Pier 8 Development Opportunity RFP Evaluation Process and Governance

Presented to General Issues Committee

Chris Phillips
Sr. Advisor, West Harbour Re-Development Project

June 6, 2018
AGENDA

1. Recommendations and Alternatives for Consideration

2. Previous Council Approvals
   - What was approved?
   - What was the rationale?
   - Why is it important?

3. RFP Process
   - Governance Structure
   - Role of the Fairness Monitor
   - Scoring
   - Proponents
   - Workflow
   - Technical Evaluation Criteria & Evaluation
   - Financial Evaluation
   - Public Presentation Materials & Public Commentary

4. Next Steps
Recommendations

Report PED14002(h):

a) That the Proponent identified in Confidential Appendices “D” and “E” to Report PED14002(h) be approved as the Preferred Proponent for the Request for Proposal Contract Number C11-66-17 entitled “Pier 8 Development Opportunity for Prequalified Proponents”, and that following a final Council decision on the Proponent, Appendix “D” remain a Confidential document and Appendix “E” be available for release to the public;

b) That staff be authorized and directed to negotiate a Development Agreement between the City of Hamilton and the Preferred Proponent (identified in confidential Appendix “B” to Report PED14002(h)) required to give effect to Contract Number C11-66-17 for the Pier 8 Development Opportunity, with content satisfactory to the City Manager and in a form satisfactory to the City Solicitor;

c) That the Mayor and the City Clerk be authorized and directed to execute the Development Agreement and any ancillary agreements and documents required to give effect to Contract Number C11-66-17 for the Pier 8 Development Opportunity in a form satisfactory to the City Solicitor and report back for information;

d) That the Fairness Monitor’s Report, attached as Appendix “B” to Report PED14002(h), which certifies that RFP C11-66-17 was completed in a fair, open, and transparent manner, be received;

e) That the properties owned by the City of Hamilton identified as the “Subject Lands” in RFP C11-66-17, as shown in Appendix “C” attached to Report PED14002(h), be declared surplus to the requirements of the City of Hamilton, in accordance with the “Procedural By-law for the Sale of Land” being By-law No. 14-204, and made available for sale without the requirement for an appraisal.
Primary Alternatives for Consideration

Report PED14002(h): Page 24-25

a) Council can approve the Recommendations in which case staff will proceed to negotiate and finalize the Development Agreement with the Preferred Proponent.

b) Council can reject the Recommendation.
Council Approval
April 8, 2015

Report PED14002(b) – GIC Report 15-008

Bring the Pier 5-8 lands to “Development-Ready” by 2018
Council Approval
November 9, 2016
Report PED14002(c) – GIC Report 16-028
West Harbour Real Estate Solicitation Process for Pier 8 Lands
RFQ - RFP - Negotiation - Procurement Process

- Key team members
- Track record
- Financial capacity
- How do values align with the City’s?

- Detailed concept
- Visuals and drawings that reflect concept
- Financial business plan and pricing
- Demonstrate innovation and value-add that addresses City’s priorities
- Presentations to Council and public

April 18, 2017
Q.3 2017
Q.1 2018

- Final sales details
- Ground rules for relationship with City
- What-if scenarios
Measures of Success

✓ Winning proponent brings a best-in-class concept plan that is innovative and reflects City’s values

✓ City raises funds from sale of lands while also retaining some control over the long-term development of the site

✓ The waterfront is further enhanced as a desirable place for visitors and local residents – profile of the City is elevated

✓ Hamilton is regarded by development industry and public sector peers as a leader in partnered city-building projects

From Nov 2, 2016 GIC Presentation
Solicitation Process Recommendation: Balanced Inputs

- Real Estate Disposition Process
- Public Procurement Process
- Municipal Decision Making Process

Pier 8 Solicitation Process

**Principles:**
- Open Process
- Fair Process
- Consistent Process
- Competitive Process
- Transparent Process
  - For Public
  - For Proponents
  - Clear Evaluation Criteria
  - Clear Evaluation Process
- Clear Oversight
  - Steering Comm.
  - Fairness Monitor
- Limitation on External Communications
Solicitation Process Recommendation: Balanced Inputs

