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Date February 11, 2025 **Report No.** 2025-111

To Chair and Members
Special City Council

From Inderjit Hans, P. Eng., PMP
Commissioner, Public Works Commission

1.0 Type of Report

Consent Item

Item For Consideration

2.0 Topic **Sports and Entertainment Centre Update**

3.0 Recommendation

- A. THAT Report 2025-111 – Sports and Entertainment Centre Update be RECEIVED; and
- B. THAT staff BE AUTHORIZED to proceed with the recommended Progressive Design-Build procurement model as presented in Section 9 of this report and this process BE AUTHORIZED to proceed in accordance with section 2.05(a) of Corporate Policy-012 - Purchasing Policy; and
- C. THAT the authority provided to staff in Clause B above REPLACE the authority provided on October 29, 2024, for procurement of a Prime Consultant for design of the Sports and Entertainment Centre prior to a competitive bid process for its construction.

4.0 Executive Summary

On January 23, 2024, through report 2024-50, Council approved the Brantford Sports and Entertainment Centre (SEC) as a priority project for the City. The

proposed timelines are exceptionally ambitious for a project of this complexity, prompting staff to recommend an innovative approach to facility delivery.

The construction market in Canada is currently facing significant challenges such as inflation, supply chain disruptions, tariff impacts, and capacity constraints. To address these issues, a collaborative Progressive Design-Build (PDB) approach offers several advantages as a public procurement method option including enhanced collaboration, transparency, and design flexibility and innovation. This approach helps mitigate and reduce risks typically faced by contractors, ideally resulting in higher quality and competition in submitted proposals for the City. Additionally, it helps reduce over-inflated bid prices that contractors might submit to compensate for potential market risks over the project's construction period, with tariffs being of most recent critical concern.

The City will implement a comprehensive vendor selection process to evaluate Design-Build Teams. This process will include a review of technical components such as vendor experience, project team, approach, and methodology as well as a financial component that considers Phase 1 design fees based on time and materials unit costs and Phase 2 Design-Build fee based on a percentage. Both Phase 1 and Phase 2 fees will be competitively evaluated, with a weighted score applied to both technical and financial factors. The technical evaluation ensures the selection of a qualified contractor, while the financial evaluation approach ensures fairness in the competitive selection process, promotes transparency in cost estimation during the project development, and aids in the creation of a realistic budget. At the conclusion of the technical evaluation, the Design-Build Team is selected, and the design work begins.

Once the project reaches reliability, for example at roughly 70% design completion, the Design-Build Team, in collaboration with the City, will have developed a Guaranteed Maximum Price (GMP). This ensures the City that the costs have been validated, reduces risk of subsequent change orders and holds the Design-Build Team to that GMP. A GMP sets a maximum price for the build, allowing the City to better predict and manage the project's overall cost, thereby reducing the risk of unexpected expenses. Through this model, the Design-Builder assumes risk of any cost overruns beyond the GMP, incentivizing efficient project management and the potential to share in cost savings with the City during the project. At the conclusion of Phase 1, staff will report back to Council with a Go/No-Go report that will detail the design, cost and schedule for Phase 2 – Construction.

5.0 Purpose and Overview

The purpose of this report is to update Council on the activities completed to date related to the current phase of development of the Sports and Entertainment Centre (SEC) and request approval to release a Request for Proposals utilizing a Progressive Design-Build process. This report also details the plans for public engagement and an update on the Brantford Bulldogs Facility Lease and Licence Agreement.

6.0 Background

In Q3 2023 Communications and Community Engagement staff were directed to implement a comprehensive public engagement campaign regarding the development of a new Sports and Entertainment Centre (SEC) at 79 Market St. This initiative included a community Town Hall at the Civic Centre on December 18, 2023, and a Let's Talk Brantford (LTB) campaign entitled "Let's talk about a Sports Entertainment Centre" that ran from December 1, 2023, to January 5, 2024, soliciting public input on venue impact, uses and features. A [summary of the engagement campaign findings](#) was presented to Council on January 23, 2024.

