



May 18<sup>th</sup>, 2018

Mr. Chris Philips  
 Senior Advisor, West Harbour Re-Development Project  
 Planning & Economic Development Department  
**City of Hamilton**  
 71 Main St. W, 7th Floor,  
 Hamilton, ON L8P 4Y5

**Subject: Pier 8 Development Opportunity RFP (RFP # C11-66-17).**

Chris:

P1 Consulting acted as the Fairness Monitor to review and monitor the communications, evaluations and decision-making processes that were associated with the City of Hamilton’s Pier 8 Development Opportunity RFP (RFP # C11-66-17).

P1 Consulting was engaged as Fairness Monitor by the City of Hamilton prior to the release of the RFQ, was actively involved in monitoring and reviewing the RFQ and RFP process, including providing related fairness advice to the City.


Up to and including the date of this report, in our role as Fairness Monitor, P1 Consulting has made certain that the following steps were taken to ensure a fair and transparent process:

#	Task	Fair (Yes / No)
1.	Reviewed draft RFQ/RFP documentation to identify potential inconsistencies or lack of clarity in the RFP and provide feedback to the City	Yes
2.	Ensured that project meetings (mandatory or not) were clearly identified in the RFQ/RFP and confirmed there were no meetings related to the procurement that the Proponents were not notified of	Yes
3.	Ensured that: <ul style="list-style-type: none"> <li>• The time and method of the closing were clearly identified in the RFQ/RFP</li> <li>• The Mandatory requirements were adhered to for the Submissions and they were reviewed in accordance with the City’s policies</li> </ul>	Yes Yes
4.	Attended and monitored all meetings with Proponents	Yes
5.	Ensured that answers were made available to all Proponents for all questions that were submitted	Yes
6.	Reviewed Proponent questions and the City’s responses	Yes
7.	Reviewed and approved amendments and addenda	Yes
8.	Ensured that the evaluation criteria and process were included in the RFQ/RFP	Yes
9.	Reviewed evaluation, scoring procedures and related documents (Evaluation Framework) with respect to clarity & consistency	Yes
10.	Confirmed confidentiality commitments by all Evaluators	Yes
11.	Attended internal meetings related to the evaluation process	Yes
12.	Ensured that the composition of the evaluation committee adhered to the evaluation process	Yes
13.	Attended and monitored evaluation consensus sessions	Yes
14.	Ensured that the evaluation criteria were applied consistently and fairly	Yes

#	Task	Fair (Yes / No)
15.	Ensured that the financial evaluation was adhered to as set out in the RFQ/RFP	Yes
16.	Reviewed evaluation results	Yes
17.	Confirmed that the evaluation results were consistent with our observations	Yes
18.	Attended the Debriefing Meetings for unsuccessful Proponents to ensure they were conducted fairly and consistently	Yes - RFQ Pending - RFP
19.	Provided a final report of the conclusion of the procurement process on the fairness, openness and transparency of the process	Yes

As the Fairness Monitor for the **City of Hamilton's Pier 8 Development Opportunity RFP (RFP # C11-66-17)**, we certify that, at the time at which this letter was prepared, the principles of fairness, openness and transparency have, in our opinion, been maintained throughout procurement process. Furthermore, no issues emerged during the process, of which we were aware, that would impair the fairness of this initiative.

Yours truly,



Stephanie Braithwaite, Fairness Monitor  
P1 Consulting Inc.

cc: Jill Newsome, Vice President, P1 Consulting  
Louise Panneton, President, P1 Consulting

City of Hamilton

**Pier 8 Development Opportunity RFP  
(C11-66-17)**

**Fairness Monitor's Report  
May 18, 2018  
FINAL**



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## 1. Project Highlights

### 1.1 Project Background and Objectives

On April 18<sup>th</sup>, 2017 the City of Hamilton (the “City”) initiated a two (2) stage solicitation process to select a Developer to purchase Pier 8 West Harbour Lands (the “Development”).

