplus relating to gapping of vacant positions. \$1.7 M in revenues received in advance of applications being processed and gapping of fee funded positions will be transferred to the Development Fees Stabilization Reserve.

The Building Division is projecting a deficit of \$40 K as a result of gapping pressures. \$1.9 M of building permit fees not yet processed will be transferred to the Building Permit Fees Revolving Fund.

The Economic Development Division is projecting a surplus of \$49 K as a result of loan applications, title fees and gapping savings partially offset by a decrease in airport property tax revenue.

Tourism and Culture and Licensing and By-Law Services are projecting a combined deficit of \$7 K as a result of increases in security expenditures and lost revenues (film site rentals), partially offset by gapping savings.

The Planning and Economic Development departmental gapping target is \$0.9 M for 2023. As at July 31, 2023, the projected year-end gapping amount is \$3.0 M, resulting in a projected surplus of \$2.1 M.

Healthy and Safe Communities Department

The Healthy and Safe Communities (HSC) is forecasting a deficit \$4.5 M.

The HSC Administration is projecting an unfavourable variance of \$219 K in 2023 due to \$89 K in COVID-19 related encampment costs, \$104 K due to additional temporary positions offset by step differential due to backfilling vacant positions and \$25 K due to software, consulting fees, direct and indirect costs.

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The Children's and Community Services is projecting a favourable variance of \$2.8 M due to phase two of workforce grant support being funded through transitional grant funding for an anticipated savings to the levy in the amount of \$2.3 M. There is also savings from gapping being projected in the amount of \$516 K.

The Ontario Works division is projecting an unfavourable variance of \$228 K in 2023. This is the result of a \$508 K pressure in stability supports and a \$145 K pressure in benefits for low-income clients. These pressures are slightly offset by a \$205 K surplus from maximizing available subsidies, \$136 K of union billings and gapping due to vacancies and \$84 K as a result of electronic data management.

The Housing Services is projecting an unfavourable variance of \$5.9 M in 2023. \$4.8 M is a result of unfunded COVID-19 costs to support Dorothy Day program (Arkledun) operating costs and the Women's emergency shelter transition plan. There is also a \$4.4 M pressure in the family system and related emergency hotel costs and a \$356 K pressure in payments to support client arrears to prevent evictions. This was partially offset by \$3.4 M in savings related to social housing provider annual reconciliation recoveries and \$256 K in other program related costs.

Long Term Care is forecasting an unfavourable variance of \$155 K. This is due to \$146 K in employee related costs including work accommodation, overtime and sick pay. Also, there is an unfavourable variance of \$430 K as a result of inflationary and cost increases in supplies, support and contract services. Offsetting the unfavourable variance partially is \$421 K of revenue adjustments including increased level of care funding.

Recreation is forecasting an unfavourable variance of \$573 K. This is due to lost revenue of \$691 K in food services from a program review resulting from COVID-19 restrictions which is slightly offset by gapping savings.

The Hamilton Fire Department is projecting an unfavourable variance of \$546 K in 2023. \$229 K is a result of unfunded COVID-19 overtime costs. \$215 K is a result of higher than budgeted vehicle expenses for parts and repairs due to price increases and \$103 K is a result of other operating costs projected to be higher than budgeted.

The Hamilton Paramedic Service is projecting a favourable variance of \$105 K in 2023. The majority of this is a result of in-year provincial funding received, projected savings in vehicle expenses, including fuel and higher than expected user fee revenue. Partially offsetting the favourable variance are increases in employee related costs including overtime and backfill costs to maintain front line operational staffing and operating expenses including operating supplies, medical equipment and prescription medication.

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Public Health Services is forecasting a favourable variance of \$200 K. This is primarily due to gapping.

The Healthy and Safe Communities departmental gapping target is \$1.1 M for the 2023 year. As at July 31, 2023, the projected year-end gapping amount is \$2.5 M resulting in a projected deficit of \$1.4 M.

Public Works Department

The Public Works Department is forecasting a deficit of \$7.2 M.

Most of the departmental deficit of \$5.7 M can be attributed to revenues being lower than budgeted across the department.

Transit is forecasting a net revenue deficit of \$4.7 M with contributing factors being a \$3.0 M reduction in fare revenues due to lower ridership numbers. The Province of Ontario introduced Safe Restart Funding in 2020 to assist municipalities and transit agencies with costs incurred arising from the COVID-19 pandemic. On July 14, 2023, the City of Hamilton received notice from the Ontario Ministry of Transportation that it must return \$7.9 M in unused Safe Restart Funding from Phases One and Three. This caused an unfavourable variance of \$2.1 M in unrealized Safe Restart Funding projected to be used in 2023. Taxi Scrip revenues are also down by \$241 K, but a \$634 K increase in PRESTO commissions helps offset some of the revenue deficit.

Waste Management is forecasting a net revenue deficit of \$1.2 M on commodities based on tonnages, year-to-date activities and actual versus budgeted commodity prices. Corporate Facilities and Energy Management is forecasting \$115 K in unrealized rent revenues and Engineering Services is forecasting a \$300 K surplus in Road Cut administrative program fees and permit revenues along with other user fee revenues collected for various Corridor Management activities administered by this section.

Although net contractual costs overall are projected to be overbudget by \$32 K. It is worthy to note that Transportation is anticipating a deficit in Roadway Snow Clearing – Hired Equipment for Winter Operations of \$933 K while Waste Management is anticipating a \$1.1M deficit mainly due from 2023 escalation factors calculating higher than budgeted. These deficits are offset by Transit anticipating a surplus of \$2.3 M from the DARTS and Taxi (TransCab and Taxi Scrip) contracts.

The Public Works departmental gapping target, included in the explanations above, is \$2.2 M for the 2023 year. As at July 31, 2023, the projected year-end gapping amount is \$2.6 M, resulting in a projected surplus of \$0.4 M.

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Legislative

The Legislative budget is projected to be at a slight deficit of \$42 K resulting from temporary staffing costs, unmet gapping targets, legal and membership fees, offset by savings in contractual, consulting and contingency budgets.

The Legislative departmental gapping target is \$85 K for 2023. As at July 31, 2023, the projected year-end gapping amount is (\$33 K), resulting in a projected deficit of \$118 K.

City Manager's Office

City Manager's Office (CMO) is projecting a deficit of \$442k in 2023.

The Human Resources Division is projecting a deficit of \$186 K. The main drivers of the projected deficit are related to additional costs for recruitment and retention efforts, offset by savings in training costs.

The CMO – Admin office is projecting deficit of \$183 K as a result of higher than budgeted staffing costs to support the new Council transition and City Manager's Office government relations function and recruitment costs.

The remaining divisions are forecasting a combined deficit of \$73 K. This is driven by unfavourable gapping.

City Manager's Office departmental gapping target is \$229 K for the 2023 year. As at July 31, 2023, the projected year-end gapping amount is (\$10 K), resulting in a projected deficit of \$239 K.

Corporate Services Department

Corporate Services is forecasting an overall surplus of \$2.7 M. The overall surplus is mainly the result of favourable gapping across several divisions in addition to savings of \$271 K in software / hardware savings in the Information Technology and Customer Service, POA and Financial Integration divisions.

The Corporate Services departmental gapping target is \$0.6 M for the 2023 year. As at July 31, 2023, the projected year-end gapping amount is \$3.7 M, resulting in a projected surplus of \$3.1 M.

