



**560 SYDNEY  
AVENUE**

**LOUGHEED  
TOWN CENTRE  
STATION**

**MILLENNIUM LINE**

Dansey Ave.

Clayton St.

**DEVELOPMENT CONCEPT**

Sydney Ave.

**REQUEST FOR OFFER No. 22-030**

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**SALE OF A HIGH DENSITY  
APARTMENT DEVELOPMENT SITE AT  
560 SYDNEY AVENUE**

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[coquitlam.ca/landsales](https://coquitlam.ca/landsales)

**Coquitlam**

## **Request For Offer (RFO) 22-030**

### **Sale of a High Density Apartment Residential Development Site at 560 Sydney Avenue, Coquitlam, B.C.**

**DATE OF ISSUE: Monday May 30, 2022**

Offers will be received at:

**City of Coquitlam  
C/O Reception Desk – Main Floor  
3000 Guildford Way, Coquitlam B.C. V3B 7N2**

**Closing Date and Time: 2:00 p.m. Pacific Standard Time,  
Wednesday, July 27, 2022**

**Civic Address of Site: 560 Sydney Avenue, Coquitlam, B.C.**

**Legal Description of Site: LOT 298 DISTRICT LOT 3 GROUP 1 NEW WESTMINSTER DISTRICT PLAN  
58857**

The City of Coquitlam (the “**City**”) is now soliciting offers for the purchase of a High Density Apartment Residential development site with the intent that construction of a residential apartment tower commences as soon as possible. **Important to note:** Through the CD-30 Zoning Bylaw, total achievable FAR for the subject site is 5.5 of market residential, broken down as follows:

- 2.5 FAR Base density; and
- 1.5 FAR Market Apartment Density (previously *obtained at rezoning through a density transfer*); and
- 1.5 FAR Bonus Density (*to be granted as per the City’s Bonus Density Program and CD-30 zone*).

As such, and through this RFO process, the City is selling an available 4.0 FAR density (2.5 Base + 1.5 Market Apartment), with the remaining 1.5 FAR (Bonus Density) to be made available as part of successful Offeror’s Development Permit application and further detailed herein at Section 1.3.

To be considered, offers must be submitted in a clearly marked sealed envelope, include the required deposit and be physically received at the above referenced address (City Hall) no later than the stipulated closing date and time, (as determined by the clock on the wall above the City’s main floor reception desk). All offers received on or before the stipulated time will be date and time stamped.

The documentation package for this RFO is available from the City's website link at: [coquitlam.ca/bids](https://coquitlam.ca/bids) (the “**RFO Package**”).

Any changes to the RFO Package will be issued by means of written addenda that will form part of this RFO Package and will be posted on the City’s website.

Offerors are required to check for updated information and addenda issued before the closing date on the City’s website link at: [coquitlam.ca/bids](https://coquitlam.ca/bids).

All inquiries are to be directed in writing by email only, quoting “**RFO 22-030 Sale of a High Density Apartment Residential Development Site at 560 Sydney Avenue, Coquitlam, B.C.**” to:

[landsales@coquitlam.ca](mailto:landsales@coquitlam.ca). Inquiries will be reviewed and common, or highly relevant, questions will be answered via addendum in two separate releases. Proposed release dates are: June 15 and July 6, 2022.

## Introduction

### 1.1 Purpose of this RFO

The purpose of this RFO process is to sell a High Density Apartment Residential development site (the “**Site**”) owned by the City of Coquitlam (the “**City**”) and located in the Burquitlam-Lougheed Neighbourhood, within Southwest Coquitlam to the offeror or offerors selected by the City that will result in the highest purchase price for the Site and meet the requirements set out in this RFO. For more information on submitting an offer, please review Section 5.2



The Site is described as follows:

- **Civic Address: 560 Sydney Ave, Coquitlam B.C.**

Legal Description: Lot 298 District Lot 3 New West District Plan 58857

Parcel Identifier: 005-710-481

Gross Site Size: 0.37 Hectares, 0.90 Acres, 39,256 square feet, subject to road dedications. As shown on New Westminister District Plan 58857, a copy of which is included as **Appendix (B)-Survey Plan NWP58857**