Below is a chronology of reports approved by City Council, providing staff with direction on matters such as term sheets, and partnerships related to the development of the SEC. Many of the reports were presented in open session, allowing the public to delegate and share feedback. Only four reports were required to be discussed in closed session (in-camera).

- February 7, 2023, Special City Council - Term Sheet for OHL Team Agreement for Brantford Civic Centre, 2023-58
- March 28, 2023, City Council - Sports and Entertainment Centre - Request for Business Partnerships-Inclusion of City's Land Interests – Resolution
- May 9, 2023, Special City Council - New Sports and Entertainment Facility Feasibility Study Non-Competitive Procurement, 2023-349
- September 26, 2023, City Council – New Sports and Entertainment Facility for the City of Brantford. 2023-574
- November 14, 2023, Special City Council - Sports and Entertainment Centre Update - 2023-678

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- November 28, 2023, Special City Council - Sport and Entertainment Centre Update, 2023-711
 - January 23, 2024, Special City Council - Sports and Entertainment Centre Community Feedback and Phase Three Update - 2024-50
 - March 19, 2024, Special City Council – In-Camera - Sports and Entertainment Centre Preparatory Due Diligence Phase Update - 2024-183
 - June 11, 2024, Committee of the Whole Planning and Administration - Sports and Entertainment Centre Update – June 2024, 2024-396
 - June 25, 2024, Special City Council – In-Camera - Sports and Entertainment Centre Request for Business Proposal-preliminary analysis of proposals/offers, 2024-412
 - September 24, 2024, Special City Council – In-camera - Sports and Entertainment Centre (SEC) Financial Plan and Strategy 2024-550
 - October 29, 2024, City Council - Approval to Proceed with Development of Sport and Entertainment Complex in Downtown Brantford, 2024-599
 - December 10, 2024, Committee of the Whole Planning and Administration – Downtown Entertainment District – Options Report, 2024-703
 - January 14, 2025, Special City Council – In-camera - Memorandum of Understanding for OHL Team Agreement for the Sports and Entertainment Centre, 2025-68

Supporting studies including traffic, geotechnical, hydrogeological and archaeological (Stage 1) were completed to supplement the reports noted above. Staff are currently working on procuring a consultant for Stage 2 archaeological works to be completed in the Spring.

7.0 Corporate Policy Context

On January 23, 2024, through report 2024-50, Council approved the Brantford Sports and Entertainment Centre (SEC) as a priority project for the City. In addition to this priority, the SEC also aligns with two other priorities being; focusing on productive and collaborative partnerships and commitment to and implementation of the downtown revitalization plan and vision.

8.0 Input From Other Sources

This report was developed with input from the City's Corporate Services Commission, the Public Works Commission and Communications and Community Engagement staff.

9.0 Analysis

In accordance with City Council direction for project management services, staff retained Colliers Project Leaders Inc. ("Colliers") to act as the City's Advisor and Project Manager. Colliers will represent the City's best interests throughout the design phase (Phase 1) including preparing the Request For Proposals (RFP) for the Design-Build Team and guiding the process through Phase 1.

Report 2024-599 details activities and timelines relating to design, financing and operations for the Sports and Entertainment Centre (SEC). The proposed timelines are exceptionally ambitious for a project of this complexity, prompting staff to recommend an innovative approach to facility delivery. This approach is detailed in Section 9.1 below.

9.1 Progressive Design-Build vs. Design-Bid-Build

The traditional project delivery model of Design-Bid-Build (DBB) utilizes fixed price contracts for both design and construction. In this process the design is completed independently from the contractor, who is procured later in the process. Typically, the timeline for this process includes 1 to 1.5 years of design followed by a 2–3-month period for tendering and awarding the contract. While there are benefits to this model, the separation of designer and contractor can increase the possibility of change orders, projects being delivered over budget and/or overtime.