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Corporate Financials / Non-Program Revenues

Corporate Financials / Non-Program Revenues are projected as a combined surplus of \$2.9 M. Contributing factors are identified as follows:

- Corporate Pensions, Benefits and Contingency: \$0.3 M deficit due to increased WSIB expenditures, slightly offset by lower retiree benefits.
- Corporate Initiatives: \$0.9 M deficit due to increased insurance premiums.
- Non-Program Revenues: Tax Remissions and Write Offs is forecasted at a \$740 K positive variance.
- Non-Program Revenues: Payment in Lieu (PIL) is expected to be in a surplus position of approximately \$773 K.
- Non-Program Revenues: Penalties and Interest is projected at a surplus of approximately \$1.5 M.
- Non-Program Revenues: Hydro Dividend and Other Interest is projected at a deficit of \$442 K.
- Non-Program Revenues: Supplementary Taxes is projected at a surplus of \$1.7 M.

Hamilton Entertainment Facilities (HEF)

HEF is projected to be at a year-end surplus of \$150 K. This is a result of budgeted insurance recoveries that are projected to be recovered from Hamilton Urban Precinct Entertainment Group (HUPEG).

Capital Financing

Capital financing is projected to be at a year-end surplus of \$16.1 M for debt principal and interest savings due to timing in the issuance of long-term debt.

Boards and Agencies

In Boards and Agencies, there is a projected surplus of \$0.2 M for Library attributable to favourable gapping. This is partially offset by unfavourable variance of \$49 K in the Hamilton Farmers' Market due to a shortfall in revenues.

Hamilton Police Services will be providing a forecast update to the Hamilton Police Services Board on September 28, 2023. The forecast being presented in this Report is in line with budget.

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OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**SUBJECT: Tax and Rate Operating Budgets Variance Report as at July 31, 2023
– Budget Control Policy Transfers (FCS23063(a)) (City Wide) –
Page 12 of 14**

Rate Supported Operating Budget

As at July 31, 2023, the Rate Supported Operating Budget is projecting a deficit of \$2.6 M mainly due to unfavourable revenues of \$0.1 M, and unfavourable operating expenses of \$2.5 M.

Revenues

As of July 31, 2023, total rate revenues had a surplus of \$0.3 M with a year-end forecast projected to be \$0.1 M unfavourable. The projected unfavourable variance is mainly due to a forecasted deficit in Industrial, Commercial and Institutional (ICI) customers of \$250 K. The 2023 budget accounted for a decrease in ICI due to a decline in the sector's consumption over the past several years. Additionally, there is a projected deficit of \$40 K in raw water as the raw water service line has been damaged and is temporarily out of commission. It is important to note that the single industrial customer supplied by the City's raw water system is temporarily having to use City potable water in lieu of raw water, hence, the deficit projected for the ICI sector has been partially mitigated.

Analysis of the top water users' consumption in Hamilton has revealed several large users have declined steadily over the past several years. Staff will continue to monitor the top users' usage and patterns throughout 2023 and possibly revise the 2024 consumption budget, if required.

Partially offsetting the project revenue deficit is a forecasted surplus of \$0.2 M from Haldimand. Haldimand's residential customer base continues to increase resulting in a continued trend of favourable revenues. The Residential sector and all other rate revenues are anticipated to be on budget for 2023.

Expenditures

Overall program spending for 2023 is projected to have a unfavourable variance of \$2.5 M. The driving factors behind this are shown in Table 3.

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**SUBJECT: Tax and Rate Operating Budgets Variance Report as at July 31, 2023
– Budget Control Policy Transfers (FCS23063(a)) (City Wide) –
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Table 3**City of Hamilton - Rate Budget Operating Expenditures Variance Drivers**

Expenditure Type	Variance (\$000s)
Capital Financing	3,414
Financial	(2,990)
Contractual	(3,015)
Employee Related Cost	1,109
Building & Ground	(693)
Material & Supply	(360)
Total Operating Expenditure	(2,535)

Capital Financing is projecting a favourable variance of \$3.4 M due to timing in the issuance of debt.

Financial expenditures are forecasting an unfavourable variance of \$2.9 M, mainly due to the Ministry order and fine related to the Chedoke Creek sewage spill.

Contractual Services is forecasting an unfavourable variance of \$3.0 M, mainly due to the utility locates contractual obligations associated with the Bill 93 and increased maintenance work at the Woodward Treatment Plant. The increased cost of the new locates contract will be adjusted in the 2024 Rate Budget process.

Employee related costs are estimating a favourable variance of \$1.1 M mainly due to net gapping savings realized from staff vacancies.

Building and Ground is forecasting an unfavourable variance of \$693 K mainly due to increased natural gas consumption at the Biosolids Facility due to the temporary closure and repair of a digester used in wastewater treatment at the Woodward Treatment Plant.

Material and Supplies is forecasting an unfavourable variance of \$360 K, mainly due to the inflationary increases in water distribution and wastewater collection operating supplies.

Appendix "B" to Report FCS23063(a) summarizes the Rate Budget results by program.

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– Budget Control Policy Transfers (FCS23063(a)) (City Wide) –
Page 14 of 14**

ALTERNATIVES FOR CONSIDERATION

N/A

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Our People and Performance

Hamiltonians have a high level of trust and confidence in their City government.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report FCS23063(a) – City of Hamilton Tax Operating Budget Variance Report as at July 31, 2023

Appendix “B” to Report FCS23063(a) – City of Hamilton 2023 Combined Water, Wastewater and Storm Operating Budget, Budget Variance Report as at July 31, 2023

Appendix “C” to Report FCS23063(a) – City of Hamilton Budget Amendment Schedule, Staff Complement Change

Appendix “D” to Report FCS23063(a) – City of Hamilton Budget Amendment Schedule, Budget Restatement

Appendix “E” to Report FCS23063(a) – City of Hamilton COVID-19 Pressures and Funding Sources – July 31, 2023

KP/dt

CITY OF HAMILTON
TAX OPERATING BUDGET VARIANCE REPORT AS AT JULY 31, 2023
 (\$ 000's)