**Density Allocation: Max 5.5 FAR: (2.5 FAR Base Density + 1.5 FAR Market) 4.0 FAR for sale with an additional 1.5 FAR of Bonus Density available**

The Site will not be sold as a speculative holding property. The Site is being sold with the purpose of having a 100% market residential apartment tower constructed as soon as possible after the completion date. As such, a successful offeror will be held to the development schedule as indicated within the Option to Purchase (Schedule “B” to the form of Purchase and Sale Agreement included as **Appendix (A) - Form of Purchase and Sale Agreement**). Consequently, offerors are directed to read the entire RFO Package prior to completing it.

***Should a successful offeror not comply with the development timeline requirements set out in the Option to Purchase for the Site, the City will have the right to purchase the Site back at ninety percent (90%) of the original purchase price (a 10% discount from the original purchase price). As such, potential offerors should only consider responding to this RFO if they intend to develop a high density apartment project on the Site in accordance with the City's prescribed development schedule.***

## 1.2 Area Context

### Municipal

A welcoming and diverse community surrounded by a rich natural landscape, Coquitlam is home to over 150,000 people and sets a high standard of living in the Lower Mainland.

The City’s vision statement is as follows: “Coquitlam: Sustaining a high quality of life for current and future generations, where people choose to live, learn, work and play.”

As a community, Coquitlam is positioned to experience significant growth over the next 25 years, with the population expected to reach over 220,000 by 2041. This growth will ensure an expanding customer base for businesses and access to a reliable, well-educated workforce. Together, these advantages and assets are attracting new residents and businesses to Coquitlam.

Coquitlam is at an exciting time in its transition from a suburban community to a regional urban centre and boasts a rich history and heritage. It is also rich in natural beauty with a diverse ecosystem comprised of rivers, streams, mountains, parks and open space. This unique natural setting provides opportunity for market differentiation as developments integrate within these natural boundaries and features.

### Neighbourhood Context

The Site is located in the heart of the Burquitlam-Lougheed Neighbourhood Plan (“**BLNP**”) area, within the larger Southwest Coquitlam Area Plan (“**SWCAP**”). The BLNP is located along Coquitlam’s, westernmost boundary and is bordered by the City of Port Moody to the North, City of Burnaby to the West and New Westminster and the Trans Canada Highway to the south. With the adoption of the BLNP in June 2017, a renewed course for the future of Burquitlam-Lougheed and Council’s ‘blueprint’ for guiding growth and investment in the neighbourhoods near North and Clarke Roads over the next 20 to 25



years is in place. The plan envisions walkable, complete and transit-oriented neighbourhoods that feature a mix of housing types and access to shopping, jobs and amenities. The development community has responded to this vision with a significant number of new townhouse to high rise residential projects taking advantage of significant amenities and increased densities surrounding commercial nodes focused on the Evergreen Skytrain hubs. The subject lies in close proximity to the Lougheed Town Centre Sky Train Station and represents an exciting redevelopment opportunity.

The Site is surrounded by lands at various stages of planning and development, and highlights the transition to higher densities with completed projects being absorbed quickly by the market. Northwest and West of the subject site are a number residential apartment towers under construction, to the south are high density designated lands awaiting redevelopment, to the

southeast is a townhouse development under construction and immediately east are the lands designated for future affordable seniors housing.

### Demographics

The overall population demographics of Burquitlam-Lougheed has seen steady but continuous growth from 1981 to 2016. Census Tract data demonstrates a 13% increase in total population between 2016 and 2021 (22,780 to 25,640 people respectively). The current residents within Burquitlam-Lougheed are generally characterized as being an educated younger, working-class community and have an average household income of about \$80,000. The largest percentage of the population (17%) is between 20-29 years old, followed 15% of the population between 50-59 years old. About 30% of the labour force consist of Retail Trade, Accommodation and Food Services, and Professional, Scientific and Technical Services. In 2016, 26% of the population opted to use Public Transit, compared to just 21% in 2006. With the expansion of transit options, it is expected that the number of people relying on public transport will continue to grow. (Source: Statistics Canada – 2016 Census - Census Tract 9330287.02. and City of Coquitlam)

