

**Request for Proposals for
BF5: Engineering Services for Phase 5 of the
Basement Flooding Protection Program**

Fairness Monitor's Report

December 16th, 2022



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1. Project Highlights

1.1 Introduction and Project Background

The City of Toronto (the “City”) released a Request for Proposals for BF5: Engineering Services for Phase 5 of the Basement Flooding Protection Program # Doc3448368603 (“RFP”) on June 20, 2022. The RFP included two (2) independent Programs (Bundle 1 and Bundle 2), as follows, and as further described in the RFP documents:

1. Bundle 1 includes assignments in BFPP Study Area 40, as well as other coordinated works and possibly BFPP assignments to be determined in the future.
2. Bundle 2 includes assignments in BFPP Study Areas 34, 36, 38, and 41, as well as other coordinated works and possibly BFPP assignments to be determined in the future.

1.2 Scope of the Fairness Monitor Engagement

P1 Consulting was retained in September 2020 to perform fairness monitoring services and provide an independent attestation on the RFP procurement process. Our mandate was to review and monitor the bid documents and communications, provide advice on best practices, review and monitor the evaluation and decision-making processes that are associated with the RFP to ensure fairness, equity, objectivity, transparency and adequate documentation throughout the evaluation process. We are also to attend, observe and provide guidance at City meetings, as well as Supplier interactions. In particular, in our role as Fairness Monitor, we ascertained that the following steps were taken to ensure an open, fair and transparent process:

- **Review of the RFP and Addenda:**
P1 Consulting reviewed the RFP and addenda, as required, and all other documents related to the procurement process to ensure that the requirements were met.
- **Review of Questions and Answers (Q&A), Clarification Questions and the Responses:**
P1 Consulting reviewed all Q&As and the responses submitted to the Suppliers. P1 Consulting also reviewed any clarifying questions submitted by City along with their responses.
- **Review of Evaluation Criteria and Procedures:**
P1 Consulting reviewed the evaluation criteria and procedures for the RFP to ensure that the requirements were met.
- **Advice on Best Practices:**
P1 Consulting attended training sessions to ensure that all project team members were provided with briefings on best practices including the principles and duties of fairness, care and protection of confidential information, avoidance and disclosure of conflict of

interest, bias and undue influence, scoring procedures and sign-off on individual scoring sheets, preparation, treatment and retention of evaluation documents.

- **Evaluation Meetings:**

P1 Consulting observed and documented evaluation meetings, including the evaluation training session, Supplier demonstrations and Prototype development discussions and the consensus sessions. Additionally, during the evaluation process, we provided verbal and written advice with respect to fairness, objectivity, consistency of process, conflict of interest and confidentiality to ensure strict accordance with the specifications and criteria set out in the RFP documents.

- **Supplier Interaction:**

P1 Consulting attended and monitored all briefing sessions with Suppliers.

All of the tasks above were completed in a manner that was fair, open and transparent.

2. Competitive Selection Process – Request for Proposals

2.1 Development of the Request for Proposals

P1 Consulting reviewed the RFP prior to it being posted to the Suppliers and all of our comments related to fairness were satisfactorily addressed by City. We confirm that, from a fairness perspective, the requirements were clear and the RFP provided the Suppliers a fair process.

2.2 RFP Open Period Process

Throughout the RFP open period, the City responded to the questions from the Suppliers and issued addenda to provide greater clarity on the requirements and process. P1 Consulting reviewed all documents that were posted to confirm that they were acceptable from a fairness perspective

2.3 Evaluation Preparation

The City developed fulsome evaluation procedure documentation in advance of the evaluation process, which was review and approved by the Fairness Monitor. All participants in the evaluation process were required to review the evaluation documents in preparation for their role in the process, which described roles and responsibilities and the approach to the evaluation. Each evaluation participant was required to sign a participant undertaking, which included a continued commitment to the avoidance of conflicts and respect of confidentiality commitments. Project participants were notified of the appointment of a Fairness Monitor. There were no conflicts identified of which we were aware, which prevented a party from participating in the RFP evaluation.

2.4 Proposal Receipt

The RFP Closing Date was September 14, 2022, at 12:00 noon (Local Toronto Time). As per the RFP, bids must have been submitted through the City Online Procurement System prior to the Closing Deadline for them to be compliant. Eight (8) Bids were received in advance of the Closing Deadline through the City Online Procurement System from the following Suppliers:

- AECOM Canada Ltd.
- CH2M HILL Canada Limited
- Hatch Ltd.
- TYLin International Canada Inc.
- R.V. Anderson Associates Limited
- SNC-Lavalin Inc.
- Stantec Consulting Ltd.
- WSP Canada Inc.

2.5 Evaluation of the Technical and Pricing Proposals

The evaluation was conducted according to the following stages:

1. **Stage 1:** Mandatory Submission Requirements
2. **Stage 2:** Rated Evaluations
3. **Stage 3:** Pricing and Rankings

As part of its response to Form A – Submission Form, a Mandatory Submission Requirement, SNC-Lavalin provided a disclosure related to the following requirement:

“If the Supplier declares any previous convictions of itself or its Affiliated Persons for collusion, Bid-rigging, price-fixing, bribery, fraud or other similar behaviours or practices prohibited under the Criminal Code, the Competition Act or other applicable law, for which they have not received a pardon, the Supplier must set out the details below. If no details are provided, the Supplier is deemed to declare that it or its Affiliated Persons have no such convictions.”

Based on the City's policies and precedence, the City determined that the disclosure provided by SNC-Lavalin deemed their Bid non-compliant. On October 14, 2022, the City sent a letter to SNC-Lavalin informing them of their determination and the City did not evaluate the Bid further.

Following Stage 1, the evaluation process proceeded to Stage 2 – Rated Evaluations. As it relates to the Rated Criteria, the evaluation team undertook an individual evaluation and scoring of Proposals and demonstrations against the criteria described in the RFP. Subsequent to completion of the individual evaluations, a consensus evaluation process was used to evaluate the Proposals and demonstrations, using the established evaluation criteria. The participants engaged in a fulsome exchange of views leading to evaluation results, which were agreed to by the evaluators for each Supplier. All participants performed their roles diligently throughout the evaluation process.

P1 Consulting attended all of the consensus meetings and observed that the proceedings were in accordance with the RFP and the City's evaluation procedure documents. P1 confirms that the process was fair, transparent and unbiased.

P1 Consulting validated the results of Stage 3: Pricing and Ranking and confirms that it was undertaken in a fair manner and in accordance with the RFP.

2.6 Final Result

As a result of the evaluation process, CH2M Hill Canada Limited achieved the highest proposal score and was awarded Bundle 1, and Stantec Consulting Ltd. achieved the highest proposal score for Bundle 2.

2.7 Debriefing

At the time of this report, no debriefings have been conducted related to this procurement.

3. Conclusion

Our fairness review was conducted without influence and as of the date of this report, we confirm that we are satisfied that, from a fairness perspective, the processes undertaken related to the BF5: Engineering Services for Phase 5 of the Basement Flooding Protection Program RFP have been conducted in a fair, open and transparent manner. As Fairness Monitor for this Project, we are satisfied that City have followed the procedures in accordance with the applicable RFP and policy documentation and that the participants followed the procedures and fairly applied the evaluation criteria.

A handwritten signature in black ink that reads "Jill Newsome". The signature is written in a cursive, flowing style.

Jill Newsome
Fairness Monitor, P1 Consulting