	2023 Approved Budget	2023 Actuals to July 31	Projected Actuals to Dec. 31	2023 Projected Actuals vs Approved Budget		Comments/Explanations
				\$	%	
PLANNING & ECONOMIC DEVELOPMENT						
General Manager	1,627	719	1,505	122	7.5%	\$83 K gapping including less membership and conference costs, \$21 K Material and Supply with lower admin expenses & meetings, \$11 K Recoveries - budgeted space allocation savings for Climate Change Office where actuals will be charged in 2024, \$7 K Contractual savings in marketing and computers.
Transportation, Planning and Parking	3,234	1,531	3,183	51	1.6%	\$699 K increased revenues Admin fees, Fines, Parking revenue, Processing fees, Tow Fees, On-Street Parking Fees, On-Street Meter Revenue), \$330 K Gapping Partially offset by: (\$418 K) Reduced COVID reserve funding due to higher parking revenue (\$255 K) Current Year Property Taxes, Processing Fees, Credit Card Charges (\$184 K) Contractual: Imperial Parking staffing (\$81 K) Ticketing software & ticket expense
Building	1,203	(757)	1,243	(40)	(3.3)%	\$36 K net gapping. \$1.93 M excess Building permit fees will be transferred to reserve.
Economic Development	5,615	4,335	5,565	49	0.9%	\$230 K decrease in loan applications and decrease in Title Fees, \$80 K net gapping, \$53 K Grants and Subsidies - Starter Company Plus (SCP) Provincial Funding program spread across different fiscal period than City, \$41 K decrease in cost allocations for streetscape maintenance and staffing allocation from other divisions, \$12 K decrease in contractual in Corporate Real Estate Office (CREO) for property maintenance and cell phones, partially offset by \$367 K decrease in airport property tax revenue.
Growth Management	932	(3,537)	845	87	9.3%	\$689 K net gapping, \$100 K Legal recoveries not realized, \$60 K Consulting for peer review not anticipating to be used \$22 K Training and Memberships, \$2.6 M in surplus revenues. Partially offset by; \$3.4 M revenue deferral/reserve transfer.
Licensing & By-Law Services	7,227	3,914	7,211	16	0.2%	\$414 K net gapping; partially offset by \$255 K Unrealized Budgeted Covid reserve funding not required due to gapping savings, \$141 K reduced Licensing fees revenues.
Planning	3,788	(1,550)	3,455	333	8.8%	\$620 K net gapping, \$43 Professional memberships, \$1.4 M revenues higher than budget. Partially offset by; \$1.7 M reserve transfer.
Tourism & Culture	10,460	5,722	10,483	(23)	(0.2)%	\$78 K pressures in Security costs, \$72 K decreased Film revenues partially offset by \$64 K Savings in Building Repairs and Materials, \$56 K increased revenues in Rental, Admissions and Recoverable Services.
TOTAL PLANNING & ECONOMIC DEVELOPMENT	34,087	10,377	33,492	595	1.7%	
HEALTHY AND SAFE COMMUNITIES						
HSC Administration	3,074	1,905	3,293	(219)	(7.1)%	Unfavourable variance due to \$89 K COVID related Encampment Program costs, \$104 K due to additional temporary positions offset by step differential due to backfilling vacant positions and \$25 K due to software, consulting fees, direct and indirect costs
Children's and Community Services	11,278	3,364	8,450	2,828	25.1%	Favorable variance due to provincially funded transitional grant \$2.3 M and gapping \$516 K.
Ontario Works	13,539	6,410	13,767	(228)	(1.7)%	Unfavorable variance of \$228 K due to a \$549 K pressure in client benefits to find employment, \$145 K pressures in benefits for low income clients, offset by \$310 K of gapping due to vacancies, \$86 K through maximizing available subsidies, and \$70 K as a result of electronic data management net with other costs.
Housing Services	70,135	43,920	76,073	(5,938)	(8.5)%	Unfavorable variance due to \$4.8 M is a result of unfunded COVID costs to support Drop-Ins, Dorothy Day program supports and a temporary womens emergency shelter, \$4.4 M pressure in the family system and related emergency hotel costs, \$356 K pressure in payments to support client arrears to prevent evictions, offset by \$3.4 M in savings related to social housing provider annual reconciliation recoveries and \$256 K other program related costs.
Affordable Housing Secretariat	6	0	6	(0)	(0.1)%	Affordable Housing Secretariat is projecting no pressure in 2023.
Long Term Care	12,972	5,134	13,127	(155)	(1.2)%	Unfavorable variance due to \$146 K staffing costs, work accommodation, overtime, LTD, sick pay, cohorting, and \$430 K supply and support services costs. This is offset partially by \$421 K in revenue received greater than anticipated including increased level of care funding.
Recreation	37,935	19,069	38,508	(573)	(1.5)%	Unfavorable variance due to projected lost revenue in Food Services of \$691 K from program review resulting from Covid restrictions, as well as higher building costs \$844 K offset by savings in Employee Related due to Gapping of \$967 K from challenges in recruitment of required staff. This is mainly attributable to market conditions resulting from COVID.
Hamilton Fire Department	101,180	60,797	101,726	(546)	(0.5)%	Unfavorable variance due to overtime costs of COVID absences with no available funding assumption to offset the expenses, \$229 K, vehicle parts and repairs, \$214 K, and other contractual and operating costs \$103 K.
Hamilton Paramedic Service	35,874	19,141	35,769	105	0.3%	Favorable variance due to Provincial funding increase of \$935 K, lower than expected vehicle costs including fuel \$274K, and higher than expected user fee revenue \$125 K. Offset by pressures due to employee related costs including backfill costs and overtime (\$726 K), Operating costs including operating supplies, medical equipment, and prescription medication due to increases in prices (\$368 K), and unfunded COVID costs for enhanced cleaning (\$135 K).
Public Health Services	15,363	10,062	15,163	200	1.3%	Favourable variance primarily due to gapping.
TOTAL HEALTHY AND SAFE COMMUNITIES	301,355	169,802	305,881	(4,525)	(1.5)%	

- () Denotes unfavourable variance.

- Variances include eligible COVID related funding (identified in Appendix "E" to Report FCS23063(a))

CITY OF HAMILTON
TAX OPERATING BUDGET VARIANCE REPORT AS AT JULY 31, 2023
 (\$ 000's)

	2023 Approved Budget	2023 Actuals to July 31	Projected Actuals to Dec. 31	2023 Projected Actuals vs Approved Budget		Comments/Explanations
				\$	%	
PUBLIC WORKS						
PW-General Administration	(222)	5	0	(222)	100.0%	The General Administration Division is forecasting an unfavourable variance of (\$222 K) due to: • (\$222 K) gapping
Corporate Asset Management	2,379	1,065	2,811	(432)	(18.2)%	The Corporate Asset Management Division is forecasting an unfavourable variance of (\$432 K) due to: • (\$432 K) net variance due to temporary staff in CAM section offset by approved PW and Corporate wide gapping.
Corporate Facilities & Energy Management	14,685	8,681	16,171	(1,486)	(10.1)%	The Corporate Facilities and Energy Management Division is forecasting an unfavourable variance of (\$1.5 M) due to: • (\$500 K) Grey Cup anticipated unbudgeted expenses for snow removal, stadium preparations & game day costs • (\$100 K) Parks unbudgeted repairs and winterization • (\$272 K) Security guard costs vacant buildings due to increased vandalism • (\$258 K) Gapping not realized due to the amount of Cost Recovery for the Division • (\$120 K) Parks patrols, washroom assistance and other client driven security guard services • (\$115 K) Unrealized rent revenue
Engineering Services		(320)	(300)	300	0.0%	The Engineering Services division is forecasting a favourable surplus of \$300 K attributed to: • \$300 K surplus due to Road Cut Administrative Program fees and Permit Revenues along with other user fee revenues collected for various Corridor Management activities administered by this section.
Environmental Services	48,205	27,582	47,427	778	1.6%	The Environmental Services Division is forecasting a variance of \$778 K due to: • \$778 K gapping savings, above the gapping target, from known difficulties in hiring students and seasonal workers, rate differentials and periodic vacancies throughout the year.
Waste Management	48,650	27,210	51,356	(2,706)	(5.6)%	The Waste Management Division is projecting an unfavourable variance of (\$2.7 M) mainly due to: • (\$1.2 M) lower forecasted revenues on commodities based on tonnages, year-to-date activities and actual vs. budgeted commodity prices • (\$1.1 M) higher forecasted contractual costs mainly due from 2023 escalation factors calculating higher than budgeted. • (\$250 K) higher forecasted costs for site security at the Transfer Stations. To be included in the 2024 budget. • (\$78 K) higher forecasted Scale House contractual costs due to current contractor issues and needing to get an emergency contract in place. Tender to follow. • (\$63 K) Court Ordered Fine for odor issues at the Central Composting Facility
Transit	93,597	69,503	97,564	(3,967)	(4.2)%	The Transit Division is forecasting an unfavourable variance of (\$4.0 M) due to: Favourable variance of \$10.5 M driven by: • \$6.7 M Salaries and wages • \$1.5 M DARTS contract • \$829 K Taxi Contract (TransCab and Taxi Scrip) • \$634 K PRESTO commissions • \$484 K Fuel - positive Diesel price variance, negative natural gas fuel variance • \$152 K BRINKS charges and Other Fees and Services • \$139 K Tires and Tubes • \$109 K Ticket and Pass expenses Unfavourable variance of (\$14.5 M) driven by: • (\$7.9 M) Gapping targets not met from (\$4.0 M) in additional Overtime; (\$3.1 M) in Sick time and (\$762 K) in Stat Holiday and Vacation Pay. • (\$3.0 M) Fare Revenue • (\$2.1 M) Safe Restart Agreement Funding unrealized due to Provincial request to return funds • (\$1.3 M) Vehicle Parts - increased costs • (\$241 K) Taxi Scrip revenue
Transportation Operations & Maintenance	87,167	53,546	86,616	551	0.6%	The Transportation Division is forecasting a surplus of \$550 K mainly due to: Favourable variance of \$1.8 M due to: • \$1.8M net gapping savings due to seasonal staff due to hiring delays, staff vacancies attributed to normal staff turnover (retirements, job transfers, seasonal hiring, etc.). Unfavourable variances of (\$1.25 M) due to: • (\$933 K) in Roadway Snow Clearing - Hired Equipment for Winter Operations • (\$217 K) in Diesel Fuel and Unleaded Fuel • (\$104 K) in Consulting Services related to Snow Plow Route Optimization and Excess Soil
TOTAL PUBLIC WORKS	294,461	187,271	301,644	(7,183)	(2.4)%	

