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May 3, 2021

Mr. Bashir Ahmed,
Senior Project Manager,
Trunk Sewers and Transmission Mains
City of Toronto

Email: Bashir.Ahmed@toronto.ca

**RE: Fairness Monitor Attestation
Fairbank Silverthorn Project Storm Trunk Tunnel and Micro-tunneled Storm Sewers
Request for Tenders (RFT)
Ariba Doc. No. 2793902914 Contract No. 21ECS-LU-01TT**

Dear Mr. Ahmed,

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 RFT competition has fully met acceptable standards of an open, fair, and transparent process.

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

Background

This project, known as the Fairbank Silverthorn Storm System Project or the “Fairbank Project”, is part of the City of Toronto’s Basement Flooding Protection Program (“BFPP”). The Fairbank Project is part of a larger city-wide storm water management strategy intended to alleviate local properties from flooding caused through surcharged storm sewers, combined and sanitary sewers, and excessive overland flow.



The procurement approach the City has taken involved a two-stage process beginning with a Request for Qualifications (“RFQ”) followed by a second stage Request for Tenders (“RFT”). This letter covers the second stage – the Request for Tenders.

The Fairbank Project involves the design and construction of a new tunneling system that will separate combined sewers by installing new local collector storm sewers and conveying the storm flow to the Black Creek Watercourse through the new Fairbank Storm trunk tunnel. In areas where there is no sewer separation and the combined sewer can surcharge to basement levels, Inlet Control Devices are proposed to store the storm water on surface and control flow to the combined sewer.

The Fairbank Project comprises a number of tunneling projects, the largest being a large-diameter (4.5 meter) main storm trunk sewer tunnel and a new outfall connection into the Black Creek watercourse with a combined length of 2.9 kilometres. The main tunnel will provide inline storage to manage peak storm events and slowly release flow into the Black Creek watercourse.

The project also includes a number of micro-tunnels, which are smaller diameter tunnels, and will provide an outfall connection to help maximize use of the tunnel storage as well as valves to control flow to the Black Creek.

The City is planning to conduct multiple major procurement processes for the construction of the overall Fairbank Silverthorn Storm Trunk Sewer System Project. This RFT pertains to what is called Major Tender 2 and is for the main Fairbank Silverthorn Storm Trunk Tunnel and 1400 m of collector Sewers to be constructed by Micro-Tunneling as mentioned above.

Subsequent procurements (Major Tenders 3 and 4) will be administered at a later date. These procurements will be used to acquire construction services for several local collector sewer lines.

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 tender-related documents, all of the questions and answers and subsequent addenda, as well as the evaluation methodology, which in this case was a formula-based equation.

RFT Overview

The RFT was posted on the Ariba Network on January 27th, 2021. Only the pre-qualified Proponents from the RFQ process were able to access the RFT. (Note: Ariba is the City's procurement and supply chain solution. Ariba is a cloud-based solution that allows suppliers and buyers to connect and do business on a single platform.)

The RFT was a very technical document. The majority of the sections were made up of detailed construction specifications and drawings. As a result, the main focus of our review was on the process portion of the RFT. This included the mandatory forms, the Pricing Form and the administration of the process. Given that this was a tender, 100% of the evaluation was based on price.

The main contents of the RFT included the following:

PART 1 – Request for Tender Process:

1. RFT Specific Process and Submission Instructions;
2. Evaluation, Acceptance and Execution; and
3. General RFT Terms and Conditions.

PART 2 – Form of Construction Agreement

PART 3 – Drawings and Specifications

PART 4 – Submission Form

PART 5 – Pricing Form

The RFT followed the City's RFT template. Instructions were clearly laid out; a significant amount of background and technical information was provided; and the project objectives were well defined. The RFT clearly articulated the submission requirements and used a number of forms as the basis of the submission. The required forms included:

1. Submission Form;
2. Bid Bond Form;
3. Experience and Qualifications Form;
4. List of Subcontractors Form; and
5. Pricing Form.

The majority of forms were set to gather and confirm information on each Proponent. The main intent was to confirm the proposed resources, their experience and qualifications and ensure



consistency with the names and resources proposed at the RFQ stage.

