

**Negotiated Request for Proposals
for
Humber Treatment Plant Services
Rehabilitation and Upgrades
Fairness Monitor's Report**

April 30, 2024
FINAL



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1. Project Highlights

1.1 Introduction and Project Background

The City of Toronto (City) released a Negotiated Request for Proposals # Doc3987477359 (nRFP) to prospective suppliers Construction Phase of Humber Treatment Plant Services Rehabilitation and Upgrades Project. The purpose of this project is to rehabilitate and upgrade plant wide the process and maintenance support services at the Humber Wastewater Treatment Plant. The Work has been divided into 11 Work Packages, based on location or scope of work.

1.2 Scope of the Fairness Monitor Engagement

P1 Consulting was retained in November 2023 to perform fairness monitoring services and provide an independent attestation on the nRFP 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 nRFP 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:

- **Post-issuance Review of the nRFP and Addenda:**
P1 Consulting was engaged after the issuance of the nRFP, and therefore reviewed the issued nRFP and addenda retroactively 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 nRFP to ensure that the requirements were met.
- **Advice on Best Practices:**
P1 Consulting attended a training session 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 also attended and monitored the evaluation consensus meetings. 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 nRFP documents.

- **Supplier Interaction:**

P1 Consulting attended and monitored all commercially confidential meetings (CCMs) 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 nRFP and our comments related to fairness were satisfactorily addressed by City. We confirm that, from a fairness perspective, the requirements were clear and the nRFP provided the Suppliers a fair process.

2.2 nRFP Open Period Process

Throughout the nRFP 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 reviewed by the Fairness Monitor. All participants in the evaluation process participated in a training session held by the City 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 nRFP evaluation.

2.4 Proposal Receipt

The nRFP Closing Date was December 20, 2023, at 12:00 noon (Local Toronto Time). As per the nRFP, bids must have been submitted through the City Online Procurement System prior to the Closing Deadline for them to be compliant. Five Bids were received in advance of the Closing Deadline through the City Online Procurement System from the following Suppliers:

- Alberici Constructors Ltd
- Antera Servicos E Comercio Mat Eletricos Ltda
- Bennett Mechanical Installations
- Maple Reinders
- Torbear Contracting Inc

The evaluation was conducted according to the following stages:

1. Stage 1 – Mandatory Submission Requirements
2. Stage 2 – Mandatory Technical Requirements and Technical Proposal Rated Evaluations
 - a. Stage 2A Mandatory Technical Requirements
 - b. Stage 2B Technical Proposal Rated Evaluations
3. Stage 3: Pricing and Initial Ranking

4. Stage 4 – CCM and BAFO
 - a. Stage 4A – Commercially Confidential Meetings
 - b. Stage 4B – Best and Final Offer (BAFO)
 - c. Stage 4C – Revised Pricing and Rankings

2.5 Stage 1 – Mandatory Submission Requirements

Prior to releasing the proposals to the evaluators, the City's procurement representative reviewed the Bids to determine if they complied with the mandatory requirements of the RFP. P1 Consulting reviewed the rectification letters issued by the City prior to their issuance to Suppliers as applicable. After review by the City's Procurement representative, four of five Bids were found to have met the mandatory requirements and were eligible to proceed to the next stage of evaluation. The Bid from Antera Servicos E Comercio Mat Eletricos Ltda, was found to be non-compliant with mandatory requirements of the nRFP and was not eligible to continue to Stage 2.

2.6 Stage 2 – Mandatory Technical Requirements and Technical Proposal Rated Evaluations

The members of the evaluation team each undertook an individual evaluation and scoring of the four eligible Bids against the mandatory and rated technical requirements described in the nRFP. Subsequent to completion of the individual evaluations, the evaluation team convened to undertake a consensus evaluation process. The evaluation team engaged in a fulsome exchange of views leading to evaluation results, which were agreed to by the evaluators for each Supplier. The reference checks process was undertaken by the City Procurement representatives, the results of which were shared and reviewed by the Evaluation Team. All participants performed their roles diligently throughout the evaluation process.

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

Three of the four Supplier bids met the established minimum technical threshold and were eligible to proceed to the next stage of evaluation. The Bid from Torbear Contracting Inc, did not meet all of the minimum technical thresholds established in the nRFP and was not eligible to continue to Stage 3.

2.7 Stage 3 – Pricing and Initial Ranking

The City reviewed the Pricing Forms submitted from each of the three eligible Suppliers. P1 Consulting reviewed and validated the results of Stage 3: Pricing and Initial Ranking and confirms that it was undertaken in a fair manner and in accordance with the nRFP. The three eligible Suppliers were invited to participate in Stage 4: CCM and BAFO.

2.8 Stage 4A and 4B – CCM and BAFO

The eligible Suppliers were invited to collaborate with the City by way of Commercially Confidential Meetings, which is a collaborative process that allowed each short-listed Supplier to improve their Proposal in the areas open to resubmission through BAFO. In advance of participating in CCMs, a training session was held on how to undertake the meetings in a fair and consistent manner. P1 Consulting provided input on the training session and attended the CCMs and confirms that they were conducted fairly and in accordance with the established parameters.

The three Suppliers submitted their BAFO after the CCM period by submitting their revised Proposal.

2.9 Stage 4C – Revised Pricing and Rankings


The City evaluated the revised Proposals for each of the Suppliers and, in accordance with the process described in the nRFP, identified Bennett Mechanical Installations as the top-scoring Supplier to be invited to enter into Contract Negotiations with the City.

2.10 Debriefing

At the time of this report, P1 Consulting has not been involved in any debriefing activity 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 procurement process undertaken for the City of Toronto's nRFP for Humber Treatment Plant Services Rehabilitation and Upgrades has been conducted in a fair, open and transparent manner. As Fairness Monitor for this Project, we are satisfied that City has followed the procedures in accordance with the applicable RFP documentation.

A handwritten signature in black ink that reads "Braithwaite".

Stephanie Braithwaite
Fairness Monitor, P1 Consulting