

# EX10.19 - CONFIDENTIAL ATTACHMENT 1 - made public on December 22, 2023

*This attachment includes confidential financial information, confidential negotiation strategies and other similar information.*

## Results of the Procurement Process

### Procurement Overview: Negotiated Request for Proposals Process

The Negotiated Request for Proposal (nRFP) No.: Doc3768637145, "General Contracting Services for the New Etobicoke Civic Centre" closed on May 10, 2023. Two submissions were received from the following suppliers:

- EllisDon Corporation
- Multiplex Construction Limited

### Stage 1- Mandatory Submission Requirements

The submissions were reviewed by Purchasing and Materials Management Division (PMMD) for compliance with the mandatory requirements as set out in the nRFP and both proponents progressed into Stage 2, the technical proposal evaluation phase.

### Stage 2- Technical Proposal Rated Evaluation:

This evaluation stage consisted of non-price related criteria which included technical operational capability and expertise. The City's evaluation team with the support of subject matter experts completed the evaluation of the proponents' technical proposals based on the evaluation criteria identified in the nRFP documents. Both proponents met the minimum threshold set out in the evaluation criteria. A consensus meeting was held in presence of the fairness monitor to ensure the fairness of the process in technical evaluation. Both proponents Multiplex and EllisDon passed stage 2 and progressed into Stage 3, Pricing Evaluation and Ranking.

### Stage 3 - Pricing Evaluation & Ranking,

PMMD reviewed the submitted price forms and ranked the proponents based on the evaluation criteria disclosed in the nRFP, the lowest total bid price received highest scores and other proponent's bid received prorated scores against the lowest. Table 3 below shows proponents pricing evaluation & ranking for stage 3.

Table 3: Stage 3 – Pricing Evaluation & Ranking

Proponent Name	Ranking
Multiplex	1
EllisDon	2

The financial evaluation process undertaken was reviewed and agreed upon by the fairness monitor and both proponents progressed into Stage 4A of the nRFP, Vendor's Alternative List and Commercially Confidential Meetings.

### **Stage 4A – Vendor's Alternative List and Commercially Confidential Meetings (CCM)**

This phase required a review of the proponents' non-commercially confidential alternative list of items submitted along with their proposals for cost efficiencies, if acceptable to the City. The short-listed proponents participated in the commercially confidential meetings to discuss or clarify items pertaining to their alternative list.

Multiplex proposed 18 non-commercially confidential alternative items for consideration. PMMD advised the evaluation team that EllisDon only proposed alternative items that were considered commercially confidential and sensitive, and as such would not be disclosed to the evaluation team until Stage 5, Contract Negotiations, should EllisDon be the top ranked proponent.

The 18 alternatives were thoroughly assessed by the evaluation team and subject matter experts for validity and impact to the design. Upon completion of the review, six (6) alternatives were deemed viable for consideration. Approved alternatives were included in an updated price form which was used for Stage 4B Best and Final Offer (BAFO). The revised BAFO form provided a fair opportunity to both proponents to submit their best competitive proposals including cost efficiencies.

### **Stage 4B – Best and Final Offer**

PMMD reviewed the BAFO price forms and ranked them based on the total score as per the nRFP evaluation criteria and assigned highest scores to the total bid price and prorated the other proponent's total bid price. The ranking of Stage 4B is noted in Table 4.

Table 4: Stage 4B – Best and Final Offer Ranking

Proponent Name	Ranking
Multiplex	1
EllisDon	2

This process allowed for a \$28,894,910 savings to the City from the top ranked proponent, Multiplex, who was invited to Stage 5, Contract Negotiations and Award as per the nRFP evaluation criteria and process.

### **Stage 5 – Contract Negotiations and Award Summary**

Negotiations with Multiplex were completed in October 2023.

### *Results of Negotiations*

- The award value is \$472,490,284 plus H.S.T. (\$480,806,113 net of H.S.T. recoveries) plus a contingency amount provided in Confidential Attachment 2.
- Industry best practice in the management of construction contracts requires contingency to be carried to address unforeseen changes to the General Contractor's scope of work during construction.
- During negotiations a reduction of approximately \$29 million in the award value was achieved.