- () Denotes unfavourable variance.
 - Variances include eligible COVID related funding (identified in Appendix "E" to Report FCS23063(a))

CITY OF HAMILTON
TAX OPERATING BUDGET VARIANCE REPORT AS AT JULY 31, 2023
(\$ 000's)

	2023 Approved Budget	2023 Actuals to July 31	Projected Actuals to Dec. 31	2023 Projected Actuals vs Approved Budget		Comments/Explanations
				\$	%	
LEGISLATIVE						
Legislative General	(282)	(24)	(240)	(42)	15.0%	Gapping target not met, higher legal and membership fees, offset by savings in contingency, communications & contractual budgets.
Mavors Office	1,271	684	1,271	(0)	(0.0)%	
Volunteer Committee	121	13	121	(0)	(0.0)%	
Ward Budgets	4,486	2,273	4,486	0	0.0%	
TOTAL LEGISLATIVE	5,596	2,945	5,639	(42)	(0.8)%	
CITY MANAGER						
Auditor General	1,275	688	1,275	0	0.0%	Gapping savings due to vacancies offset by consulting costs.
CMO - Admin	276	279	459	(183)	(66.5)%	Temporary staffing to support Council transition and City Manager's Office government relations function; recruitment costs for City Manager
Communications and Strategic Initiatives	2,946	1,732	3,025	(79)	(2.7)%	Employee leave backfill costs.
Digital and Innovation Office	486	50	586	(100)	(20.7)%	Consulting costs for Term of Council priorities; temp staffing related to Our Citizen survey.
Government & Community Relations	1,367	673	1,260	107	7.8%	Vacant positions; unspent budget related to Government Relations external vendors.
Human Resources	9,075	4,936	9,261	(186)	(2.1)%	Additional costs related to recruitment and retention efforts (senior project manager) to be funded by corporate surplus; offset by savings in leadership development budget
TOTAL CITY MANAGER	15,423	8,357	15,865	(442)	(2.9)%	
CORPORATE SERVICES						
City Clerk's Office	3,697	2,494	3,668	28	0.8%	\$66 K Employee cost net of Gapping; partially offset by: (\$33 K) Marriage license costs, (\$5 K) Advertising; (\$5 K) Computer software
Customer Service, POA and Fin'l Integration	6,416	3,220	6,216	200	3.1%	\$149 K Employee cost net of Gapping, \$75 K Computer Software, \$28 K Operating cost, \$14 K Training; partially offset by: (\$67 K) Consulting costs
Financial Serv, Taxation and Corp Controller	4,668	2,053	4,402	266	5.7%	\$299 K Employee cost net of Gapping; partially offset by: (\$26 K) Consulting Services, (\$10 K) Tax Fee Revenue
Legal Services and Risk Management	4,950	4,502	4,632	318	6.4%	\$352 K Employee cost net of Gapping; partially offset by: (\$12 K) Training and Professional/Memberships/Dues, (\$12 K) Operating Costs, (\$10 K) Recoveries
Corporate Services - Administration	347	230	326	21	6.0%	\$12 K Training, \$5 K Contractual Services, \$3 K Membership Fees
Financial Planning, Admin & Policy	5,826	4,033	5,494	333	5.7%	\$350 K Employee cost net of Gapping, \$19 K in Facilities, \$10 K Training, \$6 K Union Fees; partially offset by: (\$32 K) Earned Interest, (\$21 K) Software and Services Purchases
Information Technology	19,643	10,072	18,034	1,609	8.2%	\$1.5 M Employee cost net of Gapping, \$196 K Software costs, \$57 K Facilities Costs; partially offset by: (\$124 K) Training and Conference costs, (\$50 K) Consulting Services, (\$17 K) Cell Phones
TOTAL CORPORATE SERVICES	45,548	26,605	42,772	2,775	6.1%	
CORPORATE FINANCIALS						
Corporate Initiatives	4,017	3,801	4,991	(974)	(24.2)%	Unfavourable variance as a result of higher insurance premiums.
Corporate Pensions, Benefits & Contingency	15,637	(2,085)	15,983	(346)	(2.2)%	Unfavourable variance as a result of higher WSIB expenditures, slightly offset by lower retiree benefits.
TOTAL CORPORATE FINANCIALS	19,654	1,715	20,974	(1,320)	(6.7)%	
HAMILTON ENTERTAINMENT FACILITIES						
Operating	150	3,065	0	150	100.0%	Insurance recoveries budgeted and projected to be recovered from HUPEG.
TOTAL HAMILTON ENTERTAINMENT FACILITIES	150	3,065	0	150	100.0%	
TOTAL CITY EXPENDITURES	716,274	410,138	726,267	(9,992)	(1.4)%	
CAPITAL FINANCING						
Debt-Healthy and Safe Communities	1,169	(549)	660	509	43.5%	
Debt-Planning & Economic Development	1,304	0	25	1,279	98.1%	
Debt-Public Works	33,165	0	19,553	13,612	41.0%	
Debt-Corporate Financials	105,911	101,597	105,187	724	0.7%	
Infrastructure Renewal Levy	13,429	13,429	13,429	(0)	(0.0)%	
TOTAL CAPITAL FINANCING	154,977	114,477	138,854	16,123	10.4%	Surplus in principal and interest savings due to timing in the issuance of debt.

- () Denotes unfavourable variance.

- Variances include eligible COVID related funding (identified in Appendix "E" to Report FCS23063(a))

CITY OF HAMILTON
TAX OPERATING BUDGET VARIANCE REPORT AS AT JULY 31, 2023
(\$ 000's)

	2023 Approved Budget	2023 Actuals to July 31	Projected Actuals to Dec. 31	2023 Projected Actuals vs Approved Budget		Comments/Explanations
				\$	%	
BOARDS & AGENCIES						
Police Services						
Operating	192,361	108,042	192,361	0	0.0%	The June 30, 2023 variance report will be provided to the Hamilton Police Services Board on September 28, 2023.
Capital Financing	1,235	0	1,235	0	0.0%	
Total Police Services	193,596	108,042	193,596	0	0.0%	
Other Boards & Agencies						
Library	33,956	10,242	33,753	203	0.6%	Due to favourable gapping.
Conservation Authorities	8,930	6,371	8,930	0	0.0%	
Hamilton Beach Rescue Unit	6,833	50	6,833	0	0.0%	(\$47 K) decrease in rental revenue, (\$13 K) Utility increase, (\$12 K) expected bad debt expense; partially offset by \$32 K Gapping savings.
Royal Botanical Gardens	143	438	143	0	0.0%	
MPAC	660	5,125	660	0	0.0%	
Farmers Market	251	34	300	(49)	(19.5)%	
Total Other Boards & Agencies	50,774	22,260	50,619	154	0.3%	
Capital Financing - Other Boards & Agencies	198	0	198	(0)	(0.0)%	
City Enrichment Fund	6,575	3,448	6,575	(0)	(0.0)%	
TOTAL BOARDS & AGENCIES	251,143	133,750	250,988	154	0.1%	
TOTAL EXPENDITURES	1,122,395	658,365	1,116,109	6,285	0.6%	
NON PROGRAM REVENUES						
Slot Revenues	(5,695)	(2,623)	(5,695)	0	0.0%	Assumed on budget for year-end.
Investment Income	(4,800)	(29,072)	(4,800)	0	0.0%	Assumed on budget for year-end.
Hydro Dividend and Other Interest	(6,568)	(2,236)	(6,126)	(442)	6.7%	Based on 2023 experience.
Tax Remissions and Write Offs	8,818	(570)	8,078	740	8.4%	Based on 2023 actuals.
Payment In Lieu	(17,519)	(18,736)	(18,291)	773	0.0%	Based on 2023 experience.
Penalties and Interest	(11,500)	(8,122)	(13,000)	1,500	(13.0)%	Based on 2023 experience.
Riight of Way	(3,230)	(3,229)	(3,229)	0	0.0%	Assumed on budget for year-end.
Senior Tax Credit	534	595	549	(14)	(2.7)%	Based on 2023 experience.
Supplementary Taxes	(10,130)	30	(11,830)	1,700	(16.8)%	Based on 2023 experience.
POA Revenues	(2,698)	(1,213)	(2,698)	0	0.0%	Assumed on budget for year-end.
TOTAL NON PROGRAM REVENUES	(52,787)	(65,177)	(57,043)	4,256	0.0%	
TOTAL LEVY REQUIREMENT	1,069,608	593,188	1,059,067	10,542	1.0%	