Progressive Design-Build (PDB) was developed to mitigate against this by having both designer and contractor on the team while drawings, specifications and delivery expectations are created. In the PDB model, a Design-Builder brings together a Design-Build Team which includes the designer (Design), the contractor (Builder) and any sub-consultants and sub-contractors. The Design-Build Team works together to develop the design through a collaborative process that progresses towards an Owner's Statement of Requirements (OSR). Once the OSR is approved by the Owner (the City), the Design-Builder will provide a Guaranteed Maximum Price (GMP) for construction. At this point, the Owner will negotiate the GMP, and when all agree on the value, staff will present this

level of detail in a “Go/No-Go” report to City Council. In this process, the design and preconstruction timelines are shortened significantly because decisions are being made in an iterative process with the goal of adhering to the approved budget and schedule. The Design-Build Team also identifies risks, critical needs and sourcing supplies and materials earlier in the process.

The PDB model presents both benefits and drawbacks. Key advantages include a more transparent process, reliable budgeting, collaboration with the contractor during design, minimal change orders, and an expedited delivery model that accommodates time-sensitive constraints. Through this model, the Design-Builder assumes risk of any cost overruns beyond the GMP, incentivizing efficient project management and the potential to share in cost savings below the targeted GMP (i.e. 50/50, 25/75, etc.) with the City during the project.

The potential drawbacks from this model include settling on a GMP in a timely manner, potential conflicts between the Design-Build Team and their subs, requires a higher level of collaboration among all parties, and limited availability of suitable and experienced PDB teams. However, Colliers will be providing support and coaching to the City throughout the process and will be providing support to the Design-Build Team to mitigate these risks.

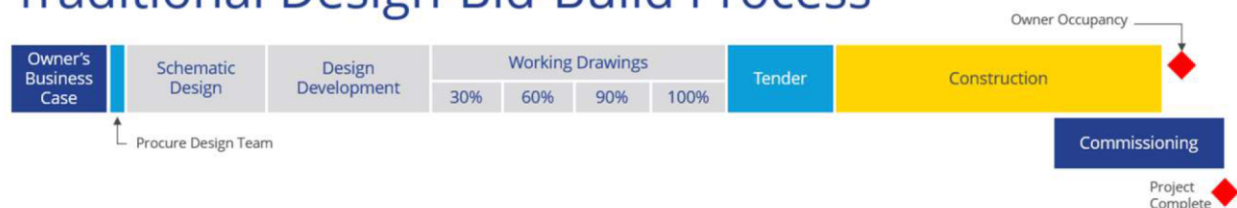
If the PDB model is approved for delivery of this project, staff will seek proposals for a Design-Builder and Design-Build Team to deliver goods and services for both the Design (Phase 1 or “Validation Phase”) and Construction (Phase 2) of the SEC. Staff will report back to City Council with appropriate amount of detail to make an informed Go/No-Go decision prior to starting Phase 2. The approval of this report also means that the Design-Build Team will be evaluated as part of a single Design-Build RFP proposal submission to deliver both Phases of this project. The details that will be reported back to City Council in October or November of 2025 will include:

- The detailed design for the SEC up to a minimum 70% detailed design;
- The detailed schedule for the Construction (Phase 2);
- The detailed budget and the GMP for Construction (Phase 2);
- The proposed contract terms with the Design-Build Team to carry out the Construction (Phase 2);

It is important to note that the contract with the Design-Build Team for Phases 1 and 2 will include “off-ramps” for the City to exit the contract at any time.

The following figure illustrates the key steps and milestones for both the DBB and PDB models. Notably, the diagram highlights the advantages of PDB in expedited project delivery, making it the preferred approach for the SEC. As illustrated in Figure 1, the PDB model will result in efficiencies that will shorten the timeline by approximately 10% to 15%.