Public Input (Community Consultations)

Industry Input (Market Soundings)

Technical Input (Framework Docs, Best Practices, Staff Expertise, Consultants)

Staff Report

Council Decision

From Nov 2, 2016 GIC Presentation
Sequence of Events & Approvals: Original

May 2016: Urban Design Study adopted by Council

November 2016: Council approves recommended Solicitation Process

2016

Council & Subcommittee Briefings + Public Workshops + Market Soundings

May 2016: Urban Design Study adopted by Council

November 2016: Council approves recommended Solicitation Process

2017

RFP released to Shortlist

April 2017: Council approves RFP Evaluation Criteria

2018

RFP responses received

October 2018 End of Council Term

Q1 2018: Finalist(s) identified / Council approves negotiation strategy

Council approves entering of contracts

2019

Design Review Panel review of Site Plan stage designs

Proponent presentations and interviews

From Nov 2, 2016 GIC Presentation
Council Approval
July 14, 2017
Report PED14002(e) – GIC Report 17-015
Pier 8 RFP Evaluation & Scoring Framework

<table>
<thead>
<tr>
<th>Table 1: RFP Evaluation Scorecard</th>
<th>Score Allocation</th>
<th>Maximum Subsection Score</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Technical Proposal</td>
<td></td>
<td></td>
</tr>
<tr>
<td>A1. Development Plan</td>
<td>60%</td>
<td></td>
</tr>
<tr>
<td>Plan Overview – Technical Specifications</td>
<td></td>
<td>30%</td>
</tr>
<tr>
<td>Plan Overview and Design Excellence</td>
<td></td>
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<td>Residential Program</td>
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<td>Environmental Sustainability</td>
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<td>Public Presentation Materials</td>
<td></td>
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<tr>
<td>A2. Urban Innovation</td>
<td>15%</td>
<td></td>
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<td>A3. Project Implementation Plan</td>
<td>15%</td>
<td></td>
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<td>Ownership and Financing</td>
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<tr>
<td>A. Financial Proposal</td>
<td>40%</td>
<td>40%</td>
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<tr>
<td>Total Proposal Score</td>
<td>100%</td>
<td>100%</td>
</tr>
</tbody>
</table>

Total Score = Technical Proposal Score + Financial Proposal Score
Evaluation Approach: Peer Review Research

• Looked at same peer examples from PED 14002(c):
  – City of Victoria, Dockside Lands
  – City of Vancouver, Southeast False Creek
  – National Capital Commission, Lebreton Flats
  – Waterfront Toronto, Bayside

• Lessons learned:
  – Potential trade-off between technical elements and financial bids
  – Implementation is as important as conceptual plan and financial bid
  – Design against scenarios where outcome can be manipulated
  – Wide scope of objectives, means criteria and scoring gets complicated / diluted → Keep RFP scope narrower to allow focus on priority objectives

From July 10, 2017 GIC Presentation
Council Approval
November 22, 2017
Report PED14002(f) – GIC Report 17-024
Pier 8 RFP Financial Bid Structure

1. One-time payment (for entire Project, not per block) upon execution of contracts → certainty, immediacy

2. Minimum Purchase Price (MPP) Paid by Proponent per block. Receipt of payment effects purchase and sale transaction → certainty

3. Upon issuance of development permit, independent appraisal is completed to determine True FMV → participation

4. FMV Share Payment = FMV Share rate x (True FMV – MPP)

5. After occupancy and stabilization, Value-Add Share Payment will be calculated as percentage of gross revenues (condos), or capital value income producing properties → participation

Variable Payments

Value-Add Share Payment
(no guideline minimum)

FMV Share Payment
(minimum rate 50% of gap)

Guaranteed Payments

Minimum Purchase Price
Payment
(no guideline minimum)

Upfront Payment
(minimum $1m)

