



Hamilton

Procurement Sub-Committee

REPORT 21-001

9:30 am

Friday, October 29th, 2021

Council Chambers

Hamilton City Hall

71 Main Street West

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

Absent: Councillor T. Whitehead - Personal

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

- 1. Commercial Relationship Between the City of Hamilton and Associated Paving & Materials Ltd. (FCS21102 / LS21044 / PW21064) (City Wide) (Item 14.2)**
 - (a) That the directions provided to staff in Closed Session, be approved;
 - (b) That Closed Session recommendations be released publicly following approval by Council; and,
 - (c) That the contents of Report FCS21102 / LS21044 / PW21064, Commercial Relationship Between the City of Hamilton and Associated Paving & Materials Ltd. and the attached Appendix remain confidential.
- 2. Amendment to Procurement Policy to Allow for Negotiation of Contracts in Extenuating Circumstances (FCS21103 / LS21045) (City Wide) (Item 14.3)**
 - (a) That the directions provided to staff in Closed Session, be approved;
 - (b) That Confidential Appendix A to Report FCS21103 / LS21045, Amendment to Procurement Policy to Allow for Negotiation of Contracts in Extenuating Circumstances, ***as amended***, be released when the by-law is for consideration at Council; and,
 - (c) That the contents of Report FCS21103 / LS21045, Amendment to Procurement Policy to Allow for Negotiation of Contracts in Extenuating Circumstances remain confidential.

FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 2)

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

6. COMMUNICATIONS

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

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

6. DELEGATION REQUESTS

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

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

(b) DECLARATIONS OF INTEREST (Item 3)

There were no declarations of interest.

(c) MINUTES (Item 4)

(i) October 1, 2020

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

(d) COMMUNICATIONS (Item 5)

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

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

(e) DELEGATION REQUESTS (Item 6)

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

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

(f) PUBLIC HEARINGS/DELEGATIONS (Item 9)

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

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

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

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

(g) PRIVATE AND CONFIDENTIAL (Item 14)

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

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

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

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

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

Staff was provided direction in Closed Session.

For disposition of this matter, refer to Item 1.

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

Staff was provided direction in Closed Session.

For disposition of this matter, refer to Item 2.

(h) ADJOURNMENT (Item 15)

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

Respectfully submitted,

Lloyd Ferguson, Chair
Procurement Sub-Committee

Angela McRae
Legislative Coordinator
Office of the City Clerk