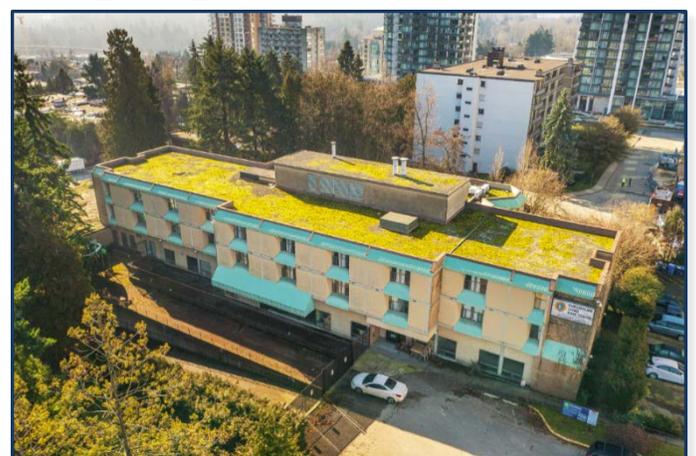
### 1.3 Overview of Site

The Site represents a unique and exciting opportunity to construct a standalone **100% market apartment residential tower**. The Site is zoned CD-30 based on RM-6 (High Density Apartment Residential) with an achievable 5.5 FAR broken down as follows:

- 2.5 FAR Base density; and
- 1.5 FAR Market Apartment Density (previously obtained at rezoning through a density transfer); and
- 1.5 FAR Bonus Density (to be granted as per the City’s Bonus Density Program and CD-30 zone).

As such, and through this RFO process the City is selling an available 4.0 FAR density (2.5 Base + 1.5 Market Apartment), with the remaining 1.5 FAR (Bonus Density) to be made available from the City at the time of the Development Permit Application approval and payable at Building Permit issuance.

The Site is comprised of a gross area approximately, 0.37 Hectares, 0.90 Acres, 39,256 square feet of moderately sloping topography. An AutoCAD topographical file is available for download as part of the RFO package as **Appendix (I) Link to Autocad Topographical Survey File.**

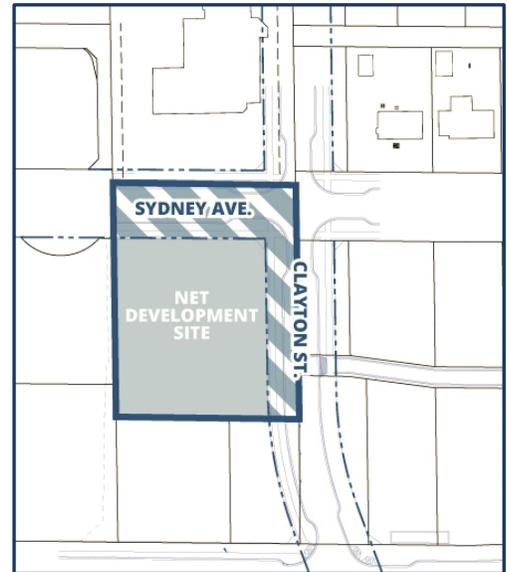


In addition, the Site is currently improved with 38,492 sf 3-storey over parkade, concrete building previously used for affordable seniors care. **Demolition of the onsite improvements will be required by the successful offeror within 2 years as detailed within the Option to Purchase timeline.** The Hazardous Material Survey is provided as **Appendix (G) Hazmat Report for Demolition**

Upon subdivision, the Site is subject to road dedications and will require construction of road requirements along the future Sydney Avenue extension to the north and the future Clayton Street extension to the east. The successful offeror upon subdivision application will need to ensure appropriate road dedications are reflected in the submitted plans.

