



Hamilton

**PROCUREMENT SUB-COMMITTEE
REPORT 23-001**

Thursday November 23, 2023
2:00 p.m.
Room 264, 2nd Floor
City Hall, Hamilton

Present: J.P. Danko (Chair), A. Wilson (Vice-Chair), M. Wilson, T. Hwang, C. Kroetsch

Absent: Councillor C. Kroetsch – City Business

**THE PROCUREMENT SUB-COMMITTEE PRESENTS REPORT 23-001 AND
RESPECTFULLY RECOMMENDS:**

FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 2)

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

6. DELEGATION REQUESTS

- 6.1 Moe Bachi, Seawaves Development Services Inc., respecting Item 14.1 Commercial Relationship Between the City of Hamilton and Seawaves Development Services Inc. (FCS23112) (City Wide) (For today's meeting)

14. PRIVATE AND CONFIDENTIAL

- 14.1 Commercial Relationship Between the City of Hamilton and Seawaves Development Services Inc. (FCS23112) (City Wide)

The agenda for the November 23, 2023 Procurement Sub-Committee meeting was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 3)

There were no declarations of interest.

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

(i) September 12, 2022

The Procurement Sub-Committee Minutes of the September 12, 2022 Meeting were approved, as presented.

(d) DELEGATION REQUESTS (Item 6)

(i) **Moe Bachi, Seawaves Development Services Inc., respecting Item 14.1 Commercial Relationship Between the City of Hamilton and Seawaves Development Services Inc. (FCS23112) (City Wide) (For today's meeting) (Added Item 6.1)**

The delegation request from Moe Bachi, Seawaves Development Services Inc., respecting Item 14.1 Commercial Relationship Between the City of Hamilton and Seawaves Development Services Inc. (FCS23112) (City Wide) was approved for today's meeting.

(e) DELEGATIONS (Item 7)

(i) **Moe Bachi, Seawaves Development Services Inc., respecting Item 14.1 Commercial Relationship Between the City of Hamilton and Seawaves Development Services Inc. (FCS23112) (City Wide) (For today's meeting) (Added Item 7.1)**

Moe Bachi, Seawaves Development Services Inc., addressed the Committee respecting 14.1 Commercial Relationship Between the City of Hamilton and Seawaves Development Services Inc. (FCS23112) (City Wide).

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

The delegation from Moe Bachi, Seawaves Development Services Inc., addressed the Committee respecting 14.1 Commercial Relationship Between the City of Hamilton and Seawaves Development Services Inc. (FCS23112) (City Wide), was received.

(g) PRIVATE AND CONFIDENTIAL (Item 14)

The Committee moved into Closed Session, respecting Items 14.1 pursuant to Section 9.3, Sub-sections (e) and (k) of the City's Procedural By-law 21-021, as amended; and, Section 239(2), Subsections (e) and (k) 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 municipality or local board; 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.

(i) Commercial Relationship Between the City of Hamilton and Seawaves Development Services Inc. (FCS23112) (City Wide) (Item 14.1)

- (a) That the Closed Session recommendations (a), (b) and (c), be approved;
- (b) That the Closed Session recommendations (a), (b) and (c) be released publicly following approval by the Procurement Sub-Committee;
- (c) That the contents of Report FCS23112 remain confidential; and
- (d) That the directions provided to staff in Closed Session, be approved.

As the Procurement Sub-Committee approved the release of the Closed Session recommendations (a), (b) and (c) publicly following the Procurement Sub-Committee's approval (1 (a) above), Closed Session recommendations (a), (b) and (c) are as follows:

- (a) That pursuant to Policy 1, Section 4.1(10) and an impairment of the commercial relationship between the City of Hamilton and Seawaves Development Services Inc., an interim ban be imposed upon Seawaves Development Services Inc. and any of its related corporate or individual entities from competing on or being awarded any City contract until and including November 22, 2024;
- (b) That in imposing an interim ban, staff be directed to reject any current and future bids, proposals or quotations received from Seawaves Development Services Inc., or any of its related corporate or individual entities until and including November 22, 2024; and,
- (c) That the City of Hamilton not enter into any contract with Seawaves Development Services Inc., or any of its related corporate or individual entities, until and including November 22, 2024.

(h) ADJOURNMENT (Item 15)

There being no further business the Procurement Sub-Committee was adjourned at 3:01 p.m.

Respectfully submitted,

John-Paul Danko, Chair
Procurement Sub-Committee

Aleah Whalen
Legislative Coordinator
Office of the City Clerk