As mentioned above, since this was a tender, the evaluation was based entirely on the price offered by each Proponent.

Fairness Observations

In our role as Fairness Monitor, we were involved in all aspects of the RFT process. We were given multiple draft versions of the RFT and were able to provide comments and suggestions. We noted that our input and advice was appropriately incorporated into the RFT. As mentioned above, our primary interest was the description of the process and its actual administration.

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 RFT writing stage.

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

The City issued eleven (11) addenda made up of a series of questions and answers plus minor revisions, clarifications and corrections to the RFT document and attachments. We were given an opportunity to review and comment on each addendum. We noted that our feedback, if any, was incorporated into the documents before being posted. In our opinion, all activities during the RFT open period were administered in a fair, open and transparent manner and were consistent with best practices.

We should comment on the fact that there were 11 addenda. Under normal circumstances this might be considered a problem, however, the RFT was extremely technical and all of the addenda as well as the majority of questions were detailed and technical in nature. Our view is the majority of questions were a reflection of Proponents trying to get a better understanding of requirements so they could submit an effective and accurate bid.

Given the number of addenda, the City elected to extend the closing date on four separate occasions. The final closing date was April 14. Some might think four extensions is an indication of a problem. In our opinion this was not the case. The City wanted to ensure the RFT was

perfectly clear and all Proponents had a clear understanding of the requirements. Also, in most cases, the extensions were the result of a revision to the RFT and in some cases, those revisions were significant or material enough to warrant the extension.

It is also important to note that the City offered multiple rounds of questions. Doing so gives Proponents the opportunity to ask a question, get an answer and then ask a follow-up question if need be.

The evaluation of price was formula driven. As a result, there was no need for us to participate in or oversee the process. The City reported the results to us, and we accepted the results.

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

Summary

In our professional opinion, the City has conducted this competition process to a high standard of openness, transparency, and fairness. The RFT was clearly written, and the City was very diligent in their description of the tendering process. The Evaluation Team followed the evaluation process exactly as it was described in the RFT. There were no cases of conflict of interest and all proposal documents were treated confidentially. The City followed the process described in the RFT and we saw no evidence of bias for or against any bidder.

Yours truly,

Lakeland Consulting Inc.



BILL MOCSAN
FAIRNESS MONITOR

October 13th, 2020

Mr. Bashir Ahmed,
Senior Project Manager,
Trunk Sewers and Transmission Mains
City of Toronto

Email: Bashir.Ahmed@toronto.ca

**RE: Fairness Monitor Attestation
Fairbank Silverthorn Project Storm Trunk Tunnel and Micro-tunneled Storm Sewers
PreQualification (RFQ)
Ariba Doc. No. 2430610527**

Dear Mr. Ahmed,

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

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

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

Background

This project, known as the Fairbank Silverthorn Storm System Project or the “Fairbank Project”, is part of the City of Toronto’s Basement Flooding Protection Program (“BFPP”). The Fairbank Project is part of a larger city-wide storm water management strategy intended to alleviate local

properties from flooding caused through surcharged storm sewers, combined and sanitary sewers, and excessive overland flow.

The procurement approach the City has taken involves a two-stage process beginning with a Request for Qualifications ("RFQ") followed by a second stage tender. The tender will be done on an invitational basis and will be issued to a maximum of five qualified bidders from the RFQ process.

The Fairbank Project involves the design and construction of a new tunneling system that will separate combined sewers by installing new local collector storm sewers and conveying the storm flow to the Black Creek Watercourse through the new Fairbank Storm trunk tunnel. In areas where there is no sewer separation and the combined sewer can surcharge to basement levels, Inlet Control Devices are proposed to store the storm water on surface and control flow to the combined sewer.

The Fairbank Project comprises a number of tunneling projects, the largest being a large-diameter (4-4.5 meter) main storm trunk sewer tunnel and a new outfall connection into the Black Creek watercourse with a combined length of 2.9 kilometres. The main tunnel will provide inline storage to manage peak storm events and slowly release flow into the Black Creek watercourse.