**Zoning**

The site is currently zoned CD-30 Comprehensive Development Zone-30 see **Appendix (H)-CD-30 Comprehensive Development Zone-30**. As detailed within the zoning bylaw, 5.5 FAR is available for the construction of a 100% market residential apartment tower. Further as part of that rezoning process, requirements for rental and affordable housing strategies have been transferred to the adjacent site at 594-602 Sydney Avenue, with the equivalent amount of market density transferred back to the Site. A covenant has been registered on title to reflect this density exchange. See **Appendix (D) - Title and Charges**. Consequently, this site represents a very unique opportunity to acquire a site for a 100% market unit tower project.



A conceptual yield analysis has been completed with an approximate unit count of 289 units. This information has been provided only for illustrative purposes and highlights potential massing and ingress/egress points for the slope and overall potential of the site. This information is not to be relied upon as final concept will be determined through a Development Permit application.



## 1.4 Title and Charges

A copy of the title and the registered charges for the Site is provided as **Appendix (D) – Title and Charges**. A Section 219 Density Transfer Covenant is registered on title highlighting the transfer of market density to this site and Affordable Housing Requirements to the site east of the subject. Of note, the Site is subject to a No Build restrictive covenant (CA9900119) that will be transferred to the successful offeror through the PSA (Assumption Agreement) and is detailed within **Appendix (D) – Title and Charges**

Also available is the Stage 1 Environmental Site Assessment, as **Appendix (E)- Stage 1 Environmental Site Assessment**.

## 2. Site Servicing Requirements

The successful offeror will be required to complete a subdivision application for the Site. R.F. Binnie and Associates has provided 75% complete detailed design drawings for offsite civil works as well as anticipated offsite works commitments attached as **Appendix (F) Design Drawings for Offsite Services, and Offsite Works Drawing**. This information is provided for reference purposes only. It is up to each offeror to complete their own investigations with respect to services and servicing requirements prior to the submission of an offer to the City.

The successful offeror will be required to complete development/building permit applications, complete all offsite and onsite servicing and tie-in's and pay all development fees, such as, Development Cost Charges (DCC's), Bonus Density Fees, and Transportation Demand Management Fees and charges, permit fees, connection fees, and other fees where applicable prior to commencement of construction. In addition, the successful offeror will be required to comply with all applicable bylaws during the course of development/construction. A link to **Schedule “D” of the Fees and Charges Bylaw No. 5181 2021** has been provided under the attached **Useful Links** section page. This outlines the Building Bylaw fees and charges applicable for 2022. Based on the completion date for the purchase of the Site, the successful offeror will need to confirm fees associated with their application and development timelines.

In addition, a link to the City's Building Bylaw No. 3598, 2003, as amended, as well as a link to the City's Development Permit Guidelines as indicated under the Useful Links section on page 15.

Finally the following summary table highlights in general completed requirements as part of the rezoning process, and future requirements for the subdivision and servicing of the Site. This list is not exhaustive and is provided for general guidance only.

Development Checklist			
Development Item	Description	Status	Responsibility
Zoning	CD-30 zoning in place	Complete Appendix(H)	City of Coquitlam
Community Amenity Contributions (CAC)	Development Fee	Paid	City of Coquitlam
Subdivision Application	Required	Not complete	Successful Offeror
Offsite Servicing Works	Offsite Servicing Works 75% detailed design drawings	Complete Appendix (F)	City of Coquitlam
	Final Design Drawings	Not Complete	Successful Offeror
	Offsite Works, Onsite Works and Tie ins	Not Complete	Successful Offeror
Demolition	Required within 2 years, (Hazmat Report attached as Appendix (G)	Not Complete	Successful Offeror
Development Permit	Required	Not Complete	Successful Offeror
Building Permit	Required	Not Complete	Successful Offeror

### 3. Responding to this RFO

To respond to this RFO, offerors must follow the instructions outlined in Section 5.2. Before responding to this RFO in accordance with Section 5.2, each offeror should ensure that it has reviewed with its legal and financial advisors the contents of this RFO Package, including all appendices and addenda.

