



# ATTACHMENT No. 2

Fairness Monitor Attestation Reports (2)

July 13<sup>th</sup>, 2017

Ms. Candida Charles  
 Acting Senior Corporate Buyer  
 Purchasing and Materials Management Division  
 City of Toronto  
 City Hall, 18th Floor, West Tower  
 100 Queen Street West  
 Toronto, Ontario M5H 2N2

Dear Ms. Charles:

Knowles Canada was engaged as the Fairness Commissioner to review, observe and confirm the processes of communication, evaluation and decision-making associated with the procurement process for the Request to Pre-qualify (RTP) No. 3907-17-7007 for the Pre-Qualification of General Contractors for the Don River & Central Waterfront Wet Weather Flow Project – Stage 1 Coxwell Bypass issued by The City of Toronto Purchasing and Material Management Division. Our role related to ensuring openness, fairness, consistency and transparency of the RTP through to the conclusion of the Project RTB process.

Knowles hereby presents its final procurement fairness attest report to the City of Toronto Purchasing and Materials Management Division at the conclusion of this RTP stage in the procurement process, describing how the procurement process for the RTP has complied with requirements. The following chart included below is in accordance with the City of Toronto’s procurement guidelines. It summarizes our involvement and findings:

Stage	Task	Fair (Yes / No)
1.	Procurement documents were made available in an open and equitable manner	Yes
2.	The RTP open period was consistent with the procurement documents	Yes
3.	The procurement documents, including the evaluation tools, were reviewed and were deemed to be consistent with the guidelines established by the City of Toronto and the RTP No. 3907-17-7007 Pre-Qualification of General Contractors for the Don River & Central Waterfront Wet Weather Flow Project– Stage 1 Coxwell Bypass RTP Evaluation Workbook	Yes

KNOWLES CONSULTANCY SERVICES INC.

1599 Hurontario Street, Suite 202, Mississauga, Ontario L5G 4S1

Tel: 905-891-2555 Fax: 905-891-5400

E-mail canada@jrknowles.com www.JRKnowles.com

Stage	Task	Fair (Yes / No)
4.	Mandatory meetings were clearly identified in the procurement documents and there were no meeting on the procurement that the Respondent were not notified of	Yes
5.	Answers were made available to all Respondent for all questions that were submitted	Yes
6.	There was a forum/process through which Respondent could make complaints	Yes
7.	The City of Toronto confirmed that the requisite information would be made available regarding the results of the procurement	Yes
8.	All project participants confirmed that they would adhere to the conflict of interest and confidentiality requirements	Yes
9.	Protocols were in place to control access to information as appropriate, including protection of commercially confidential information	Yes
10.	Respondent confirmed their adherence to the conflict of interest and confidentiality requirements in their submissions	Yes
11.	<ul style="list-style-type: none"> <li>• The time and place of the closing were clearly identified in the procurement documents</li> <li>• The submissions were logged and recorded upon receipt, clearly identifying those that were submitted on time</li> </ul>	Yes
12.	There was a protocol in place to ensure that document confidentiality was maintained	Yes
13.	The evaluation criteria and process were included in the RTP	Yes
14.	The evaluation workbook and scoring guideline were finalized before the evaluator team received the bids	Yes
15.	The evaluation team adhered to the defined procurement procedures	Yes
16.	Evaluators were trained on the evaluation tools	Yes
17.	Evaluations were done in an unbiased manner and in accordance with the Evaluator Workbook	Yes
18.	The selection of the Respondents Pre-Qualification to submit bids for the construction of the future Don River & Central Waterfront Wet Weather Flow Project – Stage 1 Coxwell Bypass was approved according to the RTP documents and Evaluation Workbook	Pending
19.	Debriefings are offered to all Respondent upon request	Pending

### **Observations and Findings**

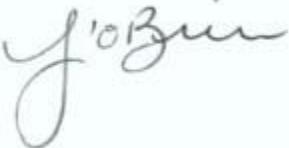
The procurement process is established clearly in the City of Toronto's guidelines. The evaluation process and criteria described in the procurement documents were applied consistently and equitably. In the final evaluation discussions, the evaluators demonstrated that they had been diligent in their responsibilities, that they were able to support their individual evaluation assessments and that they held no bias for or against any Respondent. There were no unresolved issues at the RTP stage of the procurement. Evaluation scoring was reached and confirmed by all evaluators. An official record was produced to document the evaluation and scoring decisions, including the supporting rationale.

