

FAIRNESS MONITOR'S REPORT

- FINAL -

City of Toronto

Negotiable Request for Proposals for the Supply and Delivery of Arboricultural Services

NRFP No. Doc2305234907

NRFP Issue Date: March 9th, 2020

Revised NRFP Closing Date: May 12th, 2020 at 12pm (Local Toronto Time)

REPORT ISSUED: April 16, 2021



**ROBINSON
GLOBAL
MANAGEMENT**

April 16, 2021



Mr. Michael Pacholok
 Chief Procurement Officer
 Purchasing and Materials Management Division
 City Hall, 18th Floor, West Tower
 100 Queen Street West
 Toronto, Ontario M5H 2N2

Re: Fairness Monitor's Report - Negotiable Request for Proposals for the Supply and Delivery of Arboricultural Services - NRFP No. 9144-19-0222

Dear Mr. Pacholok,

Background

Robinson Global Management Inc. ("RGM") was retained as the Fairness Monitor for the above-mentioned procurement in July 2019 to oversee the procurement process administered to solicit proposals from firms to perform Arboricultural Services at the City of Toronto's various locations, as and when required for the Parks, Forestry and Recreation Division through one (1) or more agreements for various arboricultural services.

We were retained during the NRFP development phase and monitored the NRFP open period in-market process, and evaluation process which identified the highest ranked Proponents. This letter details our summarized fairness findings for the NRFP process we monitored. Neither RGM nor the individual author(s) of this report, are responsible for any conclusions that may be drawn from this opinion. For further detail on the above-mentioned process, we recommend that communication be sought from the City of Toronto's NRFP contact directly.

Our monitoring was in the capacity as Fairness Monitor and strictly limited to our responsibilities and deliverables listed in the numbered list below. In completing this report, we took the City of Toronto's Procurement Policy, Purchasing By-law, Canadian Free Trade Agreement, and the provisions of the NRFP as a standard against which to audit the process.

We have no objections to the recommendations made by the City of Toronto's Parks, Forestry and Recreation Division and the identified highest scoring Proponents for each arboricultural service award area outlined in the administered NRFP process. The process identified multiple successful Proponents representing the various arboricultural services shown below.

Arboricultural Service Descriptions:

- Forestry Operations;
- By-law Enforcement;
- Stumping/Fill & Seed-Hourly;
- Stumping Fill& Seed – Unit Rate;
- Stumping/Fill & Seed-Hourly (Citywide);
- Newly Planted Tree Maintenance; and
- Area Street Tree Maintenance

Our Fairness Monitor Responsibilities and Deliverables for the NRFP

1. Attend a kick-off meeting with the City and the City's industry advisor on this project;
2. Review of the NRFP – Fairness Monitor is to identify potential inconsistencies or lack of clarity in the NRFP and provide feedback to the City documents for review;
3. Review of Evaluation Criteria with respect to clarity and consistency;
4. Oversee any questions, comments, or communications submitted by potential Proponents and review responses posted via Addendum;
5. Attending the Optional information Meeting;
6. Attending Evaluator Training Session;
7. Provide advice to the Evaluation Committees and PMMD as requested;
8. Attend Evaluation Committees evaluation sessions;
9. Ensure that evaluation scores are accurate, and the documented methodology was adhered to;
10. Review evaluation results;
11. Complete and distribute the Final Attest Report; and
12. Attend debriefing sessions related to the NRFP, as required.

RFP Development and Issuance

We were retained during the NRFP development phase and were given sufficient time to review and provide any applicable fairness feedback on the NRFP prior to its issuance. Unfortunately, due to timelines the City issued the NRFP prior to being responsive to our NRFP fairness review feedback and it resulted in substantive addenda being issued to resolve during the RFP Open Period. In future we would recommend that such feedback be responded to prior to issuance in line with best practice to avoid significant changes needing to be made to the NRFP documents during the.

The NRFP was issued on March 9, 2020. Seven (7) addenda were issued prior to the revised closing deadline of May 12th, 2020 at 12pm. By the revised NRFP closing deadline, the NRFP stated all proposal and performance requirements, evaluation criteria and associated weightings of that criteria as required. The NRFP further stated the evaluation methodology, proposal evaluation scoring system 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, these 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; these remained unchanged post-close.

NRFP Open Period

The NRFP designated a single point of contact and explained the process for communication during the open period, and evaluation process. An Optional Information Meeting was held on April 8, 2020 with potential proponents, which we attended in which the City provide detail on the NRFP and arboricultural services being sought through the process.

Questions on all matters received by the Question Submittal Deadline of April 22, 2020 were responded to with detailed answers from the City along with an indication of any additions and revisions to the NRFP documents. We were given an opportunity to review all responses issued to the market prior to their posting and saw no unresolved matters of fairness, openness, or transparency to note at the closing of the NRFP process.

The revised NRFP open period represented a total of sixty-five (65) calendar days and forty-six (46) business days in market for Proponents to respond to the City's request. We deemed this to be sufficient time for qualified Proponents to prepare and submit compliant Proposals. Diligent effort was taken to effectively manage any advantage, disadvantages, and potential geographical impediments in the process from document development through to evaluation process completion. Further, we were not made aware of any matters of this kind being raised during the process.