### 4. Selection of Successful Offeror

Despite the City releasing this RFO, prospective offerors acknowledge that the City may not accept any of the offers received. In particular, notwithstanding anything contained herein, the City reserves the right to reject any or all offers or to accept any offer received in response to this RFO, should it be in the best interests of the City to do so, even if such offer does not comply with the terms and conditions set out in this RFO Package. The City reserves the right to waive any irregularities in any offer.

Offers will be evaluated based on highest purchase price, ability to meet the prescribed development timeline, the financial capacity of the offeror, the completion date for the purchase and any other elements the City considers to be in its best interest. Should the same purchase price offer be received from multiple offerors for the Site and that the City, in its sole discretion, is prepared to accept, the Site will be sold to the offeror whose offer bears the earliest time and date stamp, provided that the offer is complete and all other factors considered by the City, at its discretion, are equal.

***Sealed offers will be opened by City of Coquitlam Real Estate Staff after the stipulated closing time and date of 2:00 p.m. Pacific Standard Time, Wednesday July 27, 2022.***

The City will contact offerors by no later than 5:00 p.m. Pacific Standard Time, Wednesday, August 3, 2022 to inform them of the status of their offer and will communicate the City's acceptance of a successful offer by signing and delivering an offeror's submitted Offer Form to such successful offeror with the Purchase and Sale Agreement attached for execution by such successful offeror. A successful offeror will have **five business days** to sign and return the Purchase and Sale Agreement to the City.

## 5. Requirements

This Section defines the instructions and general requirements for submission of an offer by offerors. Offerors are required to carefully review and read the entire RFO Package and to closely follow the instructions and requirements accordingly. Non-compliance with the instructions and requirements of this RFO Package may be cause for rejection of the offer.

The Site will be purchased from the City under the following terms and conditions:

- Offerors are required to submit an offer in accordance with instructions in Section 5.2.
- The Site is not to be purchased for holding or speculative purposes and is to be developed in accordance with the prescribed schedule detailed within the Option to Purchase (Schedule "B" to the Purchase and Sale Agreement included within **Appendix A**);
- Failure to secure a development permit, building permit, and/or commence and continuously proceed with construction within the prescribed time frames may result in the City exercising its right to purchase the Site back from the purchaser at ninety percent (90%) of the original purchase price (a 10% discount from the original purchase price);
- The successful offeror may not assign its offer or any rights in respect of the same, except in accordance with Section 5.10;
- The completion date for the purchase of the Site shall be no later than 5:00 pm, Wednesday, March 15, 2023;
- The required deposit must accompany the Offer Form (the "**Deposit**"). Deposits will be returned in accordance with Section 5.3;
- The successful offeror will execute the City's form of legal documentation included in the Appendices. The successful offeror shall execute and deliver the Purchase and Sale Agreement no later than the date that is **five business days** after the date that the successful offeror receives from the City the Purchase and Sale Agreement with the successful offeror's particulars inserted.
- **Each offeror shall ensure that it has reviewed with its legal and financial advisors the contents of this RFO Package, including all Appendices and addenda, prior to submitting an offer. Any failure of the successful offeror to comply with the terms of this RFO Package, including the requirement of the successful offeror to deliver an executed Purchase and Sale Agreement within the time limits prescribed above, may result in the cancellation of this RFO, at the City's election, in which case the non-refundable Deposit will be forfeited to the City;**
- Offerors acknowledge and will adhere to the terms and conditions of all covenants, easements, statutory right-of-ways, and other charges registered on title; and
- Finder's fees and/or real estate commissions for the sale of the Site will not be paid by the City. Offers received by the City will be assumed to be net of any and all finder's fees and/or real estate

commissions due and payable to any third parties with no responsibility placed on the City for paying any fees or commissions whatsoever.

### 5.1 Closing Time, Date & Location

Sealed offers submitted in response to this RFO must be physically received by the City at the address below **no later than 2:00 p.m. Pacific Standard Time, Wednesday, July 27, 2022** (as determined by the clock on the wall above the City’s main floor reception desk). Offers received on or before the stipulated closing time and date will be time and date stamped. Offers received after this stipulated closing time and date will be determined to not have been received and will be returned to the offeror unopened.

