

FAIRNESS MONITOR'S REPORT

- FINAL -

City of Toronto

Negotiated Request for Proposals for Engineering and Construction Services (ECS)
- Construction Project and Document Management System

RFP No. 3405-20-0148
Ariba Doc: 2809578227

RFP Issued: February 3, 2021
Revised RFP Closing: March 26, 2021, at 12:00 P.M. (Local Toronto Time)

REPORT ISSUED: December 17, 2021



**ROBINSON
GLOBAL
MANAGEMENT**

December 17, 2021



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

Re: Fairness Monitor Report - Negotiated Request for Proposals for Engineering and Construction Services (ECS) - Construction Project and Document Management System - RFP No. 3405-20-0148

Dear Mr. Pacholok,

Background

Robinson Global Management Inc. ("RGM") was retained as the Fairness Monitor for the above-mentioned procurement in September 2020 to oversee the procurement process administered to request prospective Suppliers to submit Bids to provide the Engineering and Construction Services (ECS) Division with a Construction Project and Document Management System. It is the City's intention to enter into an agreement with only one (1) legal entity. The term of the agreement is to be for a period of five (5) years.

We were retained during the RFP development phase and monitored the RFP open period in-market process, and evaluation process which identified the highest ranked Proponent. This letter details our summarized fairness findings for the RFP 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 RFP 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 RFP as a standard against which to audit the process.

We have no objections to the recommendation made by the City of Toronto's Information & Technology and Engineering and Construction Services Divisions, and the identified highest scoring Supplier of the administered RFP process.

Fairness Monitor Responsibilities and Deliverables for the RFP included:

1. Attend a kick-off meeting with the City and the City's industry advisor on this project;
2. Review of the RFP – Fairness Monitor is to identify potential inconsistencies or lack of clarity in the RFP and provide feedback to the City within five (5) business days of receipt of the documents for review;
3. Review of Evaluation Criteria with respect to clarity and consistency;
4. Oversee any questions, comments, or communications submitted by potential Supplier and

- review responses posted via Addendum;
5. Attending Evaluator Training Session;
6. Provide advice to the Evaluation Committees and PMMD as requested;
7. Attend Evaluation Committee evaluation sessions and Proponent Demonstration sessions;
8. Ensure that evaluation scores are accurate, and the documented methodology was adhered to;
9. Review evaluation results;
10. Complete and distribute the Final Attest Report;
11. Attend debriefing sessions related to the RFP as required;
12. Address any concerns relating to accountability/fairness (monitoring the level of openness, transparency, and competitiveness of the procurement process);
13. Provide independent assurance of integrity of the procurement process with a signed attest statement for the RFP, as described below;
14. Present report findings to City Council members, if required, and as required;
15. Provide evidence and testify in relation to any legal claim that may arise from the procurement process.

A. RFP Development and Issuance

We were retained during the RFP development phase and were given sufficient time to review and provide any applicable fairness feedback on the RFP prior to its issuance. The RFP was issued on February 3rd, 2021, and the initial Submission Deadline (closing) was March 11th, 2021, at 4pm (Local Toronto Time) and was amended by addendum to the revised Submission Deadline of March 26th, 2021, at 12pm (Local Toronto Time).

1. Addenda and Questions and Answers

Two (2) addenda and questions and answers documents were issued by the amended Release of Final Addendum date of March 12th, 2021, and we confirm that this period was maintained in accordance with the RFP. The amended Deadline for Suppliers to submit Questions was March 5th, 2021, and we confirm that this period was maintained in accordance with the RFP. No questions were answered beyond this date. The questions that were raised focused largely on clarifying the solution performance, functionality and customization requirements which the city was responsive to.

2. RFP Documents Transparency

The RFP stated all proposal and performance requirements, evaluation criteria and associated weightings of that criteria as required. The RFP 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.

3. RFP Open Period

The RFP designated a single point of contact and explained the process for communication during the open period, and evaluation process. We were given an opportunity to review all responses issued to the market prior to their posting and saw no unresolved matters of fairness to note at the closing of the RFP process.

4. RFP Time in Market

The RFP open period represented a total of thirty-seven (37) business days, and fifty-two (52) calendar days in market for Suppliers to respond to the City's request. We deemed this to be more than sufficient time for

qualified Suppliers to prepare and submit compliant proposals. Diligent effort was taken to effectively manage any incumbent advantage, disadvantages, and potential geographical impediments where present 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.

5. Communication with the Fairness Monitor

The IT & ECS project teams and 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 RFP. Together, it was our opinion that this resulted in an RFP process and procedures that were clear and could be consistently applied.

B. RFP Evaluation Process

1. Proposal Receipt

Six (6) proposals were received through the City's SAP Ariba online submission system, before the Submission Deadline. No late proposals were received or accepted.

2. Stage 1 – Mandatory Submission, Technical and Functional Requirements

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

3. Stage 2 –Rated Evaluations (80 points total)

This Stage 2 consisted of only the rated evaluation broken down into eight (8) subsections, and there was no mandatory technical requirements. This Stage was evaluated by the qualified Evaluation Committee, represented by a combination of the City's IT and ECS team representatives. The Evaluation Committee members were selected because they had the expertise to critically review, understand and evaluate the proposals against the criteria. The process applied for each of the following stages of the evaluation is described in our section C of this report.