- () Denotes unfavourable variance.
 - Variances include eligible COVID related funding (identified in Appendix "E" to Report FCS23063(a))

CITY OF HAMILTON
2023 COMBINED WATER, WASTEWATER AND STORM OPERATING BUDGET
BUDGET VARNCE REPORT as of July 31, 2023

	2023 Council Approved Budget	2023 YTD Actuals as at July 31st	2023 Full-year Forecast	2023 Projected Variance	
	\$			\$	%
OPERATING EXPENDITURES:					
Divisional Administration & Support	11,498,313	6,801,761	14,487,813	(2,989,500)	(26.0%)
Woodward Upgrades	1,953,429	1,005,860	1,953,429	-	0.0%
Customer Service & Community Outreach	6,923,785	3,266,907	8,998,306	(2,074,521)	(30.0%)
Compliance & Regulations	7,843,466	4,326,496	7,732,610	110,856	1.4%
Water Distribution & Wastewater Collection	24,239,426	11,566,227	24,239,426	-	0.0%
Plant Operations	35,866,472	21,313,667	36,862,400	(995,928)	(2.8%)
Plant Maintenance	12,563,094	7,342,287	12,563,094	-	0.0%
Capital Planning & Delivery	5,306,737	2,764,105	5,306,737	-	0.0%
Watershed Management	1,642,718	697,390	1,642,718	-	0.0%
Wastewater Abatement Program	1,142,465	643,528	1,142,465	-	0.0%
Alectra Utilities Service Contract	6,010,198	3,575,241	6,010,198	-	0.0%
Utilities Arrears Program	500,328	111,854	500,328	-	0.0%
Sewer Lateral Management Program	325,000	124,592	325,000	-	0.0%
Hamilton Harbour Remedial Action Plan	604,011	149,143	604,011	-	0.0%
Protective Plumbing Program (3P)	752,938	230,384	752,938	-	0.0%
Financial Charges	86,118	-	86,118	-	0.0%
Sub-total	117,258,498	63,919,443	123,207,592	(5,949,094)	(5.1%)
Capital and Reserve Recoveries	(8,746,180)	(253,708)	(8,746,180)	-	0.0%
Operating Expenditures Sub-Total	108,512,318	63,665,735	114,461,412	(5,949,094)	(5.5%)
Capital and Reserve Impacts on Operating					
Contributions to Capital					
Water Quality Initiatives	64,300,080	62,960,080	62,960,080	1,340,000	2.1%
Wastewater	54,231,042	54,901,042	54,901,042	(670,000)	(1.2%)
Stormwater	14,822,000	15,492,000	15,492,000	(670,000)	(4.5%)
Sub-Total Contributions to Capital	133,353,122	133,353,122	133,353,122	(0)	(0.0%)
Contributions for DC Exemptions					
Water Quality Initiatives	2,520,000	-	2,520,000	-	0.0%
Wastewater	4,590,000	-	4,590,000	-	0.0%
Stormwater	1,890,000	-	1,890,000	-	0.0%
Sub-Total Contributions for DC Exemptions	9,000,000	-	9,000,000	-	0.0%
Capital Debt Charges					
Water Quality Initiatives	11,694,759	-	7,973,746	3,721,013	31.8%
Wastewater	13,229,466	-	7,728,980	5,500,486	41.6%
Stormwater	3,780,708	-	2,921,146	859,562	22.7%
DC Debt Charges Recoveries	(7,123,627)	-	(457,127)	(6,666,500)	93.6%
Sub-Total Debt Charges	21,581,306	-	18,166,745	3,414,561	15.8%
Sub-Total Capital Financing	163,934,428	133,353,122	160,519,867	3,414,561	2.1%
Reserve Transfers	-	(92)	-	-	0.0%
Sub-Total Capital and Reserve Impacts on Operating	163,934,428	133,353,030	160,519,867	3,414,561	2.1%
TOTAL OPERATING EXPENDITURES	272,446,747	197,018,765	274,981,279	(2,534,532)	(0.9%)

**CITY OF HAMILTON
2023 COMBINED WATER, WASTEWATER AND STORM OPERATING BUDGET
BUDGET VARIANCE REPORT as of July 31, 2023**

	2023 Council Approved Budget	2023 YTD Actuals as at July 31st	2023 Full-year Forecast	2023 Projected Variance \$ %	
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REVENUES:

Rate Revenue

Residential	121,736,239	60,036,887	121,736,239	0	0.0%
Industrial/Commercial/Institutional/Multi-res	128,334,602	59,728,453	128,084,602	(250,000)	(0.2%)
Haldimand	3,606,687	2,046,221	3,806,687	200,000	5.5%
Halton	310,553	175,213	310,553	-	0.0%
Raw Water	190,100	111,157	150,100	(40,000)	(21.0%)
Non-Metered	1,100,000	357,803	1,100,000	-	0.0%
Private Fire Lines	1,800,000	1,026,146	1,800,000	-	0.0%
Hauler / 3rd Party Sales	1,892,800	1,304,973	1,892,800	-	0.0%
Overstrength Agreements	3,439,098	1,377,226	3,439,098	-	0.0%
Sewer Surcharge Agreements	7,005,322	3,548,095	7,005,322	-	0.0%
Sub-Total Utility Rates	269,415,402	129,712,174	269,325,402	(90,000)	(0.0%)

Non-Rate Revenue

Local Improvement Recoveries	275,850	179,551	275,850	-	0.0%
Permits / Leases / Agreements	1,151,958	308,220	1,151,958	-	0.0%
Investment Income	450,000	-	450,000	-	0.0%
General Fees and Recoveries	1,153,537	735,581	1,153,537	-	0.0%
Sub-Total Non-Rate Revenue	3,031,345	1,223,352	3,031,345	-	0.0%

TOTAL REVENUES	272,446,747	130,935,526	272,356,747	(90,000)	(0.0%)
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NET SURPLUS / (DEFICIT)	(0)	66,083,239	(2,624,532)	(2,624,532)	
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**CITY OF HAMILTON
BUDGET AMENDMENT SCHEDULE**

STAFF COMPLEMENT CHANGE

Complement Transfer to another division or department and/or change to complement type ^(1,2)