Offers must be delivered to the following physical location:

**CITY OF COQUITLAM**  
**C/O Reception Desk – Main Floor**  
**3000 Guildford Way, Coquitlam B.C. V3B 7N2**

Office hours are 8:00 a.m. to 5:00 p.m. Monday to Friday, excluding statutory holidays.

### 5.2 Submitting an Offer

The City is providing potential offerors with the following option for submitting an offer:

In order to submit an offer in response to this RFO, offerors must submit all of the following which must be complete, clear, consistent, well organized and legible:

- One (1) hard copy of the RFO Offer Form (included as **Schedule A Form of Purchase and Sale Agreement (including Form of Option to Purchase)**);
- A certified cheque or bank draft in the required amount of 15% of the total offer value, made out to the “City of Coquitlam”; and
- Copies of all addenda (if any) provided by the City as further described in Section 5.8.

Offers containing the above items must be in a sealed envelope clearly labeled with the following: offeror’s name(s), offeror’s company name, and/or offeror’s representative, as applicable, and must be clearly titled: **“RFO 22-030, Sale of a High Rise Residential Development Site at 560 Sydney Avenue, Coquitlam, B.C.”**. Offers must be submitted in accordance with the instructions set out herein by the closing date and time indicated in Section 5.1.

Only one (1) offer per offeror may be submitted to the City for consideration.

### 5.3 Deposit

The required Deposit is 15% of the purchase price, payable to the “City of Coquitlam” by bank draft or certified cheque and attached to the Offer Form as per Section 5.2.

A Deposit from the successful offeror will be immediately deposited into the City’s bank account upon acceptance of the offer and is non-refundable. Such Deposit will be credited to the purchase price without interest on the completion date

Deposits from unsuccessful offers will be returned upon the City’s acceptance of the successful offer.

If the City elects to end the RFO process, in accordance with Section 5.16, before the closing date of the RFO process then Deposits will be returned to offerors.

Any failure of the successful offeror to comply with the terms of this RFO Package, including the requirement of the successful offeror to deliver an executed Purchase and Sale Agreement within the time limits prescribed above, may result in the cancellation of this RFO, at the City’s election, in which case the successful offer’s Deposit will be forfeited to the City.

**5.4 Offers Delivered by Fax, Email or Other Delivery Method**

As only offers in sealed envelopes will be considered, any offers submitted by fax or email or any method other than by hand in a sealed envelope, clearly labeled will not be accepted and will be deemed not to have been received.

**5.5 Withdrawal of Offers**

Offers once submitted may not be withdrawn.

**5.6 RFO Timeline**

<b><u>Timeline for RFO</u></b>	
Monday, May 30, 2022	Released to public.
Wednesday, June 15, 2022	Inquiry Period 1 Addendum Release
Wednesday June 22, 2022 (9:30 am-11:30 am)	Site Tour, Interior Inspection of Improvements
Wednesday, July 6, 2022	Inquiry Period 2, Addendum Release
Wednesday, July 20, 2022, 2:00 pm	Deadline for RFO inquiries
Wednesday, July 27, 2022, 2:00 pm	Deadline for submission of offer with payment of 15% Deposit
Wednesday, August 3, 2022, 5:00 pm	Deadline for notifying successful/unsuccessful offerors
Wednesday, March 15, 2023	Latest completion date (execution of documents and payment of balance of purchase price)
<b>Please read the development timeline in Section 3 of the Option to Purchase (Schedule “B” to the Purchase and Sale Agreement included within Appendix A - Form of Purchase and Sale Agreement), timeline requirements highlighted below.</b>	
2 years from registration date	Demolition of Onsite Improvements
2 years from registration date	Subdivision and Development Permit
3 years from registration date	Building Permit

## 5.7 Inquiries

It is each offeror's responsibility to ensure that it seeks clarification on any matter relating to this RFO Package before submitting an offer.

All inquiries are to be directed in writing by email only, quoting " **RFO 22-030, Sale of a High Rise Residential Development Site at 560 Sydney Avenue, , Coquitlam, B.C.**" to: [landsales@coquitlam.ca](mailto:landsales@coquitlam.ca).

