

**City of Toronto  
Request for Tenders for  
Basement Flooding Protection Program -  
Area 3  
Fairbank Silverthorn Phase 2**

**Fairness Monitor's Report**

August 29, 2024



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## 1. Project Highlights

### 1.1 Introduction and Project Background

The City of Toronto (the “City”) issued a Request for Tenders # Doc4377242742 (“RFT”) on April 4, 2024 to prospective Suppliers to submit bids for the performance of Basement Flooding Protection Program – Area 3 Fairbank Silverthorn Phase 2. The City’s intent is to sign two separate contracts for Area 3 for the provision of scope of work provided in the RFT. The separate contracts can be signed with one or more Suppliers.

### 1.2 Scope of the Fairness Monitor Engagement

P1 Consulting was retained by the City in March 2024 to perform fairness monitoring services and provide an independent attestation on the RFT 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 RFT 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 RFT and Addenda:**  
P1 Consulting reviewed the RFT 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 RFT 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, 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 RFT documents.

- **Supplier Interaction:**

P1 Consulting attended and monitored the information session with Suppliers.

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

## 2. Competitive Selection Process – Request for Tenders

### 2.1 Development of the Request for Tenders

P1 Consulting reviewed the RFT 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 RFT provided the Suppliers a fair process.

### 2.2 RFT Open Period Process

Throughout the RFT 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 provided documents to confirm that they were acceptable from a fairness perspective. The City held a Pre-Bid Information Meeting with Suppliers on April 22, 2024, P1 Consulting reviewed the presentation materials in advance, from a fairness perspective, and monitored the meeting.

### 2.3 Evaluation Preparation

The City developed evaluation procedure documentation in advance of the evaluation process, which was reviewed and approved by the Fairness Monitor. All participants in the evaluation process participated in a training session 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 RFT evaluation.

### 2.4 Proposal Receipt

The RFT Closing Date was July 24, 2024, at 12:00 noon (Local Toronto Time). As per the RFT, bids must have been submitted through the City Online Procurement System prior to the Closing Deadline for them to be compliant. Six (6) Bids were received in advance of the Closing Deadline through the City Online Procurement System from the following Suppliers:

- 614128 Ontario Ltd (Trisan)
- Clearway Construction
- Drainstar Contracting
- GIP Paving Inc
- Kapp Infrastructure
- Michels Canada

The evaluation was conducted according to the following stages:

1. Stage 1 – Mandatory Submission Requirements
2. Stage 2 – Pricing Evaluation

## **2.5 Stage 1 – Mandatory Submission Requirements**

Prior to releasing the proposals to the evaluators, the City reviewed each Bid to determine if they complied with the mandatory requirements of the RFT. All Suppliers met the mandatory requirements and proceeded to Stage 2 – Pricing Evaluation

## **2.6 Stage 2 – Pricing Evaluation and Final Result**

The City reviewed the Part 5 - Pricing Forms submitted from each of the Suppliers, ranking them in accordance with the RFT. The City identified Drainstar Contracting as the top-scoring Supplier for both contracts.

## **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 Request for Tenders for Basement Flooding Protection Program – Area 3 Fairbank Silverthorn Phase 2 by the City of Toronto 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 RFT 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.

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Jill Newsome  
Fairness Monitor, P1 Consulting