ITEM #	TRANSFER FROM				TRANSFER TO			
	Department	Division	Position Title (2)	FTE	Department	Division	Position Title (2)	FTE
1	Planning & Economic Development	Licensing and Bylaw Services	Licensing Compliance Officer Municipal Law Enforcement Officer Hearing Tribunal Prosecutor	0.50 0.16 0.34	Planning & Economic Development	Licensing and Bylaw Services	Project Manager- Licensing & Bylaw Services	1.00
	Explanation: Converting a (0.5 FTE) Licensing Compliance Officer (Grade K), (0.16 FTE) Municipal Law Enforcement Officer (Grade K), and a (0.34 FTE) Hearing/Tribunal Prosecutor (Grade 5) to (1.0 FTE) Project Manager (Grade 5). With an increased need for Licensing and Bylaw Services involvement, the Project Manager will aid in getting ahead of those trends with ensuring to develop, implement and enforce new and existing City by-laws.							
2	Healthy and Safe Communities	Children's and Community Services	Senior Project Manager CWELCC	1.0	Healthy and Safe Communities	Children's and Community Services	Senior Project Manager CWELCC	1.0
	Explanation: Temporary roles were created to successfully implement the new Canada-wide Early Learning and Child Care (CWELCC) agreement. Given these roles are required on an ongoing permanent basis to support the continued implementation of CWELCC which focuses on affordability and accessibility of high quality licensed child care, we are seeking Council approval to convert the roles from temporary to permanent. There will be no levy impact as the positions will be fully funded by CWELCC funding.							
3	Healthy and Safe Communities	Children's and Community Services	Supervisor, Human Services	1.0	Healthy and Safe Communities	Children's and Community Services	Supervisor, Human Services	1.0
	Explanation: Temporary roles were created to successfully implement the new Canada-wide Early Learning and Child Care (CWELCC) agreement. Given these roles are required on an ongoing permanent basis to support the continued implementation of CWELCC which focuses on affordability and accessibility of high quality licensed child care, we are seeking Council approval to convert the roles from temporary to permanent. There will be no levy impact as the positions will be fully funded by CWELCC funding.							
4	Healthy and Safe Communities	Children's and Community Services	Business Administrator	1.0	Healthy and Safe Communities	Children's and Community Services	Business Administrator	1.0
	Explanation: Temporary roles were created to successfully implement the new Canada-wide Early Learning and Child Care (CWELCC) agreement. Given these roles are required on an ongoing permanent basis to support the continued implementation of CWELCC which focuses on affordability and accessibility of high quality licensed child care, we are seeking Council approval to convert the roles from temporary to permanent. There will be no levy impact as the positions will be fully funded by CWELCC funding.							
5	Healthy and Safe Communities	Children's and Community Services	Communications Officer	1.0	Healthy and Safe Communities	Children's and Community Services	Communications Officer	1.0
	Explanation: Temporary roles were created to successfully implement the new Canada-wide Early Learning and Child Care (CWELCC) agreement. Given these roles are required on an ongoing permanent basis to support the continued implementation of CWELCC which focuses on affordability and accessibility of high quality licensed child care, we are seeking Council approval to convert the roles from temporary to permanent. There will be no levy impact as the positions will be fully funded by CWELCC funding.							
6	Healthy and Safe Communities	Children's and Community Services	Child Care Contract Analyst	1.0	Healthy and Safe Communities	Children's and Community Services	Child Care Contract Analyst	1.0
	Explanation: Temporary roles were created to successfully implement the new Canada-wide Early Learning and Child Care (CWELCC) agreement. Given these roles are required on an ongoing permanent basis to support the continued implementation of CWELCC which focuses on affordability and accessibility of high quality licensed child care, we are seeking Council approval to convert the roles from temporary to permanent. There will be no levy impact as the positions will be fully funded by CWELCC funding.							
7	Healthy and Safe Communities	Children's and Community Services	Community Services Program Analyst	1.0	Healthy and Safe Communities	Children's and Community Services	Community Services Program Analyst	1.0
	Explanation: Temporary roles were created to successfully implement the new Canada-wide Early Learning and Child Care (CWELCC) agreement. Given these roles are required on an ongoing permanent basis to support the continued implementation of CWELCC which focuses on affordability and accessibility of high quality licensed child care, we are seeking Council approval to convert the roles from temporary to permanent. There will be no levy impact as the positions will be fully funded by CWELCC funding.							
8	Healthy and Safe Communities	Children's and Community Services	Senior Project Manager Business Supports	1.0	Healthy and Safe Communities	Children's and Community Services	Senior Project Manager Business Supports	1.0
	Explanation: Temporary roles were created to successfully implement the new Canada-wide Early Learning and Child Care (CWELCC) agreement. Given these roles are required on an ongoing permanent basis to support the continued implementation of CWELCC which focuses on affordability and accessibility of high quality licensed child care, we are seeking Council approval to convert the roles from temporary to permanent. There will be no levy impact as the positions will be fully funded by CWELCC funding.							
9	Healthy and Safe Communities	Housing Services	Housing Admin Clerk	1.0	Healthy and Safe Communities	Housing Services	ISCIS/HIS Specialist	1.0
	Explanation: Housing Services would like to convert Job Code 2717 (Housing Admin Clerk) salary grade F to Job Code:2337 (ISCIS/HIS Specialist) with a salary grade H. Housing Admin Clerk position's responsibilities have shifted over time to provide greater support to the Access to Housing social housing waitlist program and Integrated Housing System software instead of administrative tasks. This reflects both the automation of many administrative tasks and the increased volume of work within the Access to Housing program. This conversion would not increase Housing Services FTE count. The Housing Admin Clerk position is currently vacant. The increase in cost for 2023 can be mitigated through the vacancy.							
10	Healthy and Safe Communities	Housing Services	Senior Project Manager	1.0	Healthy and Safe Communities	Housing Services	Senior Project Manager	1.0
	Explanation: Housing services is seeking council approval to convert position #13672 from temporary to permanent. This role will continue to provide support for mandatory, ongoing services and operations such as HIFIS software system management as per our service agreement with the Fed gov't under Reaching Home. This conversion would increase Housing Services FTE count by 1.00 and will have no impact to the levy as it is 100% Federal funded.							
11	Healthy and Safe Communities	Hamilton Fire Department	Senior Project Manager	1.00	Healthy and Safe Communities	HSC Administration	Senior Project Manager(HSI & Fire)	1.00
	Explanation: Housing services is seeking council approval to convert position #13786 from temporary to permanent. This role will continue to provide support for ongoing services and operations such as HSI and Fire. This conversion would increase HSC Administration FTE count by 1.00.							
12	Public Works	Transportation	Concrete Finisher	1.0	Public Works	Transportation	Project Manager - P&C	1.0
	Explanation: To approve the conversion of a Concrete Finisher (CUPE 5167 Grade E) to a Project Manager - P&C (CUPE 1041 Grade 6). Budget variance will be absorbed within the current operating budget to result in no net levy increase.							
13	Public Works	Transportation	Concrete Finisher	1.0	Public Works	Transportation	Inspector - Technical Operations	1.0
	Explanation: To approve the conversion of a Concrete Finisher (CUPE 5167 Grade E) to a Inspector - Technical Operations (CUPE 5167 Grade M). Budget variance will be absorbed within the current operating budget to result in no net levy increase.							
14	Public Works	Transportation	Concrete Finisher	1.0	Public Works	Transportation	Supervisor - Roadway Maintenance	1.0
	Explanation: To approve the conversion of a Concrete Finisher (CUPE 5167 Grade E) to a Supervisor - Roadway Maintenance (CUPE 1041 Grade 5). Budget variance will be absorbed within the current operating budget to result in no net levy increase.							
15	Public Works	Transportation	Concrete Finisher	1.0	Public Works	Transportation	Supervisor - Compliance	1.0
	Explanation: To approve the conversion of a Concrete Finisher (CUPE 5167 Grade E) to a Supervisor - Compliance (CUPE 1041 Grade 5). Budget variance will be absorbed within the current operating budget to result in no net levy increase.							
16	Public Works	Transportation	Concrete Finisher	1.0	Public Works	Transportation	Superintendent - Compliance	1.0
	Explanation: To approve the conversion of a Concrete Finisher (CUPE 5167 Grade E) to a Superintendent - Compliance (non-union Grade 7). Budget variance will be absorbed within the current operating budget to result in no net levy increase.							
17	Public Works	Transportation	Winter Roads Operators	9.28	Public Works	Transportation	Summer Roads Operators	9.28
	Explanation: To approve the conversion of Temporary Winter Roads Operators (CUPE 5167 Grade E) to a Permanent Roads Operators (CUPE 5167 Grade D). Budget variance will be absorbed within the current operating budget to result in no net levy increase.							