The solicitation process was a call to identify a qualified developer interested in purchasing prime waterfront lands with the intent to develop a new, mixed-use community. This sale offering is for 5.24 hectares of serviced, development-ready land, integrated with a remarkable public recreation area. The City’s goal is for Pier 8 to be the heart of Hamilton’s revitalized, urban waterfront, supported by a mix of residential, retail, community, and cultural uses.

The Request for Qualification (RFQ) phase was used to determine a short-list of qualified Proponents that was eligible to submit Proposals in response to the Request for Proposals (RFP) issued as stage two (2) of the solicitation process for the Development.

### 1.2 Fairness Engagement Scope of Work

P1 Consulting was retained in December 2016 to perform fairness advisory and monitoring services and provide an independent attestation on the procurement process. Our mandate included the following Fairness advisory and monitoring services:

#### **Advisory services**

Throughout the Pier 8 Solicitation Process, provide advice on various procedural items that may affect the fair and transparent delivery of the Pier 8 Solicitation Process including:

- Reviewing Pier 8 Solicitation Process documents to ensure that described protocols and instructions do not create a risk, whether real or perceived, of an unfair Pier 8 Solicitation Process, or leaves such documents susceptible to intentional re-interpretation for unfair advantage;
- Providing orientation and training to Project Managers who shall be involved in the execution of the Pier 8 Solicitation Process.
- Providing advice on the composition and implementation of an Evaluation Committee for either the Pier 8 RFQ and Pier 8 RFP stages;
- Providing advice on the compilation and operation of the Data Room;
- Providing advice on the development, establishing use protocols, implementation, and monitoring the use of any and all tactics and tools used to help assess submissions and identify an eventual Successful Developer Proponent;
- Providing advice on protocols which shall be adhered to when interacting with Pier 8 RFQ applicants or Prequalified Proponents, whether in writing or in person;
- Advising on the fairness of any solutions or alternate methodologies devised by the City to contend with situations that may arise during the Pier 8 Solicitation Process that had not previously been contemplated; and

- Any other advice that may be requested by the City, which is within the realm of expertise of the Fairness Monitor.

### **Monitoring services**

In addition to advisory services, the Fairness Monitor’s primary role was to monitor the execution of the Pier 8 Solicitation Process and provide an independent evaluation of the City’s adherence to fairness and transparency requirements established in the Pier 8 RFQ, Pier 8 RFP, and other related policies of the City, including the consistent treatment of all Pier 8 RFQ applicants and Prequalified Proponents, and consistent application of evaluation criteria and procedures. A significant part of the Fairness Monitor’s scope of work was to attend various meetings to observe and immediately report any known or perceived contraventions of the requirements or protocols established in the Pier 8 RFQ or Pier 8 RFP.

These meetings may include but are not limited to:

- Meetings between City project team and Pier 8 RFQ applicants or Prequalified Proponents;
- Meetings between members of the Pier 8 Evaluation Committee and project team; and
- Meetings amongst Pier 8 Evaluation Committee members.

## **2. Competitive Selection Process – Request for Qualification**

### **2.1 Development of the Request for Qualification**

P1 Consulting reviewed the RFQ prior to it being publicly posted and all of our comments related to fairness were satisfactorily addressed by the City. We confirm that, from a fairness perspective, the requirements were clear and the RFQ provided the Proponents a fair process. The RFQ was posted on April 18, 2017.

### **2.2 RFQ Open Period Process**

Throughout the RFQ open period, the City responded to the questions from the Proponents and issued Addenda to provide greater clarity on the requirements and process. P1 Consulting reviewed all documents that were posted to confirm that they were acceptable from a fairness perspective. The open period included information meetings for interested potential Applicants. A Fairness representative participated in all meetings and confirms that for all of these meetings and any related feedback to Proponents, the proceedings were consistent and in accordance with the RFQ and City procurement policy.