The project also includes a number of micro-tunnels, which are smaller diameter tunnels, and will provide an outfall connection to help maximize use of the tunnel storage as well as valves to control flow to the Black Creek.

The City is planning to conduct multiple major procurement processes for the construction of the overall Fairbank Silverthorn Storm Basement Flooding Protection Project system. This RFQ pertains to what is called Major Tender 1 and is for the main Fairbank Silverthorn Storm Trunk Tunnel and 1400 m of collector Sewers to be constructed by Micro-Tunneling as mentioned above.

Subsequent procurements (Major Tenders 2 and 3) will be administered at a later date. These procurements will be used to acquire design and construction services for several local collector sewer lines.



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 as well as all supporting evaluation documents. We also participated in the administration of the evaluation process by attending and observing the consensus scoring meetings and all other activities related to the evaluation of the bids received.

RFQ Overview

The RFQ was posted on the **Ariba Network**, which is the City's procurement and supply chain solution. Ariba is a cloud-based solution that allows suppliers and buyers to connect and do business on a single platform.

The RFQ was broken down into ten main sections as follows:

Section 1 – General

Section 2 – Procurement Process Overview

Section 3 – Instructions to Applicants

Section 4 – Contents of the Prequalification Submission

Section 5 – RFQ Evaluation Process Overview

Section 6 – RRQ Process Matters

Section 7 – City of Toronto Social Procurement Program

Section 8 – City of Toronto Supplier Code of Conduct, Fair Wage Policy, Labour Trade Requirements

Section 9 - Legal Matters

Section 10 - Definitions and Interpretation

The RFQ also included a number of Appendices – listed below:

Appendix A – RFQ Data Sheet

Appendix B – Prequalification Submission Requirements

Appendix C – Prequalification Submission Forms

Appendix D – Project Experience Forms

Appendix E – Key Individual's Experience Form

Appendix F – Request for Information Form

Appendix G – Not Applicable

Appendix H – Decline to Submit Form



Appendix I – Background Information

The RFQ followed the City's RFQ template. Instructions were clearly laid out; a significant amount of background and technical information was provided; and the project objectives were well defined. The RFQ clearly articulated the submission requirements and used a Data Sheet (Appendix A) for the main response along with a series of submission forms (Appendix B, C, D, E and F) for specific submission requirements. The use of these forms helped to ensure bidders understood what information was being requested and evaluated. The RFQ also included clear instructions to applicants and provided a detailed description of the evaluation process.

Given that this was a prequalification process, there was no pricing form. Price will represent the main form in the final tendering stage.

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 RFQ and were able to provide comments and suggestions. We noted that our input and advice was appropriately incorporated into the RFQ.

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 RFQ writing stage.

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

During the RFQ open period the City conducted an Information Session for potential Applicants. This session was held virtually on June 17th, 2020. We attended the meeting and found it to be professionally managed and in accordance with best practices.

The City also issued six (6) addenda made up of a series of questions and answers plus minor revisions and clarifications to the RFQ document and attachments. We were given an opportunity to review and comment on each addendum. We noted that our feedback was

incorporated into the documents before being posted. In our opinion, all activities during the RFQ 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 RFQ was open, we were given an opportunity to review and comment on the draft evaluation material. This included:

1. The Evaluation Workbook - which provided guidelines for evaluators related to best practices as well as a description of the participants and their role and responsibilities in the evaluation process. The Workbook also included information on the scoring methodology, evaluator responsibilities related to confidentiality, conflict of interest and communication protocols.
2. The Evaluation Form – an excel scoring sheet that each evaluator would populate based on the points they assigned to each rated requirement. The excel form rolled the scores into a single summary which formed the basis of the consensus scoring.
3. Evaluation Participants Guide – a training deck intended to prepare the evaluation team members for the pending evaluation work.
4. Scoring Guide – a written description of the scoring scale to be used by each evaluator.

We noted that City staff were responsive to our comments and incorporated our suggestions into their documents.

