

FAIRNESS MONITOR'S REPORT

- FINAL -

City of Toronto

Negotiated Request for Proposals for General Contracting Services for Toronto
Paramedic Services Multi-Function Station at 300 Progress Ave
RFP No.: Doc4502108451

RFP Issued: May 30, 2024

Revised RFP Closing: August 23, 2024, at 12:00 NOON (LOCAL TIME)

REPORT ISSUED: January 21, 2025



**ROBINSON
GLOBAL
MANAGEMENT**

January 21, 2025



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: Negotiated Request for Proposals for General Contracting Services for Toronto Paramedic Services Multi-Function Station at 300 Progress Ave
RFP No.: Doc4502108451**

Dear Ms. Sharkey,

Background

Robinson Global Management Inc. ("RGM") was retained as the Fairness Monitor for the above-mentioned procurement in January 2024. Our role was to oversee the procurement administered to request prospective to prospective Suppliers to submit Bids for General Contracting Services for Toronto Paramedic Services Multi-Function Station at 330 Progress Ave. 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.

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.

The project scope consists of a new Multifunction station for Toronto Paramedic Services, located in Scarborough ON. The site is bordered by highway 401 to the north, and an existing Toronto Police Services

building to the south. The multi-function station is divided into five main program groups:

- The D2 Hub will provide the support and command post for the district and will consist of a group of office and meeting rooms at the southwest corner of the building, adjacent to the main entrance.
- Paramedic facilities support the daily paramedic shift cycle with locker rooms, a fitness room, and a staff kitchen and lounge.
- Education facilities, primarily on the second floor, will support the training needs of new and current paramedics in state-of -the-art classrooms, labs, and seminar rooms. A suite of offices and meeting rooms on the second floor will serve the needs of educators and administrators alike.
- Logistics facilities will provide for the cleaning and re-stocking of the ambulance fleet.
- Finally, the Vehicle bays will house 40 ambulances and additional support vehicles.

Ambulances and paramedic vehicles will depart from the facility on regularly scheduled shifts to posts throughout the city– little or no emergency dispatching will take place from this facility.

Net Zero Carbon and Net Zero Energy are key drivers of the project. The orientation and massing, envelope detailing, window area, structure, mechanical and electrical systems are all designed towards low energy and zero emissions. There will be no natural gas infrastructure on the site – all building systems, including emergency power, will be electrical.

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 Paramedics Services, on the identified highest scoring Suppliers of the administered RFP process.

Fairness Monitor Responsibilities and Deliverables for the RFP included:

1. Review of the RFP – Fairness Monitor is to identify potential inconsistencies or lack of clarity in the RFP and provide feedback to the City within two (2) business days of receipt of the RFP for review;
2. Assessing the procurement evaluation process, adequacy of the steps taken to mitigate risk (e.g. financial, credibility, liability), and the integrity of documentation as time permits;
3. Advice on critical procurement considerations regarding the call documents including:
 - a. Identifying potential inconsistencies or lack of clarity in call document requirements, in order to meet business objectives, statutory regulations, policy directives, administrative requirements and best practices for procurement, as time permits;
 - b. Review of evaluation guide prepared for this project for clarity and evaluation criteria considerations;
4. Activities addressed in the stated deliverables will include reviews of scoring and other related processes, how Proponent debriefing/complaint processes were undertaken, and ensuring that correct documentation is in place;
5. Ensuring that City Staff have provided evaluation team members with a briefing on best practices including:
 - a. The principles and duties of fairness, care and proprietary information protection;
 - b. Having a single-point-of-contact in place prior to and following evaluation;
 - c. Avoidance and disclosure of conflict of interest, bias, and undue influence;
 - d. Arms-length from political involvement/participation;
 - e. Scoring procedures;
 - f. The preparation, treatment, and retention of evaluation documents.
6. Monitoring and immediate reporting to pre-identified senior management on any known or perceived conflicts of interest, occurrences of undue influence or other factors (among management/evaluation team members, as well as key stakeholder representatives), that may negatively impact the integrity of the evaluation/scoring of assessment process;
7. Reporting to PMMD Staff if it appears that the city is deviating from the documented RFP processes;
8. Ensuring that the procurement management team, evaluation team members and other stakeholders understand ongoing confidentiality responsibilities post-selection committee recommendation; and
9. Prepare a draft report and present to Selection Committee to providing Final Attestation Report, address comments/issues raised by Selection Committee prior to finalizing report; and
10. Complete and distribute the Final Attest Report.

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 May 30, 2024, and the initial Submission Deadline (closing) was July 24, 2024, 12:00 noon (Local Time) and was amended by addendum to the revised Submission Deadline of August 23, 2024, at 12:00 noon (Local 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.

Nine (9) addenda and questions and answers documents were issued by the amended Release of Final Addendum date of August 16, 2024 (5 days before the closing). The amended Deadline for Suppliers to submit Questions was August 9, 2024 (10 days before the closing).

Minor Qualification

Due to necessity only, an emergency amendment to the RFP documents was issued beyond the Release of Final Addendum date for corrective purposes prior to the RFP Submission Deadline. While it is a misalignment with the RFP to do so, we understood from the city's procurement team that it could not extend the deadline of the closing. From a fairness perspective, it is recommended that issuing addenda beyond the city's own Addendum issuance deadline is avoided in the future to align with both the RFP and best practice. In our opinion, the issuance of the late document issuance supported the goal of receiving complete responses that could be evaluated consistently and supported the overall procurement objective, that was both a benefit to the Suppliers and the City efforts.