(i) Stage 2A – Evaluation of Supplier Qualifications (15 points)

All proposals were scored against the stated criteria to satisfy the City's requirements. Only proposals that received a score of at least 60% (9/15 points) for Stage 2A proceeded to the Stage 2B – Proposed Solution and Services evaluation. Only five (5) proposals proceeded into Stage 2B, and one (1) proposal did not.

(ii) Stage 2B – Evaluation of Proposed Solution and Services (45 points)

All proposals were scored against the stated criteria to satisfy the City's requirements. Only proposals that received a score of at least 60% (27/45 points) for Stage 2B proceeded to the Stage 2C – Scripted Demonstration of Proposed Solution evaluation. As per the RFP, only the top three (3) ranked Suppliers meeting the minimum scoring threshold requirements would move forward to Stage 2C. As a result, only three (3) proposals proceeded into Stage 2C, and the remaining two (2) proposals did not satisfy the minimum scoring threshold.

(iii) Stage 2C - Scripted Demonstration of Proposed Solution (20 points)

Suppliers were expected to demonstrate the selection of the required high priority functional requirements as described in RFP Appendix A.3 – Rated Functional Requirements using their proposed

solution through a number of scenarios. The city prepared detailed agenda's including both demonstration activities and the amount of time that would be allotted to each Supplier, which was managed diligently, as were questions and answers. All three (3) Suppliers that were invited to participate in this evaluation stage were scored against the stated requirements and proceeded to the Stage 3 evaluation process. All evaluators that participated in Stage 2 written evaluation processes

4. Stage 3 – Pricing (20 points)

Once Suppliers made it to this Stage 3, the city downloaded (opened) the pricing proposals and at no time earlier. The city then conducted a comparative relative pricing evaluation on the Total Cost for Solution. The proposal with the lowest Total Cost of Solution, received 100% of the available Stage 3 points, and the next highest received a proportional value of points based on its competitiveness with the lowest priced proposal and so on, with the application of a formula disclosed in the RFP document.

After the completion of Stage 3, all scores from Stage 2 and Stage 3 were added together and the proposals were ranked based on their total scores. The highest ranked Supplier was clearly identified.

C. Evaluation Process Approach and Methodology

1. Evaluator Training Session

Prior to any scoring of proposals beginning, the Evaluation Committee received a mandatory detailed evaluation training by the City's PMMD representatives and the Fairness Monitor, which occurred over multiple days and prior to the start of the written evaluation and demonstration evaluation stages. The training covered all aspects of the evaluation process and how to execute the roles and responsibilities effectively and fairly to maintain the integrity of the evaluation process planned. The Evaluation Committee was 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.

2. Conflict of Interest & Confidentiality Management

We are not aware of the existence of any conflict of interest or a breach of confidentiality occurring at any point during the evaluation process. Each evaluation participant (evaluator or otherwise) was required to sign a declaration confirming their understanding of these requirements for disclosure, as it relates to conflicts of interests, and management of evaluation process information, as it relates to confidentiality.

3. Undue Influence Management

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 Evaluation Committee, PMMD representatives and the Fairness Monitor. All key evaluation process decisions were made by more than one person and verified by at least one other.

4. Scoring Methodology

Prior to beginning the evaluation process, each evaluator was requested to evaluate the proposals in a random order to ensure that each Proposal was evaluated by a different evaluator 'first' and to assist in leveling out the level of initial scrutiny that each Proposal received. Then the Evaluation Committee completed the Stage 2 - Rated Evaluation using the established best practice consensus two - step method: firstly, each evaluator, working alone, reviewed, scored with supporting comments, each Proposal in its entirety; secondly, 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 and PMMD representatives ensured that the evaluation aligned with the disclosed RFP 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 RFP 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 RFP and the associated definitions of that guidance, to allow for transparent verification by the city and the Fairness Monitor.

At the completion of the evaluation process, all calculations were verified by us the Fairness Monitor and there was a clear highest scoring Supplier in accordance with the RFP.

D. Fairness Monitor Attestation

1. Summary of Fairness Findings

In conclusion, we confirm that the highest scoring Supplier of the evaluation process was **e-Builder Inc.**

We attest that the RFP process detailed in this report was conducted in a procedurally fair, open and transparent manner and in alignment with the city requirements, as referenced in the applicable directives, policies, trade agreements and the RFP held by City of Toronto.

We certify that the resulting successful Supplier recommended for award was identified through a rigorous and well-documented evaluation process that we oversaw from beginning to end, and therefore we have no reasons for objection to the result produced, from a fairness perspective.

Sincerely,



Andrea Robinson, B.A., LL.M., Q. Arb., PMP.
Senior Fairness Monitor, Robinson Global Management Inc.

cc: Doreen Wong, B.A., B.COMM., LL.B., CRIO., PMP.
Senior Fairness Monitor, Robinson Global Management Inc.