18	Public Works	Transportation	Winter Roads Operators	6.72	Public Works	Transportation	Winter Roads Operators	6.72
Explanation: To approve the conversion of Temporary Winter Roads Operators (CUPE 5167 Grade E) to a Permanent Winter Roads Operators (CUPE 5167 Grade E). There is no net levy impact on these conversions.								

Note - Complement transfers include the transfer of corresponding budget.

- (1) - All other budgeted complement changes that require Council approval per Budgeted Complement Control Policy must be done through either separate report or the budget process (i.e. Increasing/decreasing budgeted complement).
- (2) - If a position is changing, the impact of the change is within 1 pay band unless specified.

**CITY OF HAMILTON
BUDGET AMENDMENT SCHEDULE**

BUDGET RESTATEMENT

Budget Transfer to another division or department



ITEM #	TRANSFER FROM			TRANSFER TO		
	<u>Department</u>	<u>Division</u>	<u>Amount</u>	<u>Department</u>	<u>Division</u>	<u>Amount</u>
1	Healthy and Safe Communities	Hamilton Fire Department	\$134,780	Healthy and Safe Communities	HSC Administration	\$134,780
Explanation: To transfer the forecasted savings due to statutory payments in 2023 and also transfer base budget dollars for 2024.						

Note - Above budget transfers remain in the same cost category.



CITY OF HAMILTON
CORPORATE SERVICES DEPARTMENT
Legal and Risk Management Services Division

CORPORATE SERVICES DEPARTMENT
Financial Services Division

TO:	Chair and Members Audit, Finance and Administration Committee
COMMITTEE DATE:	October 5, 2023
SUBJECT/REPORT NO:	Commercial Relationship between City of Hamilton and Fairway Electrical Services Inc. (LS23032/FCS23101) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Patricia D'Souza (905) 546-2424 Ext. 4637 Tina Iacoe (905) 546-2424 Ext. 2796
SUBMITTED BY:	Lisa Shields, City Solicitor, Legal and Risk Management Services Division, Corporate Services Department
SIGNATURE:	
SUBMITTED BY:	Shelley Hesmer, Acting Director Financial Services and Taxation & Corporate Controller Corporate Services Department
SIGNATURE:	

RATIONALE FOR CONFIDENTIALITY

Discussion of Private & Confidential Appendix "A" to Report LS23032/FCS23101 in closed session would be pursuant to Section 9.3 of the City of Hamilton's Procedural By-law 21-021, as amended, and Section 239(2)(i) of the Ontario *Municipal Act, 2001*, as amended, as the subject matter pertains to:

- litigation or potential litigation, including matters before administrative tribunals, affecting the City or a local board; and,

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SUBJECT: Commercial Relationship between City of Hamilton and Fairway Electrical Services Inc. (LS23032/FCS23101) (City Wide)**Page 2 of 7**

- the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

RATIONALE FOR MAINTAINING CONFIDENTIALITY

Staff are recommending that the Private & Confidential Appendix “A” to Report LS23032/FCS23101 remain confidential as it includes details of ongoing litigation affecting the City of Hamilton (City) and revealing the content of this Appendix “A” and the discussion of, or direction on, legal strategy such as negotiations, could be compromised by public disclosure and would harm the City’s interests.

RECOMMENDATIONS

- (a) That, due to the impairment of the commercial relationship between the City of Hamilton and Fairway Electrical Services Inc. that has resulted from litigation proceedings, a ban be imposed upon Fairway Electrical Services Inc. and any of its related corporate or individual entities from competing on or being awarded any City contract until and including October 11, 2025, or the litigation resolves, whichever is sooner;
- (b) That staff be directed to reject any current and future bids, proposals or quotations received from Fairway Electrical Services Inc. or any of its related corporate or individual entities, until and including October 11, 2025, or the litigation resolves, whichever is sooner;
- (c) That the City of Hamilton does not enter into any contract with Fairway Electrical Services Inc., or any of its related corporate or individual entities until and including October 11, 2025, or the litigation resolves, whichever is sooner; and,
- (d) That Appendix “A” to Report LS23032/FCS23101 remain confidential as it contains details regarding ongoing litigation affecting the City and the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

EXECUTIVE SUMMARY

Fairway Electrical Services Inc. (“Fairway”) is currently in litigation with the City of Hamilton. It is the view of staff that the litigation has impaired the commercial relationship between Fairway and the City, and as such, Fairway should be prohibited from being awarded any City Contract for a period of two years, to allow for the litigation to be concluded.

**SUBJECT: Commercial Relationship between City of Hamilton and Fairway
Electrical Services Inc. (LS23032/FCS23101) (City Wide)**

Page 3 of 7

The contract giving rise to this litigation is Contract No. C11-65-17 (the “Contract”) for the maintenance and repairs of high and low voltage electrical equipment and systems for various City of Hamilton facilities. Fairway was awarded the Contract in October 2017 for an initial one-year term, with four optional renewal terms.

Fairway sued the City in May 2022 for claims relating to the performance of the Contract. The litigation is currently ongoing.

The Contract ended on October 31, 2022, and City staff have issued a Request for Tenders for this same work, which closes on October 12, 2023. It is not known how many other contractors will bid on this project. Banning Fairway from bidding may or may not impact the bidding process in the circumstances.

Alternatives for Consideration – See Page 7

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: At the time of this Report, City staff has issued a Request for Tenders C11-33-23, a Tender for Maintenance and Repairs of High and Low Voltage Electrical Equipment and Systems for Various City of Hamilton Facilities and Request for Tenders C13-24-23 for Electrical Infrastructure Installation for Electric Fleet Vehicle Charging Stations. Banning Fairway will decrease the eligible number of bidders for these Request for Tenders, as well as any other future bids, proposals or quotations, and may result in the City paying more than it would otherwise have paid.

Staffing: Not Applicable

Legal: The City’s right to ban a vendor from future bids where the commercial relationship between the City and the vendor has been impaired, is set out in the Procurement Policy By-law No. 20-205 as amended. Further legal implications are set out in Confidential Appendix “A” to Report LS23032/FCS23101.

HISTORICAL BACKGROUND

In 2017, Fairway was the successful bidder on Contract No. C11-65-17 (the “Contract”) for the maintenance and repairs of high and low voltage electrical equipment and systems for various City-owned facilities, including:

- Central Public Library
- First Ontario Centre
- Hamilton City Hall

SUBJECT: Commercial Relationship between City of Hamilton and Fairway Electrical Services Inc. (LS23032/FCS23101) (City Wide)

Page 4 of 7

- Hamilton Convention Centre
- Hamilton Place
- Parking Underground
- Tim Hortons Field
- Lister Block
- Hamilton Farmer's Market

The initial term of the Contract was for one year with the option to extend the Contract for four additional one-year terms (five years in total, starting on or around October 5, 2017). It was subsequently renewed for the optional additional four terms, on the same terms and conditions as the initial Contract, ending on October 31, 2022.