True Fair Market Value
## Financial Proposals: Primary Objectives

<table>
<thead>
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<th>Objective</th>
<th>Rationale</th>
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<tr>
<td>Retain Control of Lands</td>
<td>• City retains leverage to ensure development occurs as agreed&lt;br&gt;• Mitigates exposure to potential counterparty risks&lt;br&gt;• City can continue to use owned lands as it wishes subject to mutual agreement&lt;br&gt;• Potentially beneficial to developer as well – acquisition capital only needs to be deployed when closer to revenue-generating potential</td>
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<td>Certainty of Payments</td>
<td>• Allows City to budget around timing and amount of revenues&lt;br&gt;• Protects against future volatility in pricing</td>
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<td>Immediacy of Payments</td>
<td>• Proceeds can be re-deployed to other priority areas at the City</td>
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<tr>
<td>Participate in Value Increases</td>
<td>• City makes some degree of “return” for de-risking the lands and promoting a marketable development vision&lt;br&gt;• City is rewarded for selecting a talented developer that can create value&lt;br&gt;• Objective appraisal, not the developer, determines the pricing the City receives&lt;br&gt;• City benefits from future inflation and value appreciation</td>
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</table>
Fairness Monitor’s role is designed to achieve several objectives:

• Confirm no barriers to open competition and that the requirements are clear to the Proponents – review procurement documents

• Confirm that all have access to the same information – attend all meetings with Proponents and review communication with the Proponents during the open period

• Confirm that appropriate measures are in place to address conflicts of interest and to ensure confidentiality

• Confirm that all submissions are treated fairly and consistently – review the evaluation process and criteria, including training materials, evaluation guides and attendance at consensus sessions

• Involved in any issues that relate to fairness throughout process

Deliverable: Prepare and submit a Fairness Report and Attestation that comments on the fairness of the procurement process
Evaluation Process: Scoring

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<td>A1.5. Environmental Sustainability</td>
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# Submitting Proponent Teams

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<tr>
<th>Proponent</th>
<th>Core Team Members</th>
<th>Lead Architect</th>
</tr>
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<tbody>
<tr>
<td>GulfDream</td>
<td>• Great Gulf&lt;br&gt;• Dream Unlimited</td>
<td>• Hariri Pontarini Architects</td>
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<tr>
<td>Tridel</td>
<td>• Deltera Inc. o/a Tridel</td>
<td>• architectsAlliance</td>
</tr>
<tr>
<td>Urban Capital / Core Urban</td>
<td>• Urban Capital&lt;br&gt;• Core Urban&lt;br&gt;• Milborne Real Estate</td>
<td>• Saucier + Perrotte&lt;br&gt;• RAW Design</td>
</tr>
<tr>
<td>Waterfront Shores</td>
<td>• Cityzen Development&lt;br&gt;• Fernbrook Homes Group&lt;br&gt;• GFL Environmental&lt;br&gt;• Greybrook Realty Partners</td>
<td>• KPMB Architects</td>
</tr>
</tbody>
</table>
1. Technical Proposal Compliance
   - Land uses, height, density, parking, floor areas
   - No OPA permitted – minor variance / re-zoning permitted
   - Affordable housing guideline
   - LEED / low-energy performance targets

2. Technical Proposal Evaluation
   - Consistent approach to evaluate highly variable Proposals
   - Technical features & higher-order city-building objectives
   - Encourage innovation and “big ideas” while being pragmatic about implementation and risk exposure
Evaluation Process: Workflow

3. Financial Proposal Compliance
   – Land use / floor area allocations must be consistent with Technical Proposal Development Plan
   – Upfront Payment not less than $1 million
   – FMV Share rate not less than 50%

4. Financial Proposal Evaluation
   – Discounted cash flows based on Bid Form 2 inputs, summarized as a single notional Present Value to City
   – Model mechanics and most base assumptions were disclosed in advance

5. Steering Committee Meeting(s)
   – Compliance, Financial, and Technical Teams presented their findings separately, confidentially to Steering Committee
   – Recommendations of all three Evaluation Teams were combined to identify a final Preferred Proponent
Technical Evaluations

• Consensus approach
  – Aligns with holistic scoring
  – Range of perspectives, open discussion
  – Score against criteria, not against each other

• Comprehensiveness of response
  – Specificity (e.g., quantifiable measures, locations, timing, etc.)
  – Execution plan/partners
  – Degree of commitment, limited conditions (especially when not in Proponent’s control)
  – Risk/reward profile

• Full spectrum of scoring
  – 50th percentile is average
Technical Evaluations

**RFP Instructions**

Topics Proposals were asked to address

**Technical Features**

To what extent does the Proposal exhibit features of a technically strong Proposal?