### **2.3 RFQ Evaluation Preparation**

The evaluation process and roles and responsibilities of all participants in the RFQ evaluation process was documented within the City’s Evaluation Framework. The Framework was finalized prior to any activity related to the RFQ evaluation being undertaken. P1 Consulting

reviewed the Framework and confirmed that all our fairness comments were satisfactorily addressed prior to it’s distribution to the evaluators.

All participants in the evaluation process, including evaluators, and subject matter experts, participated in a training session in preparation for their role in the process. Each participant was required to sign a conflict of interest declaration, which included a continued commitment to the avoidance of conflicts and respect of confidentiality commitments. Project participants were notified of the appointment of a Fairness Monitor. There were no conflicts identified which prevented a party from participating in the RFQ evaluation.

#### **2.4 RFQ Responses Receipt and Compliance**

The RFQ Closing Deadline was July 10, 2017, 16:30, and the Prequalification Submissions were received at the City’s Procurement Office. Thirteen (13) Prequalification Submissions were received in advance of the deadline.

The City’s procurement department undertook a review to ensure that the Submissions met the administrative mandatory requirements. The evaluation participants were granted access to the Prequalification Submissions that met the mandatory requirements.

#### **2.5 Evaluation of the RFQ**

The evaluation of the Prequalification Submissions was undertaken in three phases, completeness and compliance, assessment of financial strength and technical evaluation. Each of the evaluation Teams undertook the evaluation based on the RFQ criteria and established Evaluation Framework. For the Financial Strength and Technical evaluations, a group consensus evaluation process followed the individual evaluation. The Teams engaged in a fulsome exchange of views leading to evaluation results, which were agreed to by the respective teams and were summarized in a consensus report. The Evaluators performed their roles diligently through the evaluation process.

P1 Consulting was engaged as needed in the completeness and compliance process and attended all of the consensus meetings and observed that the proceedings were in accordance with the RFQ and Evaluation Framework. P1 confirms that the process was fair, transparent and unbiased.

#### **2.6 Recommendation of Prequalified Proponents**

To conclude the RFQ evaluation process, the Financial Strength and Technical results were consolidated with the Team’s comments and scores to summarize the evaluation process. Five (5) Prequalified Proponents and one Reserve Prequalified Proponent was shortlisted through the RFQ process and were invited to proceed to the subsequent RFP stage:

- GulfDream
- Daniels

- Waterfront Shores
- Tridel
- Urban Capital / Core Urban
- West Harbour Limited Partnership (Reserve)

P1 Consulting attended all Consensus Evaluation and Steering Committee meetings and observed that the proceedings were in accordance with the RFQ and Evaluation Framework, and confirm that they were fair, transparent and unbiased.

### **2.7 Debriefings with Unsuccessful Proponents**

P1 Consulting attended all debriefing meetings and observed they were conducted in a fair manner and in accordance with the RFQ framework and internal policies.

## **3. Competitive Selection Process – Request for Proposal**

### **3.1 Development of the Request for Proposal**

P1 Consulting reviewed the RFP prior to it being posted for the Prequalified Proponents and all of our comments related to fairness were satisfactorily addressed by the City. We confirm that, from a fairness perspective, the requirements were clear and the RFP provided the Proponents a fair process. The RFP was posted on December 15, 2017.

### **3.2 RFP Open Period Process**

Throughout the RFP open period, the City responded to the questions from the Proponents and issued Addenda to provide greater clarity on the requirements and process. P1 Consulting reviewed all documents that were posted to confirm that they were acceptable from a fairness perspective. The open period included two rounds of Commercially Confidential Meetings (CCMs) to allow for more interactive discussion of commercially confidential questions related to the Proponent’s solution and clarification of the City’s requirements. A Fairness representative participated in CCMs and reviewed any questions and answers in association with the CCM process to ensure fairness. P1 confirms that for all of these meetings and any related feedback to Proponents the proceedings were fair, consistent and in accordance with the RFP.