The evaluation was made up of the following individuals:

1. Evaluation Lead and Senior Project Manager: Bashir Ahmed
2. Evaluator: Prapan Dave
3. Evaluator: Matthew McAinsh
4. Procurement Lead: Aimee Yang
5. Fairness Monitor: Bill Mocsan

Four proposal submissions were received as follows:

1. EBC – Bessas JV;
2. EDB JV;
3. McNally; and

4. North Tunnel.

In terms of the evaluation process, we were apprised of the evaluation of the mandatory requirements (Stage 1 of the evaluation) which was conducted by the Procurement Lead with assistance from the Project Team from the City. All four bidders passed Stage 1 of the evaluation (Mandatory Requirements).

Prior to the commencement of Stage 2 of the evaluation, the City held an evaluator training session. We participated in the meeting and provided input on best practice for evaluators from a fairness perspective (see Attachment 1).

Once the evaluators had completed their scoring of the rated requirements, 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. This discussion served as a reminder to evaluators of the material covered during the evaluator training session.

Part of Stage 2 included an assessment of the bidder's financial capacity (Applicant's Financial Information Package). Bidders were required to provide evidence of their financial status. Submission requirements varied from bidder to bidder depending on whether they were a privately held or publicly traded company.

There was some uncertainty about some of the documents received as they did not appear to represent all of the various team members. As a result, the Procurement Lead issued letters of clarification asking bidders to provide the necessary documentation or face disqualification. The RFQ included two clauses (s.5.6 – Financial Information Confirmation and s.5.7 – Reporting of a Material Change). These clauses allowed the City to seek clarification on financial capacity and bidders to revise or update their financial information to present-day circumstances.

As Fairness Monitor, we were given draft copies of the clarification letters and asked to review and comment on them.

Once the revised responses were received, the evaluators reviewed the documents, and all four bidders passed the financial capacity requirement.



Once consensus scoring was completed, we were provided with a summary of the final scores. All of the evaluators reviewed the final scores and signed the summary score sheet.

In our opinion, the evaluation, the consensus scoring, and the clarification processes were all administered in a fair, open and transparent manner. All processes were consistent with the descriptions provided in the RFQ and all were administered with a high level of diligence and integrity.

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

Summary

In our professional opinion, the City has conducted this competition process to a high standard of openness, transparency, and fairness. The RFQ 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 RFQ. The evaluators treated all bidders in an open, fair, and consistent manner. There were no cases of conflict of interest and all proposal documents were treated confidentially. The City followed the process described in the RFQ and we saw no evidence of bias for or against any bidder.

Yours truly,

Lakeland Consulting Inc.



BILL MOCSAN
FAIRNESS MONITOR

Attachment 1: Fairness Best Practices Practises

EVALUATOR TRAINING Fairness Best Practices

Request for Qualifications (RFQ) for:

Fairbank Silverthorn Project Storm Trunk Tunnel and
Micro-tunneled Storm Sewers PreQualification

Ariba Doc. No. 2430610527

City of Toronto

August 2020



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3. Overview of Evaluator Responsibilities
4. Confidentiality
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8. Comments - Questions



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Introduction and Purpose

- ▶ This presentation is intended to:
 - Supplement the scoring and evaluation material;
 - Help evaluators understand how and why they score the way they do;
 - Highlight Evaluator roles and responsibilities; and
 - Explain Best Practices from a Fairness Perspective.



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Introduction and Purpose

- ▶ Public procurement and submission / bid evaluations are governed by case law:
 - The purchaser has a duty of fairness to all bidders.
 - The duty of fairness is established through:
 - The contractual relationship with all bidders (Contract 'A');
 - Public policy on the procurement and bidding process; and
 - The Municipal Act and the City's Procurement Policies.



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Introduction and Purpose

- It means:
 - The purchaser has an obligation to disclose information related to the procurement process (e.g., deliverables and the evaluation methodology);
 - The purchaser must follow the process laid out in the RFQ; and
 - The Evaluation Form conforms to the RFQ and provides more detail on evaluating responses to the requirements.