Issues arose between the parties with respect to billing during the third term of the Contract (November 1, 2019, to October 31, 2020) which resulted in Fairway issuing a civil claim against the City in May 2022. The litigation is currently ongoing.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

By-Law 20-205 as amended, Procurement Policy, Policy #1 – Vendor Eligibility allows the City to exercise its discretion to reject any future bid, proposal or quotation from Fairway or any of its related corporate or individual entities, in accordance with the terms of the City's Procurement Policy which states until such time as Council considers that the commercial relationship between the parties is no longer impaired. The relevant portions of the Policy appear in the Analysis section below.

RELEVANT CONSULTATION

- Corporate Facilities & Energy Management Division, Public Works Department

ANALYSIS AND RATIONALE FOR RECOMMENDATION

As indicated above, Fairway has commenced litigation against the City in relation to Contract No. C11-65-17, for maintenance and repairs of high and low voltage electrical equipment and systems for various City facilities. Due to the nature of the allegations contained in the legal claim, the details of which are set out in Confidential Appendix "A" to Report LS23032/FCS23101, this litigation has impaired the commercial relationship between Fairway and the City.

The City of Hamilton's By-Law No. 20-205, as amended, Procurement Policy, Policy #1 – Vendor Eligibility, Subsection 4.1 (2)(a) states, in part, the following:

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SUBJECT: Commercial Relationship between City of Hamilton and Fairway Electrical Services Inc. (LS23032/FCS23101) (City Wide)**Page 5 of 7**

- “(2) Without limiting or restricting any other right or privilege of the City and regardless of whether or not a Bid otherwise satisfies the requirements of a Request for Prequalifications, RFP or RFT, the City may reject any Bid from a vendor where,
- (a) in the opinion of the City, the commercial relationship between the City and the vendor has been impaired by the act(s) or omission(s) of such vendor including but not limited to any one or more of the following having occurred within the five year period immediately preceding either the date on which the RFP or RFT is awarded or the date on which the vendor has been shortlisted pursuant to a Request for Prequalifications:
 - (i) the vendor being involved in Litigation with the City;
 - (xi) any other act or omission by the vendor that the City deems to impair the commercial relationship between the City and the vendor.
 - (b) in the opinion of City there are reasonable grounds to believe that it would not be in the best interests of the City to enter into a contract with the vendor.”

Subsection 4.1 (4) and (5) of Policy #1 states the following:

- “(4) In the circumstances described in subsections (2) and (9), the City may, in addition or in the alternative to rejecting a Bid from a vendor, ban a vendor from competing for or being awarded any City contract for a period of up to ten years.
- (5) Without limiting or restricting any other right or privilege of the City, the City may refuse to enter into a contract with a vendor where any of the circumstances described in (2)(a), (2)(b) or (9) of this Policy # 1 have occurred within the five-year period preceding the date on which the refusal to enter into the contract is approved by Council. In addition, or in the alternative to refusing to enter into the contract, the City may ban a vendor from competing for or being awarded any City contract for a period of up to ten years as approved by Council.”

SUBJECT: Commercial Relationship between City of Hamilton and Fairway Electrical Services Inc. (LS23032/FCS23101) (City Wide)

Page 6 of 7

Proposed Ban:

Staff is recommending that, pursuant to Subsection 4.1 (4) of the Procurement Policy, Council impose a ban on Fairway from competing for or being awarded any City Contract for a period of two years from the date of this Report or until the litigation resolves, whichever is sooner, to allow for the litigation to be disposed of, either via informal settlement, order and/or final judgment. In accordance with this ban and the City's authority under subsection 4.1(2)(a) of the Procurement Policy, staff are also recommending Council direct staff to reject any current and future bids, proposals or quotations received from Fairway Electrical Services Inc. or any of its related corporate or individual entities, for this same period.

Impact of Ban on other Projects:

Fairway currently holds three contracts with the Public Works Department:

- C13-30-22 Tender for Streetlighting Maintenance
- C15-70-22 Tender for Homestead Drive - Streetlighting Upgrades
- C15-73-22 Tender for Streetlighting Upgrades for Three Locations

The proposed ban for two years or until the litigation resolves, whichever is sooner, should not impact the administration or completion of these other contracts. If Fairway's performance under these other contracts is satisfactory, such that staff wish to exercise any renewals of those contracts, if applicable, they can do so. However, should staff feel that Fairway has exhibited unsatisfactory performance, staff are equally free to not exercise any renewal and carryout a further procurement process for those goods and/or services.

Committee and Council are also advised that, at the time of this Report, Fairway is currently a registered participant for Request for Tenders C11-33-23, a Tender for Maintenance and Repairs of High and Low Voltage Electrical Equipment and Systems for Various City of Hamilton Facilities and Request for Tenders C13-24-23 for Electrical Infrastructure Installation for Electric Fleet Vehicle Charging Stations. Both Requests for Tenders are due to close on October 12, 2023. It is not known how many vendors will bid on these projects. The scope of work that is included in these Request for Tenders is similar, if not identical work to the work that is the subject of the current litigation between the City and Fairway. As such, it is the opinion of staff that the commercial relationship between the parties has been impaired by this litigation. Should Council approve this Report, Fairway and any of its related corporate or individual entities shall be precluded from participating as eligible bidder to RFT C11-33-23 and C13-24-23 and any other tender, proposal or quotation until such time as approved by Council.

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**SUBJECT: Commercial Relationship between City of Hamilton and Fairway
Electrical Services Inc. (LS23032/FCS23101) (City Wide)****Page 7 of 7**

ALTERNATIVES FOR CONSIDERATION

- 1) Council could allow Fairway to continue to bid on all City projects despite the fact the contractor has initiated litigation against the City. Doing so would ensure that the total number of bidders on any City project would not be affected by this dispute. It is possible that Fairway would be the lowest bidder or preferred vendor on one or more future projects and allowing the contractor to bid might result in cost-savings to the City. However, permitting Fairway to bid would entail the risks as enumerated in the Confidential Appendix "A" Section of this report.
- 2) Council may wish to consider a shorter or longer ban than the proposed two-year ban.

ALIGNMENT TO THE 2016-2025 STRATEGIC PLAN**Economic Prosperity and Growth**

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop

Our People and Performance

Hamiltonians have a high level of trust and confidence in their City government.

APPENDICES AND SCHEDULES ATTACHED

Confidential Appendix "A" to Report LS23032/FCS23101

- Commercial Relationship between City of Hamilton and Fairway Electrical Services Inc

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CITY OF HAMILTON M O T I O N

AUDIT, FINANCE AND ADMINISTRATION: September 21, 2023

MOVED BY COUNCILLOR C. KROETSCH.....
SECONDED BY COUNCILLOR

Hamilton Police Services and Hamilton Public Library Surpluses and Deficits

WHEREAS, the City of Hamilton is the primary funder for Hamilton Police Services and Hamilton Public Library;

WHEREAS, the City of Hamilton is legislatively required to approve the Hamilton Police Services Board and Hamilton Public Library Board of Directors approved budgets for Hamilton Police Services and Hamilton Public Library;

WHEREAS, the City of Hamilton approves the disposition of any year end surpluses and deficits for Hamilton Police Services and Hamilton Public Library;

WHEREAS, the Hamilton Police Services Board and Hamilton Public Library Board of Directors approve any year-end surplus or deficit related transfers exclusive of Hamilton City Council consideration and approval; and

WHEREAS, the Hamilton Police Services Board and Hamilton Public Library Board of Directors have approved reserve policies in keeping with City of Hamilton Reserve policies;

THEREFORE, BE IT RESOLVED:

- (a) That City staff coordinate with Hamilton Police Services to prepare an amendment to the year-end closing process whereby Council would receive and approve any Hamilton Police Services Board recommendations related to transfer funds to and from reserves relating to year-end surpluses and deficits; and
- (b) That City staff coordinate with Hamilton Public Library to prepare an amendment to the year-end closing process whereby Council would receive and approve any Hamilton Public Library Board of Directors recommendations related to transfer funds to and from reserves relating to year-end surpluses and deficits.