The Parks, Forestry and Recreation Division project team and the Purchasing & Materials Management Division (PMMD) representatives (to whom we reported to) took great care to develop detailed evaluation criteria that objectively reflected the legitimate needs of the City, and to produce an NRFP that was clear and could be consistently applied. Together, it was our opinion that this resulted in an NRFP process and procedures that were clear and could be consistently applied.

NRFP Evaluation Process

Six (6) proposals were received before the closing deadline, and some of those proposals offered to deliver multiple arboricultural services for the City and were evaluated against each of the respective services requirements reflected in the NRFP where specified. No late proposals were received or accepted.

The evaluation stages provided in the NRFP were as follows:

Stage 1 – Mandatory Submission Requirements

All six (6) proposals met the mandatory submission requirements and proceeded to Stage 2. Stage 1 was evaluated by the qualified PMMD team on a pass/fail basis in accordance with the NRFP.

Stage 2 – Technical Evaluation – Technical and Reference Check (50 points)

Proposals in this Stage 2 were evaluated against the following evaluation categories, Company Profile (6 points), References (12 points per arboricultural service), Operational Capabilities (22 points), and Quality Control (10 points) which equated to 50 points in total.

Proponents were required to achieve an overall minimum score of 70% (35 points out of 50) at the end of Stage 2 evaluation for each arboricultural service they responded to in the NRFP. If a Proponent responded to more than one arboricultural service, then each arboricultural service technical proposal response was scored out of 50 points.

This Stage 2 was evaluated by the qualified Evaluation Committee, represented by the City's Parks, Forestry and Recreation Division project team. The team members were selected because they had the expertise to critically review, understand and evaluate the proposals against the criteria.

As a result of this evaluation process, all six (6) proposals proceeded to the Stage 3 evaluation process for the arboricultural service areas that they responded to which met the designated minimum scoring threshold as per the NRFP.

Stage 3 – Pricing Evaluation (50 points)

Initial Pricing Evaluation:

We monitored the initial pricing evaluation process, and in our opinion, this process fully aligned with the NRFP process evaluation procedures for this Stage 3.

Revised Pricing Evaluation:

After the initial pricing evaluation process was conducted, the City undertook an additional revised pricing evaluation process, and the remainder of the evaluation process from that point onwards which included a resubmission, and a re-evaluation of revised pricing information from proponents was not monitored by the Fairness Monitor including any communications that occurred between July 2020 to March 2021 with the proponents.

The City has advised that this revised pricing evaluation process including all communications were conducted in accordance with the NRFP. The City provided the evaluation results for the Fairness Monitor's information, after the City-requested resubmittal and re-evaluation of new pricing information had occurred.

Negotiations Process

The Fairness Monitor was not retained to monitor this process.

NRFP Evaluation Process Procedures

Prior to any scoring of proposals could begin; the Evaluation Committee was given a mandatory detailed evaluation training by the City PMMD representatives and the Fairness Monitor. The training covered all aspects of the evaluation process and how to execute their roles and responsibilities effectively and fairly to maintain the integrity of the process planned. The Evaluation Committee were further briefed on the best practices with respect to confidentiality of proposals; conflict of interest; undue influence; scoring and comment procedures; and the retention of documents among other key topics.

We are not aware of the existence of any conflict of interest or a breach of confidentiality occurring at any point. No evaluator or other individual exerted undue influence over the process. Each evaluation stage was completed in a sequential order, and with the observance of the City's Parks, Forestry and Recreation Division project team, PMMD representatives and the Fairness Monitor.

The Evaluation Committee completed the Stage 2 - Technical Evaluation using the established best practice consensus two - step method: first, each evaluator, working alone, reviewed, scored with supporting comments, each Proposal in its entirety; second, the evaluators met as a group to discuss their findings and, largely relying on their initial comments and Evaluation Committee discussions during each consensus meeting, arrived at a consensus score and comment for each criterion together.

The Evaluation Committee ensured that the evaluation aligned with the disclosed NRFP requirements, proposal evaluation Scoring Criteria Scale, and maintained the disclosed point weightings. Each score and comment were discussed thoroughly, agreed to, and verified during the consensus session based on the disclosed proposal evaluation Scoring Criteria Scale from the NRFP and the evaluation criteria objectively.


No averaging or rounding of scores took place during this evaluation process at anytime. All scores were reflected to the second decimal based on a strict application of the Scoring Criteria Scale as represented in the NRFP and the associated definitions of that guidance, to allow for transparent verification by the City and the Fairness Monitor. We verified all evaluation process calculations for the processes we were directed to monitor.

Fairness Monitor Attestation

In conclusion, we confirm that the identified successful Proponents resulting from the NRFP process are, **Asplundh Canada ULC, Davey Tree Expert Co. of Canada, Limited, Ontario Line Clearing & Tree Experts Inc., Tree Doctors Inc., and W.M Weller Tree Service Ltd.**

We attest that the NRFP process, as monitored by the Fairness Monitor, was conducted in a procedurally fair, open, and transparent manner and in alignment with the requirements, as referenced in the applicable directives, policies, trade agreements and the NRFP held by City of Toronto.

Sincerely,



Andrea Robinson, B.A, LL.M., PMP., SCMP_(Candidate)
Senior Fairness Monitor, Robinson Global Management Inc.

cc: Doreen Wong, B.A., B.COMM., LL.B., SCMP_(Candidate)
Senior Fairness Monitor, Robinson Global Management Inc.