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DEFINITIONS



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Definitions

Fair – Open – Transparent

- ▶ You will hear people talk about fairness of the process and the need to meet fairness requirements.
- ▶ Fairness is a colloquial term that encompasses many requirements.
- ▶ The most common terms used in reference to fairness are: fair, open and transparent.
- ▶ Fairness also includes consistency, integrity, ethical and defensible.



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Definitions

Fairness:

- ▶ Pertains primarily to the treatment of bidders up to and including the evaluation process;
- ▶ Objective, consistent evaluation;
- ▶ Assurances that the entire process is treated confidentially and securely;
- ▶ Only the material submitted as part of the bidder submission (including references), and material obtained by formal clarification, is evaluated;
- ▶ The same evaluation methodology and evaluation criteria are applied to all bidder submissions equally and consistently;
- ▶ Evaluation criteria are clear, logical and relevant to the deliverables; and
- ▶ The evaluators are trained on best practices; they understand and follow the evaluation process and use the evaluation scoring tool to guide their work.



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Definitions

Openness:

- ▶ Pertains primarily to the RFQ and the disclosure of information:
 - historical, background and technical information and
 - process-related information.
- ▶ All bidders have been provided with the same information at the same time;
- ▶ All bidders are subjected to the same terms and conditions;
- ▶ All bidders have had an equal opportunity to ask questions and seek clarifications on the requirements;
- ▶ The RFQ has disclosed sufficient information to all bidders to enable them to understand the requirements in order to submit an effective bid.



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Definitions

Transparency:

- ▶ Pertains primarily to the procurement process and the descriptions of the process in the RFQ.
- ▶ The procurement process has been made clear to bidders – usually through the RFQ and questions and answers;
- ▶ The RFQ outlines the procurement steps and the evaluation methodology and the process follows what is stated in the RFQ;
- ▶ Evaluators apply the evaluation criteria stated in the RFQ and only evaluate information that is relevant to the deliverables and the process; and
- ▶ No extraneous information is used to evaluate a bidder (e.g., reputation, past experience – good or bad, website, etc.).



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Definitions

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- ▶ No extraneous information is used to evaluate a bidder (e.g., reputation, past experience – good or bad, website, etc.).



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Why Fairness?

- ▶ The City has a 'duty of fairness' to all bidders – fair, open, transparent, defensible and clearly documented.
- ▶ The duty of fairness means all bidders are treated in a consistent and unbiased manner that is objectively-based and applied with integrity.
- It also means the purchaser follows the process laid out in the RFQ.
- The evaluation process and scoring methodology conform to the descriptions provided in the RFQ.
- In other words, the process must be procedurally fair.



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Why Fairness?

- ▶ If a Buyer can demonstrate that they are administering a fair, open and transparent procurement process, bidders will be more likely to submit a bid.
- ▶ Good fairness practices encourage healthy competition among bidders by helping to safeguard against the procurement being biased in favour of or against a particular bid or bidder.
- ▶ If bidders believe the competition is biased, they will not submit a bid.
- ▶ More competition means more competitive tension.
- ▶ The greater the competitive tension the better the outcome, especially from a value for money perspective.



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EVALUATOR RESPONSIBILITIES



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Evaluator Responsibilities

Be Thorough:

- ▶ Every time you start a new individual submission, take time to read it and understand the contents.
- ▶ Carefully review all pages of all submissions.
- ▶ Legal obligation: Consider each submission in its entirety.
- ▶ The information may or may not be very well organized, and you may have to "hunt around" for information. This cannot be held against the bidder. Good organization is not an evaluation criterion!



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Evaluator Responsibilities

Be Consistent:

- ▶ All submissions must be evaluated using identical criteria (provided in the Evaluation Sheets).
- ▶ Be consistent in your approach to the evaluation of each submission.
- ▶ Everyone will conduct their evaluation in their own unique way – just make certain you take exactly the same approach for each submission.



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Evaluator Responsibilities

No Biases:

- ▶ An evaluator's past knowledge or experience of a bidder cannot be used to influence the evaluation results – good or bad.
- ▶ Don't let personal biases influence your rating. For example, you cannot mark down a bidder because you do not like their proposed approach (unless you are certain it will not work).
- ▶ Submissions must not be scored, or compared, against each other. The submission must be rated against the criteria in the Evaluation Sheet.