Lastly, there were no questions received by the city as we understand it from the Purchasing Materials and Management Department. No questions as we understand it from the city that were raised during this process were unanswered. Based on the communications we reviewed we have no further 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 amended RFP open period represented a total of eighty-five (85) calendar days, and sixty (60) business 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 Toronto Paramedics Services 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.

5. Pre-Bid Site Visit (Optional)

The City held an optional site visit at the 300 Progress Toronto Paramedics Services project site and the Purchasing Materials Management Division (PMMD), Toronto Paramedics Services Division, and their technical advisory team representatives lead a 2-hour session for market attendees to learn about the site and see it in person, and to ask any site or process questions that they may have. All questions asked were reproduced in the addendum that followed the site visit so that all Suppliers whether they attended or not could be aware of the questions that were asked by their fellow Suppliers. The City's Paramedics and PMMD representatives provided a training and agenda for the day at the beginning of the visit and kept a log of all attendees. The Technical Advisory team led the site walk through which was detailed and clear.

No fairness concerns arose prior to, during, or following the site visit that were brought to our attention by the attendees.

B. RFP Evaluation Process

1. Bid Receipt

Two (2) Bids were received through the City's SAP Ariba online submission system, before the Submission Deadline. No late Bids were received or accepted.

2. Stage 1 – Mandatory Submission Requirements

In accordance with this evaluation stage and its provisions, both Bids met the Mandatory Submission Requirements and proceeded to the Stage 2 - Technical Proposal 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.

Major Qualification

PMMD mistakenly opened the pricing proposals of both Suppliers in advance of the Stage 3 – Pricing Evaluation process during Stage 1, despite an agreement with the Fairness Monitor, and RFP evaluation process to not do so prior to Bids successfully making it to the Stage 3 Pricing evaluation.

As we understand it, a decision was made to open the pricing of the Bids to confirm the information that was in there, was complete. While we understand the objective, it is strongly recommended that this process misalignment should not occur in the future as it impairs the City's ability to demonstrate that it was not influenced by the knowledge of the Suppliers pricing during the earlier stages of the evaluation process which

are subjective evaluation stages of the process. PMMD confirmed to us that no one outside of their division was aware of the pricing of both Bids until Stage 3 was undertaken. Unfortunately, the opening of the pricing in of itself is the fairness issue due to its non-conformance with the RFP process.

3. Stage 2 – Technical Proposal Evaluations (Mandatories + 70 points total)

This Stage 2 consisted of two stages of evaluation, 2A - Mandatory Technical Requirements and 2B - Technical Proposal Evaluation.

The Mandatory Technical Requirements evaluation stage 2A was assessed by the PMMD team on a pass/fail basis, and only one (1) Supplier successfully passed this stage and proceeded to Stage 2B.

Stage 2B was evaluated by the qualified Evaluation Team, represented by the City's Paramedics Services representatives. All Bids were scored against the criteria to satisfy the City's requirements only.

There was a minimum scoring threshold for four (4) of the nine (9) technical rated criteria scoring categories, that needed to be met for any Supplier to proceed to Stage 3, as identified below.

- i. Subsection 1 – Company Profile– (5 points – no threshold)
- ii. Subsection 2 – Project Experience – (15points – 70% threshold)
- iii. Subsection 3 – Proposed Project Team – (15 points – 70% threshold)
- iv. Subsection 4 – Proposed Solution/System - (5 points - 70% threshold)
- v. Subsection 5 - Workplan and Deliverables – (10 points – 70% threshold)
- vi. Subsection 6 - Schedule Management - (5 points – no threshold)
- vii. Subsection 7 - Budget and Cost Management Approach (5 points - no threshold)
- viii. Subsection 8 - References (6 points - no threshold)
- ix. Subsection 9 - Social Procurement & Diversity (4 points - no threshold)

Only Bids that received scores of at least 70% of subsections 2-5 for Stage 2B proceeded to the Stage 3 –Pricing Evaluation.

The sole Stage 2B Bid satisfied the minimum scoring thresholds of Stage 2B and proceeded to Stage 3 to have its associated pricing Bid evaluated.

4. Stage 3 – Pricing Evaluation (30 points)

Once Bids made it to Stage 3, the evaluated the Suppliers Bid price worth a total of 30 points. This was a comparative pricing evaluation, but as the Supplier was the sole Bid remaining in the evaluation process, they were awarded the full 30 points.

After the completion of Stage 3, all scores from Stage 2 and Stage 3 were added together producing a total score. The sole and highest ranked Supplier was recommended for award.

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 which the Fairness Monitor attended. 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 Team, 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*

The Evaluation Team completed the Stage 2B – Technical Proposal Evaluation 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 Supplier of the evaluation process was **Pomerleau**.

We attest that the RFP process was conducted in a procedurally fair, open and transparent manner and in alignment with the RFP requirements, despite the noted qualifications, as per the policies and procedures held by City of Toronto.

We certify that the resulting above-named company recommended for award, was 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. Arch. Tech.
Senior Fairness Monitor, Robinson Global Management Inc.