

April 15, 2021

Mr. Theodoros Maicantis,
Senior Corporate Buyer
Purchasing and Materials Management
City of Toronto

Email: Theodoroa.Maicantis@toronto.ca

**RE: Fairness Monitor Attestation
Provision of Vote Counting Equipment
nRFP No. Doc2604476104**

Dear Mr. Maicantis,

Please accept this letter as my attestation of the above referenced competition process.

In our opinion the procurement process administered by the City of Toronto for the above referenced competition has fully met acceptable standards of an open, fair and transparent process.

The remainder of this letter provides more detail on our observations and findings.

Background

The City of Toronto ("the City") is establishing a supply and services contract for the provision of vote counting equipment and related support services. The nRFB provided the following overview:

- 1. The City intends to engage with a Vote Counting Equipment Supplier to provide over 2,000 units of vote counting equipment, including 2,000 optical scan tabulators, 100 Ballot Marking Devices ("BMD"), 20 digital ballot printing units, the required software, and services. The City also requires the option to consider other products and services such as*



vote by-mail services, Ranked Ballot Election capable, and other voter enhancement opportunities. The City intends to review Proposals that deliver a Solution which will allow eligible voters at each voting place to hand mark a ballot.

- 2.** *The Solution is to be based on the model described in this nRFP and is to adhere to the City's objectives. The initial contract term will be ten (10) years, with an option in favour of the City to extend the agreement under the same terms and conditions for up to five (5) additional one-year terms, in order to cover the election cycles currently planned for the 2022, 2026 and 2030 Municipal Elections.*

This nRFP was comprised of the following documents:

- Part 1 – nRFP Process;
- Part 2 – Agreement Terms and Conditions;
- Part 3 – Requirements for Deliverables;
- Part 4 – Submission Forms, consisting of:
 - Form A – Bid Submission;
 - Form B – Proposal and Qualifications;
 - Form C – Organizational Capabilities
 - Form D – Client References
 - Form E – Proposed Staff Team, Resources, System/Solution, Workplan and Deliverables
 - Form F – Functional and Non-Functional Requirements
 - Form G – Technical Requirements
- Part 5 – Instructions for Pricing
- Part 6 – Pricing Form; and any Addenda to the above Parts.

Fairness Overview

As Fairness Monitor our role is to act as an independent observer of the process, to scrutinize and monitor all related procurement activities and to provide advice on how the City can achieve an appropriate level of fairness, openness and transparency.

In order to fulfill our obligations, we reviewed all procurement-related documents, the evaluation methodology and all supporting evaluation documents as well as attending and observing the consensus scoring meetings, the proponent interviews and product demonstrations.

We were also appraised of the price evaluation process and outcome.



Our work as Fairness Monitor has been limited to the procurement steps described above. The City is now entering the negotiations phase of the procurement and has agreed that it will consult with us during the negotiation period if issues or fairness-related concerns arise. We will not be participating directly in the negotiation meetings.

Fairness Observations

In our role as Fairness Monitor, we were involved in all aspects of the competition process. We were given multiple draft versions of the nRFP and were able to provide comments and suggestions. We noted that our input and advice was appropriately incorporated into the nRFP.

It is important to note that we were engaged early in the procurement process. This allowed us to understand the project and provide advice early in the planning and nRFP writing stage.

Once the nRFP was posted we monitored the proceedings to help make certain the process was administered in a manner that was consistent with the descriptions of these processes provided in the nRFP (*procedurally fair*). This included the issuing of addenda, the question and answer process and any other correspondence with potential vendors.

During the nRFP open period the City issued three addenda made up of a series of questions and answers plus revisions to the nRFP document and attachments. In our opinion, all activities administered by the City during the nRFP open period were administered in a fair, open, and transparent manner and were consistent with best practices.

Throughout the early stages of the procurement process including the time while the nRFP was open, we were given an opportunity to review and comment on the draft evaluation material. This included a document describing the roles and responsibilities of the evaluation team members, an Evaluation Guidebook, a training deck titled *Participant Guide* as well as a consensus scoring summary workbook. We noted that City staff were responsive to our comments and incorporated our suggestions into their documents.

In terms of the evaluation process, we were apprised of the evaluation of the mandatory requirements (Stage I of the evaluation) which was conducted by the Procurement Lead with assistance from the Project Team from the City. We also attended and participated in the



evaluator training session and provided input on best practice for evaluators from a fairness perspective.

The evaluation process included six separate evaluation teams, each evaluating and scoring a specific aspect of the proposal submission. The sixth evaluation team was the Procurement Team, which evaluated the pricing proposals. Each team included a set of evaluators, subject matter experts and technical support. As Fairness Monitor we participated in all stages of the evaluation process.

Once the evaluators had completed their scoring of the rated requirements (Stage 2A, 2B, and 2C) of the evaluation, we attended and observed the consensus scoring sessions. Prior to the commencement of the consensus scoring, we provided a short overview of fairness considerations during consensus.

Once consensus scoring was completed, we were provided with a summary of the final scores.

The next stage in the evaluation was the Executive Interviews followed by a live product demonstration. Again, each stage had a separate evaluation team which included SME's and technical support.

Throughout the procurement process, the City was quick to advise us of any problems and regularly sought our advice on best practices. The City has consistently demonstrated throughout the process an eagerness to ensure they have conducted this competition in an open, fair and transparent manner.

The Price Evaluation (Stage IIII of the evaluation) was administered by the Procurement Lead with input from the Procurement Team. This process was formula-driven so there was no need for our direct involvement. We were provided with the summary table of the price information and did review the document to make certain it was applied in a consistent manner.

Summary

In our professional opinion, the City has conducted this competition process to a high standard of openness, transparency and fairness. The nRFP was clearly written, and the City was very diligent in their description of the procurement process. The Evaluation Team was qualified to



conduct the evaluation, they were all trained on best practices and they followed the evaluation process exactly as it was described in the nRFP. The evaluators treated all bidders in an open, fair and consistent manner. The City followed the process described in the nRFP and we saw no evidence of bias for or against any bidder.

My full report, which will be provided at the end of the process, will contain further details on each step and a more fulsome description of my observations.

Yours truly,

BDO CANADA LLP



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FAIRNESS MONITOR

c.c.: Jackson Sychingho, John Meraglia