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Evaluator Responsibilities

No Biases:

- ▶ Only the submission contents can be rated.
- ▶ Extraneous information that was not part of the submission must not be rated or used to influence the rating.
- ▶ The RFQ reserves the right to verify information submitted.



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Evaluator Responsibilities

Document and Information Security:

- ▶ Respect the confidentiality of the submissions and score sheets.
- ▶ Make sure everything related to the evaluation is securely stored when in your custody.
- ▶ Including bid documents, evaluation material, score sheets.
- ▶ Please do not discuss this process, your evaluation results or the contents of any submission with anyone, including other evaluators.



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Evaluator Responsibilities

Take Detailed Notes:

- ▶ Take notes during your review of the submissions to refresh your memory at the consensus scoring sessions - use the Evaluation Book.
- ▶ Page references are also important – write down the page number in the submission where you found the information.
- ▶ Having ready access to this information will make it easier to defend your score during consensus scoring.



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Evaluator Responsibilities

Take Detailed Notes:

- ▶ Document any and all instances of non-compliance.
- ▶ If you find inconsistencies, document them as well.
- ▶ You can mark up or make notes directly in the submission response, but it is recommended that you use the Evaluation Sheets to make notes to support your evaluation results.
- ▶ Remember however that your notes are "FOI'able".



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Evaluator Responsibilities

Take Detailed Notes:

- ▶ You should always provide some rationale for your score – list the positive and negative attributes of each submission when compared to the standard outlined in the Evaluation Sheets.
- ▶ By the time consensus scoring starts, most evaluators have trouble remembering and differentiating one submission from the next.
- ▶ Also, consensus scoring will focus on outlying scores so if you are an outlier you will be asked to provide the reasoning behind your score.



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Evaluator Responsibilities

Clarification vs. Bid Repair:

- ▶ Clarification involves seeking an explanation of an existing aspect of a submission, which is unclear on its face, but without the addition of substantive new or changed information.
- ▶ Bid Repair involves altering the contents of the submission by changing or adding new information.
- ▶ Clarification is allowed – bid repair is not.



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Evaluator Responsibilities

Clarification vs. Bid Repair:

- ▶ An evaluator can seek clarification but must go through the Evaluation Process facilitator.
- ▶ Evaluators must never speak with a bidder during this process.
- ▶ Bid Repair is prohibited, and bidders cannot be given an opportunity to repair defects in their submissions after the RFQ closing date.
- ▶ The Evaluation Committee will determine how best to ask the clarification question. Usually it means a yes or no response.



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Evaluator Responsibilities

Evaluator Qualifications:

- ▶ Evaluators must be qualified to evaluate bids and may not rely on the opinions of others to determine the score that should be allocated to a bidder.
- ▶ Don't be afraid to ask questions of the Evaluation Committee.
- ▶ You may draw on the expertise of subject matter experts by posing specific, narrowly-defined questions.



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Evaluator Responsibilities

Scoring:

- ▶ Evaluators will be using a 10-point scale to score the responses.
- ▶ Points will be awarded based on the following scoring scale:

Score	Description
0 to 5.0: Poor	Does not meet the requirements
5.5 to 7.0: Fair	Marginally meets the requirements (some reservation)
7.5 to 9.0: Good	Meets the requirements/expectations
9.5 to 10.0: Excellent	Exceeds requirements/expectations



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Evaluator Responsibilities

Scoring:

- ▶ Evaluators will have to use some judgement when evaluating and scoring the responses.
- ▶ The simplest approach to evaluation is:
 - Review the response;
 - Compare the response to the requirements outlined in the RFQ;
 - Compare the response to the criteria outlined in the Evaluation Sheet;
 - Determine which of the scoring categories the response fits into.
- ▶ Scores out of 10 will be automatically pro-rated based on the weight assigned to the question.