Traditional Design-Bid-Build Process



Progressive Design Build

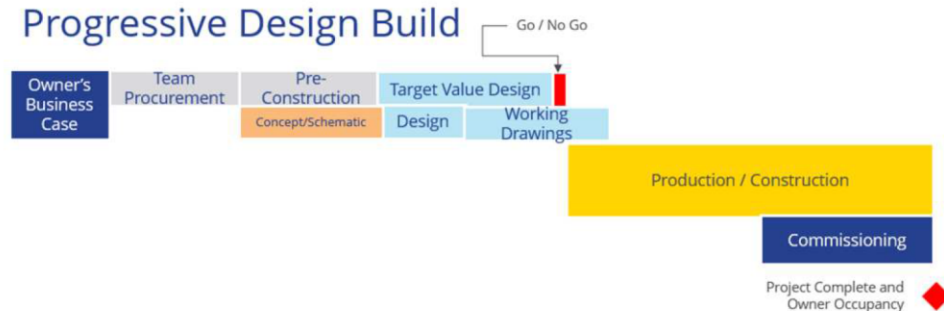


Figure 1. Process map for both DBB and PDB models.

9.2 Purchasing Policy

The City carries out procurement processes in accordance with Corporate Policy-012 – Purchasing Policy. This Policy determines the requirements for procurement processes based on a combination of factors, including expected dollar value and the nature of what is being procured.

The Purchasing Policy strives to obtain the best value for money in each situation. To do this, it generally requires competitive procurements that seek bids, quotes, or proposals from vendors. It does not permit the City to proceed to purchase any goods or services it applies to until the provisions of the Policy are satisfied. Typically, purchases cannot proceed until the dollar value of the bid/quote/proposal is determined and the option providing the City with the corresponding best value for money is

determined. For capital projects, this is achieved through the traditional Design-Bid-Build model.

The proposed PDB model for the SEC takes a different approach to determining the best value for money by working with a competitively selected Design-Builder and Design-Build Team to establish the overall budget during the Validation Phase (Phase 1). This approach is intended to establish the best value for money by factoring in all aspects of construction at the design and budget stage, including many factors which would not normally be captured during a traditional DBB process, such as detailed input from trades supplying mechanical and electrical systems. By using the same Design-Build Team from the beginning of the project, the process aims to maximize that input and provide a clear GMP and incentives like shared savings when costs are less than the GMP. It does this with a goal of ensuring timely project completion within a budget that will be presented to and approved by Council prior to commencement of major construction.

The current Purchasing Policy was not written to consider approaches such as PDB that integrate project budgeting into the overall contract, and it would not normally permit staff to employ such an approach. However, section 2.05(a) of the Policy allows Council to override specific requirements of the policy for specific projects where it determines they are warranted.

To permit the PDB approach to proceed, the following aspects of the process have been specifically identified as necessary for Council to approve and, where necessary, be exempted where they conflict with the requirements of the Purchasing Policy:

- The CAO and City Treasurer will be authorized to award contracts and sign the necessary agreements with the selected Design-Builder to proceed with the Validation Phase (Phase 1) of design and budgeting for the SEC, provided that such contracts shall not exceed \$8M in value;
- Staff will be directed to work with the Design-Builder and Design-Build Team to prepare a detailed design for the SEC and a corresponding construction schedule, budget, and guaranteed maximum price for the Construction (Phase 2) of the SEC;
- Staff will be directed to negotiate with the Design-Builder proposed terms for it to carry out the Construction (Phase 2) of the SEC; and

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- Staff will be authorized to proceed directly or through the Design-Builder with competitive procurement of long lead procurement items and early site works identified during the Validation Phase (Phase 1) as requiring immediate procurement prior to the Construction Phase (Phase 2) to complete construction of the SEC on schedule and that the CAO and City Treasurer will be authorized to award contracts and sign the necessary agreements provided that the value of the procurements shall not exceed \$50M.

