



**July 8, 2019**

Michael Pacholok  
Chief Purchasing Officer  
Purchasing and Materials Management Division  
City Hall, 18<sup>th</sup> Floor, West Tower  
100 Queen Street West  
Toronto, Ontario M5H 2N2

Dear Mr. Pacholok:

**Re: Fairness Attestation Report - Request for Proposal (RFP) No. 9148-19-0048 for the Supply, Installation, Operation, Maintenance and Decommissioning of Automated Speed Enforcement (ASE) Systems within the City of Toronto and Other Municipalities within Ontario**

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### **Background**

HKA Global (Canada) Inc. (HKA) was retained as the Fairness Monitor for the above-mentioned procurement in November 2018 to oversee the procurement process administered to identify a successful service provider with whom the City can retain the delivery of an ASE solution. We have monitored the RFP development, open period in-market process, and evaluation process. This letter details our summarized fairness findings for the RFP process we monitored.

We understand that the results of the RFP process, including the testing and evaluation carried out Proof of Performance will inform the contents of the ASE regulation, which the City's Traffic Management Division is contributing to, in order to advance the objectives of the Toronto City Council's approved the Vision Zero Road Safety Plan.

Our monitoring in the capacity as Fairness Monitor was strictly limited to our responsibilities and deliverables listed in the numbered list below. We took the City of Toronto's Procurement Policy, Canadian Free Trade Agreement, and the stipulations of the RFP as a standard against which to audit the process, which is found in this report. We have no objections to the recommendation made by the City of Toronto's Traffic Management Division and the identified highest scoring proponent of the RFP process administered.

### **Fairness Monitor Responsibilities and Deliverables for the RFP**

1. Attending the kick-off meeting with the City for the project;
2. Review RFP to identify potential inconsistencies or lack of clarity in the RFP or matters of transparency regarding evaluation weightings and criteria;
3. Review of Evaluation Criteria with respect to clarity and consistency;
4. Attend the Proponent's Voluntary Information Meeting (if required);
5. Oversee questions, comments, or communications from potential Proponents and review responses posted via Addendum;
6. Provide advice to the evaluation team and PMMD as requested;
7. Attend demonstrations evaluations for 4 vendors;
8. Attend evaluation team rated criteria consensus sessions;
9. Ensure that evaluation scores are accurate and the documented methodology was adhered to;
10. Review evaluation results;

11. Attend debriefing sessions related to the RFP, as required. Addressing any concerns relating to accountability/fairness (monitoring the level of openness, transparency and competitiveness of the procurement process);
12. Independent assurance of integrity of the procurement process with a signed attest statement for the RFP;
13. The Fairness Monitor's primary role is to provide an assessment of the procurement process confirming that it has been carried out in a fair and objective manner in accordance with the RFP.

### **RFP Process and RFP Open Period**

The RFP was issued on April 18<sup>th</sup>, 2019. Seventeen (17) addendums were issued prior to the amended closing deadline of June 13, 2019 at 12pm.

The RFP stated all proposal and performance requirements, evaluation criteria and associated weightings of that criteria, evaluation methodology, evaluation matrix rating scale and evaluation approach to be administered during all stages of the evaluation processes. Where there were minimum scoring thresholds and/or pass/fail requirements for all mandatory requirements evaluation sections, they were disclosed with a clear indication when such thresholds or pass/fail tests would be applied, and the impact that failing to satisfy any of them.

The RFP designated a single point of contact and explained the process for communication during the open period, confidentiality, conflict of interest, evaluation process, project deliverables, draft contract, bond and performance requirements. Questions on all matters occurred during the RFP open period process and received responsive and detailed answers from the City. All questions asked were responded to within the Q&A/Addenda deadline, as were all issued addenda.

The RFP open period represented a total of fifty-six (56) calendar days in market for proponents to respond to the City's request process. We deemed this to be sufficient time for qualified respondents to prepare and submit compliant proposals. Diligent effort was taken to effectively manage potential incumbent advantage or disadvantages, and any potential geographical encumbrances in this process.

The Traffic Management project team (whom we reported to), and Procurement representatives took great care to develop detailed evaluation criteria that objectively reflected the legitimate needs of the City to produce an RFP that was clear and could be consistently applied.

### **Evaluation Process**

Four (4) timely proposals were received before the closing time with no late proposals received or accepted. The evaluation stages provided in the RFP were as follows:

1. Mandatory Submission Requirements Evaluation

All four (4) proposals successfully received a pass during this evaluation stage and proceeded to Stage 2. This stage was evaluated by the qualified Procurement department.

2. A) Mandatory Demonstration Evaluation

Two (2) proposals successfully received a pass during this evaluation stage and two (2) did not, and as such the two which failed to demonstrate the mandatory demonstration requirements. The requirements for this stage were further clarified post close for the benefit of all proponents

and re-tested. Following the re-test, two (2) proposals were not successful, and did not proceed further in the evaluation process. This stage was evaluated by qualified municipal Prosecutors. We observed this process and had no fairness objections.

2. B) Proposal Content Rated Criteria Evaluation; and the

Both proposals that were evaluated during this technical written evaluation stage successfully met the 75% scoring threshold assigned and proceeded further in the evaluation process. This stage was evaluated by qualified municipal Traffic Division Managers from across the province.

3. Cost Evaluation

Following the completion of Stage 2B, the cost envelopes for both proponents that had made it to Stage 3, were opened and evaluated against the disclosed calculation formula. Full marks were given to the highest scoring proponent and the other received a fraction of the assigned points based on their bids level of competitiveness to the other.

The evaluation teams were briefed on best practices with respect to confidentiality of proposals; conflict of interest; undue influence; scoring procedures; and, the retention of documents. We are not aware of the existence of any conflict of interest or breach of confidentiality occurring. No evaluator or other individual exerted undue influence over the process as each evaluation stage was completed by distinct and separate evaluation teams in a sequential order.

The evaluation team's in Stage 2A, and Stage 2B were completed using the best practice consensus two-step method: first, each evaluator, working alone, reviewed and scored each proposal in its entirety; second, the evaluators met as a group to discuss their findings and arrive at a consensus score for each criterion and all formed consensus comments together largely relying on their initial comments and team discussion comments. No averaging took place. Each score and comment were discussed thoroughly and verified during the consensus session based on the disclosed evaluation rating matrix from the RFP and the evaluation criteria objectively.

At the completion of the evaluation all calculations were verified and there was a clear highest scoring proponent overall, based on the combined achieved scores from Stage 2B, and Stage 3 in accordance with the RFP. The highest scoring Proponent is **Redflex Traffic Systems Canada Inc.**

In conclusion, we can attest that the RFP was conducted in a procedurally fair, open and transparent manner and we certify that the successful Proponent recommendation has been generated through a rigorous and well-documented evaluation process that we witnessed and have no reasons nor objections to the result produced.

Sincerely,



Andrea Robinson, B.A, LL.M., PMP.  
Senior Fairness Consultant  
HKA Global (Canada) Inc.