

BC MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE

Highway Reinstatement Program: Highway 5 Category B Project RFP Process

Report of the Fairness Reviewer

Introduction

I was retained as Fairness Reviewer for the Highway Reinstatement Program. My mandate is to act as an independent observer with respect to fairness of the Project's competitive selection processes, and report to the Project Board.

This is my report on the Project's Request For Proposals process (the "RFP") process for the Highway 5 Category B Project (Juliet, Jessica and Bottletop), including evaluation of Submissions.

RFP

The RFP was issued in March, 2021 to three Proponents selected through the Project's RFQ process. The RFP included detailed submission requirements, a summary of the process, criteria for evaluation of Submissions, and other terms of the competition.

After publication of the RFP, the Project team engaged with and provided information to Proponents in accordance with processes outlined in the RFP. This included issuing and responding to written communications, and conducting workshops and topic meetings with Proponents.

I was invited to all meetings, and I attended most of them. I reviewed all written communications between the Project team and Proponents, including requests for information and replies. I had full access to Proposals during the evaluation.

I was satisfied that the Project team conducted all written communications and all meetings in accordance with the RFP. I was also satisfied that both Proponents had equal access to the same information, had equal opportunities during scored meetings to present their teams and skills, and received equal quality of engagement and feedback from the Project team.

EVALUATION MANUAL

At the outset of the competitive selection process, the Project Team prepared a detailed Evaluation Manual and scoring guidelines to cover scored meetings, as well as the Submissions required under the RFP. The Evaluation Manual set out:

- procedures for access to Submissions
- procedures for review of relationships of evaluation participants to identify and manage potential conflicts
- responsibilities of all evaluation participants
- methods and procedures for evaluating both meetings and Submissions

- methods for communicating with Proponents in relation to the evaluation
- worksheets to assist evaluators to consistently record observations and conclusions

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

PROPOSALS

All three Proponents filed Submissions prior to the deadlines specified in the RFP. I monitored the processes for receipt and initial completeness review and confirmed that the Project team followed the processes set out in the Evaluation Manual.

Also in accordance with the Evaluation Manual, a Relationship Review Committee conducted a process to elicit details of relationships among members of Proponent teams, and members of the evaluation team, to ensure evaluators were free of bias with regard to Proponents.

EVALUATION

The Evaluation Committee assessed each of the scored meetings shortly after they concluded. I attended the meetings at which scoring was discussed, and I observed that Evaluation Committee members discussed and reached consensus on their observations and scoring, all in accordance with the Evaluation Manual.

Evaluation Committee members also reviewed each Submission; the Evaluation Committee had access to advisors with expertise in various aspects of the subject matter covered by Submissions. I had full access to the Submissions, and I was invited to all meetings at which Submissions and scoring were discussed. I attended most of the scoring meetings. I observed that the Evaluation Committee discussed the Submissions in detail, and reached consensus as to observations about the Submissions and as to final scores in accordance with the Evaluation Manual.

A Due Diligence advisor met with the Evaluation Committee to discuss the procurement process, rationales for conclusions, and the work product.

I observed that:

- Before commencing evaluation work, all evaluation participants received an orientation to the Evaluation Manual, including evaluation procedures and standards, and my role.
- All participants were attentive in scored meetings and familiar with the Submissions, and participated appropriately in evaluation meetings.
- Scoring results represented the consensus of the entire Evaluation Committee, based on thorough consideration of the scored meetings and Submissions.

Based on my observations, I am satisfied that the final scores approved by the Evaluation Committee are properly based in the requirements and measures described in the RFP and the Evaluation Manual.

CONCLUSION

During the RFP process, I observed that the Project team discussed as necessary and instructed itself appropriately on matters related to fairness. The Project team occasionally sought my advice on specific questions, and I have periodically offered advice or comments on matters of fairness. In each such case, I have been satisfied with the handling of my recommendations.

I am satisfied that the procurement processes of the Project in relation to the RFP have been reasonable, and have been fairly implemented by the Project team.

Signed at Vancouver, May 10, 2022

A handwritten signature in blue ink, appearing to read 'J. Shackell', is written over a faint, illegible printed name.

Jane Shackell, QC
Fairness Reviewer