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Evaluator Responsibilities

Scoring:

- ▶ Note that there is a scoring threshold (70%)
- ▶ It means that any bidder who earns less than 70% will 'fail' and will not move on to the next stage of the evaluation.
- ▶ Based on the scoring scale from above, it means that the majority of scores should be a 7 or 8.
- ▶ A score of 6 is equivalent to 60% and despite the fact that a 6 is defined as a 'Fair Response', the proposal would fail to meet the minimum scoring threshold.



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Evaluator Responsibilities

Scoring:

- ▶ Since the process requires you to use some judgement, it is critical that you take notes to justify your score.
- ▶ This might be as simple as a page reference showing where you found the information.
- ▶ It could be a short, written description of what you found and why it received the points you assigned it.
- ▶ It is important that you be able to explain your scores.
- ▶ It is also important that you be able to demonstrate that your scores are justifiable, defensible and consistent with the requirements.



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Evaluator Responsibilities

Scoring:

- ▶ Note that all of the responses have maximum page limits assigned to them in the RFQ.
- ▶ To be fair, if a response exceeds the page limit, evaluators must not read, review or consider any information that is in the excess pages.
- ▶ This would be unfair to any bidder that abided by the page limits.
- ▶ Best advice: if the page limit is exceeded, do not read the extra page(s).



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Evaluator Responsibilities

General Advice:

- ▶ When scoring, if you can't decide exactly what score you want to assign to a particular response, make a note.
 - Your note can explain what the dilemma is.
 - It can say that you believe the response is within a certain range (i.e., either a 6 or a 7).
- ▶ The note will serve as a reminder to yourself during consensus that you were undecided about what points to assign to the response of perhaps you had some questions or concerns with the response and how to score it.



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Evaluator Responsibilities

Other Notes:

- ▶ Submissions will be numbered, and each evaluator must review the submissions in the order assigned to them – minimize the effects of anchoring.
- ▶ Evaluators should consciously try not to compare submissions or responses – this isn't easy.
- ▶ Evaluators should not judge a submission based on its appearance – submissions are to be evaluated solely on the evaluation criteria outlined in the Evaluation Sheet.



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Evaluator Responsibilities

Consensus Scoring:

- ▶ Once the individual evaluations are complete, you will meet as a group to go through the individual scorings with the goal of reaching a consensus on each evaluation item.
- ▶ It is expected that the evaluators will explain the reasons for their scores, listen to the reasons presented by others and work together to reach an agreement on the score.
- ▶ Evaluators are expected to resolve any scoring differences >2.
- ▶ Scores that are with 2 points will be averaged.



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Confidentiality

- ▶ Submissions contain commercially sensitive information.
- ▶ Evaluators need to understand their responsibilities related to confidentiality.
- ▶ Evaluators also need to respect the confidentiality of the submissions they will evaluate.
- ▶ Evaluators must also respect the confidentiality of the process, which includes the deliberations and discussions among evaluation team members and advisors.



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Conflict of Interest

- ▶ Evaluators cannot be in a position of Conflict of Interest.
- ▶ A Conflict of Interest is a situation where your decisions are influenced by your own personal interests or when these interests are not aligned with the City's interests.
- ▶ A COI is very much a question of fact and depends on the circumstances the evaluator find himself or herself in.



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Conflict of Interest

- ▶ There is no shopping list of what constitutes a COI.
- ▶ If you think you may be in a position of COI at any time during the process please let us know. We will assess the situation and advise you and the City on how to proceed.
- ▶ It is much better to deal with COI issues proactively rather than in "damage control" mode well after the fact.
- ▶ As a participant in this process your responsibility to identify potential conflicts of interest never ends.
- ▶ At any point in the process you may realize you have a potential COI with a bidder or a member of the bidder's team.
- ▶ You must identify the conflict immediately.



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EVALUATOR TENDENCIES



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Evaluator Tendencies

- ▶ The purpose of this section is to help you understand some of the reasons behind scoring differences.
- ▶ Generally, people tend to approach their evaluator responsibilities differently.
- ▶ Those different approaches can result in different scores.
- ▶ The following slides talk about the different approaches and the consequences.