**Conclusion**

As the Fairness Commissioner for the Pre-Qualification of General Contractors for the Don River & Central Waterfront Wet Weather Flow Project – Stage 1 Coxwell Bypass RTP # 3907-17-7007, issued by the City of Toronto Purchasing and Materials Management Division, we certify that the principles of openness, fairness, consistency and transparency have been, in our opinion, properly established and maintained throughout the procurement process. Furthermore, we were not made aware of any issues that emerged during the process that would impair the fairness of this initiative.

Yours truly,

***KNOWLES CONSULTANCY SERVICES INC.***



***Jamie Theriault O'Brien,  
Fairness Commissioner***

February 14<sup>th</sup>, 2018

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



Dear Ms. Yang:

**Re: Final Attest Report – Tender Call No. 221-2017 – Don River & Central Waterfront Project – Coxwell Bypass Tunnel for The City of Toronto**

---

Knowles Consultancy Services Inc. was retained by the Engineering & Construction Services Division of the City of Toronto to act as Fairness Monitor for Don River & Central Waterfront Project – Coxwell Bypass Tunnel Tender Call No. 221-2017 in October 2017. Our responsibilities included the following:

- Review of draft and final versions of the Tender Call to identify any inconsistencies or lack of clarity;
- Review of communications during the Tender Call open period, including Addenda;
- Attendance at Mandatory Site Visit;
- Monitoring and reporting of any deviations from the process established in the Tender Call, conflicts of interest or the exercise of undue influence over the process; and
- Assessment of the price form and adherence to procedural fairness in accordance with the procurement documents issued to market.

The Tender Call was issued October 27<sup>th</sup>, 2017 with 11 Addenda issued. The Tender Call was clearly written and stated the requirements. The Tender Call designated a single point of contact and explained the process for communication during the Tender Call open period. The Tender Call stated the closing time and established the following steps in the Call Tender process:

- Review of each proposal by Purchasing Materials Management Division (PMMD) to determine whether proposals met the requirements set out in the Tender Call; and
- Public Announcement of Cost of Services; and
- Engineering & Construction Services Division of the City of Toronto Team and PMMD Review of Cost of Services.

The Tender Call closed on January 19<sup>th</sup>, 2018. Five proposals were received before the closing time specified within the Tender Call from the following companies:

- McNally/Shea Joint Venture

- East Tunnel Constructors
- North Tunnel Constructors, ULC
- Technicore/Southland Mole of Canada Joint Venture
- Strabag Inc.

All five Proposals successfully passed the Tender Call Submission requirements review conducted by the Purchasing Materials Management Division (PMMD).

Cost of Services was publicly read after the submission closing time. The Proponent, North Tunnel was deemed to have the lowest cost to become the first ranked Proponent. In our opinion, this was consistent with the process described in the Tender Call.

As Fairness Monitor, we can attest to the following:

- The Engineering & Construction Services Division of the City of Toronto Team developed detailed selection criteria that objectively reflected the legitimate needs of the City and to produce an Tender Call that was clear and consistent;
- Sufficient time to respond to the Tender Call was consciously taken and incorporated into the overall timeline of the project;
- Diligent effort was taken to effectively manage potential incumbent advantage or disadvantages in this process and all Proponents were treated consistently during the evaluation process;
- Communications during the Tender Call open period and after closing were conducted through a single point of contact and in accordance with the Tender Call;
- Clarifications after the Tender Call closing were conducted through a single point of contact;
- The procurement process was conducted in accordance with the information published to the Proponents in the Tender Call;
- We are not aware of the existence of any conflict of interest or breach of confidentiality; and
- At the time this report was drafted, debriefs had not been provided to Proponents. We understand that debriefs will be offered following acceptance of the recommended award. In conclusion, we attest that the Tender Call was conducted in a procedurally fair, open and transparent manner. We certify that the final recommendation was generated through a well-documented process that we witnessed and have no reasons nor objections to the result produced.

Sincerely,



Jamie O'Brien,  
Senior Fairness Consultant  
Knowles Consultancy Services Inc.