The deadline to submit requests for clarification is 2:00 p.m. Pacific Standard Time, Wednesday, July 20, 2022. If deemed to be material to the sale of the Site, enquiries and responses will be recorded as addenda on the City's website link at: [coquitlam.ca/bids](http://coquitlam.ca/bids)

## 5.8 Addenda

Any changes to the RFO Package will be issued by means of written addenda that will form part of this RFO Package and will be posted on the City's website.

It is each offeror's sole responsibility to frequently check the City's website for addenda provided by the City.

The City takes no responsibility for offerors who do not check the City's website for recorded addenda. Additional information provided by way of addendum, such as consultant reports, design drawings and supporting documentation, is provided for reference purposes only. It is the responsibility of the offerors to make an independent assessment of the accuracy and completeness of any and all information provided as part of this RFO Package.

## 5.9 Valid Authority

All offers must be dated and signed by the offeror. Any corporate or other non-individual offeror must ensure that the offer is signed by its authorized signatory or signatories.

## 5.10 Assignment

An offeror may not assign its offer or any rights in respect of the same to any other party without the prior written consent of the City, which consent may be unreasonably withheld for any reason at the City's sole discretion. An assignment or purported assignment without the City's prior written consent may, at the City's sole discretion, invalidate the offeror's offer.

Notwithstanding the foregoing the successful offer, on written notice to the City, may assign the Purchase and Sale Agreement to an affiliate, as that term is defined in the *Business Corporations Act*, of the successful offeror or to a partnership or limited partnership if the successful offeror (or an affiliate of the successful offeror) is a partner.

## 5.11 Public Information

Offerors submitting sealed offers are advised that the information contained in the offer will be considered public.

## 5.12 Property Access

The Site is improved and offerors are provided a single opportunity to inspect the improvements on Wednesday June 22, 2022 between 9:30 and 11:30 am. Offerors are responsible for visiting the Site in order to familiarize themselves with the local conditions of the Site and surrounding area.

### **5.13 Acceptance by Offeror of RFO Package Terms & Conditions**

In submitting an offer and all of the items required pursuant to Section 5.2 above, each offeror agrees to the terms and conditions contained in this RFO Package, including all addenda recorded by the City during the RFO.

### **5.14 Codes, Regulations, Standards, Permits & Approvals**

The offeror shall comply with all laws and regulations of authorities having jurisdiction. The offeror shall obtain, at its expense, copies of all applicable codes, regulations and standards of all authorities having jurisdiction with respect to the construction of a high density residential development on the Site.

### **5.15 Responsibility of Offerors**

Offerors are responsible for informing themselves as to the contents of this RFO Package. Offerors are responsible for ensuring that they have obtained and considered all information necessary to understand the requirements of the RFO Package and submission of their offers.

The City makes no representation or warranty as to the completeness or accuracy of any reference material made available to offerors in the RFO Package and will not be responsible for any loss, damage or expense incurred by offerors as a result of any inaccuracy or incompleteness in this RFO Package, or as a result of the offerors' misunderstanding or misinterpreting the terms and conditions of the RFO Package.

It is the responsibility of the offerors to make an independent assessment of the accuracy and completeness of any and all information provided as part of this RFO Package.

### **5.16 No Obligation to Select or Proceed**

The City may, in its sole discretion, elect to end this RFO process at any time and for any reason, including after a successful offeror has been selected and notified. The City reserves the right to reject any or all offers.

### **5.17 City's Contractual Obligation**

The submission of any offer, participation in this RFO by an offeror, or selection of a successful offeror shall not create any legal obligation on the part of the City in connection with this transaction until the Purchase and Sale Agreement has been executed and delivered by the City and the successful offeror.

### **5.18 No Claims against the City**

The offeror acknowledges that the City is a public body required by law to act in the public interest. While the City has every intention of conducting the sale process in a fair and impartial manner, in no event does the City owe to any offeror: (a) a contract or tort law duty of care, fairness, impartiality or procedural fairness in the sale process; or (b) a contract or tort law duty to preserve the integrity of the sale process.