9.3 Public Engagement

In 2023 Council unanimously approved advancing the development of a new Sports and Entertainment Centre (SEC) at 79 Market Street South marking a significant step toward boosting the local economy and revitalizing the City's downtown core. The project is expected to generate \$13.2 million in annual economic activity and create approximately 100 jobs, serving as a catalyst for continued growth following the successful relocation of the Brantford Bulldogs OHL team. Community engagement has played a pivotal role, with 80.7% of respondents who participated in the initial engagement campaign supporting the initiative, reflecting widespread enthusiasm for the economic and social benefits the SEC promises.

To ensure that the public has an opportunity to participate in the next stage of planning for the new SEC, residents will have an opportunity to view detailed design concepts, ask questions, and share their thoughts with project team staff and the consultants.

A key component of this initiative is an in-person interactive open house event that will feature visual exhibits of the proposed designs, including seating layouts, accessibility features, amenities, and parking. City staff will be available at to answer questions and provide insights into various aspects of the project. Attendees will also be encouraged to share feedback through written or digital submissions.

For those unable to attend in person, a dedicated section on the City's Let's Talk Brantford platform will feature visual renderings and detailed design annotations. Residents can easily submit their comments and ideas online. A comprehensive FAQ will also be available, addressing common questions about the design phase and future development steps.

To ensure broad participation, the City will promote the engagement campaign through social media posts featuring design sneak peeks, outreach to stakeholder groups, and local media.

Public engagement at each milestone phase of development is vital to ensuring the Sports and Entertainment Centre reflects the needs and aspirations of our community. By participating, residents play an active role in shaping a facility that will foster connection, creativity, and civic pride for decades to come.

9.4 Brantford Bulldogs Lease Update

In January 2025, the Ontario Hockey League (OHL) Board of Governors approved the transfer of ownership of the Brantford Bulldogs to a group led by NHL player Zach Hyman and his family. This decision solidifies the team's relocation to Brantford and officially renames the franchise as the Brantford Bulldogs.

On January 18, 2025, Mayor Kevin Davis officially welcomed Brantford Bulldogs new owners, Stuart, Spencer and Zach Hyman to Brantford and together with Spencer Hyman, signed a Memorandum of Understanding (MOU), securing a 15-year lease for the Brantford Bulldogs in Brantford with renewal options to extend the agreement for up to 40 years. This milestone agreement ensures OHL hockey remains in Brantford well into the foreseeable future.

Staff are working with the Brantford Bulldogs to finalize a Facility Lease and Licence Agreement based on the terms of the MOU. This Lease and Licence Agreement is expected to be presented to Council in the next two months.

10.0 Financial Implications

There are no financial implications related to this report.

11.0 Climate and Environmental Implications

The RFP for the Design-Builder will include provisions to design the facility to be net-zero or net-zero ready in accordance with the City's approved Net-Zero Building Strategy. The goal of designing this way is to limit the number of emissions the facility will produce during its operations as well as reducing operating costs throughout the life of the facility. The planned site of the SEC is

within a floodplain and will require climate resilient measures to reduce potential impacts of a flood which will be identified during the design phase.

12.0 Conclusion

Progressive Design-Build is a collaborative project delivery model that brings together the designer, builder, and owner to achieve shared budgetary and scheduling goals. Ideal for large, complex, and high-value projects, PDB is the recommended delivery approach for the SEC, ensuring a successful and efficient project outcome.



Inderjit Hans, P. Eng., PMP
Commissioner, Public Works Commission

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Attachments: Not applicable

Copy to: Not applicable

In adopting this report, is a by-law or agreement required? If so, it should be referenced in the recommendation section.

By-law required yes no

Agreement(s) or other documents to be signed by Mayor and/or City Clerk yes no

Is the necessary by-law or agreement being sent concurrently to Council? yes no