**Decision Drivers**

How successful is the Proposal in fulfilling the City’s higher-order desires and interests?

**Holistic Scores**

How technically competent is the Proposal, and to what extent do proposed features promote the City’s broader goals?

- Desired Outcomes
- How, and to what extent?
- City’s Interests

- Development Plan Score (30)
- Urban Innovation Score (15)
- Implementation Plan Score (15)
- Total Technical Score (60)
Setting Sail & Community Vision

1. Setting Sail: Secondary Plan for West Harbour
   (adopted in 2005 and approved in 2012)

Setting Sail is a comprehensive plan for the West Harbour, including the entire Pier 7 + 8 Study Area. It identifies eight planning principles to guide development throughout the West Harbour:
- Promote a healthy harbour;
- Strengthen existing neighbourhoods;
- Provide safe, continuous public access along the water's edge;
- Create a diverse, balanced and animated waterfront;
- Enhance physical and visual connections;
- Promote a balanced transportation network;
- Celebrate the City’s heritage, and;
- Promote excellence in design.

WEST HARBOUR VISION DRAFT 1.0

Historic West Harbour has been the arrival point, the departure point, and a meeting place for generations of people. Many have made the West Harbour communities of Central, Beasley, the North End and Strathcona home for their families and their businesses. As an integral part of the residential, commercial, recreational, and creative heart of Hamilton, its residents have created a unique and dynamic culture that, together, are the West Harbour.

The West Harbour will . . .

- Neighbourhood
  - Continue to grow and to strengthen existing neighbourhoods.
- Environment
  - Promote a healthy harbour.
- Public Access
  - Provide safe and continuous public access along the water’s edge.
- Waterfront
  - Create a diverse, balanced & animated waterfront.
- Transportation
  - Promote a balanced transportation network.
- Connections
  - Enhance the physical, visual connections to the water.
- Culture
  - Celebrate the heritage, culture and diversity of Hamilton.
- Design
  - Promote excellence in design.
- Accessibility
  - Feature fully accessible design for residents and visitors of all abilities.
- Affordability
  - Provide inclusive and affordable housing as part of its residential developments.
Evaluation Criteria

**Setting Sail & Community Vision**

- Evaluation directly derived from Setting Sail & the Community Vision

<table>
<thead>
<tr>
<th>Evaluation Criteria</th>
<th>Poor</th>
<th>Satisfactory</th>
<th>Very Good</th>
<th>Excellent</th>
<th>Not Applicable</th>
<th>Comments</th>
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<tr>
<td>A vibrant, mixed-use community that enhances the area while respecting the existing neighbourhood.</td>
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<td>An animated waterfront that offers a comprehensive cultural, recreational and retail experience for residents and visitors alike</td>
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<td>Enhanced physical and visual connections to the harbour and increased public access to the water’s edge</td>
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<td>A community that is planned, designed, and built to support a multi-modal transportation system that integrates with the rest of the City’s network</td>
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<td>A community that is inclusive of a diverse range of incomes, household configurations, and lifestyles</td>
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<td>A community that stands as a model of excellence in the fields of design, sustainable living, accessibility, and environmental conservation</td>
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<td>Consistency with established policies, vision, and Council directives</td>
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<td>Creative and strategic approach to all aspects of the Development Plan and delivery model</td>
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<td>Social, environmental and economic benefits for the City</td>
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<td>Balance between innovation and ease of execution</td>
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<td>Long-term commitment to the site and thoughtful approach to unanticipated changes (i.e., change management strategy)</td>
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<td>Cooperative/collaborative approach to relations with the City administration and the general public, including community and special interest groups</td>
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<td>Overall financial value for the City</td>
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<td>Fair and equitable risk-reward sharing model with the City</td>
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Appendix “A” – Pages 29-37
Evaluation Criteria

