



Expression of Interest
For
Purchase and Development Proposals for
Prime River-View Real Estate in the Heart of Downtown Brantford

Expression of Interest No.: **2021-XX**

Issued: **January 18, 2021**

Submission Deadline: **March 1, 2021 at 3:00 PM local time**

PART A – INVITATION AND SUBMISSION INSTRUCTIONS

1. Introduction

This Expression of Interest (“EOI”) is issued by the City of Brantford (the “City”) for the purposes of gathering information about the marketplace in order to assess potential future interest in issuing a Request for Proposal (RFP) for. Respondents are asked to respond to the City and provide the information requested below.

2. EOI Timetable

Issue Date of EOI	January 18, 2020
Deadline for Questions	February 8, 2021 at 3:00 PM local time
Deadline for Addenda	February 22, 2021
Submission Deadline	March 8, 2021 at 3:00 PM local time

The EOI timetable is tentative. It may be changed by the City at any time, and the City may choose to waive or extend the Deadline for Questions, Deadline for Addenda and/or the Submission Deadline.

3. Submission Instructions

3.1 Electronic Submission

The Corporation of the City of Brantford (the Owner) shall only accept and receive electronic submissions through the Owner’s electronic Bidding System, hereafter called the ‘Bidding System’.

All respondents shall establish a Bidding System vendor account and be registered as a Plan Taker for the solicitation opportunity, which will enable the respondent to download the solicitation documents, to receive addenda email notifications, download addenda and to submit their response electronically through the Bidding System.

HARD COPY SUBMISSIONS WILL **NOT** BE ACCEPTED.

3.2 Submitting a Question

Respondents may direct questions or seek additional information from the EOI Contact, in writing through the Bidding System by using the **SUBMIT A QUESTION** button, on or before the Deadline for Questions. The City is under no obligation to provide additional information but may do so at its sole discretion. It is the responsibility of the respondent to seek clarification from the EOI Contact on any matter it considers to be unclear. The City is not responsible for any misunderstanding on the part of the respondent concerning this EOI or its process.

3.3 Addendum

Addendum, if required, issued by the EOI Contact shall form part of the EOI documents. Respondents shall acknowledge receipt of any addenda when submitting their information through the Bidding System. Respondents shall check a box for each addendum/addenda and any applicable attachments that have been issued before a respondent can submit their response online.

To ensure all addenda have been acknowledged, the City encourages respondents not to submit their information prior to forty-eight (48) hours before the Submission Deadline. If a respondent submits their information and an addendum is issued by the City, the Bidding System shall **WITHDRAW** their submission and change their submission to an **INCOMPLETE STATUS** (not accepted by the Owner). The withdrawn bid can be viewed by the respondent in the **"MY BIDS"** section of the Bidding System. The respondent is solely responsible to:

- i) review the status of their response;
- ii) make any required adjustments to their submission;
- iii) acknowledge the addendum; and
- iv) ensure the re-submitted information is RECEIVED by the Bidding System by no later than the Submission Deadline.

3.4 Submission Deadline

The closing time shall be determined by the Bidding System web clock.

Respondents are cautioned that the timing of a submission is based on when the submission is **RECEIVED** by the Bidding System, not when the information is submitted by a respondent, as bid transmission can be delayed in an internet bottleneck due to file transfer size, transmission speed, etc.

PART B - TERMS OF REFERENCE AND GOVERNING LAW

1. Terms of Reference

In responding to this EOI, the respondent acknowledges its acceptance of the following EOI Terms of Reference:

a. Expression of Interest Not a Formal Competitive Bidding Process

This EOI is issued for information-gathering purposes and is not intended to be a formal legally binding "Contract A" bidding process. Without limiting the generality of the foregoing, this EOI will not necessarily result in any subsequent negotiations, direct contract award, invitational tendering process or open tendering process, and does not constitute a commitment by the City to procure any goods or services.

