

FAIRNESS MONITOR'S REPORT

- FINAL -



City of Toronto

Request for Bids for the Supply and Delivery of Arboricultural Services
RFP SAP Ariba No. Doc3192328446

RFS Issued: October 28, 2022

Revised RFS Closing: December 12, 2022, at 12:00 PM (Local Time)

REPORT ISSUED: March 20, 2023



**ROBINSON
GLOBAL
MANAGEMENT**

March 20, 2023



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

**Re: Request for Bids for the Supply and Delivery of Arboricultural Services
RFP SAP Ariba No. Doc3192328446**

Dear Ms. Sharkey,

Background

Robinson Global Management Inc. ("RGM") was retained as the Fairness Monitor for the above-mentioned procurement in August 2022. Our role was to oversee the procurement administered to request prospective to prospective Suppliers to submit Bids for performing Arboricultural Services at the City of Toronto's various locations, as and when required for the Parks, Forestry and Recreation and Solid Waste divisions. As per the RFP, the selected Supplier(s) will be requested to enter into direct Contract negotiations to finalize an agreement with the City for the provision of the deliverables.

It is the City's intention to enter into an agreement with one (1) or more legal entity(s). The term of the agreement is to be for a period of two and a half (2.5) years, with an option in favour of the City to renew the agreement on the same terms and conditions for an additional term of up to two (2) additional one (1) year periods.

Upon completion of negotiations, the highest scoring Supplier(s) receive awards in the following scope streams. The table below is for the purpose of demonstrating award categories and relevant award structure guidelines:

Scope of Work	Pricing Form	Award Category	Award Structure Guidelines
Schedule A - Forestry Operations – Hourly Rate	Schedule E1 Part 5 Pricing Form	Hourly rate by crew type	Highest scoring Supplier as per evaluation and award criteria meeting specifications per hourly rate by Crew type, per number of Crews supplied by Crew type. (If the full requirement of number of Crews can't be supplied, the next highest scoring Supplier will be selected until full requirements are met)
Schedule A - Forest Management – Hourly Rate	Schedule E1 Part 5 Pricing Form	Hourly rate by crew type	Highest scoring Supplier as per evaluation and award criteria meeting specifications per hourly rate by Crew type.
Schedule C - On Demand and Scheduled Work	Schedule E3 Part 5 Pricing Form	Hourly rate by crew type	Highest scoring Supplier as per evaluation and award criteria meeting specifications per hourly rate by Crew type.

(Urban Forestry Bylaw Enforcement) – Hourly Rate			
Schedule C - Scheduled Work (Solid Waste) – Hourly Rate	Schedule E3 Part 5 Pricing Form	Hourly rate by crew type	Highest scoring Supplier as per evaluation and award criteria meeting specifications per hourly rate by Crew type.
Schedule B - Stumping Fill & Seed - Unit Rate	Schedule E2 Part 5 Pricing Form	18 months extended price by region	Highest scoring Supplier as per evaluation and award criteria meeting specifications per overall 18 months extended price by Region
Schedule B - Stumping/Fill & Seed – Unit Rate (Seasonal)	Schedule E2 Part 5 Pricing Form	18 months extended price by region and season	Highest scoring Supplier as per evaluation and award criteria meeting specifications per overall 18 months extended price by Region and Season

We were retained during the RFP development phase and monitored the RFP open period in-market process, and evaluation process which identified the highest scoring Supplier. 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 in this regard, made by the City of Toronto's Parks, Forestry and Recreation and Solid Waste Divisions, on the identified highest scoring Suppliers of the administered RFP process.

Fairness Monitor Responsibilities and Deliverables for the RFP included:

1. Attend a kick-off meeting with the City on this project;
2. Review of the NRFP – Fairness Monitor is to identify potential inconsistencies or lack of clarity in
3. The RFP and provide feedback to the City within two (2) business days of receipt of the RFP for review;
4. Review of Evaluation Criteria with respect to clarity and consistency;
5. Attend the Proponent's Voluntary Information Meeting
6. Oversee any questions, comments, or communications submitted by potential Proponents and
7. review responses posted via Addendum;
8. Attending Meeting Re: Evaluation Weightings and Criteria;
9. Provide advice to the Evaluation Committee and PMMD as requested;
10. Attend Evaluation Committee evaluation sessions;
11. Ensure that evaluation scores are accurate, and the documented methodology was adhered to;
12. Review evaluation results;
13. Prepare a draft report and present to Selection Committee prior to providing Final Attest Report;
14. address comments/issues raised by Selection Committee prior to finalizing report;
15. Complete and distribute the Final Attest Report (which should be 1-2 pages in length); and
16. Attend debriefing sessions related to the NRFP as required.

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 October 28, 2022, and the initial Submission Deadline (closing) was November 28, 2022, 12:00 noon (Toronto Time) and was amended by addendum to the revised Submission Deadline of December 12, 2022, at 12:00 noon (Toronto Time).

1. *Open Period, Addenda, Questions and Answers*

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.

Six (6) addenda and questions and answers documents were issued by the amended Release of Final Addendum date of December 5, 2022, and we confirm that this period was maintained in accordance with the RFP. The amended Deadline for Suppliers to submit Questions was December 1, 2022, and we confirm that this period was maintained in accordance with the RFP. No questions were answered beyond this date, and no questions raised were unanswered. Based on the communications we reviewed we have no fairness comments to note with regards to the open period exchanges that occurred.

2. *RFP Documents Transparency*

The RFP stated all Bid and performance requirements, submission requirements, evaluation criteria, stages of evaluation and the associated weightings of that criteria as required. The RFP further stated the evaluation methodology, Bid 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 would have on a Bids ability to move forward in the evaluation process.

