

EMILY CARR UNIVERSITY OF ART + DESIGN

Campus Redevelopment Project RFP Process

Final Report of the Fairness Advisor

INTRODUCTION

I was retained as Fairness Advisor for the Emily Carr University of Art + Design Campus Redevelopment Project (the "Project"). My mandate is to act as an independent observer with respect to fairness of the implementation of the Project's competitive selection process, and report to the Project Board.

I reported previously on the Request For Qualifications phase of procurement. This is my final report as of October 24, 2014, when the Project team completed evaluation of all submissions filed in response to the Project's Request For Proposals ("RFP"). (I reported verbally to the Project Board on September 3, 2014, on completion of the evaluation of Technical Submissions.)

RFP / COLLABORATIVE PROCESS

The RFP was issued in December, 2013 to the three Proponents selected through the RFQ process. I had the opportunity to review the RFP in advance, and comment on its contents. The RFP included detailed technical requirements, the form of the project agreement to be signed by the successful Proponent, the required format and content of Submissions, a summary of the process and criteria for evaluation of Submissions, and other terms of the competition.

Data Room / RFI Process: The Project team operated an electronic data room with various documents relevant to the Project, and answered written requests for information ("RFIs") from Proponents. I monitored the data room periodically, and reviewed all communications between the Project team and Proponents.

Meetings: After release of the RFP, Project staff held an introductory meeting for all Proponents, followed by several rounds of meetings with individual Proponents for discussion and consultation about the requirements of the RFP and Project Agreement, the expectations of the parties, and specific topics of concern. The Project team also managed site tours, and numerous meetings for Proponents with the City of Vancouver.

I was invited to all meetings between the Project team and Proponents, and I attended or monitored most of the meetings. I was satisfied that:

- meetings were attended by Project staff with appropriate expertise and authority to address Proponents' questions;
- all Proponents were provided with the same information about the Project;
- meetings were conducted in consistent fashion for all three Proponents; and
- meetings were conducted in accordance with the RFP, including requirements as to confidentiality, restrictions on communications with Proponents, and other matters.

EVALUATION

All three Proponents filed Technical Submissions and Financial Submissions, prior to the deadlines specified in the RFP. All Submissions were evaluated by several teams of evaluators, each with expertise in particular subject matter covered by the Submissions.

Evaluation Manual: Before the Technical and Financial Submissions were received, the Project team produced a detailed Evaluation Manual setting out:

- procedures for receipt of Submissions, and security measures for custody of and access to Submissions (including securing premises where copies were held, restrictions on copying and electronic transmission, etc.);
- procedures for review of evaluators' relationships to eliminate potential conflicts;
- the responsibilities of all participants in the evaluation;
- methods for communicating with Proponents during the evaluation;
- the method and procedures for evaluating Proposals;

and other matters. I had the opportunity to review and comment on the Evaluation Manual, and I was satisfied that it set out a reasonable basis for evaluation of the Submissions, consistent with the RFP.

Closing and Completeness Review: I monitored the closing time for each set of submissions, and confirmed that the Project team followed the processes set out in the Evaluation Manual for receipt and initial completeness review of Submissions, as well as secure storage and confidentiality of the documents.

Relationship Review: Before any evaluators were permitted access to Submissions, a Relationship Review Committee conducted a process consistent with the Evaluation Manual to elicit and consider details of relationships among members of Proponent teams and the evaluation team, to ensure that all evaluators were free of bias.

Orientation: Before commencing work, all evaluators attended an orientation meeting at which the Evaluation Committee highlighted various aspects of the Evaluation Manual, including methods for evaluation, standards related to confidentiality and security, consistency, the role of the Fairness Advisor, and other matters.

Evaluation Process: During the evaluation, I had access to the Submissions and the evaluation premises at all times. I was informed of all meetings, and reviewed all correspondence between the Project team and Proponents. I observed that the Project team followed the processes for security and access to documents outlined in the Evaluation Manual. I talked with the evaluation teams, and attended a selection of the meetings related to each evaluation including meetings of the evaluators and the Evaluation Committee, and meetings where evaluation conclusions were discussed.

Each evaluation team had access to specialist advisors. Evaluators developed questions as needed to obtain clarification from Proponents where necessary; all questions issued to Proponents were first approved by the Evaluation Committee, to ensure consistency and compliance with the RFP. I observed that the processes described in the Evaluation Manual were followed for all communications between the Project team and Proponents.

Evaluators met with a Due Diligence Advisor and also with the Evaluation Committee to review their work and recommendations. The Evaluation Committee satisfied itself that the evaluation criteria were applied consistently to all Submissions. The Evaluation Committee had final responsibility for the outcome of each evaluation.

I observed that all evaluators were familiar with the details of each Submission, and participated fully in discussions of their respective areas of responsibility; also that the conclusions reached by the evaluators in their areas, and by the Evaluation Committee, were unanimous and were based on thorough consideration of the Submissions.

CONCLUSIONS

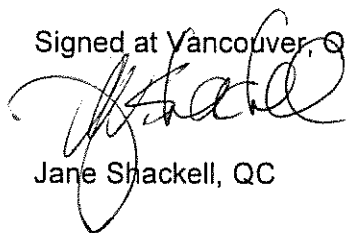
Throughout the RFP process, the Project team ensured that:

- I had the opportunity to provide input on Project documents;
- I received copies of all correspondence between the Project team and Proponents (including requests by Proponents for information, and requests by the Project team for clarification of Submissions);
- I had full access to all Submissions and the evaluation premises, and the opportunity at any time to speak with Project staff including managers, evaluators and advisors;
- I was invited to attend all meetings held by the Project team with Proponents, as well as meetings of the evaluators and of the Evaluation Committee (including those at which proposals were discussed and evaluated). I attended such meetings as I considered necessary to carry out my role.

During the RFP process, I observed that the Project team discussed as necessary and instructed itself appropriately on matters related to fairness. Periodically, I was asked for, or offered, advice and comments on fairness issues. In each such case, the Project team considered my advice and I was satisfied with the resolution of the matter.

Based on my observations above, I am satisfied that the procurement process as described in the RFP was fair and reasonable, and that the Project team fairly and reasonably implemented and complied with that process.

Signed at Vancouver, October 28, 2014.



Jane Shackell, QC