By participating in this RFO, offerors acknowledge and agree that the City and its officials, employees, agents and consultants will not be liable to any offeror for any claims, direct or indirect, whether for costs, expenses, losses or damages, or loss of anticipated profits, or for any other matter whatsoever,

incurred by the offeror in preparing and submitting an offer, or participating in negotiations leading to the agreement of purchase and sale, or any other activity related to or arising from this RFO including the City's acceptance of an irregular or non-compliant offer and each offeror hereby releases the City and its officials, employees, agents and consultants in respect of the above. The preparation and submission of an offer in response to this RFO is voluntary and any costs associated with such preparation and submission is solely incurred by the offeror submitting the offer.

### **5.19 Canadian Currency**

All monetary references in an offer must be to Canadian currency. Offers submitted are to be exclusive of all taxes.

### **5.20 Taxes**

In addition to payment of the purchase price, the successful offeror will also be responsible for payment of property transfer tax, goods and services tax, and their pro rata share of property taxes, utilities, and other charges applicable to the Site.

### **5.21 Legal Action**

The City may, in its absolute discretion, reject an offer submitted by the offeror if the offeror, or any officer or director of a corporate offeror, or a representative of a non-individual offeror is, or has been engaged, in legal action against the City and/or its elected officials and/or appointed officers and employees or any of them in relation to:

- any other contract or services; or
- any matter arising from the City's exercise of its powers, duties or functions under the *Local Government Act*, the *Community Charter* or any other enactment,

within the five (5) years prior to the closing date of this RFO.

For purpose of this section, the word "legal action" includes, without limitation, mediation, arbitration, or hearing before an administrative tribunal or lawsuit filed in any court.

Without limiting the City's sole discretion, in determining whether or not to reject an offer pursuant to this clause, the City will consider such factors as whether the legal action is likely to affect the offeror's ability to work with the City and its employees, agents, other consultants, contractors and representatives or any of them and whether the City's past experience with the offeror in this matter that resulted in the legal action indicates that the City is likely to incur increased staff and legal costs or either of them in the administration of this contract if it is awarded to the offeror.

### **5.22 Indemnification**

Each offeror will indemnify and save harmless the City, its employees and agents, from and against all claims, demands, losses, damages, costs and expenses made against or incurred, suffered or sustained by the City at any time or times, (either before or after the expiration or sooner termination of this agreement) where the same or any of them are based upon or arise out of or from anything done or omitted to be done by an offeror or by any servant, employee, officer, director or sub-contractor of an offeror.

## Useful Links & List of Documentation attached as Appendices, Forming part of Request For Offers No. 22-030 dated May 30, 2022

### USEFUL LINKS

- **Link to Building Bylaw No. 3598, 2003**
  - <https://publicdocs.coquitlam.ca/coquitlamdoc/getdocIF.asp?doc=4394968>
- **Link to City’s Fees and Charges Bylaw No. 5181, 2021 (See, in particular, Schedule “D”)**
  - <https://publicdocs.coquitlam.ca/coquitlamdoc/getdocIF.asp?doc=4293256>
- **Link to Citywide Official Community Plan**
  - <https://www.coquitlam.ca/616/Citywide-Official-Community-Plan>
  - <https://www.coquitlam.ca/450/Southwest-Coquitlam-Area-Plan>
  - <https://www.coquitlam.ca/453/Burquitlam-Lougheed-Neighbourhood-Plan>

### SCHEDULE

A: RFO Offer Form

### APPENDICES

- A. Form of Purchase and Sale Agreement, Option to Purchase, and Assumption Agreement
- B. Survey Plan NWP58857
- C. Topographical Survey
- D. Title and Charges
- E. Phase 1 ESA 560 & 594 to 602 Sydney Ave Coquitlam BC
- F. Design Drawings for Offsite Services, and Offsite Works Drawing
- G. Hazmat Report for Demolition
- H. CD-30 Comprehensive Development Zone-30, zoning bylaw
- I. Link to Autocad Topographical Survey File