Setting Sail & Community Vision

• Evaluation Criteria must go beyond high-level visionary statements
• Therefore the Evaluation Criteria was designed to force the Proponents to dive deeper and provide breadth and depth to its Proposal
Financial Evaluation Model

• Model adjusted for each Proposal’s specific allocations to land uses and suite mix, which affect:
  – Estimated FMV of Block
  – Value-Add Share payments

• Time Value of Money impacts:
  – Timing of payments dictated by Proponent – earlier is better
  – Lower discount rates applied to guaranteed payments
  – Higher discount rates applied to contingent payments
Public Presentation Materials

- Public road show: Estimate 1,000 individual interactions
- Videos collectively watched over 18,000 times
- Over 13,000 downloads of Presentation Panels and User Stories PDFs
- Close to 400 written public comments received

Table 1: Summary of Public Participation
(April 6, 2018 - April 18, 2018)

<table>
<thead>
<tr>
<th>Proponent</th>
<th># of Downloads Presentation Panels</th>
<th># of Downloads User Stories</th>
<th># of Views Videos</th>
<th># of Public Comments Submitted</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gulf Dream</td>
<td>3,150</td>
<td>530</td>
<td>5,547</td>
<td>116</td>
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<tr>
<td>Tridel</td>
<td>2,266</td>
<td>447</td>
<td>4,188</td>
<td>70</td>
</tr>
<tr>
<td>Urban Core – Core Urban</td>
<td>2,529</td>
<td>293</td>
<td>3,623</td>
<td>79</td>
</tr>
<tr>
<td>Waterfront Shores</td>
<td>2,601</td>
<td>447</td>
<td>4,473</td>
<td>107</td>
</tr>
<tr>
<td>Total</td>
<td>10,636</td>
<td>1,717</td>
<td>17,831</td>
<td>372</td>
</tr>
</tbody>
</table>
### Public Comments
Excerpts from Public Comments Received

| Positive Impression | “…this plan would appeal to a broad population”  
|                     | “…this project team may be the most equipped with completing the project in a reasonable amount of time…”  
|                     | “…envisions multiple and not one singular neighbourhood…”  
|                     | “…this expands on the good things already happening here…”  
| Negative Impression | “…while this proposal appears to have more green-space, not particularly aesthetically pleasing…”  
|                     | “…don’t like that commercial space is separated from residential…”  
|                     | “…its lack of aesthetic design and failure to enhance the waterfront in a modern and useable way…”  
| Neutral Impression  | “…there was mention of environmental design however no commitment or measurable environmental benefit such as LEED or Net Zero…”  
|                     | “…overall like this proposal and would like more details…”  
|                     | “…love the public gathering space/plaza…but too generic…”  
| Comments Not Applicable | “…this area should have been park lands for the benefit of everyone in the city.”  
|                     | “I’m worried that it will drive people out of the area and drive rent process up.”  
|                     | “…kind of sick of Toronto centric design firms…”  
|                     | “…wood at the water in winter?…” |
Concurrent Processes – Next Steps

**May 2017:** Council approved subdivision & re-zoning applications (subsequently appealed to OMB)

**Re-zoning**

**November 2016:** Council approved proposed Solicitation Process

**November 2016:** Council approved Solicitation Process

**July 2017:** Council approved RFP Evaluation Criteria

**June 2018:** Recommended Preferred Proponent + authority to negotiate and execute contracts

**Solicitation**

**Site Servicing Ph. 1 (incl. RSC)**

**Site Servicing Ph. 2**

**Negotiation Phase**

**Block 1 DP Kickoff**

Successful Proponent cannot commence project kickoff until:
1. Development Agreement and contracts are negotiated and executed; and
2. City delivers lands:
   - Free of OMB appeal
   - Serviced as promised
   - With Record of Site Condition filed

**Council approves capital improvements beyond 2019**

**OMB Appeal (in progress)**
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