3. *RFP Time in Market*

The RFP open period represented a total of thirty-two (32) business days, and forty-six (46) calendar days in market for Suppliers to respond to the City's request. We deemed this to be a sufficient amount of time for qualified Suppliers to prepare and submit compliant Bids. 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. The use of an electronic tendering system for issuance of documents and receipt of documents created efficiencies and maintained the security of documents during this part of the process.

4. *Communication with the Fairness Monitor*

The Parks, Forestry and Recreation 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 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. Bid Receipt

Four (4) Bids were received through the City's SAP Ariba online submission system, before the Submission Deadline. No late Bids were received or accepted. One (1) attempt was made to submit a Bid; however, it was not accepted as a valid Bid submission as it was not submitted through a valid means of submission, nor was it submitted on time. As a result, this response was not considered for evaluation. Our fairness monitoring team monitored the entire evaluation process that followed the closing and all results of each evaluation process stage as detailed below.

2. Stage 1 – Mandatory Submission Requirements

In accordance with this evaluation stage and its provisions, all four (4) Bids met the mandatory submission requirements and proceeded to the Stage 2 - Rated Criteria Evaluations. Stage 1 was evaluated by the qualified PMMD team on a pass/fail basis. Our Fairness Monitor reviewed the summary evaluation results of this process and communications and had no fairness comments to note on the completion of all evaluation activities and findings of compliance. All Bids passed this evaluation stage.

3. Stage 2 – Rated Criteria Evaluations (70 points total)

This Stage 2 consisted of only the rated evaluation criteria as broken down into four (4) subsections. This Stage was evaluated by the qualified Evaluation Team, represented by the City's Parks, Forestry and Recreation team representatives. The team members were selected because they had the experience to critically review, understand and evaluate the Bids against the stated evaluation criteria. All Bids were scored against the criteria to satisfy the City's requirements only. There was a minimum scoring threshold for the technical rated criteria Bid evaluation, that needed to be met for any Supplier to proceed to Stage 3 – Pricing Evaluation as identified below.

- i. Subsection 1 – Company Profile– (16/70 points)
- ii. Subsection 2 – Past Experience and References – (15/70 points) (5 points for each reference)
- iii. Subsection 3 – Operational Capabilities – (29/70 points)
- iv. Subsection 4 – Quality Control Plan – (10/70 points)

In addition, only Bids that received a score of at least 70% (49/70 points) for Stage 2 proceeded to the Stage 3 – Pricing Evaluation. There were multiple scope streams for potential contract award for the Suppliers to select and demonstrate their experience with, and as a result of their pursuit, this either resulted in meeting the minimum scoring threshold or not for the following streams:

- i. Schedule A & B ASTM
- ii. Schedule B Stumping Unit
- iii. Schedule C On Demand
- iv. Schedule C Stumping

All four (4) Bids satisfied the minimum scoring thresholds of Stage 2 for at least one (1) of the above stated streams of scope and proceeded to Stage 3 to have their associated pricing Bids opened.

4. Stage 3 – Pricing Evaluation (30 points)

Once Bids made it to Stage 3, the city opened their associated pricing Bids for the applicable qualified scope stream and conducted a comparative relative pricing evaluation for a total of 30 points. In accordance with the Stage 3 evaluation methodology, each Supplier received a percentage of the total possible points allocated to

pricing each applicable stream, which was calculated only against the Bids of the other prequalified Suppliers for the applicable stream.

The Bids with the lowest of received 100% of the available points per crew type for each scope stream. For each criterion the Supplier who did not receive 100% of the available points, then received a proportional value of the available points based on its competitiveness with the highest scoring Supplier for each crew type and for each scope stream, with the application of a formula shared in the RFP document.

After the completion of Stage 3, all scores from Stage 2 and Stage 3 were added together for each applicable scope stream and crew type pricing and the Bids were ranked based on their total scores for each crew type within the scope stream. There were no ties, and the highest ranked Suppliers were clearly identified at the completion of the evaluation.

C. Evaluation Process Approach and Methodology

1. *Evaluator Training Session*

Prior to any scoring of Bids beginning, the Evaluation Team received a mandatory detailed evaluation training by the City's PMMD representatives and the Fairness Monitor. 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 Team was briefed on the best practices with respect to confidentiality of Bids; 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 as indicated in the RFP documents, with the observance of the City's Evaluation Committee, PMMD representative and us, 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 recommended to evaluate in a different order from other evaluators to ensure that each Bid was a different evaluator 'first' to assist in leveling out the level of initial scrutiny that each Bid received.

The Evaluation Team completed the Stage 2 - Rated Criteria Evaluations using the established best practice consensus two - step method: firstly, each evaluator, working alone, reviewed, scored with supporting comments, each Bid in its entirety; secondly, the evaluators met as a group to discuss their findings and, largely relying on their initial comments and Evaluation Team discussions during each consensus meeting, arrived at a consensus score and comment for each criterion together. The Evaluation Team ensured that the evaluation aligned with the disclosed RFP requirements, Bid 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 Bid 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 Rated Requirements – Score 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.

D. Fairness Monitor Attestation

1. Summary of Fairness Findings

In conclusion, we confirm that the successful Suppliers of the evaluation process are:

- **Asplundh Canada ULC**
- **Davey Tree Expert Company of Canada**
- **Diamond Tree Care & Consulting Inc.**
- **W.M Weller Tree Service Ltd**

We attest that the RFP process 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 RFP held by City of Toronto.

We certify that the resulting above-named companies recommended for award, were 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 results produced, from a fairness perspective.

Sincerely,

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

cc: Don Solomon, B.A., Cert. Tech Arch.
Senior Fairness Monitor, Robinson Global Management Inc.