### **3.3 RFP Evaluation Preparation**

The evaluation process and roles and responsibilities of all participants in the RFP evaluation process was documented within the City’s Evaluation Framework. The Framework was finalized prior to any activity related to the RFP evaluation being undertaken. P1 Consulting reviewed the Framework and confirmed that all our fairness comments were satisfactorily addressed prior to the Framework being distributed to the evaluators.



All participants in the evaluation process, including evaluators, and subject matter experts, participated in a training session in preparation for their role in the process. Each participant was required to sign a conflict of interest declaration, which included a continued commitment to the avoidance of conflicts and respect of confidentiality commitments. Project participants were notified of the appointment of a Fairness Monitor. There were no conflicts identified which prevented a party from participating in the RFP evaluation.

### **3.4 RFP Submission Receipt and Compliance**

The RFP Submission Deadline was March 13, 2018, 15:00 for Technical Submissions and April 4, 2018 15:00 for Financial and Public Presentation Submissions. Submissions were received in accordance with the RFP via the City's Procurement Office. Submissions were received from the following four (4) Prequalified Proponents in advance of the Submission Deadline:

- GulfDream
- Tridel
- Urban Capital / Core Urban
- Waterfront Shores

The City's Procurement Management Office undertook a review to ensure that the Responses met the mandatory conformance requirements. Following resolution of any irregularities in accordance with the process established within the RFP, the evaluation participants were granted access to the submissions that met the completeness and mandatory requirements.

All four Submissions met the completeness and mandatory requirements in accordance with the RFP and Evaluation Framework, and so all evaluation participants were granted access to the Submissions.

### **3.5 Evaluation of the Technical Submissions**

The Technical Evaluation Team (TET) undertook the individual evaluation and scoring of Submissions based on the RFP evaluation criteria. A group consensus evaluation process followed the individual evaluation. The TET engaged in a fulsome exchange of views leading to evaluation results, which were agreed to by the Team and were summarized in a consensus report that was presented to the evaluation Steering Committee. The TET performed their roles diligently through the evaluation process.

P1 Consulting attended all of the consensus meetings and observed that the proceedings were in accordance with the RFP and Evaluation Framework. P1 confirms that the process was fair, transparent and unbiased.

### **3.6 Evaluation of the Financial Submissions**

The Financial Evaluation Team (FET) undertook the individual evaluation and scoring of Submissions based on the RFP rated criteria. A group consensus evaluation process followed

the individual evaluation. The FET engaged in a fulsome exchange of views leading to evaluation results, which were agreed to by the Team and were summarized in a consensus report that was presented to the Steering Committee. The FET performed their roles diligently through the evaluation process.

P1 Consulting attended all of the consensus meetings and observed that the proceedings were in accordance with the RFP and Evaluation Framework. P1 confirms that the process was fair, transparent and unbiased.

### **3.7 Final Result**

Please refer to Appendix 1 of this Report, included as a separate document.

### **3.8 Debriefings with Unsuccessful Proponents**

P1 Consulting anticipates attendance at future debriefing sessions with unsuccessful Proponents, however cannot comment on the fairness of this process as they have not taken place as of the issuance date of this Report.

## 4. Conclusion

Our fairness review was conducted without influence and as of the date of this report, we confirm that we are satisfied that, from a fairness perspective, the procurement processes that we observed related to the RFP have been conducted in a fair, open and transparent manner. As Fairness Monitor for the Pier 8 Development Opportunity RFP, we are satisfied that the evaluation process up to and including the identification of the Preferred Proponent, the City has followed the procedures in accordance with the applicable RFP documentation and internal policy, and that the participants followed the procedures and fairly applied the evaluation criteria.



Stephanie Braithwaite,  
Fairness Monitor, P1 Consulting

cc: Jill Newsome, Vice President, P1 Consulting  
Louise Panneton, President, P1 Consulting