b. EOI Not to Limit the City's Pre-existing Rights

This EOI shall not limit any of the City's pre-existing rights. Without limiting the generality of the foregoing, the City expressly reserves the right, at its discretion, to:

- (i) seek subsequent information or initiate discussions with any potential developer, including potential developers that did not respond to this EOI;
- (ii) initiate direct negotiations for the procurement of any good or service with any potential developer or developers, regardless of whether the potential developer or developers responded to this EOI;
- (iii) contact a limited number of potential developer, which may include only those that responded to this EOI or may include potential developer that did not respond to this EOI, for the purpose of a competitive process for the procurement of any good or service or any process outside of the Purchasing Policy, where permitted;
- (iv) elect to proceed by way of open tender call where all potential respondents, including those that did not respond to this EOI, are eligible to compete for the award of a contract for the supply of any good or service; and
- (v) elect not to procure the good or service that is the subject of this EOI.

These expressly reserved rights are in addition to any and all other rights of the City that existed prior to the issuance of this EOI.

c. Pricing Information for General Information Purposes Only

N/A.

d. Information in EOI Only an Estimate

The City and its advisers make no representation, warranty or guarantee as to the accuracy of the information contained in the EOI or issued by way of addenda. Any quantities shown or data contained in this EOI, or provided by way of addenda, are estimates provided only as general background information.

e. Parties to Bear Their Own Costs

The City shall not be liable for any expenses incurred by a respondent, including the expenses associated with the cost of preparing responses to this EOI. The parties shall bear their own costs associated with or incurred through this EOI process, including any costs arising out of, or incurred in, (i) the preparation and issuance of this EOI; (ii) the preparation and making of a submission; or (iii) any other activities related to this EOI process.

f. Accuracy of Responses

The respondent acknowledges that the information provided is, to the best of its knowledge, complete and accurate.

g. Submissions Will Not Be Returned

Except where set out to the contrary in this EOI or expressly requested in the respondent's submission, the submission and any accompanying documentation provided by a respondent will not be returned.

h. Confidential Information of the City

All information provided by or obtained from the City in any form in connection with this EOI either before or after the issuance of this EOI (i) is the sole property of the City and must be treated as confidential; (ii) is not to be used for any purpose other than replying to this EOI; (iii) must not be disclosed without prior written authorization from the City; and (iv) shall be returned by the respondent to the City immediately upon the request of the City.

The respondent may not at any time directly or indirectly communicate with the media in relation to this EOI without first obtaining the written permission of the City.

i. Disclosure of Information

The respondent consents to the City's collection of information as contemplated under the EOI for the uses contemplated under the EOI. Respondents should not include information in their response that is proprietary or confidential. Information provided by a respondent may be released in accordance with governing laws. To the extent that a respondent does include confidential or proprietary information, the respondent should identify any information in its submission or any accompanying documentation supplied in confidence for which confidentiality is to be maintained by the City. The confidentiality of such information will be maintained by the City, except where an order by a tribunal or court requires the City to do otherwise. The respondent consents to the disclosure, on a confidential basis, of this submission by the City to advisers retained by the City for the purpose of reviewing this submission.

The respondent acknowledges that the City may make public the name of any and all respondents.

j. Governing Law

This EOI process shall be governed by and construed in accordance with the laws of the province of Ontario and the federal laws of Canada applicable therein.

DRAFT

PART C – INFORMATION REQUESTED

1. Background – Overview of the Request

The City of Brantford (“City”), in coordination with its Economic Development Division, invites expressions of interest for the purchase and redevelopment of the lands informally known as the Colborne Point Lands (“Subject Land”) located on the south side of Colborne Street adjacent to the architecturally significant Laurier/YMCA athletic facility.

The City is seeking developers with a proven track record of delivering outstanding, architecturally significant developments and a willingness to demonstrate creativity on a project that has the potential to bring significant benefits to the community.