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Evaluator Tendencies

- ▶ Everyone approaches their evaluation work differently.
- ▶ For example:
 - Some people start at '0' and work their way up;
 - Some start in the middle and let the response dictate which way they go – up or down; and
 - Some people start at 10 and take points away.
- ▶ The bottom line is everyone has a different approach and that approach has an impact on their scores.



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Evaluator Tendencies

- ▶ Learn to recognize your approach and the implications of that approach.
- ▶ For example – people who start at '0' tend to have lower scores.
- ▶ They only add points if they believe those points have been truly earned.
- ▶ People who start at 10 and work their way down tend to have higher scores.
- ▶ People who start in the middle tend to stay in the middle (i.e., 5).



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Evaluator Tendencies

The 'No One is Perfect' approach:

- ▶ Some evaluators refuse to give a high score and never give a perfect score.
- ▶ Some responses are truly exceptional and deserve an exceptional score.
- ▶ Scoring should be relatively straightforward. Review the response and compare it to the criteria outlined in the RFQ and then assign a score that the response deserves.



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Evaluator Tendencies

The 'Doubting Thomas':

- ▶ Some evaluators doubt or do not believe anything the bid or the bidder says.
- ▶ Lawyers use the term *prima facie* which means you have to accept what they are saying unless it has been proven to be false.
- ▶ These people are hard to argue with because no matter what is said, they think the bidder is exaggerating or even lying.



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Evaluator Tendencies

Glass ½ Empty' vs. 'Glass ½ Full'

- ▶ Some people will look at responses in a negative light and others will look at the responses in a positive light.
- ▶ When someone says the response included 'X' and 'Y' and I gave them 8 points... the glass ½ empty person responds by saying yes but they didn't include 'Z' or their answer to 'Y' was outdated so I gave them 3 point.
- ▶ Typically the glass ½ empty person focuses on the flaws or what is missing, and the glass ½ full person focuses on the positives or what was provided.



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Evaluator Tendencies

The Hard Marker vs. the Easy Marker

- ▶ Some people tend to be tough markers while others are easy markers.
- ▶ Marking tendencies tend to vary based on technical expertise, which influences expectations.
- ▶ Evaluators with a strong knowledge in one area will compare the response to their knowledge.
- ▶ If the response doesn't meet their expectations, they will score it down.
- ▶ Non-technical evaluators tend to be more lenient.
- ▶ Scores are effected either way.



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Challenges

Process Challenges:

- ▶ Every process has flaws.
- ▶ Most of those flaws do not reveal themselves until consensus.
- ▶ Most flaws stem from the lack of clear terminology which leaves room for different interpretations of questions, answers and scoring.
- ▶ These flaws can create challenges for evaluators, especially at consensus.



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Challenges

The Interpretation Challenge

- ▶ One of the problems that regularly occurs in these processes stems from people having different interpretations:
 - The RFQ author can unwittingly write a requirement in a manner that is open to multiple interpretations;
 - Bidders can interpret requirements in different ways;
 - Evaluators interpret requirement in a different way;
 - Evaluators interpret the scoring scale differently; and
 - Evaluators interpret bidder responses differently.



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Challenges

The Interpretation Challenge

- ▶ Different interpretations can lead to problems:
 - A bidder can provide a response that was never anticipated.
 - Evaluators need to be flexible and try to understand the bidders perspective.
 - Requirements that lead to different interpretations can be difficult to evaluate and even more difficult to score, especially at consensus.
 - Often multiple interpretations means the requirement was not clear.



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Challenges

The Interpretation Challenge

- ▶ If the problem is a lack of clarity in the RFQ, the City has an obligation to accept the response provided since the problem was created by them.
- ▶ I have seen cases where the requirements were so unclear and the subsequent responses so varied, the evaluators ended up assigning perfect scores to all responses to that particular question.



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Summary

- ▶ Please remember that you, as an evaluator, are representing the City.
- ▶ You and the City have a legal obligation to give fair and equal consideration to all bids.
- ▶ The process has been clearly defined and the evaluation methodology has been established.
- ▶ Your obligation is to follow the process and apply the evaluation methodology consistently across all bids.
- ▶ All decisions must be defensible and documented.



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Questions?

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