This Expression of Interest (EOI) seeks development proposals that:

- a. make the best use of the site in terms of diversity of use and intensification;
- b. advance the goals and objectives of the City of Brantford Official Plan, specifically, the Urban Growth Area; the Urban Design Guidelines, and the Downtown Master Plan; and
- c. contribute to the creation of a mixed-use area that is seamlessly integrated into the surrounding district.

Through the RFEOI process, the City hopes to attract qualified developers who are willing to work with the City’s vision for these lands and realize the full potential of this incredible, river-view gateway site, leaving a legacy for future generations to appreciate and enjoy.

2. Information Regarding Respondent

Respondents must include all of the following information in their submissions:

- a. Name
- b. Ownership
- c. Corporate Structure
- d. Proposed Development Team (including and subcontractors)
- e. Years of Experience
- f. Experience Constructing Similar Projects (list specific examples)
- g. Statement of Financial Capacity
- h. Respondent’s vision to implement the goals of the Downtown Master Plan
- i. Maximum of five (5) references, including project descriptions, project value and contact’s name, position, phone number and email

3. Design and Development Criteria

a. Colborne Point Development

Development of the Colborne Point Lands is encouraged to be in the form of mixed use buildings, residential buildings, retail and commercial spaces, offices, institutional buildings, public space and recreational/ entertainment uses. In order to accommodate a revitalized, vibrant, and walkable downtown, development should take into consideration pedestrian safety, streetscape and façade improvements, landscaping, suitable parking facilities, lighting, access to trails and the Grand River, and open space and urban parks.

Built forms shall enhance the quality of the pedestrian environment by:

- i. Requiring articulated façades using quality materials and encouraging high activity uses at-grade, such as retail stores and restaurants, that animate the streetscape with window displays or outdoor patios; and
- ii. Reinforcing the continuity of commercial, institutional and community uses along certain streets, by prohibiting any residential units from locating at-grade fronting Water Street, Wharfe Street, Colborne Street, Dalhousie Street, or Market Street. Residential units may be located at-grade along the rear or side façades of the buildings, or fronting King Street, Queen Street, George Street, Charlotte Street, or Clarence Street.

b. Lorne Bridge Gateway

The Lorne Bridge Gateway area is defined by the intersection where Colborne Street East meets Colborne Street West, and Icomm Drive to the south connects to Brant Avenue to the north. This area serves as an important gateway to and from Downtown Brantford and connects the City's Historic Mainstreets Precinct with the Lower Downtown Precinct to the south. Access to, and views of, the area's parks, trails, and the Grand River are important elements of this gateway, and present opportunities for new development to create a more welcoming entrance to Downtown with active public space for people to meet, sit, travel, and socialize.

Within the gateway area, public art features, streetscape improvements, and development that accentuate the character of Brantford are encouraged. Given its prominent location in proximity to other Downtown amenities including the Laurier Brantford YMCA, Brant Avenue Armoury and Jubilee Terrace Park, as well as Elements Casino Brantford and Brant's Crossing Park, a architecturally significant mixed use building(s) of high quality design that provides both public and private uses is encouraged to be located at the west end of Colborne Street East.

c. Deliverables

In addition to the foregoing, Respondents shall submit all of the following:

- a) Any and all renderings, plans, drawings, reports, studies to support their development proposal;
- b) Cost estimates for the development proposal, including the cost of all reports and studies;
- c) Timeline for completion, including a list of interim steps with approximate timelines for completion of each step in the proposed project;
- d) Any staging or phasing plans, if the development is proposed to take place in

- phases;
- e) Proposed contribution (purchase price or alternative form of contribution) for the Lands;
 - f) Economic vision for the development and proposed contribution to the vitality of the downtown;
 - g) List of proposed commercial or institutional uses, or other amenities to be included in design;
 - h) Proposals for the development of a gateway feature on the City-retained lands at the westerly point of the property are not mandatory but will be given consideration where included in a proposal.

DRAFT